

## STUDENTS

### Student Suspensions and Expulsions

#### A. Generally

1. For suspension and expulsion of an identified student with disabilities the procedures set forth in Regulation 5-21.3 shall be followed.
2. For the purpose of this Regulation the term "parent" will be defined to mean: a natural or biological parent, a legal or adoptive parent, a foster parent or legal guardian, step parent or other person standing in locos parentis to a minor student. Any requirement for notice to or meeting with a parent will be satisfied by providing notice to or meeting with any one person meeting the definition of parent.

#### B. Out-of-School Suspensions of Ten (10) Days or Less

1. The school principal, assistant principal, acting principal or ~~his/her~~ designee may suspend a student from school for a period of five (5) days and may suspend a student for six to ten (6-10) days with the approval of the Director of the Office of Student Leadership or designee.
2. At the principals discretion, For those students who have been suspended for any duration of five (5) or more times five (5) or more disciplinary referrals without improvement in behavior after interventions and supports put in place by the school, the principal may be referred to the student to the Office of Student Leadership for follow-up contact with adult student or parent/legal guardian of a minor student and the development of corrective action plans.
  - a. With each referral, the principal or designee shall submit copies of the entire discipline file(s) which shall include, but not be limited to, suspension letters and teacher referrals.
  - b. Once referred by the principal or designee, the adult student or the parent/legal guardian of a minor student and the minor student shall meet with a designated Student Leadership staff person for initiation to participate in a-of the corrective action plan. Student Support Specialists will provide follow-up contact and/or assist in monitoring any corrective action plan. Failure to comply with the corrective action plan shall result in a referral of the student for appropriate disciplinary action.

- c. The student may only be readmitted to school after the corrective action plan has been signed and the parent/legal guardian of a minor student, the minor student or the ~~and student or~~ adult student has conferred with the principal or designee prior to the student's reinstatement.
3. Any student who is under out-of-school suspension and either enrolled in a work cooperative program and/or a participant in extracurricular activities shall be restricted from such employment and/or excluded as a participant or spectator from extracurricular activities until reinstated in the student's his/her school.

### C. Procedure for Out-of-School Suspensions of Ten (10) Days or Less

1. The student will be given written notice of the charges and/or the reason(s) for the suspension.
2. A student who denies the charges will be given an explanation of the facts as known to school personnel as well as the opportunity to present the student's his/her version of what occurred. If ~~he/she~~ deems it necessary, the principal, assistant principal, acting principal, or ~~his/her~~ designee may conduct a further investigation into the matter. School Administrators are not required to obtain parental consent prior to speaking with students about disciplinary matters and issues.
3. The principal, assistant principal or acting principal will report the facts of the case in writing to the Director of the Office of Student Leadership and to the adult student or the and parent/legal guardian of a minor student. The adult student or parent/legal guardian of a minor student or adult student shall be informed of the suspension, the right to appeal such suspension, any required ~~parental~~ conference prior to return, the prohibition from coming on school property and/or attending scheduled school activities, the availability of alternative education programs and the student's right to return to regular school attendance upon the expiration of the suspension.
4. Appeals of disciplinary actions resulting in out-of-school suspension of ten (10) days or less shall be governed by the procedures set forth in Policy 5-6 and Regulation 5-6.1.
5. If the principal or ~~his/her~~ principal's designee determines that the student's presence at the school creates a continuing danger to persons or property or an ongoing threat of disruption, the student may be removed from school immediately and the notice, explanation of the facts and opportunity to present ~~his/her~~ the student's version shall be given as soon as practicable thereafter.
6. If a student is unavailable to meet with the principal or designee due to incarceration, hospitalization, or other reason, the principal or designee may hold the meeting with the parent/legal guardian of a minor student or a designated representative of the adult student or send a written explanation to the student.

## D. Out-of-School Suspension for Eleven to Forty-five Days or Expulsion

### 1. Meeting with principal or designee

If the principal or ~~his/her~~principal's designee decides to recommend a long term suspension (eleven to forty five school days) or expulsion, the principal or designee~~he/she~~ shall inform the student in writing of the charges ~~against him/her~~, give an explanation of the facts known and provide the student with the opportunity to present ~~his/her~~the student's version of what occurred and immediately notify the minor student's parent/legal guardian in writing of the following:

- a. The proposed action, the length of any suspension or expulsion, when the student may return to school or to an appropriate alternative education program, and reasons therefor;
- b. The right of the adult student or ~~his/her~~ parent/legal guardian of a minor student to participate in a hearing before a hearing officer or discipline committee as determined by the Superintendent or designee in the case of a recommendation for long term suspension or expulsion within ten (10) school days from the date of the notice from the principal, assistant principal, or acting principal or designee;
- c. The right to inspect the student's records; and
- d. The adult student ~~and his or~~ parent/legal guardian of a minor student shall be provided with a copy of the Policy on Student Suspensions and Expulsions and Regulation on Suspension, Long-Term Suspension, and Expulsion.

