

STUDENT SUSPENSION/EXPULSION

I. DEFINITIONS

As used in this Policy:

“Alternative education program” shall include night school, adult education, or another education program designed to offer instruction to students for whom the regular program of instruction may be inappropriate.

“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 shall it include any antique firearm as defined in subsection G of Va. Code § 18.2-308.2:2.

“**Disciplinary Hearing Officer**” means a designee of the Superintendent authorized to impose discipline and review appeals of discipline in accordance with this Policy.

“**Discipline Committee**” means a committee of three members of the School Board authorized to hear discipline cases in accordance with this policy. (See Section VI.A.)

“**Disruptive behavior**” means a violation of School Board regulations governing student conduct that interrupts or obstructs the learning environment.

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days by another school board or a private school, either in Virginia or another state, or for whom admission has been withdrawn by a private school in Virginia or another state.

“Expulsion” means any disciplinary action imposed by a school board or a committee thereof, as provided in school board policy, whereby a student is not permitted to attend school within the school division and is ineligible for readmission for 365 calendar days after the date of the expulsion.

“Firearm” means (1) any weapon, including a starter gun that will, or is designed or may readily be converted to, expel single or multiple projectiles by the action of an explosion of a

combustible material; (2) the frame or receiver of any such weapon; or (3) any unloaded firearm in a closed container. "Firearm" does not include any pneumatic gun as defined in this Policy.

"Long-term suspension" means any disciplinary action whereby a student is not permitted to attend school for 11 to 45 school days.

"One year" means 365 calendar days as required in federal regulations.

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

"School property" means any real property owned or leased by the School Board or any vehicle owned or leased by the School Board or operated by or on behalf of the School Board.

"Short-term suspension" means any disciplinary action whereby a student is not permitted to attend school for a period not to exceed ten school days.

"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.

II. SUSPENSIONS AND EXPULSIONS OF STUDENTS GENERALLY

Pupils 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.

Except as provided in subsection C of Va. Code § 277 or Va. Code §§ 22.1-277.01 or 221-277.08 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 involved 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.

Any student for whom the division superintendent has received a report pursuant to Va. Code § 16.1-305.1 of an adjudication of delinquency or a conviction for an offense listed in subsection G of Va. Code § 16.1-260 may be suspended or expelled from school attendance.

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.

III. SHORT-TERM SUSPENSIONS

A. General Requirements for Short-Term Suspensions

A pupil may be suspended for not more than ten school days (“short-term suspension”) by the school principal, any assistant principal or, in their absence, any teacher designated by the principal to have such responsibility.

Prior to suspending a Kindergartner, first-grader, or second-grader, the principal/designee must contact the Student Services Officer to explain the case and reason for the suspension.

After an initial short-term suspension, an additional short-term suspension may be imposed by the Disciplinary Hearing Officer in accordance with this Policy. The principal, assistant principal, teacher, or Disciplinary Hearing Officer may suspend the pupil after giving the pupil oral or written notice of the charges against him/her and, if he/she denies them, an explanation of the facts as known to school personnel and an opportunity to present his/her version of what occurred.

In the case of any pupil whose presence poses a continuing danger to persons or property, or whose presence is an ongoing threat of disruption, the pupil may be removed from school immediately and the notice, explanation of facts, and opportunity to present his/her version shall be given as soon as is practical thereafter.

Upon suspension of any pupil, the principal, assistant principal, or teacher responsible for such suspension shall notify the pupil and his/her parent of the suspension and the reasons therefore and of the right of a hearing before the Disciplinary Hearing Officer. This oral or written notice shall include: (1) notification of the length of the suspension, (2) information regarding the availability of community-based educational programs, alternative education programs or other educational options, if applicable, and (3) information about the student’s right to return to regular school attendance upon the expiration of the suspension. The costs of any community-based educational program, or alternative education program or educational option, which is not a part of the educational program offered by the School Division, shall be borne by the parent of the student.

B. Review of Short-Term Suspensions

The parent of a student or the student, if he/she is eighteen years or older, may appeal a short-term suspension imposed by a principal, assistant principal or teacher by submitting a written notice to the principal no later than two (2) school days after the first day of the suspension. This notice must include a brief explanation of why the suspension should be disapproved. The principal may waive the requirement that the notice be written if the parent is unable to prepare a written notice. Should the parent or student wish to appeal a teacher or assistant principal’s decision, the principal may either review and modify any discipline imposed, or refer the review of such discipline to the Disciplinary Hearing Officer. Should the principal refer the review of such discipline to the Disciplinary Hearing Officer, he/she shall forward the notice to the Disciplinary Hearing Officer for his/her review.

