

Policy Change Cover Page

Policy: JGDZ/JGEZ - Student Suspension/Expulsion

Date Last Reviewed by Policy Committee: June 16, 2023

Projected Date to Board: July 12, 2023

Projected Date for Board Vote: August 16, 2023

Overview of Updates:

Policy updated.

Current

JGDZ/JGEZ. STUDENT SUSPENSION/EXPULSION

I. GENERAL PROVISIONS

- A. Definitions. For the purposes of this policy, unless the context clearly indicates otherwise, the following terms shall mean:

“Aggravating circumstances” as defined by the Virginia Department of Education means:

- i. That a student engaged in misconduct which caused serious harm (including but not limited to physical, emotional, and psychological harm to another person(s) or posed a credible threat of serious harm to another person(s), as determined by a threat assessment; or
- ii. That a student’s presence in the school poses an ongoing and unreasonable risk to the safety of the school, its students, staff, or others in the school; or
- iii. That a student engaged in a serious offense that is:
 - a) persistent (repeated similar behaviors are documented on the student’s disciplinary record), and
 - b) unresponsive to targeted interventions as documented through an established intervention process.

“Alternative education program” includes night school, adult education, or another education program designed to offer instruction to students for whom the regular program of instruction may be inappropriate.

“Committee of the Board” means at least three (3) members of the Board.

“Destructive 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 other 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 that is homemade or was not made by a duly licensed weapon manufacturer, any fully automatic firearm, any sawed-off shotgun or sawed-off rifle as defined in Va. Code § 18.2-299 or any firearm prohibited from civilian ownership by federal law; 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” does 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, nor shall it include any antique firearm as defined in subsection G of Va. Code § 18.2-308.2:2.

“Disruptive behavior” means a violation of school board policies or the Standards of Student Conduct issued by the superintendent pursuant to Policy JFC Student Conduct that interrupts or obstructs the learning environment.

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

“Expulsion” means any disciplinary action imposed by a school board or a committee thereof, as provided in school board policy, 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 (1) any weapon, including a starter gun 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; (2) the frame or receiver of any such weapon; or (3) any unloaded firearm in a closed container. “Firearm” does not include any pneumatic gun as defined in this Policy.

“Full Board” means a majority of the Board.

“Long-term suspension” means any disciplinary action whereby a student is not permitted to attend school for 11 to 45 school days except in certain limited circumstances as expressed within this policy elsewhere, whereby a student may be suspended more than 45 school days but not to exceed 364 calendar days.

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

“Opportunity to be heard” means a right to a limited factual inquiry, pursuant to this policy's subsection concerning short-term suspensions. It does not mean a full hearing as that term is used elsewhere within this policy.

“Parent(s)” means the pupil's: (i) natural parent(s); (ii) legal guardian(s); or (iii) person(s) otherwise standing in loco parentis to the pupil.

“Pneumatic gun” means any implement, designed as a gun that will expel a BB or a pellet by action of pneumatic pressure. “Pneumatic gun” includes a paintball gun that expels by action of

pneumatic pressure plastic balls filled with paint for the purpose of marking the point of impact.

“Review” means the right to the consideration of the written record from a short-term suspension, conducted according to the procedures of the subsection of this policy regarding short-term suspensions

“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: an individual, holding a position authorized pursuant to this policy, who is a trained hearing officer and/or a professional employee within the administrative offices of the school division, who reports directly to the superintendent (at least with regard to disciplinary matters), and who is not a school-based instructional or administrative employee.

“Suspension”, in general, means any disciplinary action whereby a pupil is denied the right to attend school within the division for a period of school days not to exceed 364 calendar days subject to the limitations below.

“Sufficient Cause”. The phrase sufficient cause means any action of a pupil, whether on the school grounds or off, that:

Disrupts any school program or activity;

Threatens the health, safety or welfare of the pupil, other pupils, the faculty or staff of the school, or anyone else lawfully present at or participating in any school program or activity,

Threatens the maintenance of a safe, disciplined, drug-free, healthy school environment that is conducive to learning; or

Violates the Standards of Student Conduct as expressed in the policies, regulations or other directives of the Board or the Superintendent of the Norfolk Public Schools.

- A. Superintendent's Designee—Positions Authorized. For the purpose of this and related student discipline policies, the board authorizes the Superintendent appoint administrative employees of the Norfolk Public Schools holding positions within the Office of Student Support Services to function as trained hearing officers and/or superintendent's designees as defined within this policy. These people must meet the definition of Superintendent's designee contained within this policy. The board directs the superintendent to take whatever further actions, if any, are necessary to accomplish this purpose.

- B. Virginia Code prevails. This policy enacts the provisions of the Virginia Code, 1950, as amended, concerning pupils and discipline within the public schools of the Commonwealth. In any instance of direct conflict between this policy and the Code concerning pupils and discipline, the Code shall prevail.

