

AN ORDINANCE AMENDING SECTION, CHAPTER 9, ARTICLE 18, SECTION 9-18.8 ENTITLED “HEARING BEFORE STUDENT SERVICES REVIEW COMMITTEE; PROCEDURE TO BE FOLLOWED; APPEAL BEFORE THE SCHOOL BOARD; SUPERINTENDENT TO ESTABLISH STUDENT SERVICES REVIEW COMMITTEE” OF THE POLICIES OF THE SUFFOLK CITY SCHOOL BOARD — FIRST READING AND ADOPTION

BE IT ORDAINED, by the School Board of the City of Suffolk, Virginia that Chapter 9, Article 18, Section 9-18.8, entitled “Hearing before student services review committee; procedure to be followed; appeal before the School Board; superintendent to establish student services review committee” of the Policies of the Suffolk City School Board, be, and the same is hereby amended to read as follows:

Section 9-18.8. Hearing before student services review committee; procedure to be followed; appeal before the School Board; superintendent to establish student services review committee. — A. The procedure for hearings before the Pupil Personnel Committee Student Services Review Committee shall ~~will~~ be as follows:

- (i) the ~~Pupil Personnel Committee~~ Student Services Review Committee determines the propriety of attendance at the hearing of persons not having a direct interest in the hearing, and the hearing is private unless otherwise specified by the ~~Pupil Personnel Committee~~ Student Services Review Committee;
- (ii) the ~~Pupil Personnel Committee~~ Student Services Review Committee may ask for opening statements from the principal or his representative and the student or his parent or their representative, and at the discretion of the ~~Pupil Personnel Committee~~ Student Services Review Committee may allow closing statements;
- (iii) the parties then present their evidence, but because the principal has the ultimate burden of proof he shall present his evidence first, witnesses may be questioned by members of the ~~Pupil Personnel Committee~~ Student Services Review Committee and by the parties or their representatives.

The ~~Pupil Personnel Committee~~ Student Services Review Committee may at its discretion vary this procedure but it shall afford full opportunity for both parties to present any material or relevant evidence and shall afford the parties the right of cross examination provided, however, that the ~~Pupil Personnel Committee~~ Student Services Review Committee may take the testimony of student witnesses outside of the presence of the student, his parent and their representative, if the ~~Pupil Personnel Committee~~ Student Services Review Committee determines and in its discretion that such action is necessary to protect the student witness. The party shall produce such additional evidence, as the ~~Pupil Personnel Committee~~ Student Services Review Committee may deem necessary. The ~~Pupil Personnel Committee~~ Student Services Review Committee shall be the judge of the relevancy and materiality of the evidence. Exhibits offered by the parties may be received in evidence by the ~~Pupil Personnel Committee~~ Student Services Review Committee and when so received shall be marked and made a part of the record. The ~~Pupil Personnel Committee~~ Student

Services Review Committee may by majority vote uphold, reject or alter the recommendation. The ~~Pupil Personnel Committee~~ Student Services Review Committee shall transmit its decision including the reasons therefor to the student, his parents, the principal and superintendent. All decisions made by the ~~Pupil Personnel Committee~~ Student Services Review Committee, except for decisions regarding student expulsions or long-term suspensions are final and there is no further right of appeal to the full School Board.

B. A pupil suspended from attendance at school for 11 to 45 school days, or suspended from school for a period longer than 45 school days but not more than 364 school days, after written notice is provided to the pupil and his parents of the proposed action and the reasons therefor, has a right to a hearing before the ~~Pupil Personnel Committee~~ Student Services Review Committee. The ~~Pupil Personnel Committee~~ Student Services Review Committee may confirm or disapprove the suspension. ~~If the decision of the Pupil Personnel Committee is not unanimous.~~ The pupil or his parent may appeal the decision of the ~~Pupil Personnel Committee~~ Student Services Review Committee to the full School Board.

C. The appeal to the School Board must be in writing and must be filed with the superintendent within five (5) calendar days of the Committee's decision. Failure to file a written appeal within the specified time or failure to appear at the scheduled hearing will constitute a waiver of the right to an appeal. The School Board will decide the case within thirty (30) calendar days of the request for an appeal and communicate its decision in writing to the student and his parent, guardian or other person having control or charge of the student. The decision of the School Board is considered final. The procedure for hearing before the School Board shall be as follows:

- (i) The School Board shall determine the propriety of attendance at the hearing of persons not having a direct interest in the hearing. The hearing shall be private unless otherwise specified by the School Board;
- (ii) The School Board may ask for opening statements from the principal or his representative and the student or his parent(s) (or their representative) and, at the discretion of the School Board, may allow closing statements;
- (iii) The parties shall then present their evidence. Because the principal has the ultimate burden of proof, he presents his evidence first. Witnesses may be questioned by the School Board members and by the parties (or their representative). The School Board may, at its discretion, vary this procedure, but it shall afford full opportunity to both parties for presentation of any material or relevant evidence and shall afford the parties the right of cross examination provided, however, that the School Board may take the testimony of student witnesses outside the presence of the student, his parent(s) and their representative if the School Board determines, in its discretion, that such action is necessary to protect the student witness.
- (iv) The parties shall produce such additional evidence, as the School Board may deem necessary. The School Board shall be the judge of the relevancy and materiality of the evidence;
- (v) Exhibits offered by the parties may be received in evidence by the School Board and, when so received, shall be marked and made a part of the record;
- (vi) The School Board may, by majority vote, uphold, reject or alter the recommendations;
- (vii) The School Board shall transmit its decision, including the reasons therefor, to the student, his parent(s), the principal and superintendent.

D. The superintendent will establish a Student Services Review Committee consisting

of three (3) administrators to hear appeals regarding out of zone waiver decisions, appeals from decisions made by the student discipline officer, recommendations for expulsion, and athletic waivers. School administrators appointed to hear appeals must be impartial having had no involvement in the recommendation made by the office of student services or in the decision reached by the student discipline officer.

(Adopted August 14, 1997; Revised: June 13, 2013; Ordinance Number 12/13-108; Effective Date: July 1, 2013; Revised: June 9, 2016; Ordinance Number 15/16-103; Effective Date: July 1, 2016; Revised: February 14, 2019, Ordinance Number 18/19-69)

Legal Authority - Virginia Code §§22.1-78 & 22.1-277 (1950), as amended.

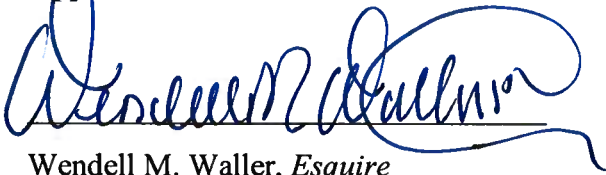
FIRST READING AND ADOPTION: _____

EFFECTIVE DATE: _____

TESTE: _____

CLERK

Approved as to form and content:

A handwritten signature in blue ink, appearing to read "Wendell M. Waller", written over a horizontal line.

Wendell M. Waller, *Esquire*
School Board Attorney