### 2. Long Term Suspension

In the case of a recommendation for long term suspension, the Superintendent ~~or his/her~~ designee's, the Director of the Office of Student Leadership or designee, shall arrange a time and place for the hearing and notify in writing the adult student of the parent/legal guardian of a minor student~~and the parent~~ and the principal.

- a. A student disciplinary packet will be prepared and provided to the hearing officer and involved parties prior to the hearing. At the hearing, the principal or ~~his/her representative designee~~ shall present any additional evidence ~~he/she wishes~~ in support of the recommendation and the student, the student's representative or the his/her parent/legal guardian of a minor student ~~or representative~~ may present any evidence. Both parties may submit questions of witnesses

- to the hearing officer during the course of the hearing, and the hearing officer shall be free to ask questions of witnesses at any time. The hearing officer may continue the hearing to another date when ~~he/she deems~~ such action necessary for the full development of the facts.
- b. The hearing officer may uphold the recommendation of the principal either in whole or in part or reject it entirely.
  - c. The hearing officer, through the Director of Student Leadership, shall advise the adult student or parent/legal guardian of a minor student in writing of ~~his/her~~the decision and of their right to an appeal to a discipline committee of the School Board. A copy of this letter shall be sent to the principal.
  - d. The adult student or ~~his/her~~ parent/legal guardian of a minor student may appeal a decision of the hearing officer to the discipline committee of the School Board by notifying the Director of the Office of Student Leadership in writing of ~~his/her~~the intent to appeal within five (5) school days from receipt of decision. This time limit shall be so stated in the above letter from the Director of Student Leadership or designee. Failure to file a written appeal within the specified time will constitute a waiver of the right to an appeal. The discipline committee will consider the appeal within thirty (30) days of the appeal but such date may be extended by mutual consent or when it is not practicable to hold the hearing within the thirty (30) day period.
  - e. If the decision of the full discipline committee is unanimous, the adult student or ~~his/her~~ parent/legal guardian of a minor have no right of appeal to the full School Board. If the full committee's decision is not unanimous or if the decision is made by a committee consisting of less than three School Board members as outlined in School Board Policy 5-21 D, the adult student or ~~his/her~~ parent/legal guardian of a minor student may appeal the discipline committee's decision to the full School Board. The notice of right to appeal must be in writing~~parent or adult student must be notified in writing of his/her~~the right to appeal. The appeal must be in writing and must be filed with the Director of the Office of Student Leadership within five (5) school days of the receipt ~~by the parent or adult student of~~ the committee's decision. Failure to file a written appeal within the specified time will constitute a waiver of the right to appeal. The School Board shall consider the appeal within thirty (30) school days of the request for an appeal but such date may be extended by mutual consent or when it is not practicable to hold the hearing within the thirty (30) day period.
  - e.f. A copy of the record, and any additional evidence provided to the discipline committee will be provided to the School Board and the

parties prior to the hearing. The School Board, at its election, may hear oral argument on the appeal.

### 3. Expulsion

In the case of a recommendation for expulsion, the Superintendent or ~~his/her~~ designee shall review the principal's recommendation ~~which he/she and~~ may uphold or modify such recommendation. If the Superintendent or ~~his/her~~ designee upholds the recommendation of expulsion, ~~he/she, shall notify~~ the adult student and his/her parent/legal guardian of a minor student will be notified of the time and place of a hearing before a discipline committee of the School Board. A hearing shall be held before the discipline committee within ten (10) school days of the date of notice from the principal or ~~his/her principal's~~ designee as outlined in paragraph G(3) of Policy 5-21 but may be extended past thirty by mutual consent of the parties or when it is not practicable to hold the hearing in such time period. The discipline committee has the authority to confirm, disapprove or amend the recommendation to expel the student that is upheld by the Director of the Office of Student Leadership or designee. If the decision of the full discipline committee is unanimous, the adult student or his/her parent/legal guardian of a minor student have no right of appeal to the full School Board. If the full committee's decision is not unanimous or if the decision is made by a discipline committee consisting of less than three School Board members as outlined in School Board Policy 5-21 D, an appeal may be made the student and parent may appeal to the full School Board by notifying the Superintendent or ~~his/her~~ designee within five (5) school days of receipt of the committee's decision ~~by the student or parent~~ as outlined in paragraph G (4) of Policy 5-21.

