

REGULATION

ANNE ARUNDEL COUNTY PUBLIC SCHOOLS

Related Entries: Policy JD (formerly Policy 903)

Responsible Office: ASSISTANT SUPERINTENDENT FOR STRATEGIC INITIATIVES

STUDENT SUSPENSION AND EXPULSION

A. PURPOSE

To establish procedures that define responsibilities of Anne Arundel County Public Schools (AACPS) staff and clarifies the rights of the student in the suspension or expulsion process.

B. BACKGROUND

Serious behavior or continued misconduct may result in the student's removal from school. The removal may range from an in-school suspension, short-term suspension (10 days or less), an extended suspension (more than 10 days), or expulsion (removal for a period of 18 - 36 weeks).

C. PROCEDURES

1. Definitions

- a. *In-school suspension* is defined as a temporary removal of a student from the student's daily class schedule for disciplinary reasons with notice to the parent/legal guardian.
- b. *Out-of-school suspension* is the act of excluding a student from school for a defined period of time for disciplinary reasons with notice to the parent/legal guardian.
- c. *Extended suspension* is the act of excluding a student from the regular school program for more than 10 consecutive days for disciplinary reasons with notice to the parents/legal guardian.
- d. *Expulsion* is the act of excluding a student from participating in the educational program for an indefinite time, with or without specifying a time for seeking readmission to AACPS.
- e. *Restitution* is defined as replacing item(s) that were stolen or damaged or providing fair market value by way of compensation or service.

- f. *Confer* means a discussion by any mode, such as, by telephone, electronic mail, face-to-face conversation, a written note, etc., by which the views of the teacher are communicated and/or considered.

2. Temporary Suspension

If the principal decides that suspension is necessary, the principal will follow all due process procedures.

- a. A student facing *suspension* will be given:
 - i. oral or written notice of the charges against the student and a hearing;
 - ii. an opportunity to hear the evidence the authorities have and an opportunity to respond if the student denies the charges; and
 - iii. notice and hearing before the student is removed from the school.
- b. A reasonable effort will be made to notify the parent or guardian by telephone of the action being taken.
 - i. If the parent cannot be reached by phone, the student may be excluded from class but must remain in school.
 - ii. If the behavior of the student is, in the judgment of the principal, harmful to himself/herself or others, the principal should request assistance from the appropriate agency to effect the student's removal from the school building.
- c. A letter will be prepared containing the following:
 - i. reason(s) for the suspension;
 - ii. dates of suspension;
 - iii. date and time of the conference, which should be held on or prior to the last day of suspension;
 - iv. notification that the student is prohibited from appearing on any public school property until the suspension is terminated; and
 - v. one copy of the letter will be given to the student, one copy will be mailed to the parent or guardian, and one copy will be filed in the cumulative folder.

- d. A report of the suspension will be sent to the Central Office by way of SASIxp.

3. Extended Suspension-Expulsion

- a. If, in the judgment of the principal, an extended suspension or expulsion is warranted, the principal will promptly:
 - i. inform the student and parent that an extension of suspension or expulsion is being requested and the reasons for the request;
 - ii. notify the parent or guardian by certified mail of the action being taken;
 - iii. notify the Office of Student Safety and Discipline; and
 - iv. prepare a letter to the Superintendent requesting an extended suspension and/or expulsion and the reason(s) for it. This letter, along with a copy of the letter informing the parent of the action being taken, will be given to the pupil personnel worker or the Special Assistant for Student Discipline at the time of the conference.
- b. The Superintendent or designee will:
 - i. promptly make a thorough investigation of the situation;
 - ii. arrange a conference with the student and the student's parent or guardian; and
 - iii. compose a letter addressed to the parent or guardian, signed by the Superintendent or designee, reviewing the reason for the student's suspension, or expulsion, the length of time the student is to be suspended, the circumstances under which the student may return to school and the rights of appeal as stated in Section 7-305(a), (b), (d) of the Maryland Education Article.

4. Overt Acts

- a. Specific incidents will be cited and documented (complete description of the incident, location, date, time, and names and addresses of complainants, witnesses, and accused).
- b. After reasonable inquiry by school officials, students identified as the aggressors in these acts will be suspended pending a full investigation by a

Special Assistant for Student Discipline or a Pupil Personnel Worker.

