

* Blue text reflects revision presented at the 9/27/18 Board Meeting.

* Orange text reflects feedback since the 9/27/18 Board Meeting.

STUDENT SUSPENSION/EXPULSION

The Alexandria City School Board encourages alternatives to suspension whenever possible, and provides support services to address behaviors that could lead to suspension. ACPS utilizes a multi-tiered system of support (MTSS) for positive behavioral interventions, including the use of restorative practices. However, there are times when the severity of an infraction warrants a suspension or expulsion to preserve the safety of students and staff. Additional information on MTSS, including tiered consequences, is available in the Student Code of Conduct.

~~I. DEFINITIONS~~

~~As used in this policy:~~

~~“Alternative education programs” shall include, but not be limited to, night school, adult education, or another education program designed to offer instruction to students for whom the regular program of instruction may be inappropriate.~~

~~“Destructive or explosive device” means (1) any explosive, incendiary, or poison gas, bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or similar device; (2) any weapon, except a shotgun or a shotgun shell generally recognized as particularly suitable for sporting purposes, by whatever name known that will, or may be readily converted to, expel a projectile by the action of an explosive or other propellant, and that has any barrel with a bore of more than one-half inch in diameter; and (3) any combination of parts either designed or intended for use in converting any device into any destructive device described herein and from which a destructive device may be readily assembled. Destructive device shall not include any device that is not designed or redesigned for use as a weapon, or any device originally designed for use as a weapon and that is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or other similar device.~~

~~“Disruptive conduct/behavior” means a violation of school board regulations governing student conduct that interrupts or obstructs the learning environment.~~

~~“Exclusion” means a School Board’s denial of school admission to a student who has been expelled or has been placed on long-term suspension of more than thirty calendar days by another school board or private school, either in Virginia or another state.~~

~~“Expulsion” means any disciplinary action imposed by a school board or a committee thereof, as provided in School Board policy, whereby a student is not permitted to attend school within the school division and is ineligible for readmission for 365 calendar days after the date of the expulsion.~~

~~“Firearm” means any weapon prohibited on school property or at a school sponsored activity pursuant to Va. Code § 18.2-308.1, or (1) any weapon, including a starter gun, pneumatic gun (paint ball, BB, air rifle), that will, or is designed or may readily be converted~~

~~to, expel single or multiple projectiles by the action of an explosion of a combustible material or pressure; (2) the frame or receiver of any such weapon; (3) any firearm muffler or firearm silencer; (4) any destructive device; or (5) any unloaded firearm in a closed container.~~

~~“Long-term suspension” means any disciplinary action whereby a student is not permitted to attend school for more than ten school days but less than 365 calendar days.~~

~~“One year” means 365 calendar days as required in federal regulations.~~

~~“Pneumatic gun” means any implement, designed as a gun, that will expel a BB or a pellet by action of pneumatic pressure. “Pneumatic gun” includes a paintball gun that expels by action of pneumatic pressure plastic balls filled with paint for the purpose of marking the point of impact.~~

~~“School property” means any real property owned or leased by the School Board or any vehicle owned or leased by the School Board or operated by or on behalf of the School Board.~~

~~“Short-term suspension” means any disciplinary action whereby a student is not permitted to attend school for a period not to exceed ten school days.~~

~~“Superintendent’s designee” means a 1) trained hearing officer or 2) professional employee in the administrative offices of the school division who reports directly to the Superintendent or designee and who is not a school based instructional or administrative employee.~~

I. SUSPENSIONS AND EXPULSIONS OF STUDENTS GENERALLY

Students may be suspended or expelled from attendance at school for sufficient cause; however, in no case may sufficient cause for suspension include only instances of truancy.

Except as provided in subsection C of Va. Code § 22.1-277 or Va. Code §§ 22.1-277.07 or 22.1-277.08, no student in preschool through grade three is may be suspended for more than three (3) school days per incidence or expelled from attendance at school, unless (i) the offense involves physical harm or credible threat of physical harm to others or (ii) the School Board or the Superintendent or designee finds that aggravating circumstances exist, as defined by the Virginia Department of Education.

Any student for whom the Superintendent ~~of the school division in which the student is enrolled~~ has received a report pursuant to Va. Code § 16.1-305.1 of an adjudication of delinquency or a conviction may be suspended or expelled from school attendance.

The authority of teachers to remove students from their classes in certain instances of disruptive behavior shall not be interpreted to affect the operation of this policy.

II. SHORT-TERM SUSPENSIONS

A.