II. HEARINGS

This section concerns matters generally applicable to all long-term suspensions and expulsions. They are in addition to any special requirements under the subsections of this policy specifically concerning long-term suspensions and expulsions.

A. Administrative Hearing

Administrative Hearing and notices. All long-term suspensions and expulsions are initiated with an Administrative Hearing before a Superintendent's designee and tribunal with notice and an opportunity to be heard to the pupil, her parent(s) and/or her representative (if any). This hearing shall be held as soon as practical after the incident triggering the consideration of long-term suspension or expulsion.

Immediately upon considering a recommendation of long-term suspension or expulsion, the principal or other school official shall notify the Hearing Officer, a Superintendent's designee, in the Department of Student Support Services by telephone and e-mail, so that the administration can prepare for an Administrative Hearing.

At the Administrative Hearing, the disciplinary hearing officer and tribunal panels of school officials will review the facts of the case, including the pupil's entire prior disciplinary history with the pupil, her parent(s) and/or her representative (if any), and make the final decision to recommend long-term suspension or expulsion.

At the conclusion of the Administrative Hearing, the disciplinary hearing officers and tribunal panels of school officials shall notify in writing the pupil, her parent(s) and/or her representative (if any) of the pupil's rights concerning the discipline recommended. This notice shall be provided via first class mail if no one attends the hearing for the pupil. The notice shall include the information required by Board policy or regulation for the specific type of discipline recommended.

Short term suspensions shall be conducted according to the provisions concerning them elsewhere within this policy.

B. Committee of the Board Hearings—Generally

If the appropriate hearing authority is a committee of the Board, then they shall choose one member to function as the chief hearing officer for the purpose of the hearing. The chief hearing officer shall conduct the hearing, see that all parties maintain appropriate decorum, and that the hearing is conducted both

fairly and efficiently. The chief hearing officer shall determine the propriety of attendance at the hearing of persons not having a direct interest in the hearing. The hearing shall be private.

C. Committee of the Board Hearings—Evidence

The chief hearing officer, at her discretion, may exclude any evidence as immaterial, irrelevant, or cumulative. All parties may introduce evidence in the form of hearsay. All parties may offer testimonial evidence through witnesses, subject to the chief hearing officer's discretion to: (1) limit the time; and (2) limit the number of witnesses.

D. Committee of the Board Hearings—Procedures

The chief hearing officer shall allow statements from the division representative and from the pupil, her parent(s), or their representative. Such statements shall be limited to not more than ten (10) minutes for each side. The division representative shall go first. Upon the conclusion of the statements, the chief hearing officer shall open the floor to questions from the board members of the panel.

E. Full School Board Hearings

Hearings before the full school board shall be conducted in the same manner as those before Board Committees, except that the chief hearing officer shall be the Board Chair or Vice Chair. If neither are present, but there is a quorum, the members present shall choose a chief hearing officer.

III. TIME LIMITS.

- A. In long term suspensions or expulsions, subsequent to receiving notice of the decision in an Administrative hearing, a pupil, his parent(s) shall have five business days within which to request a further hearing before a Board Committee. The request shall include a short, clearly legible, written statement (typed or printed) of the reasons for their objection to the Administrative hearing decision. The Board Committee shall give its decision in writing within thirty days of its hearing.
- B. In long term suspensions and expulsions, where the Board Committee decision is not unanimous, the student, parent(s) or shall have five business days after receiving notice of the non-unanimous decision within which to request a further hearing before the full School Board. The School Board shall give its decision in writing within thirty days of its hearing.

IV. SUSPENSIONS

Except as provided in subsection C of Virginia Code §277 (Teacher removal of student from class) or Virginia Code §22.1-277.07 (Firearms) or 22.1-277.08 (Drug Offenses), no student in preschool through grade three may be suspended for more than three school days or expelled

from attendance at school, unless (i) the offense involves physical harm or credible threat of physical harm to others or (ii) the school board or the superintendent or the superintendent's designee finds that aggravating circumstances exist as defined by the Virginia Department of Education.

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 Virginia Code §22.1-277.07 (Firearms) or 22.1-277.08 (Drug Offenses) or involves serious bodily injury or (ii) a committee of the school board or the division superintendent or superintendent's designee finds that aggravating circumstances exist, as defined by the Virginia Department of Education.

Students may be required to attend alternative school during and after a period of suspension or expulsion.

A. Short-term Suspensions

General. Pupils may be suspended from attendance at school for sufficient cause. Subject to the above limits concerning students in pre-school through the third grade, a pupil may be suspended for not more than ten school days by the school principal, any assistant principal, or (in their absence) any teacher.

