

# REGULATION ANNE ARUNDEL COUNTY PUBLIC SCHOOLS

**Related Entries:** JD, JCC, JCC-RA  
**Responsible Office:** DIVISION OF STUDENT SUPPORT SERVICES

## STUDENT SUSPENSION AND EXPULSION

### A. PURPOSE

To establish procedures that promote learning by maintaining a positive environment of order, safety, and discipline necessary for effective learning. To provide a process that defines responsibilities of Anne Arundel County Public Schools (AACPS) staff and clarifies the rights of the student in the suspension and expulsion process.

### B. BACKGROUND

Serious behavior or continued misconduct may result in a student's removal from the classroom or school environment. The removal may range from an in-school suspension, short-term suspension (1-3 school days), long-term suspension (between 4 and 10 school days), an extended suspension (between 11 and 45 school days), or expulsion (45 school days or longer).

### C. DEFINITIONS

1. ***Alternative Education Program*** – includes a number of approaches to teaching students who are experiencing barriers to learning, distinct from that which is traditionally offered in our schools. Alternative education programs vary, but typically emphasize small class sizes, close relationships between students and teachers, and a sense of community. Examples of alternative educational programs include, Mary Moss at J. Albert Adams Academy, Evening High School, the Phoenix Academy, home-based learning, and summer school.
2. ***Expulsion*** – the exclusion of a student from the student's regular school program for 45 school days or longer for disciplinary reasons in accordance with *The Code of Student Conduct* and as determined by the Superintendent or the Superintendent's designee.
3. ***Extended Suspension*** – the exclusion of a student from a student's regular school program for a time period between 11 and 45 school days for disciplinary reasons in accordance with *The Code of Student Conduct* and as determined by the Superintendent or the Superintendent's designee with notice to the

- parent(s)/guardian(s).
4. ***In-School Suspension*** – a temporary removal, within the school building, of a student from the student’s current education program for up to but not more than 10 school days in a school year for disciplinary reasons in accordance with *The Code of Student Conduct* with notice to the student’s parent(s)/guardian(s).
  5. ***Long-Term Suspension*** – the student’s removal from school for a time period between 4 and 10 school days for disciplinary reasons in accordance with *The Code of Student Conduct* and as determined by the principal with notice to the student’s parent(s)/guardian(s).
  6. ***Non-Public Hearing*** – a proceeding that is closed to the public at large and the press. Only those individuals who are necessary or desirable to the hearing will be allowed to attend.
  7. ***Out-of-School Suspension*** – the act of excluding a student from school for a defined period of time for disciplinary reasons with notice to the parent(s)/guardian(s).
  8. ***Public Hearing*** – a proceeding that is open to the public at large including the press and any other parties that wish to attend.
  9. ***Short-Term Suspension*** – the removal of a student from school for 1 to 3 school days for disciplinary reasons in accordance with *The Code of Student Conduct* and as determined by the principal with notice to the parent(s)/guardian(s).
  10. ***Suspension*** – the application of extended-suspension, in-school suspension, short-term suspension, or long-term suspension.

## D. PROCEDURES

### 1. Short-Term and Long-Term Suspensions

In accordance with State law and regulations, a principal may suspend for cause, for not more than 10 school days, any student in the school who is under the direction of the principal. The student or the student’s parent(s)/guardian(s) shall promptly be given a conference with the principal and any other appropriate personnel during the suspension period. If the principal determines that suspension is necessary, the principal shall follow all due process procedures.

- a. A student facing suspension shall be given:
  - i. Oral or written notice of the offense or violation against the student and the opportunity to be heard regarding the violation(s)/offense(s);

- ii. The opportunity to hear the evidence gathered by the administration and respond if the student denies the charge(s); and
  - iii. Notice and the opportunity to be heard before the student is removed from the school.
- b. A reasonable effort shall be made to notify the student's parent(s)/guardian(s) of the action being taken.
- i. If the parent(s)/guardian(s) cannot be contacted, 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 the student or others, the principal shall request assistance from the appropriate resources to remove the student from the school building.
- c. A letter shall be prepared containing the following:
- i. Reason(s) for the suspension;
  - ii. Date(s) of suspension;
  - iii. Date and time of the conference, which shall 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 concludes; and
  - v. One copy of the letter shall be given to the student, one copy shall be mailed to the student's parent(s)/guardian(s), and one copy shall be filed in the student record.
- d. A report of the suspension shall be sent to the appropriate Central Office staff by way of the applicable student data system.

