

## STUDENT SUSPENSION/EXPULSION REGULATIONS

### I. GOVERNING POLICY: JGD/JGE: STUDENT SUSPENSION/EXPULSION

### II. SUSPENSION AND EXPULSION: GENERALLY

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~~Multi-tiered-Tiered system-System of ~~support~~Supports (MTSS) for ~~positive~~Positive behavioral-Behavioral interventionsInterventions and Supports (PBIS), 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 Policy JGD/JGE, as well as Policy JFC: Student Conduct, and the ACPS Student Code of Conduct.

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. 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)

### I. DEFINITIONS

As used in Policy JGD/JGE and this regulation,

“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 any act intended to be disruptive of any school activity, function or process of the school, or 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 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 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 of a combustible material or pneumatic 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 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.~~

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

~~“**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 trained hearing officer or 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.III. GROUND~~S~~ FOR SUSPENSION AND EXPULSION

#### A. Grounds for Suspension

Examples of violations found in the Student Code of Conduct and School Board policies that **may be grounds for** suspension include, but are not limited to:

- Arson
- Bullying, Threats or Intimidation, including Cyberbullying
- Assault and Battery/Fighting
- Disruptive Conduct/Behavior
- Profane or Abusive Language
- Gambling
- Use, possession, or Distribution of Alcohol or Other Drugs or Restricted Substances, including Tobacco Products (as defined in Policy JFCF/JFCI: *Alcohol and Other Drugs in Schools*)
- Vandalism
- Defiance of the Authority of School Personnel
- Weapon Possession
- ~~Theft~~
- Vandalism
- Violation of Bus Regulations
- Trespass
- Gang Activity (as defined in Policy JFCE: *Gang Activity or Association*)
- ~~Use or Possession of Tobacco~~
- Sexual Assault
- Sexual Harassment

Conduct reported to the Superintendent or designee by local law enforcement authorities when the offense would be a felony if committed by an adult, or as otherwise required by law to be reported, as outlined in ~~VIII.B. below~~ Policy JGD/JGE.

#### B. Grounds for Expulsion

Examples of violations found in the Student Code of Conduct and School Board policies that **may be grounds for** expulsion include, but are not limited to:

- Arson
- Bullying, Threats or Intimidation, including Cyberbullying
- Assault and Battery/Fighting
- ~~Gambling~~
- ~~Use, Possession, or Distribution of Alcohol or Other Drugs, or Restricted Substances, including Tobacco Products (as defined in Policy JFCF/JFCI: *Alcohol and Other Drugs (AOD) in Schools*)~~
- ~~Vandalism~~
- ~~Defiance of the Authority of School Personnel~~

- Weapon Possession
- Theft
- ~~Violation of Bus Regulations~~
- Gang Activity (as defined in Policy JFCE: *Gang Activity or Association*)
- Sexual Assault
- Sexual Harassment
- Conduct reported to the Superintendent or designee by local law enforcement authorities when the offense would be a felony if committed by an adult, or as otherwise required by law to be reported, as outlined in ~~VIII.B. below~~ Policy JGD/JGE.

~~III.~~ APPEAL OF SUSPENSIONS AND EXPULSIONS

~~III.~~ IV. SUSPENSION AND EXPULSION APPEALS PROCESS

A. Short-Term Suspension: Appeals

**The final decision regarding ~~such any~~ appeal of a suspension for 10 days or less is made by the Superintendent or designee, and may not be appealed to the School Board. ~~The procedure and timeline for appealing a suspension of 10 days or less are outlined in Policy JGD/JGE.~~**

1. A notice of short-term suspension may be appealed directly to the school administrator who suspended the student. The 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.
2. 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.
3. 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.
4. 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:

Office of the Superintendent  
Attn: Executive Director of School Leadership  
Alexandria City Public Schools  
1340 Braddock Place, 4th Floor  
Alexandria, Virginia 22314

The Superintendent or designee promptly reviews the action taken by the

principal or assistant principal upon a petition for review by any party in interest, and confirms or disapproves the suspension based on an examination of the record of the student's behavior.

The parent/guardian is notified that the final decision regarding such an appeal is made by the Superintendent or designee, and may not be appealed to the School Board.

