

Discipline

Student Hearing Decision

Before the School Board of Education

_____, Superintendent)

Best School District _____, District)

and)

Bryan D. Caprio _____, Student)

**BOARD OF EDUCATION'S FINDINGS OF FACT,
CONCLUSION OF LAW, AND DECISION.**

On May 10, 2003, (Superintendent name) served written notice on Mr. and Mrs. John Caprio stating that their son, Bryan, had been suspended from Best Junior High School for a period of 180 days. The written notice of June 1, 2003, further advised Mr. and Mrs. Caprio that Bryan had been recommended to the Board of Education for expulsion because of his involvement in (i.e., possession of drugs, etc) at Best Junior High School on (date), 2003.

A hearing was held on June 28, 2003, in the boardroom in the Administration Offices of Best School District. Bryan and his mother were present during the hearing. A court reporter was employed by the District and a record made of the proceedings.

At the conclusion of the hearing, the Board of Education deliberated in executive session, after which and after having given full consideration to the testimony presented at hearing, decided as follows:

FINDINGS OF FACT

1. That at all times relevant hereto, Bryan Caprio has been a student at Best Junior High School in the Best School District.
2. (Simple statements of conduct - sentence by sentence.)
3. (Additional statements of conduct.)
4. (Additional statements of conduct.)
5. That on (date), 2003, Bryan Caprio was questioned about the incident by Assistant Principals Robert Rob and Neil Neal.
6. That during the (date) conference with School Administrators, Bryan Caprio admitted his involvement in the (incident, i.e., possession of drugs, sale of drugs, assault of teacher, etc).
7. That the admissions of Bryan Caprio on (date), 2003, were voluntary and were made without threat or duress.
8. That Best School Board of Education Policy _____ prohibits any person from (incident, i.e., possession of drugs, sale of drugs, assault of teacher, etc.) on school premises. Under Board policy, students who violate Policy _____ are subject to suspension and/or expulsion from school.
9. That on (date), 2003, after a full investigation by Mr. Rob, Bryan Caprio was suspended for ten (10) days and was recommended to the Superintendent for further disciplinary action.
10. That on (date), 2003, Bryan Caprio's mother was advised of her son's involvement in the _____ incident; his suspension for ten (10) days; and Bryan's referral to the Superintendent and the Board of Education for further disciplinary action.
11. That on (date), 2003, the Caprio family received written confirmation of Bryan's suspension.
12. That on (date), 2003, Superintendent suspended Bryan Caprio for a period of ninety (90) days and recommended that Bryan be permanently expelled from the schools of the Best School District because of his involvement in the (incident).

13. That by correspondence dated (date), 2003, Mr. and Mrs. Caprio were informed by the Superintendent that Bryan had been suspended from school for violation of School Board policy. Attached to the correspondence of (date), 2003, was a copy of Board Policy _____, which was alleged to have been violated.
14. That by correspondence of (date), 2003 hearing, the Caprios were advised of the date, time, and place of the Board hearing.
15. That prior to the (date), 2003 hearing, the Caprio family and/or their attorney were provided with the following information:
 - a. List of documents entered into the record at hearing.
 - b. Additional documents entered into the record at hearing.
 - c. Copy of the Board of Education "Student Disciplinary Hearing Policy."
 - d. Names of the witnesses to be called by the Administration.
 - e. Summary of the nature of the testimony offered by the Administration.
 - f. Statement of the charge.

CONCLUSION OF LAW

1. (In special cases, identification of specific items as unlawful will be needed, i.e., "the pipe bomb, knife, etc., possessed by Bryan Caprio was a deadly weapon within the meaning of the Board of Education Policy 2620," or "The capsules sold by Bryan Caprio were physical or mind-altering drugs within the meaning of the Board of Education Policy 2610.")
2. The facts set out in paragraphs _____ through _____ of the Findings of Fact set out above constitute conduct which violated Board of Education Policy _____, which prohibits students from _____

_____ on or about School District grounds.
3. The facts set out in paragraphs _____ through _____ of the Findings of Fact set out above constitute conduct which, pursuant to Section 167.161 of the Missouri Revised Statutes, is prejudicial to the good order and discipline in the schools and which tends to impair the morale and good conduct of the students of Best Junior High School.
4. The facts set out in paragraphs _____ through _____ of the Findings of Fact set out above constitute fulfillment of the process procedures required by Federal Law and required under Section 167.171 of the Missouri Revised Statutes.

5. The facts set out in paragraphs _____ through _____ of the Findings of Fact set out above satisfy the notice requirements set out in Sections 167.161 and 536.067 of the Missouri Revised Statutes and set out in Board Policy.

DECISION

On the basis of the foregoing Findings of Fact and Conclusions of Law, the Board of Education has determined that Bryan Caprio (state offense, i.e., possession of a deadly weapon on May 23, 2003, or sold mind-altering drugs on May 23, 2003). Such conduct, as engaged in by Bryan Caprio, is in violation of Board of Education Policy _____, is prejudicial to the good order and discipline of the District's schools and does undermine the morale and good order of the District's students. Based upon this determination, the Board of Education has voted unanimously to (state penalty, i.e., suspend Bryan Caprio for a period of sixty (60) days or expel Bryan Caprio) from the schools of the Best School District.

Best School District Board of Education

By: _____
President

DATED:(Month, Day, and Year)

A copy of the foregoing Findings of Fact, Conclusions of Law and Decision have been mailed to Mr. and Mrs. John Caprio, on this _____ day of _____, 2003.