

## STUDENT SUSPENSION/EXPULSION

### I. ASSOCIATED REGULATION: JGD-R/JGE-R; STUDENT SUSPENSION/EXPULSION REGULATIONS

### II. ACPS APPROACH TO EXCLUSIONARY STUDENT DISCIPLINE

The Alexandria City School Board is committed to being responsive to students' social, emotional, and academic needs in alignment with its Strategic Plan focused on equity, and is committed to eliminating disproportionality in the rate of suspensions and expulsions by school and student group across the Division. The School Board believes that preventive and positive approaches to discipline create safe, supportive, and positive schools, where adults respond to misbehavior with interventions and consequences aimed at understanding and addressing the causes of misbehavior, resolving conflicts, meeting students' needs and keeping students in school and learning.

Exclusionary practices like suspension and expulsion, where a student is excluded from the school environment, interfere with a student's academic progress and can negatively impact students and school environments by contributing to:

- A higher risk of retention in grade;
- Higher rates of misbehavior;
- Lower academic achievement;
- Chronic Absenteeism;
- Higher dropout rates;
- Restricted access to school services that might improve behavior;
- Harm to healthy adult relationships;
- Unsupervised time and increased opportunity for delinquency for suspended students; and
- A higher risk of involvement with the juvenile justice system.

In recognition of the detrimental effect of suspension and expulsion on students and school climates, the Virginia General Assembly amended Virginia Code § 22.1-16-1 to "establish guidelines for alternatives to short-term and long-term suspension for consideration by local school boards."

Further, research indicates that suspension does not produce better learning environments, deter future misbehavior, or stimulate effective parental involvement. Instead, it indicates that exclusionary discipline practices have negative effects. They:

- Place students at risk for dropping out;
- Are typically applied disproportionately to students with disabilities and African-American students;
- Fail to address the underlying reasons for the behavior;
- Do not consider the social-emotional development or environmental influences;
- Decrease academic engagement;
- Decrease academic achievement; and
- For some, create a pathway to prison rather than to college and a career.

The Alexandria City School Board-ACPS, therefore, encourages alternatives to suspension and expulsion whenever possible, and provides support services to address behaviors that could lead to suspension. ACPS implements a Multi-Tiered System of Supports (MTSS) for positive-Positive behavioral-Behavioral interventionsInterventions and Supports (PBIS), including the use of peer mediation, counseling and restorative Restorative praetieesPractices (RP). MTSS is a data-driven, decision-making framework for establishing the academic, behavioral, and social-emotional supports needed for a school to be an effective learning environment for all students.

As outlined in Policy JFC: Student Conduct and the ACPS Student Code of Conduct, Alexandria City Public Schools uses VDOE's Student Behavior and Administrative Response (SBAR) system of student behavior categories, designed to recognize the impact student behavior has on the school environment and to form a framework for identifying behaviors that may negatively impact that environment. They encourage awareness of students' social-emotional development, emphasize the importance of understanding the effect of behavior, and point the way for developing a plan for improving behavior. The categories are a way to group behaviors in order to apply appropriate, leveled administrative interventions and disciplinary responses to each kind of student behavior.

### III. LEVELED SYSTEM OF DISCIPLINARY RESPONSES AND INSTRUCTIONAL INTERVENTIONS

The ACPS Student Code of Conduct provides examples of how SBAR categories work with leveled, administrative and instructional interventions and disciplinary responses to facilitate the equitable, responsive application of standards of student conduct. In addition, the SBAR system encourages differentiated responses to behavior for elementary students and secondary students. As discussed in further detail in the ACPS Student Code of Conduct, the SBAR categories are:

- Behaviors that Impede Academic Progress (BAP)
- Behaviors Related to School Operations (BSO)
- Relationship Behaviors (RB)
- Behaviors that Present a Safety Concern (BSC):
- Behaviors that Endanger Self or Others (BESO)
- Persistently Dangerous Behaviors (PDB)

Therefore, Alexandria City Public Schools (ACPS) will use suspension and expulsion as a disciplinary response rarely, only after PBIS and lower level, documented, administrative responses have been employed; when required by law; or when the severity of an infraction warrants a suspension or expulsion to preserve the safety of students and staff. Typically, such extreme student conduct falls in the following SBAR categories.