- c. Parents of students involved will be requested to come to the school for a full explanation of the incident by the principal or the administrator in charge and informed of the steps which the school plans to pursue.
- d. A written report will be completed in a reasonable time, preferably within 48 hours, and given to a Special Assistant for Student Discipline or a Pupil Personnel Worker at the time of the investigation.
- e. In cases of more than 10 school days delay in investigative procedures, the principal, in conclusion with a Special Assistant for Student Discipline or a Pupil Personnel Worker, will request permission from the Superintendent to extend the suspension.
- f. The outcome of this suspension may be any one or a combination of the following:
 - i. the withdrawal of the student for the remainder of the school year;
 - ii. expulsion;
 - iii. home teaching;
 - iv. transfer to an Alternative Education Program;
 - v. appropriate court referral;
 - vi. reinstatement; and/or
 - vii. referral to Alternative to Drugs Program (ADP), Anti-Tobacco Use Program (ATUP), or the Responsible Actions Program (RAP).

5. Readmission of Student for Suspension

- a. It will be the responsibility of the student and parents to attend a conference with the local school administrator as soon as notified or prior to the last day of the suspension to discuss and to seek avenues of change in the behavior that has brought about the suspension.
- b. Under conditions mutually agreed upon during the conference with the parents, the student may be readmitted to school.
- c. If the parent conference is not held within the stated dates of suspension or is unsatisfactory, the principal may request an extension of the suspension from the Superintendent, as outlined in the procedures for extended

suspension or the principal may decide to readmit the student after a conference with the student.

6. Readmission of Student for Expulsion
 - a. An expelled student and the parents or guardians of the student may seek readmission to school by writing to the Superintendent to request a conference to review the expulsion. Upon notification, the student and the parents or guardians of the student must attend a conference with the Superintendent, or designee.
 - b. Considerations for readmission will include:
 - i. the nature and severity of the incident leading to expulsion; and
 - ii. a review and evaluation of the school record of the student, including attendance, academic performance, and behavior.
 - c. Decisions regarding readmission to the school system will be determined on a case-by-case basis.
 - d. Generally, it will be expected that the student will have been separated from the public school system for at least one full semester or 18 to 36 weeks of school.
 - e. This procedure may be modified by the aggravating or mitigating circumstances of a particular case.
7. Suspension of Not More Than Ten School Days for Students with Disabilities as determined by Individuals with Disabilities Education Improvement Act (PL 108-446) or Section 504.
 - a. Such a suspension may not constitute a change in the student's educational program. However, if a student is subject to two or more suspensions totaling more than 10 school days per year, the appropriate procedure set forth under "*Suspension for More Than Ten School Days or Expulsion*" shall apply.
 - b. If credible evidence is presented indicating that the student may be disabled and eligible for placement in a special education program, the regular procedure governing being suspected of having a disability must be initiated within 10 days.
8. Suspension for More Than Ten School Days or Expulsion for ~~Handicapped~~ Students with Disabilities

- a. Procedures for Students with Disabilities as determined by IDEIA (108-446)
 - i. In any disciplinary case in which the Superintendent or designee determines that suspension for more than 10 cumulative school days per year or expulsion is warranted, the matter will be immediately referred to the school Individual Educational Program (IEP) team to determine whether the conduct that promoted the disciplinary action was a manifestation of the student's disability. If warranted, the IEP team meeting may be held in conjunction with the conference with the Superintendent's designee, and the parent/s and the student if the 10 days' notice of the IEP team meeting is waived by the parent.
 - ii. In making its determination, the IEP team will consider pertinent information available, including whether the student has a documented history of engaging in the type of conduct for which the student is being disciplined, the extent to which the conduct can be reasonably attributed to the student's disability, and any efforts by the school staff to deal with the conduct. If the IEP team determines that the conduct, which prompted the disciplinary action, was a manifestation of the student's disability, it will further consider whether the student's program continues to be appropriate. If the IEP team determines that the student's program is no longer appropriate, the student's Individualized Education Program (IEP) will be revised and implemented as soon as possible, but no more than 30 school days following its revision and approval by the student's parents as required by law.
 - iii. If the IEP team determines that the conduct that prompted the disciplinary action was a manifestation of the student's disability, the suspension or expulsion will be discontinued and the record of the suspension or expulsion will be removed from the student's file. If the IEP team determines that the action was not a manifestation of the student's disability, then the procedures set forth in this regulation apply. The local school system will give the student's parents prompt written notice of their due process rights and the IEP team's determination. The student must continue to be provided with a free, appropriate, public education.
 - iv. The student's parents may appeal the IEP team's determination. When an appeal has been requested by either the parent or the LEA, a child shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the time period provided for discipline. The LEA shall arrange for an expedited hearing, which shall occur within 20 school days of the date of request and result in determination

within 10 school days after the hearing.

