

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.

Alexandria City Public Schools (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 Behavioral Interventions and Supports (PBIS), including the use of peer mediation, counseling and Restorative Practices (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*, ACPS 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)

93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140

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:

- i. 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
- ii. 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
- iii. That a student engaged in a serious offense that is:
 - a. persistent (repeated similar behaviors are documented on the student’s disciplinary record); and
 - b. unresponsive to targeted interventions as documented through an established intervention process.

“Alternative education program” includes 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 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” 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 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

141 disability.

142

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146 whom admission has been withdrawn by a private school in Virginia or another state.

147

148 **“Expulsion”** means any disciplinary action imposed by the School Board whereby a
149 student is not permitted to attend school within the school division and is ineligible for
150 readmission for 365 calendar days after the date of the expulsion.

151

152 **“Firearm”** means (1) any weapon, including a starter gun, that will, or is designed or
153 may readily be converted to, expel single or multiple projectiles by the action of an
154 explosion of a combustible material (2) the frame or receiver of any such weapon; or (3)
155 any unloaded firearm in a closed container. “Firearm” does not include any pneumatic
156 gun as defined in this policy.

157

158 **“Long-term suspension”** means any disciplinary action whereby a student is not
159 permitted to attend school for 11 to 45 school days. (A long-term suspension may extend
160 beyond a 45-school-day period but shall not exceed 364 calendar days if (i.) the offense is
161 one described in Va. Code §§ 22.1-277.07 or 22.1-277.08 or involves serious bodily
162 injury or (ii.) the School Board or Superintendent or designee finds that aggravating
163 circumstances exist, as defined by the Virginia Department of Education regulations.)

164

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

166

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

171

172 **“School property”** means any real property (i.e., buildings and grounds) owned or
173 leased by the School Board or any vehicle owned or leased by the School Board or
174 operated by or on behalf of the School Board.

175

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

178

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

184

- 185 • The nature and seriousness of the conduct;
- 186 • The degree of danger to the school community;
- 187 • The student’s disciplinary history, including the seriousness and number of
- 188 previous infractions;

- 189 • The appropriateness and availability of an alternative education placement or
- 190 program;
- 191 • The student's age and grade level;
- 192 • The results of any mental health, substance abuse, or special education
- 193 assessments;
- 194 • The student's attendance and academic records; and
- 195 • Other appropriate matters.

196
197 **"Superintendent's designee"** (in Sections VI, VII, IX and XI of this policy) means a 1)
198 trained hearing officer or 2) professional employee in the administrative offices of the
199 school division who reports directly to the Superintendent, and who is not a school-based
200 instructional or administrative employee.

201
202 **V. SUSPENSION AND EXPULSION OF STUDENTS GENERALLY**

203
204 Students may be suspended or expelled from attendance at school for sufficient cause;
205 however, **in no case may sufficient cause for suspension include only instances of**
206 **truancy.**

207
208 **Examples of conduct that may result in suspension or expulsion, as well as the**
209 **SBAR tiered, interventions and administrative responses to such conduct that**
210 **provide alternatives to exclusionary discipline, are provided in Regulation JGD-**
211 **R/JGE-R and the Student Code of Conduct.**

212
213 Except as provided in subsection C of Va. Code § 22.1-277 or Va. Code §§ 22.1-277.07
214 or 22.1-277.08 (i.e., certain drug or firearms offenses or commission of certain
215 reportable acts that would be a crime if committed by an adult), no student in preschool
216 through grade three is suspended for more than three (3) school days per incidence or
217 expelled from attendance at school, unless (i) the offense involves physical harm or
218 credible threat of physical harm to others or (ii) the School Board or the Superintendent
219 or designee finds that aggravating circumstances exist, as defined by the Virginia
220 Department of Education (VDOE).

221
222 Any student for whom the Superintendent has received a report pursuant to Va. Code §
223 16.1-305.1 of an adjudication of delinquency or a conviction for an offense listed in
224 subsection G of Va. Code § 16.1-260 (i.e., commission of certain acts that would be a
225 crime if committed by an adult), may be suspended or expelled from school attendance.

226
227 The authority of teachers to remove students from their classes in emergency situations
228 or in certain instances of disruptive behavior, in accordance with the requirements of
229 Policy JFCA: *Teacher Removal of Students from Class*, does not affect the operation of
230 this policy.