- Behaviors that Present a Safety Concern (BSC):

- Behaviors that Endanger Self or Others (BESO)
- Persistently Dangerous Behaviors (PDB)

~~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.~~

#### IV. DEFINITIONS

As defined by the Code of Virginia and used in this policy,

“Aggravating circumstances” (for the purposes of § 22.1-277 and § 22.1-277.05 of the Code of Virginia), means:

- That a student engaged in misconduct which caused serious harm (including but not limited to physical, emotional, and psychological harm) to another person(s) or posed a credible threat of serious harm to another person(s), as determined by a threat assessment; or
- That a student’s presence in the school poses an ongoing and unreasonable risk to the safety of the school, its students, staff, or others in the school; or
- That a student engaged in a serious offense that is:
  - persistent (repeated similar behaviors are documented on the student’s disciplinary record), and
  - unresponsive to targeted interventions as documented through an established intervention process.

“Alternative education programs” shall includes, 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.

“Charged” means that a petition or warrant has been filed or is pending against a student.

“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 other 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 that is homemade or was not made by a duly licensed weapon manufacturer, any fully automatic firearm, any sawed-off shotgun or sawed-off rifle as defined in Va. Code § 18.2-299 or any firearm prohibited from civilian ownership by federal law; 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 does 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, nor does it include any antique firearm as defined in subsection G of Va. Code § 18.2-3.8.2:2.

**“Disruptive ~~conduct~~/behavior”** is defined by Va. Code § 22.1-276.01 as a violation of School Board policies or regulations governing student conduct that interrupts or obstructs the learning environment.

For students with disabilities, staff members will work with the student in accordance with the terms of their IEP if the disruptive behavior is a manifestation of the student’s disability.~~means any act intended to be disruptive of any school activity, function or process of the school, or violation of School Board policies or the Standards of Student Conduct (Regulation JFC R) that is dangerous to the health or safety of students or others, or interrupts or obstructs the learning environment.~~

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

**“Expulsion”** means any disciplinary action imposed by the School Board 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~~explosion of a combustible material ~~or pneumatic pressure;~~ (2) the frame or receiver of any such weapon; ~~or~~ (3) ~~any firearm muffler or firearm silencer;~~ (4) ~~any destructive device;~~ or (5) any unloaded firearm in a closed container. “Firearm” does not include any pneumatic gun as defined in this policy.

**“Long-term suspension”** means any disciplinary action whereby a student is not permitted to attend school for 11 to 45 school days. (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 regulations.)

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

**“Pneumatic gun”** means any implement, designed as a gun, that 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 (i.e., buildings and grounds) 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.

“Special Circumstances” (in alignment with Va. Code § 22.1-277.07), are factors that may be considered by the School Board regarding expulsion determinations when expulsion is not required by law. No decision to expel a student is reversed on the grounds that such factors were not considered. Factors that may be considered as special circumstances include:

- 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; and
- Other appropriate matters.

“**Superintendent's designee**” (in Sections VI, VII, IX and XI of this policy) 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.

#### H.V. **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.**

**Examples of conduct that may result in suspension or expulsion, as well as the SBAR tiered, interventions and administrative responses to such conduct that provide alternatives to exclusionary discipline, are provided in Regulation JGD-R/JGE-R and the Student Code of Conduct.**

Except as provided in subsection C of Va. Code § 22.1-277 or Va. Code §§ 22.1-277.07 or 22.1-277.08 (i.e., certain drug or firearms offenses or commission of certain reportable acts that would be a crime if committed by an adult), no student in preschool through grade three ~~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 (VDOE).

Any student for whom the Superintendent has received a report pursuant to Va. Code § 16.1-305.1 of an adjudication of delinquency or a conviction for an offense listed in subsection G of Va. Code § 16.1-260 (i.e., commission of certain acts that would be a

crime if committed by an adult), may be suspended or expelled from school attendance.

The authority of teachers to remove students from their classes in emergency situations or in certain instances of disruptive behavior, in accordance with the requirements of Policy JFCA: Teacher Removal of Students from Class, ~~shall not be interpreted to~~ does not affect the operation of this policy.