### 4. Notice Requirements

The written notice from the hearing officer or the discipline committee ~~to the student and parent~~ upholding a long-term suspension or expulsion recommendation shall also provide information concerning the availability of community-based education, alternative education, training or intervention programs.

The notice shall indicate in the case of suspension: when the student is eligible to return to regular school attendance and whether the student may attend an alternative education program during or upon the expiration of the suspension. In the case of expulsion, the notice shall state whether the student is eligible to return to regular school attendance or to attend an alternative education program or an adult education program offered by the School Division ~~division~~ during or upon the expiration of the expulsion and the terms or conditions of readmission to programs of the School D~~ivision~~. If an expelled student is found to be ineligible to return to regular school attendance or to attend an alternative education program or adult education program in the S~~s~~chool D~~d~~ivision during expulsion, the adult student or the

~~and~~ parent/legal guardian of a minor student shall be advised that the student may petition the School Board in writing for readmission after one calendar year from the date of ~~his/her~~ the student's expulsion and of the conditions under which readmission may be granted.

5. Status of Student Pending Hearing and Appeal

A student recommended for long-term suspension or expulsion shall remain suspended pending a hearing. If the student is recommended to attend an alternative placement by a hearing officer or discipline committee, the student must enroll in that program pending resolution of the appeal process or waive any loss of educational opportunity for the period between notification of eligibility for the alternative placement and final resolution of the appeal.

6. Expulsion Factors to be Considered

In making a recommendation to expel a student for misconduct, other than for actions specified in Virginia Code § 22.1-277.07 and § 22.1-277.08 (related to firearms and drug offenses) the principal or ~~his~~ principal's designee shall consider and document, in writing, the following factors;

- a. the nature and seriousness of the violation;
- b. the degree of danger to the school community;
- c. the student's disciplinary history, including the seriousness and number of previous infractions;
- d. the appropriateness and availability of an alternative education placement or program;
- e. the student's age and grade level;
- f. the results of any mental health, substance abuse, or special education assessments;
- g. the student's attendance and academic records; and
- h. such other matters as he deems appropriate.

The written documentation of the principal or ~~his~~ principal's designee regarding the consideration of these factors shall be transmitted to the Superintendent/designee, Hearing Officer, Discipline Committee/School Board with the student's case and each shall consider these factors in recommending expulsion of the student. 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 School Board from considering any of these factors as "special circumstances" for purposes of Virginia Code § 22.1-277.07 and § 22.1-277.08.

#### **E. Reinstatement, Admission and Readmission of Suspended or Expelled Students**

1. Expelled adult students or the parent/legal guardian of a minor student~~and the parent~~ shall be notified in writing of the schedule for applying/reapplying for readmission. The scheduled date for applying for readmission will ensure that the hearing and ruling on any initial petition for readmission, if granted, would enable the student to resume school attendance one calendar year from the date of the expulsion. The Superintendent/designee shall establish a schedule pursuant to which such student may apply and reapply for readmission to school. Such schedule shall be designed to ensure that the hearing and ruling on any initial petition for readmission, if granted, would enable the student to resume school attendance one calendar year from the date of expulsion.
2. A student readmitted to school by the School Board or a committee thereof, or Superintendent or designee following a long term suspension or by the School Board following an expulsion shall be allowed to attend school subject to the terms of attendance set forth by the Superintendent or designee for a specified probationary term.

#### **F. Violation of Expulsion**

An expelled student who is found on school premises at any time without the permission of the principal, the Superintendent, or School Board may be referred to law enforcement authorities as a trespasser.

#### *Editor's Note*

*~~For discipline of students with disabilities, see Division Regulation 5-21.3.  
For appeals of In-School discipline or Out-of-School Suspension of ten days or less, see  
Division Regulation 5-6.1.~~*

#### **Legal Reference**

Code of Virginia § 22.1-277, as amended, Suspension and expulsion of pupils; generally.

Code of Virginia §§ 22.1-277.04 - 22.1-277.2:1, as amended.

#### **Related Links**

School Board **Policy 5-6**

School Board **Regulation 5-6.1**

School Board **Policy 5-21**

School Board **Regulation 5-21.3**

Approved by Superintendent: July 16, 1991

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Amended by School Board: 2021