231

232 VI. SHORT-TERM SUSPENSION

233 A. Generally

234 A student may be suspended for not more than ten (10) school days by either the
 235 school principal or the appropriate administrator. The principal or appropriate
 236 administrator may suspend the student after giving the student oral and written notice
 237 of the charges against the student, and if the student denies them, an explanation of
 238 the facts as known to school personnel and an opportunity to present the student's
 239 version of what occurred. In the case of any student whose presence poses a
 240 continuing danger to persons or property, or whose presence is an ongoing threat of
 241 disruption, the student may be removed from school immediately and the notice,
 242 explanation of facts, and opportunity to present the student's version is given as soon
 243 as is practical thereafter.

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

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

252 Any oral or written notice to the parent/guardian of a student who is suspended from
 253 school attendance for not more than ten (10) days includes notification of the length
 254 of the suspension, information regarding the availability of community-based
 255 educational programs, alternative education programs or other educational options,
 256 and of the student's right to return to regular school attendance upon the expiration of
 257 the suspension.

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

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

268 B. Appealing Short-term Suspensions:

269 A notice of short-term suspension may be appealed directly to the school
 administrator who suspended the student. A letter of appeal must be mailed, emailed

280 or delivered to the school administration within 24 hours of the first notification of
281 the student’s suspension, which is most often a phone call from a school
282 administrator, followed by a letter to the parent/guardian.

283
284 The full procedure and timeline for appealing a suspension of 10 days or less are
285 outlined in Regulation JGD-R/JGE-R. The final decision regarding an appeal of a
286 short-term suspension is made by the Superintendent or designee, and may not be
287 appealed to the School Board.

288
289 **VII. LONG-TERM SUSPENSION**

290 A. Generally

291
292
293 A student may be suspended from attendance for 11 to 45 school days after written
294 notice is provided to the student and the student’s parent/guardian of the proposed
295 action and the reasons therefore, and of the right to a hearing before the
296 Superintendent or designee.

297
298 The written notice of a suspension for 11 to 45 school days includes notification of
299 the length of suspension and provides information concerning the availability of
300 community-based educational, alternative education, or intervention programs. Such
301 notice also states that the student is eligible to return to regular school attendance
302 upon the expiration of the suspension or to attend an appropriate alternative education
303 program approved by the School Board during or upon the expiration of the
304 suspension.

305
306 During any period of suspension greater than ten (10) school days, ACPS will provide
307 the student with academic and support services. Each student’s program of services
308 will be determined by the Superintendent or designee, and may include, but not be
309 limited to, online learning platforms, in-home instruction (or instruction provided at
310 an alternate location), and social/emotional supports related to the behavior. This will
311 allow students to maintain sufficient progress in the curriculum and a smooth
312 transition back into the student’s school once the suspension term concludes The
313 Superintendent or designee ensures that suspended students are able to access and
314 complete graded work during and after their suspension.

315
316 Schools should provide an academically appropriate alternative education program
317 that permits students serving a long-term suspension to maintain sufficient progress in
318 the curriculum and allow a smooth transition back into the student’s school once the
319 suspension term concludes. If no alternative education program is provided, schools
320 must ensure that suspended students are able to access and complete graded work
321 during and after the suspension.

322
323 A long-term suspension may extend beyond a 45-school-day period but will not
324 exceed 364 calendar days if (i.) the offense is one described in Va. Code §§ 22.1-
325 277.07 or 22.1-277.08 or involves serious bodily injury or (ii.) the School Board or
326 Superintendent or designee finds that aggravating circumstances exist, as defined by
327 the Virginia Department of Education.

328
329
330
331
332
333
334
335
336
337
338
339
340
341
342
343
344
345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375

Nothing herein 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 the student’s parent/guardian of the proposed action and the reasons therefor and of the right to a hearing before the School Board.

The written notice given to the student and the student’s parent/guardian includes notification of the length of the expulsion and provides information to the parent/guardian of the student concerning the availability of community-based educational, training, and intervention programs. The notice 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 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.

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 tiered interventions provided by ACPS for the term of the expulsion

Nothing in this section 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.

376 If the School Board determines that the student is ineligible to return to regular school
377 attendance or to attend during the expulsion an alternative education program or an
378 adult education program in the school division, the written notice also advises the
379 parent/guardian of the student that the student may petition the School Board for
380 readmission to be effective one (1) calendar year from the date of the expulsion, and
381 of the conditions, if any, under which readmission may be granted.