A student may be suspended for not more than ten (10) school days by either the school principal or ~~the assistant principal~~appropriate administrator. The principal or

~~assistant principal~~appropriate administrator may suspend the student after giving the student oral or written notice of the charges against him/her, and if he/she denies them, an explanation of the facts as known to school personnel and an opportunity to present his/her version of what occurred. In the case of any student whose presence poses a continuing danger to persons or property, or whose presence is an ongoing threat of disruption, the student may be removed from school immediately and the notice, explanation of facts, and opportunity to present his/her version shall be given as soon as is practical thereafter.

Examples of conduct that may result in short-term suspension, as well as the procedures and timelines to be followed regarding notification of the suspension and the right of appeal, are outlined in Regulation JGD-R/JGE-R.

~~Upon suspension of any student, the principal or assistant principal responsible for such suspension shall report the facts of the case in writing to the division Superintendent or his/her designee and parent/guardian of the student suspended. The division Superintendent or Superintendent's designee shall review forthwith the action taken by the principal or assistant principal upon a petition for such review by any party in interest and confirm or disapprove such action based on an examination of the record of the student's behavior.~~

~~The parent/guardian shall be notified that the decision of the Superintendent or his/her designee is the final decision of the School Board, and that no further appeal or hearing of the School Board is available.~~

~~Any oral or written notice to the parent/guardian of a student who is suspended from school attendance for not more than ten days shall include notification of the length of the suspension, information regarding the availability of community based education programs, alternative education programs or other educational options, and of the student's right to return to regular school attendance upon the expiration of the suspension. The costs of any community based educational program, or alternative education program or educational option, which is not part of the educational program offered by the school division, shall be borne by the parent/guardian of the student.~~

III. ~~IV.~~ LONG-TERM SUSPENSION

A student may be suspended from attendance for ~~more than ten~~11 to 45 school days after written notice is provided to the student and his/her parent/guardian of the proposed action and the reason therefore and of the right to a hearing before the ~~School Board or the Superintendent or his/her designee.~~ ~~The decision of the Superintendent or his/her designee may be appealed to the full School Board within 5 business days of receipt of the Superintendent's or designee's decision. Such appeal shall be decided by the School Board within thirty~~30 days of receipt of the appeal.

~~Any such written notice should state the length of suspension and shall provide information concerning the availability of community based educational, alternative education, or intervention programs. Such notice shall also state that the student is eligible to return to~~

~~regular school attendance upon expiration of the suspension or to attend an appropriate alternative education program approved by the School Board during or upon the expiration of the suspension. The costs of any community based educational, alternative education, or intervention program that is not a part of the educational program offered by the school division that the student may attend during his/her suspension shall be borne by the parent/guardian of the student.~~

A long-term suspension may extend beyond a 45-school-day period but shall not exceed 364 calendar days if (i) the offense is one described in Va. Code §§ 22.1-277.07 or 22.1-277.08 or involves serious bodily injury or (ii) the School Board or Superintendent or designee finds that aggravating circumstances exist, as defined by the Virginia Department of Education.

The decision of the Superintendent or his/her designee may be appealed to the full School Board within 5 business days of receipt of the Superintendent's or designee's decision. Such appeal shall be decided by the School Board within ~~thirty~~ 30 days of receipt of the appeal.

Nothing herein shall be construed to prohibit the School Board from permitting or requiring students suspended pursuant to this section to attend an alternative education program provided by the School Board for the term of such suspension.

Examples of conduct that may result in long-term suspension, as well as the procedures and timelines to be followed regarding notification of the suspension, the right of appeal, participation in an alternative educational program, and the potential for readmission are outlined in Regulation JGD-R/JGE-R.

V.IV. EXPULSION

A. Generally

Students may be expelled from attendance at school after written notice to the student and his/her parent/guardian of the proposed action and reasons therefore and of the right to a hearing before the School Board. The notice of expulsion may be appealed to the full School Board within 5 business days of receipt of the notice. Such appeal shall be decided by the School Board within 30 days of receipt of the appeal. Regardless of whether the student exercises the right to an appeal hearing, the School Board shall confirm or disapprove of the proposed expulsion.

~~The written notice given to the student and his/her parent/guardian shall include notification of the length of the expulsion and shall provide information to the parent/guardian of the student concerning the availability of community based educational, training, and intervention programs. The notice shall also state whether or not the student is eligible to return to regular school attendance, or to attend an appropriate alternative education program approved by the school board, or an adult education program offered by the school division, during or upon expiration of the expulsion, and the terms or conditions of such readmission. The costs of any community based educational, training, or intervention program~~

~~that is not part of the educational program offered by the school division that the student may attend during his/her expulsion shall be borne by the parent/guardian of the student.~~

~~Examples of conduct that may result in expulsion, as well as the procedures and timelines to be followed regarding notification of the expulsion, the right of appeal, participation in an alternative educational program, and the possibility of readmission are outlined in Regulation JGD-R/JGE-R.~~

Nothing in this policy shall be construed to prohibit the School Board from permitting or requiring students expelled pursuant to this policy to attend an alternative education program provided by the School Board for the term of such expulsion.