Upon receiving notice as provided above, the Disciplinary Hearing Officer shall promptly review the discipline and confirm or disapprove it based on an examination of the record of the pupil's behavior and other relevant factors. At the discretion of the Disciplinary Hearing Officer, a hearing may be conducted. The decision of the Disciplinary Hearing Officer is final.

The parent of a student or the student, if he/she is eighteen years or older, may appeal an "in-school suspension" imposed by a principal, assistant principal or teacher by informing the principal no later than two (2) school days after the first day of the "in-school suspension." Upon being informed of the appeal, the principal shall promptly review the discipline and confirm or disapprove it based on an examination of the record of the pupil's behavior and other relevant factors, including a hearing, if deemed necessary by the principal. If the principal was the administrator that imposed the original discipline, he/she may, at his/her discretion, request the Disciplinary Hearing Officer to decide the appeal in accordance with this section. The decision on appeal, whether made by the principal or by the Disciplinary Hearing Officer, is final.

C. Additional Short-Term Suspensions by the Disciplinary Hearing Officer

The Disciplinary Hearing Officer may impose a short-term suspension in addition to any discipline imposed by a principal, assistant principal or teacher in all cases referred by the principal for additional discipline.

Prior to suspension, the student must be given oral or written notice of the charges against him/her and, if he/she denies them, an explanation of the facts as known to school personnel and an opportunity to present his/her version of what occurred. Short-term suspensions imposed by the Disciplinary Hearing Officer are final.

IV. LONG-TERM SUSPENSION

A. General Requirements for Long-Term Suspensions

A pupil may be suspended from attendance at school for 11 to 45 school days ("long-term suspension") by the Disciplinary Hearing Officer or the School Board/Discipline Committee after written notice is provided to the pupil and his parent of the proposed action and the reasons therefor and of the right to a hearing before the Discipline Committee.

The written notice of a suspension for more than ten 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 if applicable. 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 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 on described in Va. Code §§ 22.1-277.07 or 22.1-277.08 or involves serious bodily injury or (ii) a committee of the School Board or the 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/Discipline Committee 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.

B. Review of Long-Term Suspensions

The parent of a student or the student, if he/she is eighteen years or older, may appeal a long-term suspension imposed by the Disciplinary Hearing Officer by submitting a written notice to the Superintendent no later than ten (10) school days after receipt of the Disciplinary Hearing Officer's decision letter. Suspensions imposed by the School Board may not be appealed by administrative means.

The notice must include a brief explanation of why the Disciplinary Hearing Officer's suspension should be disapproved. The Disciplinary Hearing Officer may waive the requirement that the notice be written if the parent is unable to prepare a written notice. Within thirty (30) calendar days of receiving the required notice, the School Board/Discipline Committee will conduct a hearing on the appeal and either confirm or disapprove the suspension.

V. EXPULSION

A. Generally

Pupils may be expelled from attendance at school by the School Board/Discipline Committee upon the recommendation of the Superintendent and after written notice to the pupil and his/her parent of the proposed action, the reasons therefor, and of the right to a hearing before the Discipline Committee.

Hearings will be conducted in accordance with Section VI of this Policy. Regardless of whether the pupil has exercised his/her right to a hearing, the School Board/Discipline Committee shall confirm or disapprove the Superintendent's recommendation for expulsion and provide its decision in writing to the pupil and his/her parent.

The written notice given to the pupil and his/her parent of the expulsion decision shall include notification of the length of the expulsion and shall provide information to the parent of the student concerning the availability of community-based educational, training, and intervention programs, if applicable. 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 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/her expulsion shall be borne by the parent of the student.

Nothing in this Policy shall be construed to prohibit the School Board/Discipline Committee 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/Discipline Committee 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 of such student that the student may petition the Superintendent/Designee 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. (See Section IX, B – Expelled Students).

B. Conduct Giving Rise to Expulsion

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, Pneumatic Guns and other Weapons

The School Board/Discipline Committee shall expel from school attendance for a period of not less than one year any student whom it has determined to have possessed on school property or at a school-sponsored activity as prohibited by Va. Code § 18.2-308.1. The School Board/Discipline Committee may, however, determine, based on the facts of the particular case that special circumstances exist and another disciplinary action is appropriate. In addition, the Disciplinary Hearing Officer may conduct a preliminary review of the discipline to determine if disciplinary action other than 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. If disciplinary action other than expulsion is deemed appropriate, it shall be imposed in accordance with this Policy and Policy JFC.