## **2. In-School Suspension**

- a. An in-school removal is not considered a day of suspension as long as the student is afforded the opportunity to continue to:
  - i. Appropriately progress in the general curriculum;
  - ii. Receive the special education and related services specified on the student's IEP, if the student has an IEP;

- iii. Receive instruction commensurate with the program afforded to the student in the regular classroom; and
  - iv. Participate with peers as they would in their current education program to the extent appropriate.
- b. A student may not receive an in-school suspension unless the student has been informed of the reasons for the suspension and has been given an opportunity to respond before the suspension becomes effective.
  - c. The school principal shall provide the student's parent(s)/guardian(s) with written notification of the in-school suspension action taken by the school.
  - d. After 10 days of cumulative in-school suspension, the student, the student's parent(s)/guardian(s), and the principal shall meet.
  - e. The student's school of current enrollment shall make provision for the student's education during the period of in-school suspension.

### **3. Extended Suspension or Expulsion**

In accordance with Maryland law and regulations at the request of a principal, a Superintendent or the Superintendent's designee may suspend a student for more than 10 school days or expel the student under the following circumstances.

- a. If a principal determines that a suspension of more than 10 school days or expulsion is warranted, the principal immediately shall report the matter in writing to the Superintendent, or the Superintendent's designee.
- b. The Superintendent or the Superintendent's designee shall promptly investigate the matter.
- c. If after the investigation, the Superintendent or the Superintendent's designee determines that an extended suspension or expulsion is warranted, a conference shall promptly be arranged with the student and the student's parent(s)/guardian(s).
- d. An extended suspension or expulsion is warranted when the Superintendent or the Superintendent's designee has determined that:
  - i. The student's return to school prior to the completion of the suspension period would pose an imminent threat of serious harm to other students and staff; or
  - ii. The student has engaged in chronic and extreme disruption to the educational process that has created a substantial barrier to learning for other students

throughout the school day, and other available and appropriate behavioral and disciplinary interventions have been exhausted.

- e. The Superintendent or the Superintendent’s designee shall limit the duration of suspension to the shortest period practicable.
  - f. If after the conference, the Superintendent or the Superintendent’s designee finds that an extended suspension or expulsion is warranted, the student or the student’s parent(s)/guardian(s):
    - i. May appeal to the Board of Education of Anne Arundel County (Board) within 10 calendar days after the determination;
    - ii. May be heard before the Board, its designated committee, or hearing officer;
    - iii. May bring counsel and witnesses to the hearing; and
    - iv. Shall be provided the school system’s witness list and a copy of the documents that the school system shall present at the hearing 5 calendar days before the hearing.
  - g. Unless a public hearing is requested by the student’s parent(s)/guardian(s), there shall be a non-public a hearing held out of the presence of all individuals except those whose presence is necessary or requested by the Board.
  - h. If an appeal is filed, the Board, its designated committee, or hearing officer shall have 45 calendar days from the date the appeal was received to hear the appeal and issue a decision.
    - i. This time period may be extended if the parent(s)/guardian(s) or the student’s representative requests additional time.
    - ii. If, due to extraordinary circumstances or unusual complexity of a particular appeal, the Board determines that it is unable to hear an appeal and issue a decision within 45 calendar days, it may petition the State Superintendent of Schools for an extension of time.
    - iii. If the pending appeal has implications related to graduation ceremonies, an expedited hearing shall be provided, if administratively possible.
    - iv. The appeal to the Board does not stay the decision of the State Superintendent of Schools.
    - v. The decision of the Board is final at this level.
4. The Code of Maryland Regulations (COMAR) provides that in those instances when

the behavior of a student is a chronic and extreme disruption to the educational process or would pose an imminent threat of serious harm to other students and staff, the student may be suspended or expelled in accordance with the procedures in accordance with State law.

