

# **Student Disciplinary Pre-Appeals Program**

*Henrico County, Virginia*

## **1. The Problem/Need for the Program**

Prior to 2009-10, when a student was recommended for expulsion, the recommendation came from a school to the Disciplinary Hearing Officer and then went directly to the school board if a formal appeal was requested. Students/families received no support or counseling other than to say they were entitled to a hearing before the school board to plead their case. The hearings were scheduled as a part of the school board's regular meeting and were held in closed session. These hearings regularly delayed the school board's agenda and staff members spent much unproductive time waiting for appeals to be completed before moving to other agenda items. Additionally, students/families would come to these formal hearings not knowing what to expect, were intimidated by the process, and did not get what they felt were optimal results given the dire circumstance of expulsion. It was a very sterile process.

## **2. Fulfilling Program Criteria**

Because of this new pre-appeals program, existing resources in Henrico County are used more efficiently, governmental bodies are more productive, staff members experience less down time and families and constituents are working more collaboratively with the school district, not to mention they now receive more support, counseling and information about alternative education programs. The pre-appeals program has resulted in positive, measurable results for all involved stakeholders. It

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should be looked at as a model for other districts in that it took a problematic and sensitive topic and made it more customer-service oriented while looking after the best needs of HCPS students.

### **3. How the Program Was Carried Out**

The objectives of the Student Disciplinary Pre-Appeals Program were to: (1) improve the administration of an existing county program/process; (2) enhance the level of citizen participation in or the understanding of government programs; (3) improve employee and school board members' productivity; and (4) provide meaningful options to students facing expulsion. The program was developed during the 2008-09 school year after years of concern about the amount of time required of the school board and staff related to expulsion hearings.

The program added an interim step between the school's recommendation for expulsion and the school board appeal hearing. Please note on certain offenses school principals have no flexibility in recommending an expulsion to the school board. These offenses include such things as drug possession or distribution, assault, and weapon possession.

The interim step or pre-appeal program provides an opportunity for students and parents/guardians to meet with the Disciplinary Review Hearing Officer and the Deputy Superintendent after the expulsion recommendation from a school principal but before requesting a formal school board appeal hearing. During the meeting, families are

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allowed the opportunity to share any concerns regarding the school incident in which a student was involved, allowed to ask any questions of staff, are provided alternative education programs, and are informed fully on the formal school board appeal process. As noted earlier, this is done in an informal context and efforts are made to ensure that participants feel supported. There is a sincere effort to build relationships with families and provide guidance. Frequently, tense situations are diffused through the manner in which these pre-appeal meetings are conducted.

Another positive aspect of the program is the reduction in the involvement of school counsel and private attorneys (an expense to patrons). Since the program's implementation, the involvement of attorneys has all but been eliminated.

There were no costs associated with the Pre-Appeal Program other than time associated with meetings conducted by the Disciplinary Review Hearing Officer and the Deputy Superintendent. However, this time is significantly less than school board and staff time associated with the process prior to the Pre-Appeal Program.

The results and success of this program thus far have been spectacular. In 2008-09, there were 29 formal appeals that went before the school board; these appeals consumed substantial board and staff time. These hearings comprised 15 plus hours of public meeting time. During public meetings as many as 15 staff members wait while board members conduct appeal hearings, not to mention wait-time for families waiting to

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be heard. In 2009-10, there was only one formal appeal; therefore, the time required of the school board and downtime for staff was almost eliminated. In 2010-11, there were no formal appeal hearings so the impact on the school board and general staff time was eliminated. In 2011-12, there were three formal appeals. For the 2012-13 (to date), there has only been one formal appeal hearing. The staff and school board members' time devoted to this challenging process was reduced by approximately 45 hours over a three-year period.