The expulsion requirements of this section shall not apply under the following circumstances (from Va. Code §18.2-308.1):

- a) persons who possess such weapon or weapons as a part of the school's curriculum or activities;
- b) a person possessing a knife customarily used for food preparation or service and using it for such purpose;
- c) persons who possess such weapon or weapons as a part of any program sponsored or facilitated by either the school or any organization authorized by the school to conduct its programs either on or off the school premises; or
- d) any person who possesses a knife or blade which he/she uses customarily in his/her trade.

The provisions of this policy shall not apply to persons who possess such firearm or firearms or pneumatic guns 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 duties as such.

Drug Offenses

The School Board shall 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 § 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 faces of the particular situation.

VI. SCHOOL BOARD HEARINGS: LONG-TERM SUSPENSIONS AND EXPULSIONS

A. School Board Discipline Committee

1. Appointment. The School Board shall appoint on an annual basis a Discipline Committee composed of three members of the School Board. The School Board may also appoint two members to serve as an alternate to the regular members of the Discipline Committee. If one member of the Discipline Committee cannot attend a discipline hearing, then one alternate may serve in the absent member's place.

2. Functions. The Discipline Committee is authorized to act on behalf of the full School Board to impose long-term suspensions and expulsions, review long-term suspensions imposed by the Disciplinary Hearing Officer, and to review petitions for readmission after expulsion, all in accordance with this policy and Virginia Code §§22.1-277.05 and 22.1-277.06. In the event that School Board members who are not regular or alternate members of the Discipline Committee attend any discipline hearing of the Discipline Committee, the hearing shall be conducted as a hearing of the full School Board.

3. Appeal of Committee Decision. Unanimous decisions of the Discipline Committee are final. If the Discipline Committee fails to be unanimous in its decision, the parent of a student or the student, if he/she is eighteen years or older, may appeal the long-term suspension or expulsion by submitting a written notice to the Superintendent no later than ten (10) school days after receipt of the Discipline Committee's decision letter. The notice must include a brief explanation of why the Discipline Committee's decision should be disapproved. The Superintendent may, but need not, file with the School Board Clerk a written summary of the Discipline Committee hearing within fourteen (14) calendar days of receiving the notice of appeal. A copy of the summary shall be provided to the parent or adult student promptly after such filing.

Within thirty (30) calendar days of receiving the notice of appeal, the School Board shall either confirm or disapprove the decision of the Discipline Committee upon consideration of all records provided to the Discipline Committee for its hearing, the decision letter of the Discipline Committee, the notice of appeal, and any summary of the hearing provided by the Superintendent. The decision of the School Board is final.

B. School Board/Discipline Committee Hearings

The School Board/Discipline Committee hears all long-term suspension appeals and expulsion cases. In addition, the Disciplinary Hearing Officer shall refer to the Discipline Committee for hearing all cases that involve serious fights between students and staff and any other cases which, in the judgment of the Disciplinary Hearing Officer, merit Discipline Committee review due to their seriousness and impact on the Division.

1. Documents in Support of Hearing

The Superintendent shall transmit a copy of all documents that the School Division intends to use at the hearing to the School Board/Discipline Committee and the parent of the student no later than three (3) business days in advance of the hearing. No later than one (1) business day prior to the hearing, the parent of the student must submit to the Superintendent a copy of all documents that he/she intends to use at the hearing. Documents submitted after the deadline shall not be considered by the School Board/Discipline Committee.

2. Procedures for Hearing

The School Board/Discipline Committee shall determine the propriety of attendance at the hearing, which shall be private unless otherwise specified by the School Board/Discipline

Committee. Both the School Division and the student may be represented by their legal counsel or by another representative.

The School Division shall present its evidence first, followed by the student. Witnesses may be questioned by the School Board members and by the parties (or their representative). The School Board/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 School Board/Discipline Committee may take the testimony of student witnesses outside the presence of the student, his/her parent(s) and their representative if the School Board/Discipline Committee determines, in its discretion, that such action is necessary to protect the student witness.

The parties shall produce such additional evidence as the School Board/Discipline Committee may deem necessary. The School Board/Discipline Committee shall be the judge of the relevancy and materiality of the evidence.