## III.VI. SHORT-TERM SUSPENSION

### A. Generally

A student may be suspended for not more than ten (10) school days by either the school principal or the appropriate administrator. The principal or appropriate administrator may suspend the student after giving the student oral ~~or and~~ written notice of the charges against ~~him/her~~ the student, and if ~~he/she~~ the student denies them, an explanation of the facts as known to school personnel and an opportunity to present ~~his/her~~ the student's 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~~ the student's version ~~shall is be~~ given as soon as is practical thereafter.

Upon suspension of any student, the principal or appropriate administrator responsible for ~~such the~~ suspension ~~shall reports~~ the facts of the case in writing to the Superintendent or designee and parent/guardian of the student suspended. The Superintendent or designee reviews forthwith the action taken by the principal or appropriate administrator upon a petition for such review by any party in interest and confirms or disapproves such action based on an examination of the record of the student's behavior.

The decision of the Superintendent or designee is final and may not be appealed.

Any oral or written notice to the parent/guardian of a student who is suspended from school attendance for not more than ten (10) days ~~shall includes~~ notification of the length of the suspension, information regarding the availability of community-based educational 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.

During any period of suspension, ACPS will provide the student with academic and support services. Each student's program of services will be determined by the Superintendent or designee, and may include, but not be limited to, online learning platforms, in-home instruction (or instruction provided at an alternate location), and social/emotional supports related to the behavior. The Superintendent or designee ensures that suspended students are able to access and complete graded work during and after their 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.~~

If, during the course of the school's investigation of the matter additional information is obtained, the written notice may be amended and any disciplinary action is subject to change.

**B. Appealing Short-term Suspensions Appeal Timeline:**

A notice of short-term suspension may be appealed directly to the school administrator who suspended the student. ~~The A~~ letter of appeal must be mailed, emailed or delivered to the school administration within 24 hours of the first notification of the student's suspension, which is most often a phone call from a school administrator, followed by a letter to the parent/guardian.

The full procedure and timeline for appealing a suspension of 10 days or less are outlined in Regulation JGD-R/JGE-R. The final decision regarding an appeal of a short-term suspension is made by the Superintendent or designee, and may not be appealed to the School Board.

- ~~1. If the appeal is denied by the administrator who suspended the student, it may then be appealed in writing to the principal. The appeal letter must be mailed, emailed or delivered to the school within two (2) school days of the day the administrator's (who suspended the student) response was received.~~
- ~~2. If the appeal is denied by the principal, it may then be appealed directly to the Executive Director of Student Services within three (3) school days of the day the principal's response was received.~~
- ~~3. If the appeal is denied by the Executive Director of Student Services, a final appeal may be submitted to the Office of the Superintendent within five (5) school days of the day the response from the Executive Director of Student Services was received. A written letter of appeal must be submitted to the applicable Director noted below based on the student's grade level:~~

~~Office of the Superintendent  
Attn: Executive Director of Elementary or Secondary Instruction  
Alexandria City Public Schools  
1340 Braddock Place, 4th Floor  
Alexandria, Virginia 22314~~

~~The Superintendent or designee shall promptly review the action taken by the principal or assistant principal upon a petition for review by any party in interest, and confirm or disapprove the suspension 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.~~

#### IV.VII. LONG-TERM SUSPENSION

##### A. Generally

A student may be suspended from attendance for 11 to 45 school days after written notice is provided to the student and ~~his/her~~ the student's parent/guardian of the proposed action and the reasons therefore, and of the right to a hearing before the Superintendent or designee.

The written notice of a suspension for 11 to 45 school days includes notification of the length of suspension and provides information concerning the availability of community-based educational, alternative education, or intervention programs. Such notice also states that the student is eligible to return to regular school attendance upon the 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.

During any period of suspension greater than ten (10) school days, ACPS will provide the student with academic and support services. Each student's program of services will be determined by the Superintendent or designee, and may include, but not be limited to, online learning platforms, in-home instruction (or instruction provided at an alternate location), and social/emotional supports related to the behavior. This will allow students to maintain sufficient progress in the curriculum and a smooth transition back into the student's school once the suspension term concludes. The Superintendent or designee ensures that suspended students are able to access and complete graded work during and after their suspension.

