

STUDENTS

Student Suspensions and Expulsions

A. Generally

Students may forfeit their right to educational opportunities when their conduct is such that it substantially and materially disrupts the educational process and/or deprives others of their rights to educational opportunities. (For suspension and expulsion of students with disabilities, see **Regulation 5-21.3**).

Students may be disciplined as set forth in the appropriate Code of Student Conduct, Discipline Guidelines promulgated by the Office of Student Leadership, the policies and administrative regulations of the School Board for any disturbance to the learning environment, and for other good and just cause. The frequency, duration and reasons for student suspensions shall be monitored by the Office of Student Leadership on a regular basis. The Discipline Guidelines promulgated by the Office of Student Leadership shall be consistent with law, School Board policies and regulations.

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; or step parent or other person standing in locos parentis to a 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. In-School Suspension – See Regulation 5-21.2

Editor's Note

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

1. Each school principal, assistant principal, acting principal or his/her designee may suspend a student when, in his/her judgment, this action is required. In the exercise of this authority, the principal or his/her designee is subject to all provisions of law, of this policy, School Board regulations, the Code of Student Conduct, and the Discipline Guidelines.
2. Students may be suspended from school for up to five (5) school days by the school principal, assistant principal, acting principal, or designee and for up to an additional five (5) school days by a principal with the concurrence of the Director of the Office of Student Leadership, acting as the Superintendent's designee.
3. Prior to imposing a suspension, the principal, assistant principal or acting principal or designee must inform the student of the charges against him/her.

If the student denies the charges, he/she must be given an explanation of the facts as known to school personnel and an opportunity to present his/her version of the facts. If he/she deems it necessary, the principal, assistant principal or acting principal or designee may conduct a further investigation into the matter. The

Superintendent shall promulgate regulations governing procedures for such suspensions which are in accordance with this policy and all provisions of law.

4. Students whose presence poses a continuing danger to persons or property or an ongoing threat of disruption may be removed from school immediately. The notice of charges, explanation of facts and opportunity to present his/her version of what occurred shall be provided as soon as practicable thereafter.
5. Upon suspension from school of any student, the principal, assistant principal or acting principal shall report the facts of the case in writing to the Superintendent or his/her designee, the student's parent, and the student as soon as practicable.
6. Appeals of disciplinary actions resulting in out-of-school suspensions of ten (10) days or less shall be governed by the procedures set forth in **Policy 5-6** and **Division Regulation 5-6.1**.
7. Notice to an adult student ~~or and at minor~~ the student's parent will include: notification of the length of 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 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 adult student ~~or and~~ the minor student's parent.

D. Out-of-School Suspensions ~~for Eleven to Forty-five Days in Excess of Ten Days~~ (Long-Term Suspensions)

1. The Superintendent or his/her designee(s) through a hearing officer may suspend students from school ~~for eleven to forty-five in excess of ten (10)~~ school days after providing the minor student and his/her parent ~~or the adult student~~ with written notice of the proposed action, the reasons therefore, the right to a hearing before the School Board or a discipline committee thereof, and a copy of the School Division's long-term suspension procedures.
2. The Superintendent shall promulgate regulations in accordance with the law to carry out this ~~P~~policy. In any case in which a student has been suspended by the Superintendent or his/her designee(s) after a hearing, ~~the adult student or the minor~~ student and his parent may appeal the decision to a discipline committee of the School Board. The parent ~~of the minor student~~ or ~~the~~ adult student must be notified in writing of his/her right to appeal. Such appeal must be in writing and must be filed with the Superintendent or his/her designee(s) within five (5) school days of the parent or student's receipt of the suspension decision. Failure to file a written appeal within the specified time will constitute a waiver of the right to an appeal.
3. The discipline committee shall be composed of at least three (3) voting School Board ~~M~~members and the ~~school counselor~~ ~~Coordinator of Guidance Services, or designee~~, who will serve as a nonvoting member. In the event that only two School Board ~~M~~members are present, the discipline committee may proceed to hear and decide the appeal with the ~~Coordinator of Guidance Services, school counselor,~~ or designee, providing the third vote. The discipline committee, however constituted, will consider the appeal within thirty (30) days and transmit its decision to the student, ~~his/her the~~ parent of a minor student, the principal and the Superintendent or designee.

4. If the decision of the full discipline committee is unanimous, the student or his/her parent if the student is a minor have no right of appeal to the full School Board. If the full discipline committee's decision is not unanimous, or the decision is made by a discipline committee consisting of less than three School Board Mmembers, the student or his/her parent if the student is a minor may appeal the discipline committee's decision to the full School Board. The parent or adult student must be notified in writing of his/her 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 parent's or student's receipt of the discipline 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) days of the request for an appeal. A copy of the record which the School Board may consider as part of the appeal shall be furnished to the adult student or the minor student's parent prior to or contemporaneous with it being furnished to the School Board. The School Board, at its election, may hear oral argument on the appeal.