382
383 **Regulation JGD-R/JGE-R outlines the process and schedule pursuant to which**
384 **students may apply and reapply for readmission to school after expulsion.**

385
386 B. Firearms, Destructive Devices and Pneumatic Guns Offenses

387
388 The School Board will expel from school attendance for a period of not less than one
389 (1) year any student whom the School Board has determined to have possessed a
390 firearm on school property or at a school-sponsored activity as prohibited by Va.
391 Code §18.2-308.1, or to have possessed a firearm or destructive device as defined in
392 this policy, a firearm muffler or firearm silencer or a pneumatic gun as defined in this
393 policy on school property or at a school-sponsored activity.

394
395 A school administrator or the School Board **may, however, determine, based on the**
396 **facts of a particular situation that special circumstances (as defined in Section**
397 **IV. of this policy) exist and no disciplinary action or another disciplinary action**
398 **or another term of expulsion is appropriate.**

399
400 In addition, the School Board, authorizes the Superintendent or designee to conduct a
401 preliminary review of such cases to determine whether a disciplinary action other
402 than expulsion is appropriate.

403
404 **Nothing in this section requires a student's expulsion regardless of the facts of**
405 **the particular situation.**

406
407 The provisions of this section do **not** apply to students who possess a firearm (or
408 firearms or pneumatic guns) as a part of the curriculum or other programs sponsored
409 by the schools in the school division (e.g., JROTC), or any organization permitted to
410 use school premises.

411
412 C. Drug Offenses

413
414 The School Board will expel from school attendance any student whom the School
415 Board has determined to have brought a controlled substance or imitation controlled
416 substance as those terms are defined in Va. Code §18.2-247 onto school property or
417 to a school-sponsored activity.

418
419 **The School Board may, however, determine, based on the facts of the particular**
420 **case that special circumstances (as defined in Section IV. of this policy) exist and**
421 **another disciplinary action is appropriate.**

422
423 In addition, the School Board authorizes the Superintendent or designee to conduct a

424 preliminary review of such cases to determine whether a disciplinary action other
425 than expulsion is appropriate.

426
427 **Nothing in this section requires a student's expulsion regardless of the facts of**
428 **the particular situation.**

429
430 D. Factors Considered When Making Expulsion Recommendations

431
432 Recommendations for expulsion for actions other than those specified above are
433 based on consideration of the following factors:

- 434
- 435 • The nature and seriousness of the conduct;
 - 436 • The degree of danger to the school community;
 - 437 • The student's disciplinary history, including the seriousness and number of
438 previous infractions;
 - 439 • The appropriateness and availability of an alternative education placement or
440 program;
 - 441 • The student's age and grade level;
 - 442 • The results of any mental health, substance abuse, or special education
443 assessments;
 - 444 • The student's attendance and academic records; and
 - 445 • Other appropriate matters.
- 446

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

451
452 E. Appealing Expulsions

453
454 A notice of expulsion may be appealed to the full School Board within five (5)
455 business days of receipt of the notice. The appeal is decided by the School Board
456 within 30 days of its receipt.

457
458 The full procedure and timeline for appealing an expulsion are outlined in Regulation
459 JGD-R/JGE-R. **The final decision regarding an appeal of an expulsion is made by**
460 **the School Board.** Regardless of whether the student exercises the right to an appeal
461 hearing, the School Board confirms or disapproves of the proposed expulsion.

462
463 **IX. ALTERNATIVE EDUCATION PROGRAM**

464
465 The School Board may require any student who has been:

- 466
- 467 • Charged with an offense relating to the laws of Virginia, or with a violation of School
468 Board policies, on weapons, alcohol, or drugs, or intentional injury to another person,
469 or with an offense that is required to be disclosed to the Superintendent pursuant to
470 Va. Code §16.1-260.G;
 - 471 • Found guilty or not innocent of an offense relating to Virginia's laws on weapons,

- 472 alcohol, or drugs, or of a crime that resulted in or could have resulted in injury to
 473 others, or of an offense that is required to be disclosed to the Superintendent of the
 474 school division pursuant to Va. Code § 16.1-260.G;
- 475 • Found to have committed a serious offense or repeated offenses in violation of School
 476 Board policies;
 - 477 • Suspended pursuant to Va. Code § 22.1-277.05; or
 - 478 • Expelled pursuant to Va. Code §§. 22.1-277.06, 22.1-277.07, or 22.1-277.08 or
 479 subsection C of Va. Code § 22.1-277, to attend an alternative education program.

480
 481 The School Board may require such student to attend such programs regardless of where
 482 the conduct occurred.