~~If the School Board determines that the student is ineligible to return to regular school attendance or to attend during the expulsion an alternative education program or an adult education program in the school division, the written notice shall also advise the parent/guardian of such student that the student may petition the School Board for readmission to be effective one calendar year from the date of expulsion, and of the conditions, if any, under which readmission may be granted.~~

~~The School Board shall establish, by regulation, a schedule pursuant to which such students may apply and reapply for readmission to school. Such schedule shall be designed to ensure that any initial petition for readmission will be reviewed by the School Board or the division Superintendent, and, if granted, would enable the student to resume school attendance one calendar year from the date of the expulsion. If the division Superintendent denies such petition, the student may petition the School Board for review of such denial.~~

~~**B. Conduct Giving Rise to Expulsion**~~

~~Recommendations for expulsions for actions other than those specified below are based on consideration of the following factors:~~

- ~~• the nature and seriousness of the conduct~~
- ~~• the degree of danger to the school community~~
- ~~• the student's disciplinary history, including the seriousness and number of previous infractions~~
- ~~• the appropriateness and availability of an alternative education placement or program~~
- ~~• the student's age and grade level~~
- ~~• the results of any mental health, substance abuse, or special education assessments~~
- ~~• the student's attendance and academic records~~
- ~~• other appropriate matters~~

~~No decision to expel a student shall be reversed on the grounds that such factors~~

~~were not considered. Nothing in this subsection shall be deemed to preclude a the School Board from considering any of the factors listed above as special circumstances for purposes of expulsions discussed in the following subsections.~~

~~C. Firearms~~

~~The School Board may expel from school attendance for a period of not less than one year any student whom such school board has determined to have brought a firearm onto school property or to a school sponsored activity prohibited by Va. Code §18.2-308.1, onto to school property or to a school sponsored activity, or to have brought a firearm as defined in this policy or a paint ball, n air rifle or BB gun on school property or to a school sponsored activity. A school administrator, pursuant to School Board policy, or a School Board may, however, determine, based on the facts of a particular situation that special circumstances exist and no disciplinary action or another disciplinary action or another term of expulsion is appropriate. The School Board may promulgate guidelines for determining what constitutes special circumstances. In addition, the School Board may, by regulation, authorize the Superintendent or Superintendent's designee to conduct a preliminary review of such cases to determine whether a disciplinary action other than expulsion is appropriate. Nothing in this policy shall be construed to require a student's expulsion regardless of the facts of the particular situation.~~

~~The exemptions set out in regarding concealed weapons apply, *mutatis mutandis*, to the provisions of the policy. The provisions of this policy do not apply to persons who possess such firearm or firearms as a part of the curriculum or other programs sponsored by the schools in the school division or any organization permitted by the school to use its premises or to any law enforcement officer while engaged in his/her duties as such.~~

~~D. Drug Offenses~~

~~The School Board may expel from school attendance any student whom the School Board has determined to have brought a controlled substance, imitation-controlled substance, or marijuana as defined in Va. Code §18.2-247, onto school property or to a school sponsored activity. The School Board may, however, determine, based on the facts of the particular case that special circumstances exist and another disciplinary action is appropriate. In addition, the School Board may, by regulation, authorize the Superintendent or the Superintendent's designee to conduct a preliminary review of such cases to determine whether a disciplinary action other than expulsion is appropriate. Nothing in this policy shall be construed to require a student's expulsion regardless of the facts of the particular situation.~~

PROCEDURE FOR SCHOOL BOARD HEARING

The procedure for the School Board hearing shall be as follows:

~~A. The School Board determines 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.~~

~~B. The School Board may ask for opening statements from the principal or~~

~~his/her representative and the student or his/her parent(s)/guardian(s) (or their representative) and, at the discretion of the School Board, may allow closing statements.~~

- ~~C. The parties shall then present their evidence. Because the principal has the ultimate burden of proof, he/she shall present his/her evidence first. Witnesses may be questioned by 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, the School Board may take the testimony of student witnesses outside the presence of the student, his/her parent(s)/guardian(s), and their representative if the School Board determines, in its discretion, that such action is necessary to protect the student witness.~~
- ~~D. 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.~~
- ~~E. Exhibits offered by the parties may be received in evidence by the School Board and, when so received, shall be marked and made part of the record.~~
- ~~F. The School Board may, by majority vote, uphold, reject, or alter the recommendations.~~
- ~~G. The School Board shall transmit its decision, including the reasons therefore, to the student, his/her parent(s)/guardian(s), the principal, and Superintendent.~~

