

Suspension and Expulsion of Students

The Virginia Standards of Accreditation (2000), Section 8 VAC 20-131-210.A., states that the principal "is recognized as the instructional leader of the school and is responsible for effective school management that promotes positive student achievement, a safe and secure environment in which to teach and learn, and efficient use of resources." Section B.2. specifies that the principal shall "ensure that the school division's student code of conduct is enforced and seek to maintain a safe and secure school environment." Section 8 VAC 20-131-260.C.3., requires a school administration to ensure "a written procedure, in accordance with guidelines established by the local board, for responding to violent, disruptive or illegal activities by students on school property or during a school-sponsored activity."

I. Suspensions and Expulsions of Students

Students may be suspended or expelled from attendance at school for sufficient cause; however, in no case may sufficient cause for suspension include only instances of truancy. Any student for whom the superintendent of the school division in which the student is enrolled has received a report pursuant to Va. Code sec. 16.1-305.1 of an adjudication of delinquency or a conviction may be suspended or expelled from school attendance.

As authorized by Virginia Code § 22.1-277.2:1, any student charged or found guilty of an offense involving alcohol, drugs, or weapons; a crime that resulted in or could have resulted in injury to others; an offense that is required to be disclosed to the superintendent of the school division pursuant to subsection G of § 16.1-260 (See below); (iii) or to have committed a serious offense or repeated offenses in violation of school board policies may be required to attend an alternative educational assignment under Virginia Law.

Under subsection G of Virginia Code § 16.1-260, the court intake officer shall file a report with the division superintendent of the school division in which any student who is the subject of a petition alleging that such student who is a juvenile has committed an act, wherever committed, which would be a crime if committed by an adult, or that such student who is an adult has committed a crime and is alleged to be within the jurisdiction of the court. The report shall notify the division superintendent of the filing of the petition and the nature of the offense, if the violation involves:

1. A firearm offense pursuant to Article 4 (§ 18.2-279 et seq.), 5 (§ 18.2-288 et seq.), 6 (§ 18.2-299 et seq.), 6.1 (§ 18.2-307.1 et seq.), or 7 (§ 18.2-308.1 et seq.) of Chapter 7 of Title 18.2;
2. Homicide, pursuant to Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2;
3. Felonious assault and bodily wounding, pursuant to Article 4 (§ 18.2-51 et seq.) of Chapter 4 of Title 18.2;
4. Criminal sexual assault, pursuant to Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2;
5. Manufacture, sale, gift, distribution or possession of Schedule I or II controlled substances, pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2;
6. Manufacture, sale or distribution of marijuana pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2;
7. Arson and related crimes, pursuant to Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2;
8. Burglary and related offenses, pursuant to §§ 18.2-89 through 18.2-93;
9. Robbery pursuant to § 18.2-58;
10. Prohibited criminal street gang activity pursuant to § 18.2-46.2;

11. Recruitment of other juveniles for a criminal street gang activity pursuant to § 18.2-46.3; or
12. An act of violence by a mob pursuant to § 18.2-42.1.

The failure to provide information regarding the school in which the student who is the subject of the petition may be enrolled shall not be grounds for refusing to file a petition.

The authority of teachers to remove students from their classes in certain instances of disruptive behavior shall not be interpreted to affect the operation of this policy. Parents/guardians may choose to appeal a suspension. Information is provided on the appeal process in this document.

II. Short-Term Suspension

A student may be suspended for not more than 10 school days by either the school principal or appropriate administrator. The principal or appropriate administrator may suspend the student after giving the student and parent oral notice. Written notice of the suspension, and the behavior subject to the suspension will be provided within 24 hours. If during the course of the school's investigation of the matter, additional information is obtained, the letter may be amended and any disciplinary action is subject to change.

Upon suspension of any student, the principal or appropriate administrator responsible for such suspension shall report the suspension to the Executive Director of School Leadership.

Any oral or written notice to the parent/guardian of a student who is suspended from school attendance for not more than 10 days shall include notification of the length of the suspension.