- a. Before any case of suspension, including in-school suspension, a student shall receive oral or written notice of the offense or violation.
- b. If the student denies the offense or violation, the student shall have the right to an explanation of the evidence supporting the offense or violation and an opportunity to present the student's side of the story.
- c. A student whose presence in school poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process may be removed immediately from school, provided that the notice and hearing required by this subsection is provided as soon as possible.
- d. If, in the judgment of the principal, an extended suspension or expulsion is warranted, the principal shall promptly:
  - i. Inform the student and the student's parent(s)/guardian(s) that an extended suspension or expulsion is being requested and the reasons for the request;
  - ii. Notify the student's parent(s)/guardian(s) by certified mail of the action being taken;
  - iii. Notify the Office of Safe and Orderly Schools; and
  - iv. Prepare a letter to the Superintendent or the Superintendent's designee requesting an extended suspension or expulsion and the reason(s) for the request. This letter, along with a copy of the letter informing the student's parent(s)/guardian(s) of the action being taken, shall be given to the Director of Safe and Orderly Schools at the time of the conference.
- e. The Superintendent or the Superintendent's designee shall:
  - i. Promptly make a thorough investigation of the situation;
  - ii. Arrange a conference with the student and the student's parent(s)/guardian(s); and
  - iii. Compose a letter addressed to the student's parent(s)/guardian(s), signed by the Superintendent or the Superintendent's 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 in accordance with State law.

## 5. Offenses and Violations

- a. Specific incidents shall be cited and documented, including a complete description of the incident, location, date, time, and applicable names and addresses of the complainants, witnesses, and accused.
- b. After reasonable inquiry by school officials, students identified as the offenders in these acts, which may result in an extended suspension or expulsion, shall be suspended pending a full investigation by the Director of Safe and Orderly Schools.
- c. The principal shall request that the parent(s)/guardian(s) of a student involved come to the school to discuss the incident with the principal or the administrator in charge and information about the consequences the school plans to pursue. The parent(s)/guardian(s) may choose to include an advocate for the student in this meeting provided that the:
  - i. Parent(s)/guardian(s) is present;
  - ii. Advocate is not an AACPS employee, and
  - iii. Advocate is not a Board member.
- d. A written report shall be completed within 48 hours and given to the Director of Safe and Orderly Schools.
- e. In cases where there is a delay in investigative procedures of more than 10 school days, the principal, in collaboration with the Director of Safe and Orderly Schools, shall request permission from the Superintendent or the Superintendent's designee to extend the suspension.
- f. The outcome may be any one or a combination of the following:
  - i. Suspension;
  - ii. Expulsion;
  - iii. Transfer to an alternative education program;
  - iv. Appropriate court referral;
  - v. Reinstatement; or
  - vi. Referral to specialized program(s) which include, but are not limited to

Alternative to Drugs Program, Anti-Tobacco Use Program, Bias Motivated Behavior Program, and the Responsible Actions Program.

6. In order to help ensure that suspended or expelled students remain on schedule with classroom work, as is reasonably possible, the following actions shall be taken:
  - a. Each student serving the term of an out-of-school suspension or expulsion, who is not enrolled in an alternative education program, shall receive daily classwork and assignments from each teacher. The classwork and assignments shall be reviewed and corrected by teachers on a weekly basis and returned to the student; and
  - b. Each principal shall assign a school employee to be the liaison between the teachers and students who are on out-of-school suspension or expulsion. The liaison shall communicate weekly about classroom assignments and school-related issues by phone or e-mail with students serving the term of an out-of-school suspension or expulsion and their parents/guardians.
7. Students serving an extended suspension or expulsion shall receive appropriate behavioral support services to promote a successful return to the student's regular academic program.

**8. Readmission of a Student After Suspension**

- a. It shall be the responsibility of the student and the student's parent(s)/guardian(s) to attend a conference with the school principal 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 student's parent(s)/guardian(s), the student may be readmitted to school.
- c. If the conference with the student's parent(s)/guardian(s) is not held within the stated dates of suspension or is unsatisfactory the principal may:
  - i. Request an extension of the suspension from the Superintendent or the Superintendent's designee, as outlined in the procedures for extended suspension; or
  - ii. Decide to readmit the student after a conference with the student.