B. Long-Term Suspension: Appeals

**The final decision regarding any appeal of a suspension for more than 10 days is made by the School Board.**

In the case of a suspension for more than ten days, the student and ~~his/her~~the student's parent(s)/ guardian(s), may appeal the decision of the Superintendent or designee to the full School Board within five (5) business days of receipt of the Superintendent's or designee's decision. The appeal ~~shall be~~is decided by the School Board within 30 days of its receipt. ~~The complete procedure and timeline for such appeals are outlined in Policy JGD/JGE.~~

The procedure for an appeal hearing before the School Board regarding long-term suspensions is as follows:

1. 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.
2. The School Board may ask for opening statements from the principal or principal's representative and the student or the student's parent(s)/guardian(s) (or their representative) and, at the discretion of the School Board, may allow closing statements.
3. The parties then present their evidence. Because the principal has the ultimate burden of proof, the principal presents 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 affords full opportunity to both parties for presentation of any material or relevant evidence and affords 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, the student's 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.
4. The parties will 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.
5. 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.

6. The School Board may, by majority vote, uphold, reject, or alter the recommendations. Alteration, however, will not result in a suspension of increased duration.
7. The School Board transmits its decision, including the reasons therefor, to the student, the student's parent(s)/guardian(s), the principal, and Superintendent.

C. Expulsion: Appeals

**The final decision regarding any appeal of an expulsion is made by the School Board.**

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 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 is be~~ decided by the School Board within 30 days of its receipt. ~~The complete procedure and timeline for such appeals are outlined in Policy JGD/JGE.~~

Regardless of whether the student exercises the right to an appeal hearing, the School Board ~~shall confirms~~ or disapproves of the proposed expulsion.

The procedure for an appeal hearing before the School Board regarding expulsions is as follows:

1. 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.
2. The School Board may ask for opening statements from the principal or principal's representative and the student or the student's parent(s)/guardian(s) (or their representative) and, at the discretion of the School Board, may allow closing statements.
3. The parties then present their evidence. Because the principal has the ultimate burden of proof, the principal presents 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 affords full opportunity to both parties for presentation of any material or relevant evidence and affords 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, the student's 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.

4. The parties will 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.
5. 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.
6. The School Board may, by majority vote, uphold, reject, or alter the recommendations.
7. The School Board transmits its decision, including the reasons therefor, to the student, the student's parent(s)/guardian(s), the principal, and Superintendent.

#### IV. READMISSION PROCESS FOR EXPELLED STUDENTS

As directed by Policy JGD/JGE, the Superintendent has established the following process and schedule pursuant to which expelled students may apply and reapply for readmission to school.

Students who are expelled from the Alexandria City Public Schools and who are not permitted during the expulsion to return to regular school attendance or to attend an alternative education program, may petition for readmission to be effective one (1) year after the date of the expulsion. The process for the readmission of any expelled student is as follows:

- A. In order to ensure that a student has an opportunity for timely readmission to school, a petition for readmission must be filed not earlier than nine (9) months, and not later than ten (10) months from the date of the School Board's decision letter expelling the student. Failure to file a petition for readmission in a timely manner may result in a delayed decision on the petition. Petitions must be in writing and must be filed with the ACPS Department of Student Services, Alternative Programs and Equity. Any student aged eighteen (18) or older must file a petition on his or hertheir own behalf. If the student is under the age of eighteen (18), the parent(s)/guardian(s) may act on the student's behalf;
- B. Within twenty-one (21) days of the receipt of a written petition for readmission, the Department of Student Services, Alternative Programs and Equity will schedule a hearing before the Executive Director of Student Services or designee. At the time of the hearing, the student and/or parent(s)/guardian(s) must come prepared to explain why the student should be readmitted to school, and how the school can be assured that the student's behavior has improved and that there will be no recurrences of inappropriate behavior. If any conditions for readmission had been imposed by the School Board at the time of the student's expulsion, the hearing will review whether all of those conditions have been achieved. The Executive Director of Student Services or designee will issue a written decision within seven (7) days of the hearing. The parent(s)/guardian(s) and/or student will receive a copy of the decision.
- C. Parent(s)/guardian(s) and/or the student may appeal the decision of the Executive

Director of Student Services or designee to the School Board within five days of receiving that decision. A copy of the Executive Director's or designee's decision, a copy of the expulsion decision, and any other materials which have been submitted concerning the expulsion, and petition for readmission will be provided to the Board. The Board may, but need not, hold a further hearing. The Board ~~shall~~issues its decision within 21 days of convening to consider the appeal.

- D. Where a petition for readmission is denied, a student (or if applicable, ~~his/her~~the student's parent(s)/guardian(s)), may reapply on an annual basis in accordance with the above schedule.

#### ~~V. DISCIPLINING STUDENTS WITH DISABILITIES~~

~~As address 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.~~

#### V. 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.

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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.



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/JGE	Student Suspension/Expulsion
	JGDA	Disciplining Students with Disabilities
	JGDB	Discipline of Students with Disabilities for Infliction of Serious Bodily Injury

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