

Hampton City Schools Policy Manual

Book: Hampton City Schools Policy Manual
 Section: J - Students
 Title: STUDENT LONG -TERM SUSPENSION OR EXPULSION
 Number: JGE
 Status: Active
 Legal: **Code of Virginia, §§16.1-305, 22.1-276.01, 22.1-277**
 Adopted: 01/07/1976
 Last Revised: 05/02/2007
 Last Reviewed:

Policy Detail

The Superintendent/designee may suspend students on a long-term basis after following the procedure set forth below. Only the School Board may expel students. A long-term suspension is any suspension longer than ten (10) school days and less than 365 calendar days. An expulsion is an exclusion from school for a minimum of 365 calendar days.

A principal/assistant principal may recommend a long-term suspension or expulsion using the following procedure:

I. Action by Principal or Designee

The principal/designee should note on a 10-day suspension that a recommendation for long-term suspension or expulsion is being considered. If not known at the time of the suspension, the principal shall notify the student and parent of the possible recommendation as soon as it becomes known through the evidence. A copy of the suspension should be sent to the Superintendent/designee immediately.

The principal will send the parent/guardian written notice of a hearing to be held at the school. The principal will review the evidence presented at the hearing, including any material related to the student's overall record, and will determine whether to proceed with the recommendation.

The principal/designee shall make a decision whether to recommend long-term suspension and expulsion within two (2) school days of the commencement of the suspension. If the principal/designee decides to recommend long-term suspension or expulsion, the principal/designee shall immediately provide written notice of the recommendation of long-term suspension or expulsion to the Superintendent/designee. A copy of the written notice of recommendation shall be provided to the student and a copy mailed, by certified mail, to the student's parent/guardian. Whenever expulsion is recommended, the principal/designee shall also recommend a long-term suspension pending action on the expulsion.

The principal/designee will provide the Superintendent/designee a written report of the investigation.

II. Action by the Superintendent/Designee

A. The Superintendent/designee will give the student and the parent/guardian written notice of a hearing to be held before the Superintendent/designee to determine whether to impose the long-term suspension and, if applicable, proceed with the recommendation of expulsion.

This hearing must be held on or before day nine (9) of the suspension. The hearing shall be private. The decision of the Superintendent/designee must be made no later than day ten (10) of the suspension.

B. The following procedure will be followed at the hearing in the presence of the Superintendent/designee:

1. Call to order.
2. The student will be advised of the reason(s) the principal recommended long-term suspension or expulsion, and notice of recommendation of long-term suspension or expulsion by the principal will be read.
3. The student will be advised of the consequences of long-term suspension or expulsion and any alternative educational services that are available.
4. Presentation of evidence by the principal.
5. Questions by the student or his/her representative.
6. Questions, if any, by the Superintendent/designee or attorney.
7. Presentation of evidence by the student.
8. Questions, if any, by the principal.
9. Questions, if any, by the Superintendent/designee or attorney.
10. Rebuttal witnesses, if any, for the principal.
11. Rebuttal witnesses, if any, for the student.
12. Summary by principal.
13. Summary by student.
14. Advise student that the Superintendent/designee will decide after the hearing whether to affirm, modify, or disapprove the principal's recommendation and the decision will be conveyed to the parent/guardian immediately, but in no instance beyond day ten (10) of the suspension. Written Notice of Decision shall follow.

C. Following all hearings conducted pursuant to this article, the Superintendent/designee will review the evidence presented at the hearing and any material or evidence related to the student's overall behavior deemed pertinent by the Superintendent/designee, and will decide whether to affirm, modify or disapprove the principal's recommendation. The Superintendent/designee will make all reasonable efforts to convey the decision to the student and parent/guardian immediately and give the student and parent/guardian written notice of the decision, by certified mail, within three (3) school days after the hearing. This notice shall also contain a statement of the appeal rights as specified in either paragraph D or E.

D. If, after the hearing, the Superintendent/designee imposes a long-term suspension, the student and parent/guardian will be notified in writing of their right to request an appeal hearing before the School Board regarding the Superintendent's/designee's decision by filing a written request with the Superintendent/designee within three (3) school days of the date of the Notice of Decision.