**9. Readmission of a Student After Expulsion**

- a. An expelled student and the student's parent(s)/guardian(s) may seek readmission to school by writing to the Superintendent to request a conference to review the expulsion. Upon notification, the student and the student's parent(s)/guardian(s)



must attend a conference with the Superintendent or the Superintendent's designee.

- b. Considerations for readmission shall 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 shall be determined on a case-by-case basis by the Readmission Review Board.
- d. Generally, a student who has been separated from the public school system for at least 45 school days may seek readmission.
- e. This procedure may be modified by the aggravating or mitigating circumstances of a particular case.

**10. Suspension of Not More Than 10 School Days for Students with Disabilities as Determined by Individuals with Disabilities Education Improvement Act (IDEIA) or Section 504 of the Rehabilitation Act of 1973.**

- a. If a student is subject to suspension(s) totaling more than 10 school days per year, the appropriate procedure set forth in this regulation shall apply. Such a suspension may not constitute a change in the student's educational program.
- b. If the student has been referred for determination of eligibility for special education services, or if there is evidence that the school should have known that the student may be eligible for special education services, procedural safeguards afforded students who have been determined eligible for special education services shall be followed.

**11. Suspension for More Than 10 School Days or Expulsion of Students with Disabilities**

- a. *Procedures for Students with Disabilities as determined by IDEIA*
  - i. In any disciplinary case in which the Superintendent or the Superintendent's designee determines that suspension for more than 10 school days per year or expulsion is warranted, the Individualized Education Program (IEP) Team shall convene within 10 calendar days of the disciplinary removal to determine whether the conduct that resulted in the disciplinary action was a manifestation of the student's disability.
  - ii. In making its determination, the IEP Team shall consider all relevant

information including, to the student’s IEP and assessments, information in the educational record, disciplinary information, and information from the student’s teachers and parent(s)/guardian(s).

- iii. If the IEP Team determines that the conduct which prompted the disciplinary action was a manifestation of the student’s disability, the disciplinary action shall be discontinued and the student shall be immediately returned to the student’s educational setting.
- iv. If the IEP Team determines that the action resulting in the disciplinary removal was not a manifestation of the student’s disability, then the IEP Team must determine educational services that permit the student to progress in the curriculum and their IEP goals and objectives, for the remainder of the disciplinary sanction, in accordance with the procedures set forth in this regulation.
- v. a) The student’s parent(s)/guardian(s) may appeal the IEP Team’s determination regarding the manifestation decision or the determination of appropriate special education services while the disciplinary removal continues.
  - b) If an appeal has been requested by the parent(s)/guardian(s), a child shall remain in the disciplinary placement pending the decision of the hearing officer, or until the expiration of the time period provided for discipline, whichever is sooner. The school system 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.
- vi. The student may not be removed from the student’s current educational placement for more than 10 school days per year unless the:
  - a) IEP Team has determined that the conduct which prompted the disciplinary action was not a manifestation of the student’s disability;
  - b) AACPS has requested an injunction and a court of competent jurisdiction has temporarily enjoined the student from remaining in the student’s current educational placement; or
  - c) Action involved drugs, weapons, or serious bodily injury on school property, at a school-sponsored event, or a school-sponsored activity.
- b. ***Procedures for Students with Disabilities for Incidents Involving Weapons, Drugs, or Serious Bodily Injury***
  - i. Students who possess a weapon, drugs, or inflict serious bodily injury on

another individual while at school or a school-sponsored function or activity may be placed in an interim alternative educational setting (IAES) for up to 45 school days.