III. Long-Term Suspension

A student may be suspended from attendance for more than 10 days after written notice is provided to the student and parent/guardian of the proposed action and the reason therefore and of the right to a hearing before the School Board or the Superintendent or designee. The decision of Superintendent or designee may be appealed to the full School Board. Such appeals shall be decided by the School Board within 30 days.

Any such written notice should state the length of suspension and shall provide information concerning the availability of community-based educational, alternative education, or intervention programs. Such notice shall also state that the student is eligible to return to regular school attendance upon expiration of the suspension or to attend an appropriate alternative education program approved by the School Board during or upon the expiration of the suspension. The costs of any community-based educational, alternative education or intervention program that is not a part of the educational program offered by the school division that the student may attend during his/her suspension shall be borne by the parent/guardian.

Nothing herein shall be construed to prohibit 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.

IV. Expulsion

A. Generally

Students may be expelled from attendance at school after written notice to the student and parent/guardian of the proposed action and reasons therefore and of the right to a hearing before the School Board.

The written notice given to the student and parent/guardian shall include notification of the length of the expulsion and shall provide information to the parent/guardian concerning the availability of community-based educational, training and intervention programs. The notice shall also state 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 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 part of the educational program offered by the school division that the student may attend during his/her expulsion shall be borne by the parent/guardian.

Nothing in this policy shall be construed to prohibit the School Board from permitting or requiring students expelled pursuant to this policy to attend an alternative education program provided by the School Board for the term of such expulsion.

If the School Board determines that the student is ineligible to return to regular school attendance or to attend during the expulsion an alternative education program or an adult education program in the school division, the written notice shall also advise the parent/guardian of such student that the student may petition the School Board for readmission to be effective one calendar year from the date of his/her expulsion, and of the conditions, if any, under which readmission may be granted.

The School Board shall establish, by regulation, a schedule pursuant to which such students may apply and reapply for readmission to school. Such schedule shall be designed to ensure that any initial petition for readmission will be reviewed by the School Board, or the Superintendent, and, if granted, would enable the student to resume school attendance one calendar year from the date of the expulsion. If the Superintendent denies such petition, the student may petition the School Board for review of such denial.

B. Conduct Giving Rise to Expulsion

Recommendations for expulsions for actions other than those specified below are based on consideration of the following factors:

- The nature and seriousness of the conduct;
- The degree of danger to the school community;
- The student's disciplinary history, including the seriousness and number of previous infractions
- The appropriateness and availability of an alternative education placement or program;
- The student's age and grade level;
- The results of any mental health, substance abuse or special education assessments;
- The student's attendance and academic records; and
- Other appropriate matters.

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

Firearms

The School Board may expel from school attendance for a period of not less than one year any student whom such School Board has determined to have brought a firearm onto school property or to a school-sponsored activity prohibited by Va. Code sec. 18.2-308.1, or to have brought a firearm as defined in this policy or an air rifle or BB gun on school property or to a school-sponsored activity. A school administrator, pursuant to school board policy, or the School Board may, however, determine, based on the facts of a particular situation that special circumstances exist and no disciplinary action or another disciplinary action or another term of expulsion is appropriate. The School Board may promulgate guidelines for determining what constitutes special circumstances. In addition, the School Board may, by regulation, authorize the Superintendent or Superintendent's designee to conduct a preliminary review of such cases to determine whether a disciplinary action other than expulsion is appropriate. Nothing in this policy shall be construed to require a student's expulsion regardless of the facts of the particular situation.

The exemptions set out in Va. Code sec. 18.2-308 regarding concealed weapons shall apply, *mutatis mutandis*, to the provisions of the policy. The provisions of this policy do not apply to persons who possess such firearm or firearms as a part of the curriculum or other programs sponsored by the schools in the school division or any organization permitted by the school to use its premises or to any law enforcement officer while engaged in his/her duties as such.

Drug Offenses

The School Board may expel from school attendance any student whom the School Board has determined to have brought a controlled substance, imitation controlled substance, or marijuana as defined in Va. Code sec. 18.2-247, onto school property or to a school-sponsored activity. The School Board may, however, determine, based on the facts of the particular case that special circumstances exist and another disciplinary action is appropriate.