Schools should provide an academically appropriate alternative education program that permits students serving a long-term suspension to maintain sufficient progress in the curriculum and allow a smooth transition back into the student's school once the suspension term concludes. If no alternative education program is provided, schools must ensure that suspended students are able to access and complete graded work during and after 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 will~~ 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.

Nothing herein ~~shall be construed to~~ prohibits 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.

If, during the course of the school's investigation of the matter additional information is obtained, the written notice may be amended and any disciplinary action is subject to change.

#### B. Appealing Long-Term Suspensions

The decision of the Superintendent or designee may be appealed to the full School Board within five (5) business days of receipt of the Superintendent's or designee's decision. The appeal is decided by the School Board within 30 days of its receipt.

The full procedure and timeline for appealing a suspension of more than 10 days are outlined in Regulation JGD-R/JGE-R. The final decision regarding an appeal of a long-term suspension is made by the School Board.

### VIII. EXPULSION

#### **A. Generally**

Students may be expelled from attendance at school after written notice to the student and ~~his/her~~ the student's parent/guardian of the proposed action and the 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 five (5) business days of receipt of the notice. The appeal shall be decided by the School Board within 30 days of its receipt. 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~~ the student's parent/guardian ~~shall~~ includes notification of the length of the expulsion and ~~shall~~ provides information to the parent/guardian of the student concerning the availability of community-based educational, training, and intervention programs. The notice ~~shall~~ also states whether or not the student is eligible to return to regular school attendance, or to attend an appropriate alternative education program approved by the ~~S~~chool ~~B~~oard, or an adult education program offered by the school division, during or upon the expiration of the expulsion, and the terms or conditions of such readmission.

To ensure students have access to the supports and interventions needed to help change their behavior and re-enter their zoned school, ACPS will work to assist the student during a period of expulsion with continued academic and support services. Any program of services will be determined by the Superintendent or designee in accordance with procedures set forth in § 22.1-277.2:1, and may include, but not be limited to, social/emotional supports related to the behavior, and/or an alternative education program provided by ACPS for the term of the expulsion. ~~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.~~

Nothing in this ~~policy section shall be construed to~~ prohibits 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 advises the parent/guardian of ~~such the~~ student that the student may petition the School Board for readmission to be effective one (1) calendar year from the date of ~~the~~ expulsion, and of the conditions, if any, under which readmission may be granted.

**Regulation JGD-R/JGE-R ~~establishes~~ outlines the a process and schedule pursuant to which ~~such~~ students may apply and reapply for readmission to school after expulsion.**

~~Such schedule is designed to ensure that any initial petition for readmission will be reviewed by the School Board or the Superintendent, and, if granted, would enable the student to resume school attendance one (1) calendar year from the date of the expulsion. If the Superintendent denies such petition, the student may petition the School Board for review of such denial.~~

## **B. Firearms, Destructive Devices and Pneumatic Guns Offenses**

The School Board ~~may shall will~~ expel from school attendance for a period of not less than one (1) year any student whom ~~such school board the School Board~~ has determined to have ~~brought possessed~~ a firearm ~~on to school property or to at a school-sponsored activity as prohibited by Va. Code §18.2-308.1, on to school property or to a school-sponsored activity,~~ or to have ~~brought possessed~~ a firearm ~~or destructive device as defined in this policy, a firearm muffler or firearm silencer or a pneumatic gun as defined in this policy or a paint ball, air rifle or BB gun~~ on school property or ~~to at~~ a school-sponsored activity.

A school administrator, ~~pursuant to School Board policy,~~ or ~~a the~~ School Board **may, however, determine, based on the facts of a particular situation that special circumstances (as defined in Section IV. of this policy) 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,~~ authorizes the Superintendent or designee to conduct a preliminary review of such cases to determine whether a disciplinary action other than expulsion is appropriate.

**Nothing in this ~~policy section shall be construed to~~ requires a student's expulsion regardless of the facts of the particular situation.**

The provisions of this section do not apply to students who possess a firearm (or firearms or pneumatic guns) as a part of the curriculum or other programs sponsored by the schools in the school division (e.g., JROTC), or any organization permitted to use school premises.