- ii. The IEP Team shall conduct a manifestation meeting to determine whether the behavior is a manifestation of the student's disability and to determine special education services that permit the student to progress in the curriculum and the student's IEP goals and objectives. Regardless of the decision, the student may be placed in IAES.
  - iii. If an appeal has been requested by the student's parent(s)/guardian(s), the student shall remain in the disciplinary placement pending the decision of the hearing officer, or until the expiration of the time period provided for discipline, whichever is sooner. AACPS 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.
- c. ***Procedures for Students with Disabilities as Determined by Section 504 of the Rehabilitation Act of 1973.***
- i. In any disciplinary case in which the Superintendent or the Superintendent's designee determines that suspension for more than 10 cumulative school days per year or expulsion is warranted, the team shall conduct a manifestation meeting to determine whether the behavior prompting the recommendation for disciplinary removal is or is not a manifestation of the student's disability.
    - a) If a student not previously identified as disabled is suspended for more than 10 school days in one school year or expelled, and the school system had knowledge that the student was a child with a disability eligible for Section 504 protections and services, prior to the behavior occurring, the student must be provided with procedural safeguards pursuant to Section 504. A manifestation meeting shall be convened as soon as possible, but no later than 10 days after the incident occurred.
    - b) The 504 Committee shall meet to determine whether the conduct that prompted the disciplinary action was a manifestation of the student's disability. The Committee shall 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, relevant information in the student's educational record, and information from the student's teachers and parent(s)/guardian(s).
    - c) If the behavior is determined to be a manifestation of the student's disability, the suspension or expulsion shall conclude and the student shall return to school.

- d) If the 504 Committee determines that the behavior is not a manifestation of the disability, the suspension or expulsion shall proceed in accordance with State law. Procedures for conducting the case shall follow those procedures outlined in the AACPS *Help Manual*. The student may be excluded from school and all educational services may cease.
  - e) Parents/guardians who disagree with the decision of the 504 Committee regarding manifestation have the right to access applicable dispute resolution procedures. If the student has continued to receive educational services, the student shall also receive those services in the disciplinary placement pending the outcome of the dispute resolution process.
  - f) Parents/guardians have the right to appeal to the Board a suspension of more than 10 days or an expulsion. At the discretion of the Board, the hearing may be stayed if other actions are pending.
  - g) Under emergency circumstances, if the student is a danger to the student or others, an injunction may be requested through the Assistant Superintendent for Student Support Services.
    - i) Students who engage in activity involving drugs or alcohol and are considered disabled under Section 504 due to a documented alcohol or drug addiction, are entitled to disciplinary safeguards afforded eligible students pursuant to Section 504.
    - ii) Students engaging in activity involving drugs or alcohol, and who have been determined eligible for Section 504 protections and services based on disabilities other than alcohol or drug addiction, are exempt procedural safeguards.
- d. ***Procedures for Students with Disabilities for Incidents Involving Weapons, Drugs, or Serious Bodily Injury***
- i. Students who possess a weapon, drugs, or inflict serious bodily injury on another individual while at school or a school sponsored activity may be placed in an IAES for up to 45 school days.
  - ii. The 504 Committee shall conduct a manifestation meeting to determine whether the behavior is a manifestation of the student’s disability and to determine the services that permit the student to progress in the curriculum and on their IEP goals and objectives. Notwithstanding the decision, the student may be placed in IAES.
  - iii. If an appeal has been requested by the parent(s)/guardian(s), a student shall remain in the disciplinary placement pending the decision of the hearing

officer, or until the expiration of the time period provided for discipline, whichever is sooner. The school system 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.

12. **Suspension and Expulsion of Students in Prekindergarten to Second Grade**

- a. Notwithstanding any other provision in this regulation, a student in prekindergarten, kindergarten, first grade, or second grade may not be suspended or expelled from school. A student may only be:
  - i. Expelled if required by federal law; or
  - ii. Suspended for not more than 5 school days per incident if the school administration, in consultation with a school psychologist or other mental health professional, determines that there is an imminent threat of serious harm to other students or staff that cannot be reduced or eliminated through interventions and supports.
- b. A school shall provide intervention and support to students who are suspended or who commit any act that would be considered an offense subject to suspension. Interventions and supports may include:
  - i. Positive behavior interventions and supports;
  - ii. A behavior intervention plan;
  - iii. A referral to a student support team;
  - iv. A referral to an individualized education program team; and
  - v. A referral for appropriate community-based services.

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