

_____¹BOARD MEETING
STUDENT EXPULSION HEARING
OUTLINE FOR BOARD OF EDUCATION PRESIDENT

I. The purpose of these proceedings is to provide a student at _____
_____School the opportunity to a hearing before the _____County
Board of Education. This hearing is being held pursuant to W. Va. Code 18A-5-1a and
State Policy 4373. This hearing will be recorded.

II. This hearing concerns the disciplining, suspension or expulsion of a student. As
such, unless the student requests an open meeting, I will ask for a motion to enter into
Executive Session pursuant to W. Va. Code 6-9A-4(B)(3).²

III. Do I have a motion to enter into **Executive Session** which deals with the
disciplining, suspension, or expulsion of a student?

- A. I have a motion by _____.
- B. Do I have a second? _____.

IV. We will now move into the adjoining room before proceeding further with this
hearing.

OR

Excuse all those attending except those involved in the particular expulsion
hearing.

V. Parties introduce themselves - statement of all present to be on recording,
including board members.

VI. President will summarize the procedure of the hearing, including the importance
of all to identify themselves when speaking (and not to speak over each other given the
recording of the proceeding).

- A. Any procedural issues or preliminary issues are discussed.
- B. Witnesses may be sequestered at request of either party. (Parties will
remain in meeting for duration).

VII. Administration's representative opening statement (or waived).

VIII. Student or Student's representative opening statement (or waived).

¹ Special or Regular.

² Student hearings are adjudicatory proceedings and the vote on whether or not to discipline the student
may be taken in executive session. If parents insist that a student disciplinary hearing be held in open
session, the board must devise a procedure to ensure that the Federal Education Rights and Privacy Act
("FERPA") is not violated.

- IX. Calling and questioning Administration's witnesses (exhibits may be introduced/admitted during the witness examinations):
- A. Administration's representative calls witness.
 - B. Witness is sworn.
 - C. Administration's representative questions witness on direct examination.
 - D. Student's representative questions witness on cross examination.
 - E. Administration's representative questions witness on re-direct examination.
 - F. Student's representative questions witness on re-cross examination.
 - G. Board members are given an opportunity to question witness.
 - H. Representatives are given another opportunity to question witnesses based on responses to inquiries from Board members (Administration's Rep first, then Student Rep).
 - I. Witness is excused.
 - J. Follow same procedure for all of Administration's witnesses.
 - K. After the administration rests, the Student Rep is given an opportunity to call witnesses.
- X. Calling and questioning Student's witnesses (exhibits may be introduced/admitted during the witness examinations):
- A. Student's representative calls witness.
 - B. Witness is sworn.
 - C. Student's representative questions witness on direct examination.
 - D. Administration's representative questions witness on cross examination.
 - E. Student's representative questions witness on re-direct examination.
 - F. Administration's representative questions witness on re-cross examination.
 - G. Board members are given an opportunity to question witness.
 - H. Representatives are given another opportunity to question witnesses based on responses to inquiries from Board members (Student's Rep first, then Administration Rep).

- I. Witness is excused.
- J. Follow same procedure for all of Student's witnesses.
- XI. Administration Rep is given an opportunity to call rebuttal witnesses, if any (follow same procedure for questioning as above).
- XII. If rebuttal evidence presented by Administration Rep, Student Rep is given opportunity to call witnesses in response (follow same procedure for questioning as above).
- XIII. Administration Rep's closing statement (or waived).
- XIV. Student Rep's closing statement (or waived).
- XV. Motion to accept Superintendent's recommendation. The Board can make motions to take alternative measures as well.
- XVI. Return to open session, record date and time returned and motion to adjourn.

Level III and Level IV Violations of the Student Code of Conduct

WVDE Policy 4373

I. Level III Violations:

- A. Alcohol - possession of or under the influence of in an educational facility, on school grounds, a school bus or at any school sponsored function.
- B. Defacing school property.
- C. Disobeying a teacher in a willful manner.
- D. Hazing.
- E. Improper or negligent operation of a motor vehicle.
- F. Marijuana - simple possession of or under the influence of in an educational facility, on school grounds, a school bus or at any school sponsored function.
- G. Physical altercation.
- H. Profane language.
- I. Theft of property valued at between \$100 and \$999.
- J. Threat of injury or injury.
- K. Habitual violation of school rules or policies.

II. Responses to Level III violations

- A. Any response to Level I violation or out of school suspension for up to ten days.

III. Level IV Violations:

- A. Battery on a school employee. (See W. Va. Code § 61-2-15(b)).
- B. Felony.
- C. Possession of a controlled substance. (See W. Va. Code § 60A-1-101, et seq.).
- D. Possession of a firearm or deadly weapon. (See W. Va. Code § 61-7-2).
- E. Sale of a narcotic drug. (See W. Va. Code § 60A-1-101).

IV. Responses to Level IV violations

- A. If student suspended for committing an act or engaging in conduct that would constitute a **felony** if committed by an adult, or **unlawfully possessing a controlled substance** (W. Va. Code § 60A-1-101 et seq.), the principal **may** request that the superintendent recommend to the BOE that the student be expelled.
- B. If student suspended for **battery on a school employee, possession of a firearm or deadly weapon, or sale of a narcotic drug** (W. Va. Code § 18A-5-1a), the principal **shall**, within 24 hours, request that the superintendent recommend to the BOE that the student be expelled.
- C. Upon a request by the superintendent by a principal, the superintendent **shall** recommend to the BOE that the student be expelled.
- D. Upon recommendation to the BOE by the superintendent, the BOE **shall** conduct a hearing to determine if the student committed the alleged violation. If the BOE finds that the student did commit the violation, the BOE **shall** expel the student for a period not to exceed one school year. Mandatory one school year for possession of a deadly weapon, battery of school employee, or sale of narcotic.