E. If, after the hearing, the Superintendent/designee decides to recommend to the Board that the student be expelled, the student and parent/guardian will be notified in writing when the Board will meet and review the recommendation and take action on the recommended expulsion. If the student and parent/guardian elect to challenge the

Superintendent's/designee's recommendation, the student and parent guardian shall file a written request for a hearing before the School Board with the Superintendent/designee within three (3) school days of the date of the Superintendent's Notice of Recommendation.

III. Action by the Board for Appeals

A. Long-Term Suspension Appeals:

The School Board will decide appeals from long-term suspensions pursuant to the procedure set forth in Article III(B). The School Board's decision shall be within thirty (30) days of the date of the Superintendent's Notice of Decision.

The following procedure will be followed at the hearing:

B. Expulsion Appeals

If the student or parent/guardian makes a written request for an appeal of the recommendation of expulsion, the Superintendent/designee will notify the student and parent/guardian of the time, date, and place of the appeal hearing if other than the next Board meeting. The hearing will be private. The School Board's decision shall be within thirty (30) days of the date of the Superintendent's Notice of Recommendation.

The following procedure will be followed at the hearing:

1. Call to order.
2. Introductory remarks and questions by the chairman:
 - a. Advise the student that the hearing is private.
 - b. Ask student if he/she has been given written copy of the Superintendent's decision and findings.
 - c. Advise the student as follows:

"You understand that you may appear at this hearing with or without counsel of your own choosing and be heard and present testimony of witnesses and other relevant evidence as you may deem advisable."
 - d. Advise the student that the Board will be the judge of the relevance of the evidence offered.
 - e. Advise the student that exhibits, when offered, may be received in evidence by the Board, and when received will be marked and made part of the record.
 - f. Advise the student that witnesses, when present, will be questioned by the Board, its attorney, and the opposing party after each testifies.
 - g. Advise the student that the Board may change the general procedure of the hearing in particular situations.
3. Superintendent's decision and findings to be read by the Superintendent/designee.
4. Opening statements by the Superintendent or attorney and by student or the attorney.
5. Presentation of evidence by the administration.

6. Questions, if any, by the student or attorney.
7. Questions, if any, by the Board and its attorney.
8. Presentation by the student or attorney.
9. Questions, if any, by the Superintendent or attorney.
10. Questions, if any, by the Board or its attorney.
11. Rebuttal witnesses, if any, for administration.
12. Rebuttal witnesses, if any, for student.
13. Summary by the administration.
14. Summary by student or his attorney.
15. Decision of the Board or announcement when the Board will decide.
The decision of the Board will be final. Notice of the decision will be in writing and will be given to all concerned parties within seven (7) school days of the hearing.

Any notice required to be given by this policy will be deemed given when mailed by certified mail, return receipt requested.

IV. Long-Term Suspension or Expulsion of Special Education Students

A. The procedures set forth in Article IV apply to students determined to be eligible for special education and related services under IDEA and these procedures may be asserted by a student who has not been determined eligible under IDEA if the school system has knowledge that the student was a student with a disability prior to the occurrence of behavior which precipitated the disciplinary actions.

B. The principal shall notify the Director of Special Education/designee immediately upon consideration of a recommendation that a special education student may be expelled or placed on long-term suspension. The principal shall conduct a Manifestation Determination Review (MDR) following procedures set forth by local, state and federal regulations immediately, if possible, but in no case later than five (5) days after the date on which the decision is made. When the principal notifies the parent of the recommendation of long-term suspension or expulsion, the principal shall include notification of the procedural safeguards under IDEA.

