

STUDENT SUSPENSION/EXPULSION

Suspension

1. Student actions and possible consequences for student behavior which include suspensions up to 10 days will be included in the Code of Student Conduct and Policy JGD/JGE.
2. The principal or designee shall have the authority to suspend a student for up to 10 days for any act by a student. Except as provided in subsection C of Va. Code § 277 or Va. Code §§ 22.1-277.07 or 22.1-277.08, no student in preschool through grade three is suspended for more than three school days or expelled from attendance at school, unless (i) the offense involves physical harm or credible threat of physical harm to others or (ii) the School Board or the superintendent or superintendent's designee finds that aggravating circumstances exist, as defined by the Virginia Department of Education.
3. The principal or designee shall notify the parent in writing of the offense and the disciplinary action within 24 hours
4. The Superintendent or designee may review the action and consequence upon request and confirm or reverse the decision. The decision of the Superintendent shall be final and cannot be appealed.
5. The student shall be allowed to make up any work missed during a suspension.

Long-Term Suspensions/Expulsion

- ~~1. Offenses and possible consequences for student behavior which include long-term suspensions beyond 10 days or expulsions are located in the Code of Student Conduct and Policy JGD/JGE.~~
- ~~2. For any suspension for more than ten days, the Superintendent or designee shall schedule a hearing before the School Board Disciplinary Committee.~~
- ~~3. The Disciplinary Committee shall consist of no more than three members of the School Board.~~
- ~~4. The Disciplinary Committee shall hear the case and make a determination to confirm the recommended suspension/expulsion or disapprove the recommendation.~~

- ~~5. The School Board Disciplinary Committee decision shall be final and may not be appealed to the full School Board if it is unanimous.~~
- ~~6. If the School Board Disciplinary Committee decision is not unanimous, it may be appealed to the full School Board pursuant to Policy JGD/JGE. If appealed to the full School Board, the appeal shall be decided by the School Board within thirty days.~~
- ~~7. After the hearing and a decision is made, a written notification shall be sent to the parent or guardian explaining the decision, the eligible date of return and any conditions that must be met prior to the return of the student.~~
- ~~8. Depending on the offense, a student may be assigned to attend an alternative program. If that assignment is made, the compulsory attendance laws shall apply to the student.~~
- ~~9. The Superintendent or designee shall follow all requirements of reporting certain offenses to law enforcement for disciplinary offenses that meet the specified criteria in Policy CLA.~~

LONG-TERM SUSPENSION

- 1. A student may be suspended from attendance at school for 11-45 school days after written notice is provided to the student and his/her parent or guardian of the proposed action and the reasons therefore and of the right to a hearing before the division superintendent or his/her designee.**
- 2. The division superintendent or his/her designee shall maintain a record of hearings conducted pursuant to this sub-section.**
- 3. The decision of the division superintendent or his/her designee may be appealed by the student's parent or guardian to the full School Board. Such appeal shall be decided by the School Board, on the preceding record, within thirty (30) days. The student shall remain on out-of-school suspension while awaiting the decision of an appeal to the full School Board.**

The written notice of suspension for 11-45 school days shall include notification of the length of the 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 the 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 or guardian of the student.

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

Nothing herein shall be construed to prohibit the School Board from permitting or requiring students suspended pursuant to this subsection to attend an alternative education program provided by the School Board for the term of such suspension.

Students with disabilities will be disciplined according to applicable state and federal law.

EXPULSION

Pupils may be expelled from attendance at school after written notice to the pupil and the pupil's parent of the proposed action and the reasons therefore and of the right to a hearing before the school board. The School Board confirms or disapproves of the proposed expulsion regardless of whether the pupil has exercised the right to a hearing.

The written notice given to the pupil and the pupil's parent includes notification of the length of the expulsion and provides information to the parent 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. 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 is borne by the parent of the student.

Nothing in this section shall be construed to prohibit the school board from permitting or requiring students expelled pursuant to this Policy to attend an alternative education program if 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 also advises the parent of such student that the student may petition the school board for readmission to be effective one

calendar year from the date of the expulsion, and of the conditions, if any, under which re-admission may be granted.

Such students may apply and reapply for readmission to school in accordance with the following schedule. Such schedule is designed to ensure that the hearing and ruling on any initial petition for readmission, if granted, would enable the student to resume school attendance one calendar year from the date of the expulsion. If the superintendent denies such petition, the student may petition the School Board for review of such denial.

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.**

All procedures for suspension or expulsion of students shall comply with all sections of Policy JGD/JGE.

Procedure for School Board Hearing

The procedure for the School Board hearing is as follows:

1. The School Board determines the propriety of attendance at the hearing of persons not having a direct interest in the hearing. The hearing is private unless otherwise specified by the School Board.
2. The School Board may ask for opening statements from the principal or principal's representative and the student or student's parent(s) (or their representative) and, at the discretion of the School Board, may allow closing statements.
3. The parties then present their evidence. Because the principal has the ultimate burden of proof, he presents his 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 parent(s) and their representative if the School Board determines, in its discretion, that such action is necessary to protect the student witness.
4. The parties shall produce such additional evidence as the School Board may deem necessary. The School Board is the judge of the relevancy and materiality of the evidence.
5. Exhibits offered by the parties may be received in evidence by the School Board and, when so received, are marked and made part of the record.
6. The School Board may, by majority vote, uphold, reject or alter the recommendations.
7. The School Board transmits its decision, including the reasons therefore, to the student, his parent(s), the principal and superintendent.

"superintendent's designee" means a 1) trained hearing officer or 2) professional employee in the administrative offices of the school division who reports directly to the superintendent and who is not a school-based instructional or administrative employee.

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Legal Reference: 20 U.S.C. § 7151

Code of Virginia, 1950, as amended, §§ 15.2-915.4, 16.1-260, 18.2-119,

18.2-308.1, 18.2-308.7, 18.2-308.2:2, 22.1-200.1, 22.1-254,
22.1-276.01, 22.1-276.2, 22.1-277, 22.1-277.04, 22.1-277.05,
22.1-277.06, 22.1-277.07,

22.1-277.07:1, 22.1-277.08, 22.1-277.2, 22.1-277.2:1, 22.1-279.3:1.

8 VAC 20-560-10.

Cross Refs.:	BCEA	Disciplinary Committee
	IGBH	Alternative School Programs
	JEC	School Admission
	JFC	Student Conduct
	JFCD	Weapons in School
	JGDA	Disciplining Students with Disabilities
	JGDB	Discipline of Students with Disabilities for Infliction of Serious Bodily Injury
	KG	Community Use of School Facilities