483
 484 The School Board authorizes the Superintendent or designee to require students to attend
 485 an alternative education program consistent with the provisions of the previous paragraph
 486 after:

- 487 (i) written notice to the student and the student’s parent/guardian that the student will
 488 be required to attend an alternative education program; and
- 489 (ii) notice of the opportunity for the student or the student’s parent/guardian to
 490 participate in a hearing to be conducted by the Superintendent or designee
 491 regarding the placement. If the student or parent/guardian wants to participate in
 492 a hearing regarding the placement, the student or parent/guardian must notify the
 493 Superintendent or designee within five (5) business days of receiving the written
 494 notice of the student’s assignment to the alternative education program.
- 495 (iii) The decision of the Superintendent or designee regarding the alternative education
 496 placement is final, unless altered by the Board upon written petition by the student
 497 or student’s parent/guardian for a review of the record by the School Board. Such
 498 petition must be received by the Superintendent or designee within five (5)
 499 business days after receiving written notice of the decision after the hearing.

500
 501 A principal or designee may impose a short-term suspension, pursuant to Va. Code §
 502 22.1277.04, upon a student who has been charged with an offense involving intentional
 503 injury enumerated in Va. Code § 16.1-260.G, to another student in the same school
 504 *pending a decision as to whether to require that such student attend an alternative*
 505 *education program.*

506
 507 As used in this section, “charged” means that a petition or warrant has been filed or is
 508 pending against a student.

509
 510 To support students with appropriate interventions, ALL students who violate Policy
 511 JFCF/JFCI: *Alcohol and Other Drugs (AOD) in Schools* will be eligible for referral to
 512 Substance Abuse (SA) services.

513
 514 In alignment with Va. Code § 22.1-277.2:1, ACPS *requires* any student involved in Code
 515 of Conduct violations related to alcohol or drug use or distribution to be referred to SA
 516 Services for evaluation and/or assessment for drug or alcohol abuse or both. If
 517 recommended by the SA Counselor (SAC) and with the consent of the student’s
 518 parent/guardian, the student may be referred to participate in a community-based
 519 treatment program.

520 **X. REQUIREMENTS FOR REPORTING OFFENSES**

521
522 For the purposes of this section, “parent” or “parents” means any parent, guardian, or
523 other person having control or charge of a child.

524
525 Whenever a student commits an act that is a reportable incident as set forth in this
526 section, the student will also participate in prevention and intervention activities as
527 deemed appropriate by the Superintendent or designee, in accordance with Va. Code §
528 22.1-279.3:1.C.

529
530 **A. Staff Member Reports to the Superintendent and Principal**

531
532 Except as may otherwise be required by federal law, regulation, or jurisprudence,
533 reports are made to the Superintendent and to the principal or designee on all
534 incidents involving:

- 535
- 536 1. The assault, or assault and battery, without bodily injury, of any person on a
537 school bus, on school property, or at a school-sponsored activity;
 - 538
 - 539 2. The assault and battery which results in a bodily injury, sexual assault, death,
540 shooting, stabbing, cutting, or wounding of any person, abduction of any person
541 as described in Va. Code § 18.2-47 or Va. Code § 18.2-48, or stalking of any
542 person as described in Va. Code § 18.2-60.3, on a school bus, on school property,
543 or at a school-sponsored activity;
 - 544
 - 545 3. Any conduct involving alcohol, marijuana, a controlled substance, imitation
546 controlled substance, or an anabolic steroid on a school bus, on school property,
547 or at a school-sponsored activity, including the theft or attempted theft of student
548 prescription medications;
 - 549
 - 550 4. Any threats against school personnel while on a school bus, on school property, or
551 at a school-sponsored activity;
 - 552
 - 553 5. The illegal carrying of a firearm as defined in Va. Code 22.1-277.07 on a school
554 bus, on school property, or at a school-sponsored activity;
 - 555
 - 556 6. Any illegal conduct involving firebombs, explosive materials or devices, or hoax
557 explosive devices, as defined in Va. Code § 18.2-85 or explosive or incendiary
558 devices, as defined in Va. Code § 18.2-433.1, or chemical bombs, as described in
559 Va. Code § 18.2-87.1, on a school bus, on school property, or at a school-
560 sponsored activity;
 - 561
 - 562 7. Any threats or false threats to bomb, as described in Va. Code § 18.2-83, made
563 against school personnel or involving school property or school buses;
 - 564
 - 565 8. The arrest of any student for an incident occurring on a school bus, on school
566 property or at a school sponsored activity, including the charges involved; and
567

568 9. Any illegal possession of weapons, alcohol, drugs or tobacco products.