4.5. The written notice required by this section shall include notification of the length of the suspension, shall provide information to the parent of the student concerning the availability of community-based educational, training, and intervention programs. Such notice shall state further 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 the expiration of the suspension, and the terms or conditions of such readmission. The costs of any community-based educational, training or intervention program that is not a part of the educational program offered by the School Division that the student may attend during his suspension shall be borne by the minor student's parent or the adult student.

~~5. Notice to a student and the student's parent will include: notification of the length of 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 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 student and the student's parent.~~

E. Violation of Out-of-School Suspension

While a student is under out-of-school suspension, he/she is denied access to the school premises except with the permission of the principal or his/her designee. If a student under out-of-school suspension is found on the school premises without the permission of the principal or his/her designee, he/she shall be referred to the juvenile court authorities and/or shall be deemed a trespasser and prosecuted as such.

Any student who is under out-of-school suspension and also enrolled in a work cooperative program and/or extracurricular activities shall be restricted from employment and/or excluded as a participant or spectator from extracurricular activities until reinstated in his/her school. This also applies to students with disabilities.

Students who are subject to suspensions held in abeyance or probation periods will be subject to the terms set forth by the discipline decision. Violation of any of those terms may result in activation of the suspension and/or further discipline action being taken.

F. Reinstatement of Suspended Students

Any student who has been suspended from a school of this division is not eligible to attend any other school within the division until eligible to return to his/her regular school. The manner in which a student is received on returning from his/her suspension is of utmost importance. The following steps should be used when applicable.

1. Accompanied by the parent (if the student is a minor), the student shall report to the principal or other designated staff member upon return to school. The principal, with the parent and student, will discuss the need for the student to correct inappropriate behavior and conform to the expected behavior outlined in the Code of Student Conduct.
2. If there is a cause for an adjustment in the student's class schedule, the principal or another staff member shall consider the best class placement and confer with the teacher and/or counselor in preparation for the student's return, and shall explain the class schedule adjustment, if applicable.
3. The student shall be allowed to resume classroom activities subject to any terms as set forth by the principal.
4. If the parent fails to comply with this policy, the School Board may ask the Juvenile and Domestic Relations Court to proceed against him/her for willful and unreasonable refusal to participate in efforts to improve the student's behavior.

G. Expulsions

1. The principal or acting principal may recommend to the Superintendent that a student be expelled. The principal shall notify the student and his/her parent if the student is a minor in writing of the following:
 - a. The proposed action and the reasons therefor;
 - b. The right of the student and his/her parent to a hearing before a hearing officer or a discipline committee of the School Board as determined by the Superintendent, or his/her designee, if the recommendation to expel is upheld by the Superintendent, or his/her designee;
 - c. The right to inspect the student's school records;
 - d. The right to appeal the decision of a ~~hearing officer to a discipline committee and appeal a non-unanimous decision confirming the expulsion made by the discipline committee non-unanimous, full discipline committee or a decision made by a discipline committee consisting of less than three School Board Members~~ to the full School Board;
 - e. The student and his/her parent if the student is a minor shall also be provided a copy of the School Division's expulsion procedures.
2. In making a recommendation to expel a student for misconduct, other than misconduct involving firearms or drugs, the principal or his 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 deemed appropriatedeems appropriate.~~

The written documentation of the principal regarding his/her 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. However, no decision to discipline a student shall be reversed on the grounds such factors were not considered.

3. The Superintendent, or his/her designee(s), shall review the principal's recommendation for expulsion and may either uphold or modify it. If the principal's recommendation of expulsion is upheld by the Superintendent or his/her designee(s), the Superintendent or his/her designee shall notify the student and his/her parent of the time and place of a hearing before ~~a hearing officer or a~~ discipline committee of the School Board. If the expulsion recommendation is reduced to a long-term suspension recommendation by the Superintendent's designee and is referred to a hearing officer, the student may appeal the decision rendered by the hearing officer to a discipline committee of the School Board. The discipline committee of the School Board is composed of at least three (3) voting members of the School Board and the ~~Coordinator of Guidance Services school counselor, or designee,~~ who will serve as a nonvoting member. In the event that only two School Board members are present, the committee can proceed to hear and decide the appeal with the school counselorCoordinator of Guidance Services, or designee, providing the third vote.