Notice and Opportunity to Be Heard. The principal, assistant principal, or (in their absence) teacher may suspend the pupil after giving the pupil oral or written notice of the charges against her, and if she denies them, an explanation of the facts as known to school personnel and an opportunity to present her version of what occurred. The notice shall include the fact that the pupil's entire disciplinary record may be reviewed, because of its relevance to both whether to suspend and the period of suspension to impose.

Letter of Suspension. Upon the short-term suspension of any pupil, the principal, assistant principal, or (in their absence) teacher responsible for such suspension reports the facts of the case in writing to the superintendent's designee, the pupil and her parent(s).

This letter shall also inform the pupil and her parent(s) of the conditions of the suspension, including (but not limited to):

The period of the suspension, including the date that the pupil may return to school, and whether a parental conference is required prior to the pupil's return to school;

Whether the pupil is prohibited from coming on school property and/or to scheduled school activities during the period of suspension;

Information about the availability of community-based, alternative or other educational options; and

The student's right to attend regular school, either her original school or some other, or to attend an alternative school, during and/or after the end of the suspension period.

Review. Upon a petition for review by any party in interest, the superintendent's designee shall forthwith review the action taken, and confirm or disapprove such action based on an examination of the written record of the pupil's behavior.

The superintendent's designee shall give her decision in writing to the pupil and her parent(s). If the superintendent's designee confirms the suspension, but alters the consequences in any fashion, her letter shall explain the alterations in detail.

The decision of the superintendent's designee shall be final.

B. Emergency Suspension.

In the case of any pupil whose presence poses a continuing danger to persons or property, or whose presence is an ongoing threat of disruption, the pupil may be removed from school immediately and the notice of the charges, and if she denies them, the explanation of facts and opportunity to be heard, required for short term suspensions, shall be given to the pupil as soon as practicable after her removal from school.

C. Long-term Suspensions

General. A pupil may be suspended from attendance at school for sufficient cause. Subject to the above limits concerning students in pre-school through the third grade and the limits upon long term suspensions extending beyond 45 school days but not to exceed 364 calendar days, a pupil may be suspended for more than ten school days after written notice to the pupil and ~~her~~ the parent(s) of the action and the reasons therefore and of the right to hearings before a Board Committee and the full School Board.

Notice. The pupil and her parent(s) must be provided written notice of the following:

The proposed action, including the proposed duration of the suspension, the reasons for it, including any justification for extending the period beyond the limits concerning students below the fourth grade or the 45 school days limit, the fact that the student's entire disciplinary record may be reviewed because of its relevance to both, and the student's eligibility to attend regular school, either the student's original school or some other, or to attend an alternative educational program, during and/or after the period of suspension.

The right to a hearing before a Board Committee, when timely requested;

The right to a further hearing before the full School Board where the Committee decision is not unanimous, when timely requested; and

The Board Committee's and the full School Board's authority to accept, reject or vary the decision of the of the administrative hearing.

D. Reinstatement after long-term suspension of more than 45 school days but not to exceed 364 calendar days.

Students may be permitted or required to attend alternative school during or after a long-term suspension of more than 45 school days but not to exceed 364 calendar days. If students suspended for more than 45 school days but not to exceed 364 calendar days are offered alternative school during the period of suspension, the notice of suspension must state whether they will be automatically returned to their zoned school after the period of suspension. If the notice states they will not automatically be returned to their zoned school, then the student may petition to return to their zoned school at the end of the period of suspension. Such petitions must be addressed to the Superintendent or a designee thereof. The Superintendent or designee shall make a decision based on the student's record alone. The Superintendent or designee may deny the petition, grant the petition, or grant the petition but require the student to attend some regular school other than their zoned school. If the decision is made by a designee, the student may appeal to the Superintendent who shall make a final decision on the record alone. The Superintendent's decision shall be final and may not be appealed.

After an initial denial, the student may petition again to return to a regular school one calendar year after the initial denial. If the petition is again denied, the student may appeal the final administrative denial to the School Board. The Board will decide all such appeals based on the record alone.

V. EXPULSIONS

Except as provided in subsection C of Virginia Code §277 (Teacher removal) or Virginia Code §22.1-277.07 (or 22.1-277.08, no student in preschool through grade three may be suspended for more than three school days or expelled from attendance at school, unless (i) the offense involves physical harm or credible threat of physical harm to others or (ii) the school board or the superintendent or the superintendent's designee finds that aggravating circumstances exist as defined by the Virginia Department of Education.

- A. A pupil may be expelled from attendance at school for sufficient cause. Subject to the above limits concerning students in pre-school through the third grade, a pupil may be expelled from attendance at school after written notice to the pupil and parent(s) of the action and the reasons therefore and of the right to hearings before a Board Committee and the full School Board (if the Board Committee decision is not unanimous).

On the advice of any principal and/or member of the division administration, the superintendent or his designee may recommend the expulsion of any student.

Regardless of whether the pupil or the parent(s) exercises the pupil's right to a hearing beyond the administrative hearing, the full board shall review the written record and confirm or disapprove the expulsion decision.