C. Special Rules For Offenses Involving Weapons, Drugs or Controlled Substances

1. If a student possesses a weapon, illegal drugs, or controlled substances in violation of the Student Rights and Responsibilities Handbook, the student may be

disciplined as follows:

- a. The Principal as a result of the hearing provided for in Article I, may suspend the student for up to ten (10) days.
- b. In addition to the ten (10) day suspension, the student's placement may be changed to an appropriate interim alternative education setting, provided the cumulative time in suspension and the alternative setting does not exceed forty-five (45) calendar days.
- c. Either before taking the action in (a), or not later than ten (10) days after taking the action, the IEP Committee shall meet:
 - i. to review or modify any existing behavioral intervention plan of the student or to develop one if none exists; and
 - ii. to determine the nature and location of any interim alternative education setting.
- d. Any interim alternative education setting selected under C(1)(c)(ii) above shall:
 - i. be selected so as to enable the student to continue to participate in the general curriculum although in another setting, and to continue to receive those services and modifications, including those described in the student's current IEP, that will enable the student to meet the goals set out in the IEP; and
 - ii. include services and modifications designed to address the behavior.

D. (MDR) Committee's Review and Determination

1. If the Committee determines that the behavior of the student was not a manifestation of the student's disability, the relevant disciplinary procedures may be applied; however, the student must be provided a free appropriate public education. This requirement would not limit the Committee's right to review the student's IEP and make appropriate changes subject to the student's and parent's rights under IDEA. The Committee shall ensure that the special education and disciplinary records are considered by the person or persons making the final determination regarding disciplinary action.
2. If the behavior is a manifestation of the disability, an alternative placement and/or revised IEP must be considered.
 - a. The student has the right to have educational services resumed the next school day, unless the parents agree to a temporary placement change through the IEP process.
 - b. The notice of suspension and/or recommended long- term suspension or expulsion shall be removed from the student's record.

E. Regardless of the Committee's determination under paragraph D, if the division proposes to change the student's placement or remove the student from his/her placement for more than ten (10) days and the parents disagree, and if the student's behavior poses a continuing physical danger to himself/herself or to others in the

school, the Superintendent is authorized (1) to seek appointment of a hearing officer under IDEA who may order a change in placement to an appropriate interim alternative education setting for not more than 45 days; and/or (2) to seek an order from a court of competent jurisdiction to remove the student from school.

V. Long-term Suspension or Expulsion of Section 504 Students

A. The principal shall notify the Section 504 committee immediately upon consideration of a recommendation that a Section 504 student be expelled or placed on long-term suspension.

B. The principal shall convene the Committee immediately if possible, but in no case later than five (5) school days after the date on which the principal makes the recommendation to expel or place on long-term suspension.

C. The Committee shall determine whether the student's behavior which caused the long-term suspension or expulsion was a manifestation of the student's disability. The Committee may use the review procedure set forth in Article VIII, of School Board Policy JGD.

VI. Reinstatement Procedures

At the end of the long-term suspension or expulsion period, the parent must submit a written request for reinstatement of the student. When a student has been expelled permanently, that student may petition the Board to request reentry into the school system. Any student who has been expelled and who wishes to be readmitted shall file his/her initial petition for readmission no earlier than 320 calendar days and no later than 330 calendar days from the date of expulsion. The School Board will consider the initial petition for readmission in such time that, if granted, the student may return to school no later than one calendar year from the date of expulsion. If the initial petition is not granted, the student may file another petition for readmission two (2) years after the date of expulsion or such earlier date established by the School Board. However, the School Board shall not be obligated to consider or act upon subsequent petitions.

Adopted:

1/7/76

Revised:

12/14/83, 1/18/89, 9/4/91, 7/20/94, 8/20/97, 2/16/00, 6/7/00, 6/6/01, 2/5/03, 5/2/07

LEGAL REF.:

Code of Virginia, §§16.1-305, 22.1-276.01, 22.1-277

CROSS REFS.:

QJF, STUDENTS' RIGHTS AND RESPONSIBILITIES HANDBOOK

QJFA, STUDENT DUE PROCESS RIGHTS

QJG, STUDENT DISCIPLINE

- ☐ JGC, STUDENT DISCIPLINARY ALTERNATIVE PLACEMENT
- ☐ JGD, STUDENT SHORT-TERM SUSPENSION
- ☐ JO, STUDENT RECORDS

Note: This information is also found in the Hampton City Schools Student Rights and Responsibilities Handbook. Copies of this handbook are available in all school office

Hampton City Schools, Hampton, Virginia