~~a. If the Superintendent or designee modifies the principal's recommendation to a long-term suspension, the student will be referred to a hearing officer and the matter will be heard as a long-term suspension.~~

~~A discipline committee of the School Board must confirm or disapprove any decision to actually expel a student without services, whether an appeal is noted or not.~~

4. The procedure for a hearing before a discipline committee of the School Board shall be as follows:
 - a. The discipline committee shall determine 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 discipline committee.

- b. The discipline committee may ask for opening statements from the principal or his/her representative and the student or his/her parent (or representative) and, at the discretion of the discipline committee, 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 the discipline committee members and by the parties (or their representatives). The discipline committee 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, that the discipline committee may take the testimony of student witnesses outside the presence of the student, his/her parent and their representative if the School Board determines, in its discretion, that such action is necessary to protect the student witnesses.
 - d. The parties shall produce such additional evidence as the discipline committee may deem necessary. The discipline committee shall be the judge of the relevancy and materiality of the evidence.
 - e. The discipline committee will receive a copy of the student disciplinary package and any exhibits offered by the student prior to the hearing. Additional exhibits offered by the parties may be received into evidence by the discipline committee and, when so received, shall be marked and made part of the record.
 - f. The discipline committee may, by majority vote, confirm, disapprove or alter the recommendation.
 - g. The discipline committee shall transmit its decision to the student, his/her parent, the principal and the Superintendent.
5. If the decision of the full discipline committee is unanimous, the student or his/her parent if the student is a minor has ~~ve~~ no right of appeal to the full School Board. If the discipline committee's decision is not unanimous or the decision is made by a committee consisting of less than three School Board ~~M~~members, the student or his/her parent if the student is a minor may appeal the discipline committee's decision to the full School Board. The appeal must be in writing and must be filed with the Superintendent within five (5) school days of the discipline committee's decision or receipt of the discipline committee's decision by the student or parent. 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 upon the record within thirty (30) days of the request for an appeal and shall transmit its decision to the student, his/her parent, the principal and the Superintendent. A copy of the record which the School Board may consider as part of the appeal shall be furnished to the student or parent of the minor student prior to or contemporaneous with it being furnished to the School Board. The School Board, at its election, may hear oral argument on the appeal.
6. The written notice required by this section shall include notification of the length of the expulsion, shall provide information to the parent of the minor student or the adult student concerning the availability of community-based educational, training,

and intervention programs. Such notice shall state further 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 the 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 a part of the educational program offered by the School Division that the student may attend during his expulsion shall be borne by the parent of the minor student or by the adult student.

Nothing in this section shall be construed to prohibit the School Board from permitting or requiring students expelled pursuant to this section 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 adult student or parent that the student may petition the School Board for readmission to be effective one calendar year from the date of his-the expulsion, and of the conditions, if any, under which readmission may be granted.

The School Board shall establish a schedule pursuant to which the student may apply and reapply for readmission to school. Such schedule shall be designed to ensure that the hearing and ruling on any petition for readmission, if granted, would enable the student to resume school attendance one calendar year from the date of the expulsion.

H. Readmission of Expelled Students

Students who have been expelled by the School Board may be readmitted to school by the School Board following a full calendar year from the date of expulsion and a hearing before the School Board or a discipline committee thereof or under the terms for readmission established by the discipline committee or the School Board for the student at the time of the expulsion. ~~If an appeal for readmission is denied by a committee of the School Board, the student has a right of appeal to the full board.~~

Editor's Note

~~See Division Regulation 5-10.1 for division's procedures for admission of students expelled or suspended from attendance at school by another school board or private school.~~

I. Violation of Expulsion

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

Editor's Note

See **Division Regulation 5-10.1** for division's procedures for admission of students expelled or suspended from attendance at school by another school board or private school

For In-School Suspension see Division Regulation 5-21.2.
For appeal of In-School Suspension, see Division Regulation 5-6.1

Legal Reference:

Code of Virginia Code §22.1-276.01 through 22.1-277.2:1, as amended.

Adopted by School Board: July 13, 1993 (Effective August 14, 1993)

Amended by School Board: October 19, 1993

Amended by School Board: April 19, 1994

Amended by School Board: July 19, 1994

Amended by School Board: December 17, 1996

Amended by School Board: October 7, 1997

Amended by School Board: May 19, 1998 (Effective July 1, 1998)

Amended by School Board: September 21, 1999

Amended by School Board: June 5, 2001

Amended by School Board: October 9, 2001

Amended by School Board: October 19, 2004

Amended by School Board: April 4, 2006

Amended by School Board: August 28, 2018

APPROVED AS TO
LEGAL SUFFICIENCY

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