- B. Notice. The pupil and her parent(s) must be provided written notice concerning the following:
1. The nature of the proposed disciplinary action and the reasons for it. The notice shall include: the fact that the pupil's entire disciplinary record may be reviewed;
 2. The availability of community-based educational, training, and intervention programs; an indication as to whether the student is eligible to return to regular school attendance, either the student's original school or some other, or to attend an alternative education program, or an adult education program, during or upon the expiration of the student's expulsion, and the terms and conditions of such readmission.
 3. The length of the expulsion;
 4. The pupil's right to a hearing before a committee of the board, when timely requested;
 5. The pupil's right to an appeal of the committee's decision to the full school board if the committee's decision is not unanimous, when timely requested;
 6. The committee's (or the full board's on appeal) authority to accept, reject or vary the proposals of the division.
 7. The pupil's right to petition for readmission if the School Board determines the student is ineligible to return to regular school attendance or to attend, during or upon the expiration of the expulsion, an alternative education program, or an adult education program in the division. The notice shall also advise the pupil and the pupil's parent(s) that they may petition the School Board for readmission to be effective one calendar year from the date of the expulsion, and of the conditions, if any, under which readmission may be granted.
- C. Procedures. The procedures for expulsion hearings shall be as established in this policy's provisions concerning hearings.

A. Reinstatements in Expulsions.

1. Reinstatements where a student is notified he may never attend school in the division again.

If an expelled student is told he may never attend school in the division again, he may still petition to return. The superintendent is hereby authorized and directed to establish a process and a schedule whereby pupils may apply and reapply for readmission to school after expulsion. The schedule shall be designed to ensure that any initial petition for readmission, if granted, would enable the student to resume school attendance one calendar year from the date of the expulsion. The superintendent or a board committee of two or more members shall

review all such petitions. If denied, the student may petition the full board to review such denial. The Board shall review such petitions based on the written record alone.

2. Reinstatements where a student is notified he may attend alternative school during and after the expulsion.

Students may be permitted or required to attend alternative school during and after a period of expulsion. If expelled students ~~is~~ are permitted or required to attend alternative school during and after the period of expulsion, then the students may petition to return to their zoned school at the end of the period of expulsion. Such petitions must be addressed to the Superintendent or a designee thereof. The Superintendent or designee shall make a decision based on the record alone. The Superintendent or designee may deny the petition, grant the petition, or grant the petition but require ~~the~~ students to attend some regular school other than their zoned school. If the decision is made by a designee, the student may appeal to the Superintendent, who shall make a final decision on the record alone. The Superintendent's decision shall be final and may not be appealed.

After an initial denial, the student may petition to return to regular school one calendar year after the initial denial. If the petition is again denied, the student may appeal the final administrative denial to the School Board. The Board will decide all such appeals based on the record alone.

VI. FIREARMS

Pursuant to Virginia Code Section 22.1-277.07 (Firearms), the School Board shall expel from school attendance for a period of not less than one year any student whom the School Board has determined to have possessed a firearm on school property or at a school-sponsored activity as prohibited by Va. Code § 18.2-308.1, or to have possessed a firearm or destructive device as defined in this policy, a firearm muffler or firearm silencer or a pneumatic gun as defined in this policy on school property or at a school-sponsored activity. A school administrator, pursuant to School Board policy, or the School Board may, however, determine, based on the facts of a particular situation that special circumstances exist and no disciplinary action or another disciplinary action or another term of expulsion is appropriate. The School Board may promulgate guidelines for determining what constitutes special circumstances. In addition, the School Board may authorize the superintendent or superintendent's designee to conduct a preliminary review of such cases to determine whether a disciplinary action other than expulsion is appropriate. Nothing in this policy shall be construed to require a student's expulsion regardless of the facts of the particular situation.

The exemptions set out in Va. Code § 18.2-308 regarding concealed weapons apply, *mutatis mutandis*, to the provisions of this Policy. The provisions of this policy do not apply to persons who possess such firearm or firearms or pneumatic guns as a part of the curriculum or other programs sponsored by the schools in the school division or any organization permitted by the

school to use its premises or to any law-enforcement officer while engaged in his duties as such.

VII. DRUG OFFENSES

Pursuant to Virginia Code Section 22.1-277.08 (Drug Offenses), the School Board shall expel from school attendance any student whom the School Board has determined to have brought a substance or imitation controlled substance as those terms defined in Va. Code § 18.2-247 onto school property or to a school-sponsored activity. The School Board may, however, determine, based on the facts of the particular case that special circumstances exist and another disciplinary action is appropriate. The School Board authorizes the superintendent or the superintendent's designee to conduct a preliminary review of such cases to determine whether a disciplinary action other than expulsion is appropriate. Nothing in this policy shall be construed to require a student's expulsion regardless of the facts of the particular situation.

