

## **PROCEDURE FOR DEALING WITH SUSPENSION OR RECOMMENDATION FOR EXPULSION**

### **I. Students without Disabilities**

A. Action to suspend or to recommend a student for expulsion from Maggie L. Walker Governor's School should be preceded by efforts to resolve the unacceptable behavior, including the development of a behavior support plan, except in extreme conditions which clearly and substantially threaten the health and safety of persons or the order of the school, including, but not limited to, when the student (1) is in possession of a firearm; (2) assaults a staff member; (3) distributes over-the-counter drugs, prescription drugs, or illegal substances; or (4) endangers the safety of the school community and/or any of its members. Such efforts should include the following persons:

1. The student
2. Teachers who work with the student
3. Parents or guardians of the student
4. School counselors
5. Appropriate instructional support staff members
6. Administrators
7. Other agencies who might be working with the student, such as Probation or Mental Health Clinic

B. The director must arrange for the maintenance of complete and accurate records of disciplinary incidents. Such records should provide evidence that due process has been provided.

C. Before taking action to suspend or recommend expulsion, the director and/or designee will investigate the incident and hold a hearing. Accurate and complete records of the investigation and hearing will be maintained.

D. The director and/or designee may suspend a student for up to 10 school days. Suspension notices will be sent to parents or guardians by mail, and when feasible, given to students at the time of the suspension.

F. The written notice of suspension or recommendation for expulsion will include the following items:

1. The nature and duration of the proposed action and date of the incident. The length of the proposed action shall not exceed two (2) full semesters.
2. The reasons for the proposed action.
3. The right of the student or parents to appeal the proposed action to the director or designee and, if necessary, the Regional School Board.

G. In cases involving a suspension of up to 10 school days, a student or parent/guardian shall submit a written letter of appeal, which should include all supporting documentation, to the director of the school within two (2) working days of verbal or written notification (to include

electronic notification) of the suspension. The student or parent/guardian should state specifically the reason(s) for the appeal and consider the following before appealing a suspension: (A) do the facts warrant the suspension; (B) were the consequences appropriate for the behavior; and (C) were school and county procedures followed. The director shall review the suspension, along with all of the evidence, and render a written decision within three (3) working days.

To appeal further, the student or parent/guardian shall submit written notice to the director within two (2) working days of the director's decision to uphold the suspension, requesting that the director forward the letter of appeal and all documentation to the Chair of the Regional School Board for review. The director shall review the appeal letter and forward the letter and documentation to the Chair of the Regional School Board within two (2) working days. The Chair of the Regional School Board shall review the information, gather additional information, and/or conduct a hearing if necessary, and render a decision. For suspensions of 10 days or less, the decision of the Chair of the Regional School Board shall be final.

In decisions involving a suspension over 10 school days (long-term suspension) or a recommendation for expulsion, the student or parent/guardian may appeal that decision first to the director. Such an appeal must be in writing and must be filed within three (3) calendar days of notification from the director of the decision to suspend over 10 days.

Failure to submit an appeal letter within three (3) calendar days will constitute a waiver of the right to appeal. The student or parent/guardian should state specifically the reason(s) for the appeal and consider the following before appealing a suspension: (A) whether the facts warrant the suspension; (B) if the consequences were appropriate for the behavior; and (C) whether school and county procedures were followed. If the student or parent/guardian is not satisfied with the decision reached by the director, they have the right to a final appeal to the Regional School Board, which shall be in writing. Such an appeal must be in writing and must be filed within 10 calendar days of the decision to suspend over 10 days. Failure to submit a letter within 10 calendar days will constitute a waiver of the right to appeal. The director shall record the date that the appeal is received and provide copies of the appeal to the Chair of the Regional School Board and the Regional School Board Clerk.

The Regional School Board shall, at its monthly meeting or work session, render a decision based on the record, the written appeal, and any information presented in a hearing before the Board. When a student or parent/guardian has requested a hearing before the Regional School Board in his/her written appeal, the student or parent/guardian will be contacted by the Regional School Board Clerk with the date, time, and place of the meeting or work session when the Regional School Board will be acting on the appeal. The Regional School Board shall consider the written appeal and any information presented in the hearing at its monthly meeting or work session and shall inform all parties of its decision within five (5) administrative days of the final vote.

I. A student recommended for long-term suspension or expulsion, or who has been long-term suspended or expelled, will be withdrawn from Maggie L. Walker Governor's School and returned to their home school district. The student may be able to access alternative programs if offered by their home school district and approved by their home school district superintendent.

## II. Students with Disabilities

A. Suspensions of 10 school days or less: A short-term suspension is when the student is removed from class (in-school suspension) or from school (including administratively excused absences which are initiated by the school staff) for 10 school days or less. This does not constitute a change in placement; however, a series of short-term suspensions that create a pattern and aggregate to more than 10 school days is considered a change in placement requiring a review of the student's IEP, Manifestation Determination Review (MDR) hearing, and placement considerations.

B. Suspensions greater than 10 school days and expulsions:

1. When the student is removed or recommended for removal from class or school for more than 10 consecutive school days, an MDR must be conducted to determine whether or not there is a relationship between the student's disability and the behavior that resulted in the suspension/expulsion.

For students with a disability, this determination must be made according to the change in placement procedures by an IEP committee with the following composition:

- (a) a representative of Maggie Walker Governor's School, other than the student's teacher, who is qualified to provide or supervise the provision of special education;
- (b) the student's teacher;
- (c) a regular education teacher;
- (d) one or both of the student's parents;
- (e) the student, if appropriate;
- (f) persons knowledgeable about the student, the meaning of evaluation data, and the placement options;
- (g) other individuals, at the discretion of the parents or MWGS.

For students with a 504 plan, this determination is made according to the change in placement procedures by a 504 team comprised of persons knowledgeable about the student, the meaning of evaluation data, and the placement options available for eligible students.

2. A series of suspensions that aggregate to more than 10 school days may be considered a change in placement requiring an IEP/504 review and procedural protections.

3. Factors to consider in determining whether aggregate suspensions of 10 days or more are a change of placement include the length of each suspension, proximity of suspensions, and total number of days suspended.

4. If it is determined that the misconduct is a manifestation of the student's disability, the student may not be expelled, nor may MWGS impose a long-term suspension. If there is no causal connection between the student's disability and the misconduct in question, if the conduct did not have a direct and substantial relationship to the child's disability, or if the conduct in question

was not the direct result of the school's failure to implement the IEP, the student may be disciplined in the same manner as a nondisabled student with the stipulation that the student must be provided educational services identified as appropriate by the student's IEP team during the term of suspension or expulsion over 10 days. For a student with a 504, if there is no causal connection between the student's disability and the misconduct in question, if the conduct did not have a direct and substantial relationship to the child's disability, or if the conduct in question was not the direct result of the school's failure to implement the 504, the student may be disciplined in the same manner as a nondisabled student with the stipulation that the student must be given the same access to services that are available to nondisabled students who are long-term suspended or expelled found under section I relating to students without disabilities. Students with disabilities may receive educational services by being placed in an alternate educational setting by the student's IEP/504 team in the student's home district if the team determines such alternate educational setting to be appropriate for the student.

5. In the case of expulsion or long-term suspension, parental consent is not required to expel or suspend the student for more than 10 days.

Adopted: October 15, 2020

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