### C. Drug Offenses

The School Board ~~may shall will~~ expel from school attendance any student whom the School Board has determined to have brought a controlled substance; or imitation controlled substance, ~~or marijuana~~ as those terms are 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 (as defined in Section IV. of this policy) exist and another disciplinary action is appropriate.**

In addition, the School Board authorizes the Superintendent or designee ~~will to~~ conduct a preliminary review of such cases to determine whether a disciplinary action other than expulsion is appropriate.

**Nothing in this ~~policy section shall be construed to~~ requires a student's expulsion regardless of the facts of the particular situation.**

### D. ~~Conduct Giving Rise to~~ Factors Considered When Making Expulsion Recommendations

Recommendations for expulsions for actions other than those specified below above 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; and
- Other appropriate matters.

No decision to expel a student is reversed on the grounds that such factors were not considered. Nothing in this subsection precludes the School Board from considering any of the factors listed above as "special circumstances" for the purposes of expulsions discussed in the following subsections B. and C. above.

### E. Appealing Expulsions

The A notice of expulsion may be appealed to the full School Board within five (5) business days of receipt of the notice. The appeal is decided by the School Board within 30 days of its receipt.

The full procedure and timeline for appealing an expulsion are outlined in Regulation JGD-R/JGE-R. The final decision regarding an appeal of a expulsion is made by the School Board. Regardless of whether the student exercises the right to an appeal hearing, the School Board confirms or disapproves of the proposed expulsion.

### ~~VI. SCHOOL BOARD APPEAL HEARINGS REGARDING LONG-TERM SUSPENSIONS AND EXPULSIONS~~

~~The procedure for an appeal hearing before the School Board regarding long-term suspensions and expulsions shall be is 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 is 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 is 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, are marked and made part of the record.~~
- ~~F. The School Board may, by majority vote, uphold, reject, or alter the recommendations. Alteration, however, will not result in a suspension of increased duration.~~

~~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.~~

## ~~VII~~.IX. ALTERNATIVE EDUCATION PROGRAM

The School Board may require any student who has been:

- ~~(1) C~~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) F~~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) F~~found to have committed a serious offense or repeated offenses in violation of ~~school~~ School board Board policies;
- ~~(4) S~~suspended pursuant to Va. Code § 22.1-277.05; or
- ~~(5) E~~xpelled pursuant to Va. Code §§. 22.1-277.06, 22.1-277.07, or 22.1-277.08 or subsection C 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~~ conduct occurred.

The School Board authorizes the Superintendent or designee to require students to attend an alternative education program consistent with the provisions of the previous paragraph after:

- (i) written notice to the student and the student's parent/guardian that the student will be required to attend an alternative education program; and
- (ii) notice of the opportunity for the student or the student's parent/guardian to participate in a hearing to be conducted by the Superintendent or designee regarding the placement. If the student or parent/guardian wants to participate in a hearing regarding the placement, the student or parent/guardian must notify the Superintendent or designee within [redacted] days of receiving the written notice of the student's assignment to the alternative education program.
- (iii) The decision of the Superintendent or designee regarding the alternative education placement is final, unless altered by the Board upon written petition by the student or student's parent/guardian for a review of the record by the School Board. Such petition must be received by the Superintendent or designee within [redacted] days after receiving written notice of the decision after the hearing.

~~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 in this section, “charged” means that a petition or warrant has been filed or is pending against a student.

To support students with appropriate interventions, ALL students who violate Policy JFCF/JFCI: Alcohol and Other Drugs (AOD) in Schools will be eligible for referral to Substance Abuse (SA) services.

In alignment with Va. Code § 22.1-277.2:1, ACPS requires any student involved in Code of Conduct violations related to alcohol or drug use or distribution to be referred to SA Services for evaluation and/or assessment for drug or alcohol abuse or both. If recommended by the SA Counselor (SAC) and with the consent of the student's parent/guardian, the student may be referred to participate in a community-based treatment program.

#### VIII.X. REQUIREMENTS FOR REPORTING OFFENSES

For the purposes of this section, “parent” or “parents” means any parent, guardian, or other person having control or charge of a child.