Legal Ref.:

20 U.S.C. § 7961.

Code of Virginia, 1950, as amended, §§ 15.2-915.4, 16.1-260, 18.2-119, 18.2-308.1, 18.2-308.7, 18.2-308.2:2, 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.

State Board of Education Student Conduct Policy Guidelines.

Cross Ref.:

BCEA. Disciplinary Committee

IGBH. Alternative School Programs

JEC. School Admission

JFC. Student Conduct

JFCD. Weapons in School

JGDA. Disciplining Students with Disabilities

JGDB. Discipline of Students with Disabilities for Infliction of Serious Bodily Injury

KG. Community Use of School Facilities

Adopted by the Norfolk School Board August 22, 2001.

Revised:

August 17, 2005; July 1, 2013; April 15, 2015, June 2019, May 16, 2021, September 21, 2021.

VSBA 05/2020, 05/2021.

Redline

JGDZ/JGEZ. STUDENT SUSPENSION/EXPULSION

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- ii. That a student’s presence in the school poses an ongoing and unreasonable risk to the safety of the school, its students, staff, or others in the school; or
- iii. That a student engaged in a serious offense that is:
 - a) persistent (repeated similar behaviors are documented on the student’s disciplinary record), and
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“Destructive 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 other 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 that is homemade or was not made by a duly licensed weapon manufacturer, any fully automatic firearm, any sawed-off shotgun or sawed-off rifle as defined in Va. Code § 18.2-299 or any firearm prohibited from civilian ownership by federal law; 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.

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If the appropriate hearing authority is a committee of the Board, then they shall choose one member to function as the chief hearing officer for the purpose of the hearing. The chief hearing officer shall conduct the hearing, see that all

parties maintain appropriate decorum, and that the hearing is conducted both fairly and efficiently. The chief hearing officer shall determine the propriety of attendance at the hearing of persons not having a direct interest in the hearing. The hearing shall be private.

C. Committee of the Board Hearings—Evidence

The chief hearing officer, at her discretion, may exclude any evidence as immaterial, irrelevant, or cumulative. All parties may introduce evidence in the form of hearsay. All parties may offer testimonial evidence through witnesses, subject to the chief hearing officer's discretion to: (1) limit the time; and (2) limit the number of witnesses.

D. Committee of the Board Hearings—Procedures

The chief hearing officer shall allow statements from the division representative and from the pupil, her parent(s), or their representative. Such statements shall be limited to not more than ten (10) minutes for each side. The division representative shall go first. Upon the conclusion of the statements, the chief hearing officer shall open the floor to questions from the board members of the panel.

E. Full School Board Hearings

Hearings before the full school board shall be conducted in the same manner as those before Board Committees, except that the chief hearing officer shall be the Board Chair or Vice Chair. If neither are present, but there is a quorum, the members present shall choose a chief hearing officer.

III. TIME LIMITS.

- A. In long term suspensions or expulsions, subsequent to receiving notice of the decision in an Administrative hearing, a pupil, his parent(s) shall have five business days within which to request a further hearing before a Board Committee. The request shall include a short, clearly legible, written statement (typed or printed) of the reasons for their objection to the Administrative hearing decision. The Board Committee shall give its decision in writing within thirty days of its hearing.
- B. In long term suspensions and expulsions, where the Board Committee decision is not unanimous, the student, parent(s) or shall have five business days after receiving notice of the non-unanimous decision within which to request a further hearing before the full School Board. The School Board shall give its decision in writing within thirty days of its hearing.

IV. SUSPENSIONS

Except as provided in subsection C of Virginia Code §277 (Teacher removal of student from class) or Virginia Code §22.1-277.07 (Firearms) or 22.1-277.08 (Drug Offenses), no student in

preschool through grade three may be suspended for more than three school days or expelled from attendance at school, unless (i) the offense involves physical harm or credible threat of physical harm to others or (ii) the school board or the superintendent or the superintendent's designee finds that aggravating circumstances exist as defined by the Virginia Department of Education.

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 Virginia Code §22.1-277.07 (Firearms) or 22.1-277.08 (Drug Offenses) or involves serious bodily injury or (ii) a committee of the school board or the division superintendent or superintendent's designee finds that aggravating circumstances exist, as defined by the Virginia Department of Education.

~~Students may be required to attend alternative school during and after a period of suspension or expulsion.~~

Students shall be required to attend alternative school during, and in some cases after, any period of long-term suspension, unless the division, at its sole discretion, determines that the circumstances warrant denying the student the ability to attend any school within the division during the period of the long-term suspension. Students and parents or guardians failing to enroll in and attend alternative school when ordered to do so will be treated as truant and reported to the division's attendance officers. The division's attendance officers will initiate proceedings to enforce Virginia's school attendance laws, including filing petitions in juvenile court, if necessary, pursuant to various sections of the Code of Virginia, including, but not limited to, the provisions of Section 22.1-258, allowing attendance officers to initiate both civil and criminal proceedings in the juvenile courts so as to enforce Virginia's mandatory school attendance laws.