v. The student may not be removed from the student's current educational placement for more than 10 school days per year unless:

(1) The IEP team has determined that the conduct which prompted the disciplinary action was not a manifestation of the student's disability and the student's parents have not appealed the determination;

(2) The student's parents have agreed to an alternative or interim educational placement; or

(3) Maintenance of the student's current placement is substantially likely to result in injury to the student or to others and the student's parents have not agreed to an alternative or interim educational placement and the court of competent jurisdiction has temporarily enjoined the student from remaining in the student's current educational placement.

b. Procedures for Students with Disabilities as determined by Section 504 of the Rehabilitation Act.

i. In any disciplinary case in which the Superintendent or designee determines that suspension for more than 10 cumulative school days per year or expulsion is warranted, the team will conduct a manifestation meeting to determine whether the student's current educational placement is appropriate and whether the misconduct is/is not a manifestation of the student's disability.

(1) If a student not previously identified as disabled is suspended for more than 10 school days per school year or expelled, and the school system had knowledge that the student was a child with a disability before the behavior occurred, then the student may invoke the procedures available to special education students.

(2) After conducting a re-evaluation, a suspension conference is scheduled with parent/guardian and the 504 Committee. (Under 504, 10 days notice is not required.)

(3) The 504 committee meets to determine whether the conduct, which prompted the disciplinary action, was a manifestation of the student's disability. In the

deliberations, the committee will consider such pertinent information as whether the student has a documented history of engaging in the type of behavior for which the student is being disciplined, the extent to which the behavior can be reasonably attributed to the student's disability, and the efforts of the school staff to deal with the behavior.

- (4) If the committee determines that the behavior is a manifestation of the disability, the suspension will be terminated and the record of the suspension expunged. In addition, the 504 committee will reconsider the student's program and, if indicated, develop and implement revised 504 modifications.
- (5) If the committee determines that the behavior is not a manifestation of the disability, the suspension/expulsion will proceed as provided under Section 7-305 of the Maryland Education Article. Procedures for conducting the case will follow those procedures outlined in the *Help Manual*. The student may be excluded from school and all educational services may cease.
- (6) The 504 Committee completes the 504 committee meeting report.
- (7) Parents who disagree with a decision of the 504 Committee have the right to a 504 due process hearing.
- (8) During the appeal process, the student will be permitted to return to the student's educational program unless school officials and parents can agree to an interim program pending the appeal decision.
- (9) Parents have the right to appeal to the Board a suspension of more than 10 days or expulsion under Section 7-305 of the Maryland Education Article (*See Help Manual*). At the discretion of the Board, the hearing required under Section 7-305 may be stayed while any appeals under Section 8-415 of the Maryland Education Article and COMAR 13.05.01.07 are pending.
- (10) Under emergency circumstances, if the student is a danger to himself/herself or others, an injunction may be requested through the Assistant Superintendent for Instructional Services.

- (11) Students who are disabled under 504 solely because of addiction to drugs and/or alcohol may be expelled with no reevaluation.
- ii. Students who are disabled under Section 504 should follow the same procedures listed under Procedures for Students with Disabilities as determined by IDEIA (PL 108-446).
- c. Procedures for Students with Disabilities regarding Weapons, Possession, Distribution, or Use of Alcoholic Beverages, Controlled Dangerous Substances or other Intoxicants, or inflict serious bodily injury.
 - i. Students who possess or carry a weapon to school or a school function, or who inflict serious bodily injury, or who knowingly possess, use, sell, or solicit the sale of a controlled substance while at school or a school function or who inflict serious bodily injury, may be placed in an appropriate interim alternative educational setting to be determined by an IEP developed by a properly constituted IEP team, for not more than 45 school days. These students are entitled to receive Free and Appropriate Education (FAPE) while in this setting. Additional relief in appropriate cases may be available through a court injunction.
 - ii. If there is substantial evidence that maintaining the current placement is substantially likely to result in injury to the child or to others which cannot reasonably be minimized with or without the use of supplementary aids and services, a state administrative law judge may order a child with a disability to an appropriate interim alternative educational setting for not more than 45 days.

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Note previous regulation history: Replaces AR903, revised 5/20/91.