

STUDENT SUSPENSION/EXPULSION REGULATIONS

The Alexandria City School Board encourages alternatives to suspension whenever possible, and provides support services to address behaviors that could lead to suspension. ACPS utilizes a multi-tiered system of support (MTSS) for positive behavioral interventions, including the use of restorative practices. However, there are times when the severity of an infraction warrants a suspension or expulsion to preserve the safety of students and staff. Additional information on MTSS, including tiered consequences, is available in the Student Code of Conduct.

I. DEFINITIONS

As used in Policy JGD/JGE and this regulation,

“Alternative education programs” shall include, but not be limited to, 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 or explosive 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 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; 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 shall 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.

“Disruptive conduct/behavior” means any act intended to be disruptive of any school activity, function or process of the school, or that is dangerous to the health or safety of students or others, or interrupts or obstructs the learning environment.

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

“Expulsion” means any disciplinary action imposed by the School Board, 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 any weapon prohibited on school property or at a school-sponsored activity pursuant to Va. Code § 18.2-308.1, or (1) any weapon, including a starter gun, pneumatic gun (paint ball, BB, air rifle), 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 or pneumatic pressure; (2) the frame or receiver of any such weapon; (3) any firearm muffler or firearm silencer; (4) any destructive device; or (5) any unloaded firearm in a closed

container.

“Long-term suspension” means any disciplinary action whereby a student is not permitted to attend school for 11 to 45 school days. 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 Superintendent or designee finds that aggravating circumstances exist, as defined by the Virginia Department of Education.

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

“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 trained hearing officer or professional employee in the administrative offices of the school division who reports directly to the Superintendent or designee, and who is not a school-based instructional or administrative employee.

II. GROUNDS FOR SUSPENSION AND EXPULSION

A. Examples of violations found in the Student Code of Conduct and School Board policies that **may be grounds for** suspension include, but are not limited to:

- Arson
- Threats or Intimidation
- Assault and Battery/Fighting
- Disruptive Conduct/Behavior
- Profane or Abusive Language
- Gambling
- Use, possession, or Distribution of Alcohol or Other Drugs or Restricted Substances
- Vandalism
- Defiance of the Authority of School Personnel
- Weapon Possession
- Theft
- Violation of Bus Regulations
- Trespass
- Gang Activity
- Use or Possession of Tobacco
- Sexual Assault
- Sexual Harassment

Conduct reported to the Superintendent or designee by local law enforcement authorities when the offense would be a felony if committed by an adult, or as otherwise required by law to be

reported, as outlined in VIII.B. below.

B. Examples of violations found in the Student Code of Conduct and School Board policies that **may be grounds for expulsion** include, but are not limited to:

- Arson
- Threats or Intimidation
- Assault and Battery/Fighting
- Gambling
- Use, Possession, or Distribution of Alcohol or Other Drugs, or Restricted Substances Vandalism
- Defiance of the Authority of School Personnel
- Weapon Possession
- Theft
- Violation of Bus Regulations
- Gang Activity
- Sexual Assault
- Sexual Harassment
- Conduct reported to the Superintendent or designee by local law enforcement authorities when the offense would be a felony if committed by an adult, or as otherwise required by law to be reported, as outlined in VIII.B. below.

III. APPEAL OF SUSPENSIONS AND EXPULSIONS

A. Short-Term Suspension:

The procedure and timeline for appealing a suspension of 10 days or less are outlined in Policy JGD/JGE. The final decision regarding such an appeal is made by the Superintendent or designee, and may not be appealed to the School Board.

B. Long-Term Suspension:

In the case of a suspension for more than ten days, the student and his/her parent(s)/guardian(s), may appeal the decision of the Superintendent or designee to the full School Board within five (5) business days of receipt of the Superintendent's or designee's decision. The appeal shall be decided by the School Board within 30 days of its receipt. The complete procedure and timeline for such appeals are outlined in Policy JGD/JGE.

C. Expulsion:

Students may be expelled from attendance at school after written notice to the student and his/her parent/guardian of the proposed action and reasons therefore and of the right to a hearing before the School Board. The notice of expulsion may be appealed to the full School Board within five (5) business days of receipt of the notice. The appeal shall be decided by the School Board within 30 days of its receipt. The complete procedure and timeline for such appeals are outlined in Policy JGD/JGE.

Regardless of whether the student exercises the right to an appeal hearing, the School Board shall confirm or disapprove of the proposed expulsion.

IV. READMISSION PROCESS FOR EXPELLED STUDENTS

As directed by Policy JGD/JGE, the Superintendent has established the following process and schedule pursuant to which expelled students may apply and reapply for readmission to school.

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 (1) 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 (9) months, and not later than ten (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, Alternative Programs and Equity. Any student aged eighteen (18) or older must file a petition on his or her own behalf. If the student is under the age of eighteen (18), the parent(s)/guardian(s) may act on the student's behalf;
- B. Within twenty-one (21) days of the receipt of a written petition for readmission, the Department of Student Services, Alternative Programs and Equity will schedule a hearing before the Executive Director of Student Services or designee. 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 Executive Director of Student Services or designee will issue a written decision within seven (7) 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 Executive Director of Student Services or designee to the School Board within five days of receiving that decision. A copy of the Executive Director's or designee's decision, a copy of the expulsion decision, and any other materials which 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.
- D. 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.

IV. DISCIPLINING STUDENTS WITH DISABILITIES

ACPS complies with the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act of 1973 when disciplining students with disabilities, as outlined in the Student Code of Conduct and Policy JGDA.

Established: September 5, 1996
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Legal Refs: 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, 18.2-308.8.2:2, 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.:	GBEB	Staff Weapons in School
	IGBH	Alternative School Programs
	JEC	School Admission
	JFC	Student Conduct
	JFC-R	Standards of Student Conduct
	JFCD	Weapons in School
	JGD/JGE	Student Suspension/Expulsion
	JGDA	Disciplining Students with Disabilities
	JGDB	Discipline of Students with Disabilities for Infliction of Serious Bodily Injury