A warning of the potential consequences, both civil and criminal, for failing to attend alternative school when ordered to do so pursuant to a suspension, shall be included in any notice of suspension sent to students and parents or guardians where alternative school attendance during the period of suspension is required.

Students may be required to attend alternative school during, and in some cases after any period of expulsion. However, expelled students may be denied permission to attend any school in the division during any period of expulsion. Moreover, after expulsion, expelled students may be prohibited from ever returning to any school in the division, but such students must be offered the right to annually petition to be reinstated pursuant to procedures governing reinstatement after expulsion elsewhere in this policy until they are no longer eligible for a free public-school education.

Pursuant to Sections 22.1-277.04 (Short term suspensions) and 22.1-277.05 (Long term suspensions) of the Code of Virginia, 1950, as amended, in those suspensions where the division *does not* require students to attend alternative school on pain of truancy charges, the administration shall establish procedures whereby such students may access and complete

their graded work during and after a suspension regardless of whether they are disenrolled after 15 days pursuant to Virginia Board of Education regulations.

In those suspensions where the division does require students to attend alternative school on pain of truancy charges, but the student requests a review of that decision before a panel of the Board pursuant to this policy, the administration shall establish procedures whereby such right to access and complete drafted work shall be included in the notice of suspension. students may access and complete their graded work pending a final decision by the board panel (or the full board if the panel is not unanimous) regardless of whether they are disenrolled after 15 days pursuant to Virginia Board of Education regulations.

Notice of this statutory right to access and complete drafted work shall be included in the notice of suspension.

A. Short-term Suspensions

General. Pupils may be suspended from attendance at school for sufficient cause. Subject to the above limits concerning students in pre-school through the third grade, a pupil may be suspended for not more than ten school days by the school principal, any assistant principal, or (in their absence) any teacher.

Notice and Opportunity to Be Heard. The principal, assistant principal, or (in their absence) teacher may suspend the pupil after giving the pupil oral or written notice of the charges against her, and if she denies them, an explanation of the facts as known to school personnel and an opportunity to present her version of what occurred. The notice shall include the fact that the pupil's entire disciplinary record may be reviewed, because of its relevance to both whether to suspend and the period of suspension to impose.

Letter of Suspension. Upon the short-term suspension of any pupil, the principal, assistant principal, or (in their absence) teacher responsible for such suspension reports the facts of the case in writing to the superintendent's designee, the pupil and her parent(s).

This letter shall also inform the pupil and her parent(s) of the conditions of the suspension, including (but not limited to):

The period of the suspension, including the date that the pupil may return to school, and whether a parental conference is required prior to the pupil's return to school;

Whether the pupil is prohibited from coming on school property and/or to scheduled school activities during the period of suspension;

Information about the availability of community-based, alternative or other educational options; and

The student's right to attend regular school, either her original school or some other, or to attend an alternative school, during and/or after the end of the suspension period.

Review. Upon a petition for review by any party in interest, the superintendent's designee shall forthwith review the action taken, and confirm or disapprove such action based on an examination of the written record of the pupil's behavior.

The superintendent's designee shall give her decision in writing to the pupil and her parent(s). If the superintendent's designee confirms the suspension, but alters the consequences in any fashion, her letter shall explain the alterations in detail.

The decision of the superintendent's designee shall be final.

B. Emergency Suspension.

In the case of any pupil whose presence poses a continuing danger to persons or property, or whose presence is an ongoing threat of disruption, the pupil may be removed from school immediately and the notice of the charges, and if she denies them, the explanation of facts and opportunity to be heard, required for short term suspensions, shall be given to the pupil as soon as practicable after her removal from school.

C. Long-term Suspensions

General. A pupil may be suspended from attendance at school for sufficient cause. Subject to the above limits concerning students in pre-school through the third grade and the limits upon long term suspensions extending beyond 45 school days but not to exceed 364 calendar days, a pupil may be suspended for more than ten school days after written notice to the pupil and the parent(s) of the action and the reasons therefore and of the right to hearings before a Board Committee and the full School Board.

Notice. The pupil and her parent(s) must be provided written notice of the following:

The proposed action, including the proposed duration of the suspension, the reasons for it, including any justification for extending the period beyond the limits concerning students below the fourth grade or the 45 school days limit, the fact that the student's entire disciplinary record may be reviewed because of its relevance to both, and the student's eligibility to attend regular school, either the student's original school or some other, or to attend an alternative educational program, during and/or after the period of suspension.