~~—ALTERNATIVE EDUCATION PROGRAM~~

~~The School Board may require any student who has been (1) charged with an offense relating to the laws of Virginia, or with a violation of School Board policies, on weapons, alcohol, or drugs, or intentional injury to another person, or with an offense that is required to be disclosed to the Superintendent pursuant to Va. Code §16.1-260.G; (2) found guilty or not innocent of an offense relating to Virginia's laws on weapons, alcohol, or drugs, or of a crime that resulted in or could have resulted in injury to others, or of an offense that is required to be disclosed to the Superintendent of the school division pursuant to Va. Code § 16.1-260.G; (3) found to have committed a serious offense or repeated offenses in violation of school board policies; (4) suspended pursuant to Va. Code § 22.1-277.05; or (5) expelled pursuant to Va. Code §§. 22.1-277.06, 22.1-277.07, or 22.1-277.08 or subsection B of Va. Code § 22.1-277, to attend an alternative education program. The School Board may require such student to attend such programs regardless of where the crime occurred. The School Board may require any student who has been found to have been in possession of, or under the influence of, drugs or alcohol on a school bus, on school property, or at a school sponsored activity in violation of School Board policies, to undergo evaluation for drug or alcohol abuse, or both, if recommended by the evaluator and with the consent of the student's parent/guardian, to participate in a treatment program.~~

~~A principal (or his/her designee) may impose a short-term suspension, pursuant to Va. Code § 22.1277.04, upon a student who has been charged with an offense involving intentional injury enumerated in Va. Code § 16.1-260.G, to another student in the same school pending a decision as to whether to require that such student attend an alternative education program.~~

~~As used herein “charged” means that a petition or warrant has been filed or is pending against a student.~~

~~VII. REPORTING~~

~~A. Except as may otherwise be required by federal law, regulation, or jurisprudence, reports shall be made to the principal or his/her designee on all incidents involving:-~~

- ~~1. the assault or assault and battery, without bodily injury, of any person on a school bus, on school property, or at a school-sponsored activity;~~
 - ~~2. the assault and battery which results in a bodily injury, sexual assault, death, shooting, stabbing, cutting, or wounding of any person, or stalking of any person as described in Va. Code § 18.260.3, on a school bus, on school property, or at a school-sponsored activity;~~
 - ~~3. any conduct involving alcohol, marijuana, a controlled substance, imitation controlled substance, or an anabolic steroid on a school bus, on school property, or at a school-sponsored activity, including the theft or attempted theft of student prescription medications;~~
 - ~~4. any threats against school personnel while on a school bus, on school property, or at a school-sponsored activity;~~
 - ~~5. the illegal carrying of a firearm as defined in Va. Code 22.1-277.07 onto school property;~~
 - ~~6. any illegal conduct involving firebombs, explosive materials or devices, or hoax explosive devices, as defined in Va. Code § 18.2-85 or explosive or incendiary devices, as defined in Va. Code § 18.2-433.1, or chemical bombs, as described in Va. Code § 18.2-87.1, on a school bus, on school property, or a school-sponsored activity;~~
- ~~A. any threats or false to bomb, as described in Va. Code § 18.2-83, made against school personnel or involving school property or school buses.~~
- ~~B.—~~

~~B. The division Superintendent and the principal or principal’s designee shall receive reports made by local law enforcement authorities on offense, wherever~~

~~committed, by students enrolled at the school if the offense would be a felony if committed by an adult or would be a violation of the Drug Control Act, Va. Code § 54.1-3400 et seq., and occurred on a school bus, on school property, or at a school sponsored activity, or would be an adult misdemeanor involving any incidents described in the clauses (1) through (7) of subsection VII.A of this policy, and whether the student is released to the custody of his/her parent/guardian or, if 18 years of age or more, is released on bond. If the Superintendent receives notification that a juvenile has committed an act that would be a crime if committed by an adult pursuant to subsection G of § 16.1-260, the Superintendent shall reports such information to the principal of the school in which the juvenile is enrolled.~~

~~C. The principal or principal's designee shall submit a report of all incidents required or authorized to be reported pursuant to VII.A (1-7) of this policy to the Superintendent. The Superintendent shall annually report all such incidents to the Department of Education.~~