569

570 B. Law Enforcement Reports to the Superintendent and Principal

571

572 The Superintendent and the principal or principal’s designee receive reports made by
573 local law enforcement authorities on offenses, wherever committed, by students
574 enrolled at the school if the offense would be a felony if committed by an adult or
575 would be a violation of the Drug Control Act, Va. Code § 54.1-3400 et seq., and
576 occurred on a school bus, on school property, or at a school-sponsored activity, or
577 would be an adult misdemeanor involving any incidents described in the clauses (1)
578 through (8) of subsection X.A. of this policy, and whether the student is released to
579 the custody of the student’s parent/guardian or, if 18 years of age or more, is released
580 on bond. If the Superintendent receives notification that a juvenile has committed an
581 act that would be a crime if committed by an adult pursuant to subsection G of Va.
582 Code § 16.1-260, the Superintendent reports such information to the principal of the
583 school in which the juvenile is enrolled.

584

585 C. Reports from the Principal and Superintendent to VDOE

586

587 The principal or designee submits a report of all incidents required to be reported
588 pursuant to subsection X.A. (1-8) of this policy to the Superintendent. The
589 Superintendent annually reports all such incidents to the Virginia Department of
590 Education (VDOE).

591

592 In submitting reports of such incidents, principals and the Superintendent accurately
593 indicate any offenses, arrests, or charges as recorded by law-enforcement authorities
594 and required to be reported by such authorities pursuant to subsection X.B. of this
595 policy.

596

597 D. Reports to Parents/Guardians

598

599 The principal or principal’s designee also notifies the parent/guardian of any student
600 involved in an incident required by this subsection to be reported, regardless of
601 whether disciplinary action is taken against such student or the nature of the
602 disciplinary action. Such notice relates to only the relevant student’s involvement and
603 does not include information concerning other students.

604

605 E. Reports from the Principal to Law Enforcement

606

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

612

613 In addition, except as may otherwise be required by federal law, regulation, or
614 jurisprudence, the principal also immediately reports any act enumerated in clauses
615 (2) through (5) of subsection X.A. of this policy that may constitute a criminal

616 offense to the parents/guardians of any minor student who is the specific object of
 617 such act. Further, the principal reports whether the incident has been reported to local
 618 law enforcement pursuant to this subsection and if the incident is so reported, that the
 619 parents/guardians may contact local law enforcement for further information, if they
 620 so desire.

621

622 **XI. READMISSION OF SUSPENDED AND/OR EXPELLED STUDENTS**

623

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

626

627 Any student who has been expelled or suspended for more than thirty (30) days from
 628 attendance at school by a school board or a private school in this Commonwealth or in
 629 another state or for whom admission has been withdrawn by a private school in this
 630 Commonwealth or in another state may be excluded from attendance in the Alexandria
 631 City Public Schools, in accordance with Policy JEC: *School Admission*. In the case of a
 632 suspension of more than thirty (30) days, the term of the exclusion may not exceed the
 633 duration of the suspension.

634

635 In excluding any such expelled student from school attendance, the School Board may
 636 accept or waive any or all of any conditions for readmission imposed upon such student
 637 by the expelling school board pursuant to Va. Code § 22.1-277.06. The Alexandria City
 638 School Board does not impose additional conditions for readmission to school.

639

640 No suspended student is admitted to the regular school program until the student and the
 641 student's parent/guardian have met with school officials to discuss improvement of the
 642 student's behavior, unless the school principal or designee determines that readmission,
 643 without parent conference, is appropriate for the student.

644

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

649

650 Upon the expiration of the exclusion period for an expulsion or a withdrawal of
 651 admission, which period is established by the School Board or Superintendent or
 652 designee, as the case may be at the relevant hearing, the student may re-petition the
 653 School Board for admission. If the petition for admission is rejected, the School Board
 654 will identify the length of the continuing exclusion period and the subsequent date upon
 655 which the student may re-petition the School Board for admission.

656

657 **Regulation JGD-R/JGE-R outlines the process and schedule for expelled students to**
 658 **apply and reapply for readmission to school.**

659

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

663

664 XII. DISCIPLINING STUDENTS WITH DISABILITIES

665
666 ACPS complies with the Individuals with Disabilities Education Act (IDEA), the
667 Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of
668 1973 when disciplining students with disabilities, as outlined in the Student Code of
669 Conduct and Policy JGDA: *Disciplining Students With Disabilities*.