The right to a hearing before a Board Committee, when timely requested;

The right to a further hearing before the full School Board where the Committee decision is not unanimous, when timely requested; and

The Board Committee's and the full School Board's authority to accept, reject or vary the decision of the of the administrative hearing.

D. Reinstatement after long-term suspension of more than 45 school days but not to exceed 364 calendar days.

Students ~~may be permitted or~~ **are typically** required to attend alternative school during or after a long-term suspension of more than 45 school days but not to exceed 364 calendar days. If students suspended for more than 45 school days but, not to exceed 364 calendar days, are offered alternative school during the period of suspension, the notice of suspension must state whether they will be automatically returned to their zoned school after the period of suspension. If the notice states they will not automatically be returned to their zoned school, then the student may petition to return to their zoned school at the end of the period of suspension. Such petitions must be addressed to the Superintendent or a designee thereof. The Superintendent or designee shall make a decision based on the student's record alone. The Superintendent or designee may deny the petition, grant the petition, or grant the petition but require the student to attend some regular school other than their zoned school. If the decision is made by a designee, the student may appeal to the Superintendent who shall make a final decision on the record alone. The Superintendent's decision shall be final and may not be appealed.

After an initial denial, the student may petition again to return to a regular school one calendar year after the initial denial. If the petition is again denied, the student may appeal the final administrative denial to the School Board. The Board will decide all such appeals based on the record alone.

V. EXPULSIONS

Except as provided in subsection C of Virginia Code §277 (Teacher removal) or Virginia Code §22.1-277.07 (or 22.1-277.08, no student in preschool through grade three may be suspended for more than three school days or expelled from attendance at school, unless (i) the offense involves physical harm or credible threat of physical harm to others or (ii) the school board or the superintendent or the superintendent's designee finds that aggravating circumstances exist as defined by the Virginia Department of Education.

- A. A pupil may be expelled from attendance at school for sufficient cause. Subject to the above limits concerning students in pre-school through the third grade, a pupil may be expelled from attendance at school after written notice to the pupil and parent(s) of the action and the reasons therefore and of the right to hearings before a Board Committee and the full School Board (if the Board Committee decision is not unanimous).

On the advice of any principal and/or member of the division administration, the superintendent or his designee may recommend the expulsion of any student.

Regardless of whether the pupil or the parent(s) exercises the pupil's right to a hearing beyond the administrative hearing, the full board shall review the written record and confirm or disapprove the expulsion decision.

- B. Notice. The pupil and her parent(s) must be provided written notice concerning the following:
1. The nature of the proposed disciplinary action and the reasons for it. The notice shall include: the fact that the pupil's entire disciplinary record may be reviewed;
 2. The availability of community-based educational, training, and intervention programs; an indication as to whether the student is eligible to return to regular school attendance, either the student's original school or some other, or to attend an alternative education program, or an adult education program, during or upon the expiration of the student's expulsion, and the terms and conditions of such readmission.
 3. The length of the expulsion;
 4. The pupil's right to a hearing before a committee of the board, when timely requested;
 5. The pupil's right to an appeal of the committee's decision to the full school board if the committee's decision is not unanimous, when timely requested;
 6. The committee's (or the full board's on appeal) authority to accept, reject or vary the proposals of the division.
 7. The pupil's right to petition for readmission if the School Board determines the student is ineligible to return to regular school attendance or to attend, during or upon the expiration of the expulsion, an alternative education program, or an adult education program in the division. The notice shall also advise the pupil and the pupil's parent(s) that they may petition the School Board for readmission to be effective one calendar year from the date of the expulsion, and of the conditions, if any, under which readmission may be granted.
- C. Procedures. The procedures for expulsion hearings shall be as established in this policy's provisions concerning hearings.

A. Reinstatements in Expulsions.

1. Reinstatements where a student is notified he may never attend school in the division again.

If an expelled student is told he may never attend school in the division again, he may still petition to return. The superintendent is hereby authorized and directed to establish a process and a schedule whereby pupils may apply and reapply for readmission to school after expulsion. The schedule shall be designed to ensure that any initial petition for readmission, if granted, would enable the student to resume school attendance one calendar year from the date of the expulsion. The superintendent or a board committee of two or more members shall

review all such petitions. If denied, the student may petition the full board to review such denial. The Board shall review such petitions based on the written record alone.

2. Reinstatements where a student is notified he may attend alternative school during and after the expulsion.

Students may be permitted or required to attend alternative school during and after a period of expulsion. If expelled students are permitted or required to attend alternative school during and after the period of expulsion, then the students may petition to return to their zoned school at the end of the period of expulsion. Such petitions must be addressed to the Superintendent or a designee thereof. The Superintendent or designee shall make a decision based on the record alone. The Superintendent or designee may deny the petition, grant the petition, or grant the petition but require students to attend some regular school other than the zoned school. If the decision is made by a designee, the student may appeal to the Superintendent, who shall make a final decision on the record alone. The Superintendent's decision shall be final and may not be appealed.