Exhibits offered by the parties may be received in evidence by the School Board/Discipline Committee and, when so received, shall be marked and made part of the record.

The School Board/Discipline Committee may, by majority vote, uphold, reject or alter the recommendations.

The School Board/Discipline Committee shall transmit its decision, including the reasons therefor, to the student, his/her parent(s), the principal and Superintendent.

VII. ALTERNATIVE EDUCATION PROGRAM AND RESTORATIVE PRACTICE

A. Alternative Education Programs

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 § 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 pursuant to Va. Code § 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 § 22.1-277.05; or (5) expelled pursuant to Va. Code § 22.1-277.06, 22.1-277.07, or 22.1-277.08 or subsection C of Va. Code § 22.1-277, to attend 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, and, if recommended by the evaluator and with the consent of the student's parent, to participate in a treatment program.

A principal or principal's designee may impose a short-term suspension, pursuant to Va. Code § 22.1-277.04, upon a student who has been charged with an offense involving intentional injury enumerated in Va. Code § 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 pupil.

B. Restorative Practice

In appropriate cases, the School Division will implement restorative practice plans and strategies in conjunction with traditional discipline. Restorative practice is a behavior management approach that asks students to examine how their relationships within the school community have been harmed, and facilitates their work toward restoring those relationships.

VIII. REPORTING

- A. Except as may otherwise be required by federal law, regulation, or jurisprudence, reports are made to the superintendent and to the principal or principal's 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 which results in a bodily injury, sexual assault, death, shooting, stabbing, cutting, or wounding of any person, abduction of any person as described in Va. Code § 18.2-47 or Va. Code § 18.2-48, or stalking of any person as described by Va. Code § 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 § 18.2-85, or explosive or incendiary devices, as defined in Va. Code § 18.2-433.1, or chemical bombs, as described in Va. Code § 18.2-87.1, on a school bus, on school property, or at a school sponsored activity;
 - (7) any threats or false threats to bomb, as described in Va. Code § 18.2-83, made against school personnel or involving school property of school buses;
 - (8) the arrest of any student for an incident occurring on a school bus, on school property, or at a school-sponsored activity, including the charge therefor and
 - (9) any illegal possession of weapons, alcohol, drugs, or tobacco products.

- B. The superintendent and the principal or principal's designee may receive reports made by local law enforcement authorities on offenses, 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 § 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 (8) of subsection VII.A. of this policy, and whether the student is released to the custody of his parent 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 Va. Code § 16.1-260 reports such information to the principal of the school in which the juvenile is enrolled.
- C. The principal or principal's designee shall submit a report of all incidents required to be reported pursuant to subsection VII.A. (1-8) of this policy to the superintendent of the school division. The division superintendent shall annually report all such incidents to the Department of Education.

In submitting reports of such incidents, principals and division superintendents 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 principal's designee notifies the parent of any student involved in an incident required 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 does 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 his designee.
- F. Except as may otherwise be required by federal law, regulation, or jurisprudence, a principal immediately reports to the local law-enforcement agency any act enumerated in clauses (2) through (7) of subsection VII.A. of this policy that may constitute a criminal offense and may report to the local law enforcement agency any incident described in clause (1) of subsection VII.A. of this policy.

In addition, except as may be prohibited by federal law, regulation, or jurisprudence, the principal also immediately reports any act enumerated in clauses (2) through (5) of subsection VII.A of this policy that may constitute a criminal offense to the parents of any minor student who is the specific object of such act. Further, the principal reports that the incident has been reported to local law enforcement as required by law and that the parents may contact local law enforcement for further information, if they so desire.

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

IX. READMISSION OF SUSPENDED AND/OR EXPELLED 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 or her regular school.

Any student who has been expelled or suspended for more than thirty 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 the Albemarle County Public Schools, in accordance with Policy JEC. In the case of a suspension of more than thirty days, the term of the exclusion may not exceed the duration of such suspension.

In excluding any such expelled student from school attendance, the Albemarle County 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 § 22.1-277.06. The School Board shall not impose additional conditions for readmission to school.

No suspended student is admitted to the regular school program until such student and his parent have met with school officials to discuss improvement of the student’s behavior, unless the school principal or principal’s designee determines that re-admission, without parent conference, is appropriate for the student.

If the parent 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 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, committee thereof, or superintendent or superintendent’s 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.

The School Board may permit students excluded pursuant to this subsection to attend an alternative education program provided by the School Board for the term of such exclusion.