~~In submitting reports of such incidents, principals and the Superintendent shall accurately indicate any offenses, arrests, or charges as recorded by law enforcement authorities and required to be reported by such authorities pursuant to subsection VII.B of this policy.~~

~~D. The principal or principal's designee shall also notify the parent/guardian of any student involved in an incident required or authorized by this subsection to be reported, regardless of whether disciplinary action is taken against such student or the nature of the disciplinary action. Such notice shall relate to only the relevant student's involvement and shall not include information concerning other students.~~

~~E. Whenever any student commits any reportable incident as set forth in this subsection, such student shall be required to participate in such prevention and intervention activities as deemed appropriate by the Superintendent or Superintendent's designee. Prevention and intervention activities shall be identified in the local school division drug and alcohol violence prevention plans developed pursuant to the federal Improving America's Schools Act of 1994 (Title IV Safe and Drug-Free Schools and Communities Act).~~

~~F.~~

~~G. Except as may otherwise be required by federal law, regulation, or jurisprudence, a principal shall immediately reports to the local law enforcement agency any act enumerated in clauses (2) through (5) of subsection VII.A of this policy that may constitute a criminal offense to the parents/guardians of any minor student who is the specific object of such act. Further, the principal shall report that the incident has been reported to local law enforcement as required by law and that the parents/guardians may contact local law enforcement for further information, if they so desire. For purposes of this section, a parent or parents means any parent, guardian, or other person having control or charge of a child.~~

~~VIII. RE-ADMISSION OF SUSPENDED AND/OR EXPELLED STUDENTS~~

~~Any student who has been suspended from a school of this division Division is not eligible to attend any other school within the division Division until eligible to return to his or her regular school.~~

~~Any student who has been expelled or suspended for more than thirty days from attendance at school by a School Board or a private school in this Commonwealth or in another state or for whom admission has been withdrawn by a private school in this Commonwealth or in another state may be excluded from attendance in the Alexandria City Public Schools, in accordance with Policy JEC. In the case of a suspension of more than thirty days, the term of the exclusion may not exceed the duration of the suspension. In excluding any such expelled student from school attendance, the School Board may accept or waive any or all of any conditions for readmission imposed upon such student by the expelling School Board pursuant to VA Code § 22.1-277.06. The Alexandria City School Board shall not impose additional conditions for readmission to school.~~

~~No suspended student shall be admitted to the regular school program until such student and his/her parent/guardian have met with school officials to discuss improvement of the student's behavior, unless the school principal or his/her designee determines that readmission, without parent conference, is appropriate for the student.~~

~~If the parent/guardian fails to comply with this policy or Policy JEC School Admission, the School Board may ask the Juvenile and Domestic Relations Court to proceed against the parent/guardian for willful and unreasonable refusal to participate in efforts to improve the student's behavior.~~

~~Upon the expiration of the exclusion period for an expulsion or a withdrawal of admission, which period shall be established by the School Board or Superintendent or designee, as the case may be at the relevant hearing, the student may repetition the School Board for admission. If the petition for admission is rejected, the School Board shall identify the length of the continuing exclusion period and the subsequent date upon which such student may repetition the School Board for admission.~~

IX.V. DISCIPLINING STUDENTS WITH DISABILITIES

ACPS complies with the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act of 1973 when disciplining students with disabilities, as outlined in the Student Code of Conduct and Policy JGDA. Students with disabilities shall be disciplined in accordance with Policy JGDA Disciplining Students with Disabilities.

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Amended:

Legal Refs: 20 U.S.C. § 7151.

Code of Virginia, 1950, as amended, §§ 15.2-915.4, 16.1-260, 18.2-119,18.2-308.1, 18.2-308.7, 18.2-308.8.2.2, 22.1-200.1, 22.1-254, 22.1-276.01, 22.1-276.2, 22.1-277, 22.1-277.04, 22.1-277.05, 22.1-277.06, 22.1-277.07, 22.1-277.07:1, 22.1-277.08, 22.1-277.2, 22.1-277.2:1, 22.1-279.3:1.

20 U.S.C. § 7151

8 VAC 20-560-10.

Cross Refs.:

<u>GBEB</u>	<u>Staff Weapons in School</u>
IGBH	Alternative School Programs
JEC	School Admission
<u>JFC</u>	<u>Student Conduct</u>
JFC-R	Standards of Student Conduct
JFCD	Weapons in School
<u>JGD-R/JGE-R</u>	<u>Student Suspension/Expulsion Regulations</u>
JGDA	Disciplining Students with Disabilities
JGDB	Discipline of Students with Disabilities for Infliction of Serious Bodily Injury