In addition, the School Board may, by regulation, authorize the Superintendent or the Superintendent's designee to conduct a preliminary review of such cases to determine whether a disciplinary action other than expulsion is appropriate. Nothing in this policy shall be construed to require a student's expulsion regardless of the facts of the particular situation.

C. Procedure for School Board Hearing

The procedure for the School Board hearing shall be as follows:

1. The School Board 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 School Board.
2. The School Board may ask for opening statements from the principal or his/her representative and the student or his/her parent/guardian (or their representative) and, at the discretion of the School Board, may allow closing statements.
3. The parties shall then present their evidence. Because the principal has the ultimate burden of proof, he/she shall present evidence first. Witnesses may be questioned by the School Board members and by the parties (or their

representative). The School Board may, at its discretion, vary this procedure, but it shall afford full opportunity to both parties for presentation of any material or relevant evidence and shall afford the parties the right of cross-examination provided, however, that the School Board may take the testimony of student witnesses outside the presence of the student, his/her parent/guardian and their representative if School Board determines, in its discretion, that such action is necessary to protect the student witness.

4. The parties shall produce such additional evidence as the School Board may deem necessary. The School Board shall be 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, shall be 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 shall transmit its decision, including the reasons therefore, to the student, his/her parent/guardian(s), the principal and Superintendent.

D. Alternative Education Program

The School Board may require any student who has been (1) charged with an offense relating to the laws of Virginia, or with a violation of School Board policies, on weapons, alcohol or drugs, or intentional injury to another person, or with an offense that is required to be disclosed to the Superintendent pursuant to Va. Code sec. 16.1-260.G; (2) found guilty or not innocent of an offense relating to Virginia's laws on weapons, alcohol, or drugs, or of a crime that resulted in or could have resulted in injury to others, or of an offense that is required to be disclosed to the Superintendent of the school division pursuant to Va. Code sec. 16.1-260.G; (3) found to have committed a serious offense or repeated offenses in violation of School Board policies; (4) suspended pursuant to Va. Code sec. 22.1-277.05; or (5) expelled pursuant to Va. Code sections 22.1-277.06, 22.1-277.07 or 22.1-277.08 or subsection B of Va. Code sec. 22.1-277, to attend such an alternative education program. The School Board may require such student to attend such programs regardless of where the crime occurred. The School Board may require any student who has been found to have been in possession of, or under the influence of, drugs or alcohol on a school bus, on school property, or at a school-sponsored activity in violation of school board policies, to undergo evaluation for drug or alcohol abuse, or both, if recommended by the evaluator and with the consent of the student's parent/guardian, to participate in a treatment program.

A principal (or his/her designee) may impose a short-term suspension, pursuant to Va. Code sec. 22.1- 277.04, upon a student who has been charged with an offense involving intentional injury enumerated in Va. Code sec. 16.1-260.G, to another student in the same school pending a decision as to whether to require that such student attend an alternative education program.

As used herein "charged" means that a petition or warrant has been filed or is pending against a student.

E. Reporting

A. Except as may otherwise be required by federal law; regulation, or jurisprudence, reports shall be made to the principal or his/her designee on all incidents involving:

1. The assault or assault and battery, without bodily injury, of any person on a school bus, on school property or at a school-sponsored activity;

2. The assault and battery that results in a bodily injury, sexual assault, death, shooting, stabbing, cutting, or wounding of any person, or stalking of any person as described in Va. Code sec. 18.2- 60.3, on a school bus, on school property or at a school-sponsored activity;
3. Any conduct involving alcohol, marijuana, a controlled substance, imitation controlled substance, or an anabolic steroid on a school bus, on school property, or at a school-sponsored activity, including the theft or attempted theft of student prescription medications;
4. Any threats against school personnel while on a school bus, on school property or at a school-sponsored activity;
5. The illegal carrying of a firearm as defined in Va. Code 22.1-277.07 onto school property;
6. Any illegal conduct involving firebombs, explosive materials or devices, or hoax explosive devices, as defined in Va. Code sec. 18.2-85 or explosive or incendiary devices, as defined in Va. Code sec. 18.2-433.1, or chemical bombs, as described in Va. Code sec. 18. 2-87.1, on a school bus, on school property or a school-sponsored activity; or
7. Any threats or false threats to bomb, as described in Va. Code sec. 18.2-83, made against school personnel or involving school property or school buses.