X. DISCIPLINING STUDENTS WITH DISABILITIES

Students with disabilities are disciplined in accordance with Policy JGDA Disciplining Students with Disabilities. The proposed long-term suspension or expulsion of a disabled student will be subject to review by the student’s Individualized Education Plan (IEP) Committee to determine if the misconduct is related to the student’s disability. A similar review is required for students who have been found eligible for Section 504 services. Additional detail on this area is provided in Policy JGDA.

XI. PARENT RESPONSIBILITIES

Parents have a duty under Va. Code §22.1-279.3 to assist the schools in enforcing the standards of conduct and compulsory attendance in order that education may be conducted in an atmosphere free of disruption and threat to persons or property, and supportive of individual rights.

If the parent fails to comply with the provisions of Va. Code §22.1-279.3, the School Board may petition the Juvenile and Domestic Relations Court to proceed against the parent for willful and unreasonable refusal to participate in efforts to improve the student's behavior as follows:

If the court finds that the parent has willfully and unreasonably failed to meet, pursuant to a request of the principal, as set forth in subsection D of Va. Code §22.1-279.3, to review the School Board's standards of student conduct and the parent's responsibility to assist the school in disciplining the student and maintaining order, and to discuss improvement of the child's behavior and educational progress, it may order the parent to so meet.

In addition, if the court finds that a parent has willfully and unreasonably failed to accompany a suspended student to meet with school officials pursuant to subsection F of Va. Code §22.1-279.3, or upon the student's receiving a second suspension or being expelled, it may order the student or his parent, or both, to participate in such programs or such treatment, including, but not limited to, extended day programs, summer school, other educational programs and counseling, as the court deems appropriate to improve the student's behavior or school attendance. The order may also require participation in a parenting, counseling or a mentoring program, as appropriate or that the student or his/her parent, or both, shall be subject to such conditions and limitations as the court deems appropriate for the supervision, care, and rehabilitation of the student or his/her parent. In addition, the court may order the parent to pay a civil penalty not to exceed \$500.

Adopted: August 23, 2001
 Amended: August 8, 2002; November 20, 2003; July 10, 2008; March 8, 2012; November 14, 2013;
 August 14, 2014; August 27, 2015; May 12, 2016; September 18, 2018

Legal Ref.: 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.: JEC School Admission

JFC Student Conduct
JFCD Weapons in School
JGDA Disciplining Students with Disabilities
IGBH Alternative Schools
JFC Student Conduct

Students may be suspended or expelled from attendance for sufficient cause.

The listing below is not exhaustive, but is intended to provide general guidelines for suspension or expulsion. Unlawful acts that may lead to police notification and will lead to suspension from classes, exclusion from activities, or expulsion include, but are not limited to the following:

- Possessing, using, or being under the influence of “restricted substances” as defined in Policy JFC (legal intoxication not required)
- Assault/battery
- Arson
- Theft
- Bomb threats
- Use or possession of explosives
- Possession of weapons
- Extortion, blackmail, or coercion
- Driving without a license on school property
- Malicious mischief
- Selling restricted substances
- Smoking or possession of tobacco for students under the age of eighteen
- Gambling
- Sexual harassment
- Sexual acts
- Interference with school authorities
- Intimidation of school authorities
- Other unlawful acts including being an accessory to any of these unlawful acts

Additional acts which will be grounds for corrective action (including suspension or expulsion) include but are not limited to:

- Smoking or otherwise using tobacco on school property, on a school bus, or at a school-sponsored activity
- Possession of tobacco substances or related paraphernalia
- Unauthorized use of a beeper, cellular phone, or other portable communication device on school property, on a school bus, or at a school sponsored activity
- Possession of a laser pointer
- Fighting
- Threatening or verbal abuse
- Profanity or obscene language
- Disobedience or defiance
- Refusal to identify self to school personnel

- Truancy (see attendance policy)
- School parking or school driving violations
- Defacing or destroying property
- Inappropriate dress or appearance (dress or appearance must not present health or safety problems or cause disruption)
- Possession of alcohol or drug related paraphernalia
- Unauthorized sales

While a student is under suspension he/she is denied access to school premises except with the permission of the principal. If a student under suspension is found on school premises without the permission of the principal, he/she may be referred for possible legal action, including but not limited to criminal trespassing charges.

Adopted: August 23, 2001

Amended: November 20, 2003; July 10, 2008; November 14, 2013; August 14, 2014

Reviewed: September 18, 2018