Whenever ~~any~~ student commits any act that is a reportable incident as set forth in this ~~subsection~~, the student ~~is required to~~ will also participate in ~~such~~ prevention and intervention activities as deemed appropriate by the Superintendent or designee, in accordance with Va. Code § 22.1-279.3:1.C.

##### A. Staff Member Reports to the Superintendent and Principal

Except as may otherwise be required by federal law, regulation, or jurisprudence, reports ~~shall be~~ are made to the Superintendent and 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, abduction of any person as described in Va. Code § 18.2-47 or Va. Code § 18.2-48, or stalking of any person as described in Va. Code § 18.2-60.3, 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 on a school bus, on school property, or at a school-sponsored activity;
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 at a school-sponsored activity;
7. Any threats or false threats to bomb, as described in Va. Code § 18.2-83, made against school personnel or involving school property or school buses;
8. The arrest of any student for an incident occurring on a school bus, on school property or at a school sponsored activity, including the charges involved; and
9. Any illegal possession of weapons, alcohol, drugs or tobacco products.

#### B. Law Enforcement Reports to the Superintendent and Principal

The Superintendent and the principal or principal's designee ~~shall~~ receive reports made by local law enforcement authorities on offenses, 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 (8) of subsection ~~VIII X.A.~~ of this policy, and whether the student is released to the custody of ~~his/her~~ the student's 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 Va. Code § 16.1-260, the Superintendent ~~shall~~ reports such information to the principal of the school in which the juvenile is enrolled.

#### C. Reports from the Principal and Superintendent to VDOE

The principal or ~~principal's~~ designee submits a report of all incidents required ~~or authorized~~ to be reported pursuant to subsection ~~VIII X.A.~~ (1-8) of this policy to the Superintendent. The Superintendent ~~shall~~ annually reports all such incidents to the Virginia Department of Education (VDOE).

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 ~~VIII X.B~~ of this policy.

#### D. Reports to Parents/Guardians

The principal or principal's designee ~~shall~~ also ~~notify~~ notifies 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~~ relates to only the relevant student's involvement and ~~shall~~ does not include information concerning other students.

~~D. 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.~~

#### E. Reports from the Principal to Law Enforcement

Except as may otherwise be required by federal law, regulation or jurisprudence, a principal immediately reports to the local law-enforcement agency any act enumerated in clauses (2) through (7) of subsection ~~VIII X.A.~~ of this policy that may constitute a ~~criminal~~ felony offense and may report to the local law enforcement agency any incident described in clause (1) of subsection ~~VIII X.A.~~ of this policy.

In addition, except as may otherwise be required by federal law, regulation, or jurisprudence, the principal also immediately reports ~~to the local law enforcement agency~~ any act enumerated in clauses (2) through (5) of subsection ~~VIII X.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 reports ~~that whether~~ the incident has been reported to local law enforcement ~~as required by law pursuant to this subsection~~ and if the incident is so reported, that the parents/guardians may contact local law enforcement for further information, if they so desire.

~~E. For purposes of this section, "parent" or "parents" means any parent, guardian, or other person having control or charge of a child.~~

### IX.XI. READMISSION OF SUSPENDED AND/OR EXPELLED STUDENTS

Any student who has been suspended from an ACPS school is not eligible to attend any other school within the Division until eligible to return to ~~his or her~~ the student's regular school.

Any student who has been expelled or suspended for more than thirty (30) days from attendance at school by a sSchool bBoard 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: School Admission. In the case of a suspension of more than thirty (30) 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 ~~s~~School ~~b~~Board pursuant to ~~VA~~ Va. Code § 22.1-277.06. The Alexandria City School Board ~~shall~~does not impose additional conditions for readmission to school.

No suspended student is admitted to the regular school program until ~~such the~~ student and ~~his/her the~~ student's 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~~is established by the School Board or Superintendent or designee, as the case may be at the relevant hearing, the student may re-petition the School Board for admission. If the petition for admission is rejected, the School Board ~~shall will~~ identify the length of the continuing exclusion period and the subsequent date upon which ~~such the~~ student may re-petition the School Board for admission.

**Regulation JGD-R/JGE-R outlines the process and schedule ~~pursuant to which for~~ expelled students ~~may to~~ apply and reapply for readmission to school.**

The School Board may permit students excluded pursuant to this ~~sub~~section to attend an alternative education program provided by the School Board for the term of ~~such the~~ exclusion.