B. The Superintendent and the principal or designee shall receive reports made by local law enforcement authorities on offense, wherever committed, by students enrolled at the school if the offense would be a felony if committed by an adult or would be a violation of the Drug Control Act, Va. Code sec. 54.1-3400 et seq., and occurred on a school bus, on school property, or at a school-sponsored activity, or would be an adult misdemeanor involving any incidents described in the clauses (1) through (7) of subsection VII. A of this policy, and whether the student is released to the custody of his/her parent/guardian or, if 18 years of age or more, is released on bond. A Superintendent who receives notification that a juvenile has committed an act that would be a crime if committed by an adult pursuant to subsection G of sec. 16.1-260 shall report such information to the principal of the school in which the juvenile is enrolled.

C. The principal or his/her designee submits a report of all incidents required or authorized to be reported pursuant to VII.A (1-7) of this policy to the Superintendent. The Superintendent shall annually report all such incidents to the Virginia Department of Education.

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

D. The principal or his/her designee shall also notify the parent/guardian of any student involved in an incident required or authorized by this subsection to be reported, regardless of whether disciplinary action is taken against such student or the nature of the disciplinary action. Such notice shall relate to only the relevant student's involvement and shall not include information concerning other students.

E. Whenever any student commits any reportable incident as set forth in this subsection, such student shall be required to participate in such prevention and intervention activities as deemed appropriate by the Superintendent or designee. Prevention and intervention activities shall be identified in the local school division drug and alcohol violence prevention plans developed pursuant to the federal Improving America's Schools Act of 1994 (Title IV-Safe and Drug-Free Schools and Communities Act.).

F. Except as may otherwise be required by federal law regulation, or jurisprudence, a principal shall immediately report to the local law-enforcement agency any act enumerated in clauses (2) through (5) of subsection VII.A of this policy that may

constitute a criminal offense to the parent/guardians of any student who is the specific object of such act. Further, the principal shall report that the incident has been reported to local law enforcement as required by law and that the parent/guardians may contact local law enforcement for further information, if they so desire.

For purposes of this section, a parent/guardian means any parent/guardian or other person having control or charge of a child.

F. Readmission of Suspended and/or Expelled Students

Any student who has been suspended from an ACPS school is not eligible to attend any other school within ACPS until eligible to return to his/her regular school. Any student who has been expelled or suspended for more than 30 days from attendance at school by a School Board or a private school in this Commonwealth or in another state or for whom admission has been withdrawn by a private school in this Commonwealth or in another state may be excluded from attendance in ACPS, in accordance with Policy JEC. In the case of a suspension of more than 30 days, the term of the exclusion may not exceed the duration of the suspension.

In excluding any such expelled student from school attendance, the School Board may accept or waive any or all of any conditions for readmission imposed upon such student by the expelling School Board pursuant to Va. Code sec. 22.1-277.06. The excluding School Board shall not impose additional conditions for readmission to school. No suspended student shall be admitted to the regular school program until such student and his/her parent/guardian have met with school officials to discuss improvement of the student's behavior, unless the school principal or his/her designee determines that re-admission, without parent/guardian conference, is appropriate for the student.

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

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

Regulation regarding Readmission of Expelled Students

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 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 months, and not later than 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 and Equity. Any student age 18 or older must file a petition on his/her own behalf. If the student is under the age of 18, the parent(s)/guardian(s) may act on the student's behalf;

B. Within 21 days of the receipt of a written petition for readmission, the ACPS Department of Student Services and Equity will schedule a hearing. 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 Department of Student Services and Equity administrator will issue a written decision within seven 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 Department of Student Services and Equity administrator to the School Board within five days of receiving that decision. A copy of the administrator's decision, a copy of the expulsion decision, and any other materials that 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 issue its decision within 21 days of convening to consider the appeal.

Where a petition for readmission is denied, a student (or if applicable, his/her parent(s)/guardian(s)), may reapply on an annual basis in accordance with the above schedule. Additional information can be found in Appendix F.