670
671 Students with disabilities are entitled to all the same due process protections as students
672 who do not have disabilities, plus additional protections under federal and state law. In
673 general:

- 674 • Short-term suspensions: A short-term suspension is not considered a “change in
675 placement” for special education purposes, but ACPS will still provide a free and
676 appropriate education (FAPE) and strive to fulfill the student’s IEP during the
677 suspension. However, a series of short-term suspensions that form a pattern of
678 behavior can be considered a change in placement.
- 679 • In most cases, students with disabilities cannot be suspended for more than ten school
680 days for conduct that is caused by the disability.
- 681 • Students with disabilities who are long-term suspended or expelled are entitled to an
682 expedited decision from a due process hearing challenging the disciplinary action.

683 Policy JGDA: *Disciplining Students With Disabilities*, and Policy JGDB: *Discipline of*
684 *Students with Disabilities for Infliction of Serious Bodily Injury*, and Policy JM:
685 *Management of Student Behaviors in Emergency Situations*, outline the specific
686 procedural steps and safeguards related to discipline of students with disabilities.
687

688 XIII. COMMUNICATION WITH PARENT(S)/GUARDIAN(S)

689
690 All incidents resulting in recommendations for suspension or expulsion are documented
691 by school administrators. All such required documentation is maintained by ACPS.
692 Incident reports and all communications to the student’s parents/guardians will be in the
693 parents’/guardians’ preferred language. In addition, ACPS will provide written
694 notification of a student’s rights throughout the entirety of the disciplinary process to the
695 parents/guardians. This includes, but is not limited to, procedural steps and safeguards,
696 the right to appeal, and the right to legal representation. ACPS will also provide
697 parents/guardians with a list of pro bono legal resources.
698

699 XIV. DATA COLLECTION AND REPORTING

700
701 The Superintendent will annually provide the School Board with the prior school year’s
702 data reflecting all occurrences of discipline resulting in suspension or expulsion for each
703 school in the Division. The report will include disaggregated, demographic student data,
704 as well as the resulting administrative responses or consequences issued in accordance
705 with the Student Code of Conduct, and any referrals to law enforcement. In addition, to
706 make progress toward ACPS’ goal of an effective, equitable system for student discipline
707 that monitors more than outcomes (discipline sanctions) for groups of students, the report
708 will also include the opportunities (supports and interventions) provided to suspended

709 and expelled students to comprehensively assess administrative responses to student
 710 behavior. (The report will not include personally identifiable information regarding
 711 students.)
 712

713 As outlined in the current Memorandum of Understanding (MOU) between the
 714 Alexandria City School Board and the Alexandria Police Department (APD), any
 715 incident in which a law enforcement officer(s) makes official contact with a student(s)
 716 will be documented, tracked and reviewed by the Office of Safety and Security Services
 717 by using the ACPS Law Enforcement Occurrence Report Form.
 718

719 Disparities that arise through the process of data collection and reporting will be used by
 720 the School Board and Superintendent, in conjunction with stakeholder feedback, to
 721 inform future revision of this policy and its implementation procedures.
 722

- 723 Adopted: September 5, 1996
- 724 Amended: July 10, 1997
- 725 Amended: June 18, 1998
- 726 Amended: July 12, 2001
- 727 Amended: July 1, 2005
- 728 Amended: June 15, 2006
- 729 Amended: December 19, 2013
- 730 Amended: December 18, 2014
- 731 Amended: June 11, 2015
- 732 Amended: October 25, 2018
- 733 Amended: December 16, 2021

734
 735 Legal Refs: 20 U.S.C. § 7961.

736
 737 Code of Virginia, 1950, as amended, §§ 15.2-915.4, 16.1-260, 18.2-119,
 738 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,
 739 22.1-276.2, 22.1-277, 22.1-277.04, 22.1-277.05, 22.1-277.06, 22.1-277.07,
 740 22.1-277.07:1, 22.1-277.08, 22.1-277.2, 22.1-277.2:1, 22.1-279.3:1.

741
 742 8 VAC 20-560-10.

- 743
- 744 Cross Refs.: IGBH Alternative School Programs
- 745 JEC School Admission
- 746 JFC Student Conduct
- 747 JFCD Weapons in School
- 748 JGD-R/JGE-R Student Suspension/Expulsion Regulations
- 749 JGDA Disciplining Students with Disabilities
- 750 JGDB Discipline of Students with Disabilities for Infliction of
- 751 Serious Bodily Injury
- 752 JM Management of Student Behaviors in Emergency Situations
- 753 KG Community Use of School Facilities
- 754 KG-R Community Use of School Facilities Regulations and
- 755 Application