## **XII. DISCIPLINING STUDENTS WITH DISABILITIES**

ACPS complies with the Individuals with Disabilities Education Act (IDEA), the Americans with Disabilities Act (ADA) 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: Disciplining Students With Disabilities.

Students with disabilities are entitled to all the same due process protections as students who do not have disabilities, plus additional protections under federal and state law. In general:

- Short-term suspensions: A short-term suspension is not considered a “change in placement” for special education purposes, but ACPS will still provide a free and appropriate education (FAPE) and strive to fulfill the student’s IEP during the

suspension. However, a series of short-term suspensions that form a pattern of behavior can be considered a change in placement.

- In most cases, students with disabilities cannot be suspended for more than ten school days for conduct that is caused by the disability.
- Students with disabilities who are long-term suspended or expelled are entitled to an expedited decision from a due process hearing challenging the disciplinary action.

Policy JGDA: *Disciplining Students With Disabilities*, and Policy JGDB: *Discipline of Students with Disabilities for Infliction of Serious Bodily Injury*, and Policy JM: *Management of Student Behaviors in Emergency Situations*, outline the specific procedural steps and safeguards related to discipline of students with disabilities.

### **XIII. COMMUNICATION WITH PARENT(S)/GUARDIAN(S)**

All incidents resulting in recommendations for suspension or expulsion are documented by school administrators. All such required documentation is maintained by ACPS. Incident reports and all communications to the student's parents/guardians will be in the parents'/guardians' preferred language. In addition, ACPS will provide written notification of a student's rights throughout the entirety of the disciplinary process to the parents/guardians. This includes, but is not limited to, procedural steps and safeguards, the right to appeal, and the right to legal representation. ACPS will also provide parents/guardians with a list of pro bono legal resources.

### **XIV. DATA COLLECTION AND REPORTING**

The Superintendent will annually provide the School Board with the prior school year's data reflecting all occurrences of discipline resulting in suspension or expulsion for each school in the Division. The report will include disaggregated, demographic student data, as well as the resulting administrative responses or consequences issued in accordance with the Student Code of Conduct, and any referrals to law enforcement. In addition, to make progress toward ACPS' goal of an effective, equitable system for student discipline that monitors more than outcomes (discipline sanctions) for groups of students, the report will also include the opportunities (supports and interventions) provided to suspended and expelled students to comprehensively assess administrative responses to student behavior. (The report will not include personally identifiable information regarding students.)

As outlined in the current Memorandum of Understanding (MOU) between the Alexandria City School Board and the Alexandria Police Department (APD), any incident in which a law enforcement officer(s) makes official contact with a student(s) will be documented, tracked and reviewed by the Office of Safety and Security Services by using the ACPS Law Enforcement Occurrence Report Form.

Disparities that arise through the process of data collection and reporting will be used by the School Board and Superintendent, in conjunction with stakeholder feedback, to inform future revision of this policy and its implementation procedures.

Adopted: September 5, 1996  
Amended: July 10, 1997  
Amended: June 18, 1998  
Amended: July 12, 2001  
Amended: July 1, 2005  
Amended: June 15, 2006  
Amended: December 19, 2013  
Amended: December 18, 2014  
Amended: June 11, 2015  
Amended: October 25, 2018  
[Amended:](#)

Legal Refs: 20 U.S.C. § [71547961](#).

[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.](#)

8 VAC 20-560-10.

Cross Refs.: [GBEB](#) ~~Staff Weapons in School~~  
IGBH Alternative School Programs  
JEC School Admission  
JFC Student Conduct  
JFC-R Standards of Student Conduct  
JFCD Weapons in School  
JGD-R/JGE-R Student Suspension/Expulsion Regulations  
JGDA Disciplining Students with Disabilities  
JGDB Discipline of Students with Disabilities for Infliction of Serious Bodily Injury  
[JM](#) [Management of Student Behaviors in Emergency Situations](#)  
[KG](#) [Community Use of School Facilities](#)  
[KG-R](#) [Community Use of School Facilities Regulations and Application](#)