After an initial denial, the student may petition to return to regular school one calendar year after the initial denial. If the petition is again denied, the student may appeal the final administrative denial to the School Board. The Board will decide all such appeals based on the record alone.

VI. FIREARMS

Pursuant to Virginia Code Section 22.1-277.07 (Firearms), the School Board shall expel from school attendance for a period of not less than one year any student whom the School Board has determined to have possessed a firearm on school property or at a school-sponsored activity as prohibited by Va. Code § 18.2-308.1, or to have possessed a firearm or destructive device as defined in this policy, a firearm muffler or firearm silencer or a pneumatic gun as defined in this policy on school property or at a school-sponsored activity. A school administrator, pursuant to School Board policy, or the School Board may, however, determine, based on the facts of a particular situation that special circumstances exist and no disciplinary action or another disciplinary action or another term of expulsion is appropriate. The School Board may promulgate guidelines for determining what constitutes special circumstances. In addition, the School Board may authorize the superintendent or superintendent's designee to conduct a preliminary review of such cases to determine whether a disciplinary action other than expulsion is appropriate. Nothing in this policy shall be construed to require a student's expulsion regardless of the facts of the particular situation.

The exemptions set out in Va. Code § 18.2-308 regarding concealed weapons apply, *mutatis mutandis*, to the provisions of this Policy. The provisions of this policy do not apply to persons who possess such firearm or firearms or pneumatic guns as a part of the curriculum or other programs sponsored by the schools in the school division or any organization permitted by the

school to use its premises or to any law-enforcement officer while engaged in his duties as such.

VII. DRUG OFFENSES

Pursuant to Virginia Code Section 22.1-277.08 (Drug Offenses), the School Board shall expel from school attendance any student whom the School Board has determined to have brought a substance or imitation controlled substance as those terms defined in Va. Code § 18.2-247 onto school property or to a school-sponsored activity. The School Board may, however, determine, based on the facts of the particular case that special circumstances exist and another disciplinary action is appropriate. The School Board authorizes the superintendent or the superintendent's designee to conduct a preliminary review of such cases to determine whether a disciplinary action other than expulsion is appropriate. Nothing in this policy shall be construed to require a student's expulsion regardless of the facts of the particular situation.

Legal Ref.:

20 U.S.C. § 7961.

Code of Virginia, 1950, as amended, §§ 15.2-915.4, 16.1-260, 18.2-119, 18.2-308.1, 18.2-308.7, 18.2-308.2:2, 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.

State Board of Education Student Conduct Policy Guidelines.

Cross Ref.:

BCEA. Disciplinary Committee

IGBH. Alternative School Programs

JEC. School Admission

JFC. Student Conduct

JFCD. Weapons in School

JGDA. Disciplining Students with Disabilities

JGDB. Discipline of Students with Disabilities for Infliction of Serious Bodily Injury

KG. Community Use of School Facilities

Adopted by the Norfolk School Board August 22, 2001.

Revised:

August 17, 2005; July 1, 2013; April 15, 2015, June 2019, May 16, 2021, September 21, 2021, ???.

VSBA 05/2020, 05/2021, 5/2023.

CLEAN

JGDZ/JGEZ. STUDENT SUSPENSION/EXPULSION

I. GENERAL PROVISIONS

- A. Definitions. For the purposes of this policy, unless the context clearly indicates otherwise, the following terms shall mean:

“Aggravating circumstances” as defined by the Virginia Department of Education means:

- i. That a student engaged in misconduct which caused serious harm (including but not limited to physical, emotional, and psychological harm to another person(s) or posed a credible threat of serious harm to another person(s), as determined by a threat assessment; or
- ii. That a student’s presence in the school poses an ongoing and unreasonable risk to the safety of the school, its students, staff, or others in the school; or
- iii. That a student engaged in a serious offense that is:
 - a) persistent (repeated similar behaviors are documented on the student’s disciplinary record), and
 - b) unresponsive to targeted interventions as documented through an established intervention process.

“Alternative education program” includes night school, adult education, or another education program designed to offer instruction to students for whom the regular program of instruction may be inappropriate.

“Committee of the Board” means at least three (3) members of the Board.

“Destructive 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 other 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 that is homemade or was not made by a duly licensed weapon manufacturer, any fully automatic firearm, any sawed-off shotgun or sawed-off rifle as defined in Va. Code § 18.2-299 or any firearm prohibited from civilian ownership by federal law; 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” does 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, nor shall it include any antique firearm as defined in Va. Code § 18.2-308.2:2.

“Disruptive behavior” means a violation of school board policies or the Standards of Student Conduct issued by the superintendent pursuant to Policy JFC Student Conduct that interrupts or obstructs the learning environment.

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

“Expulsion” means any disciplinary action imposed by a school board or a committee thereof, as provided in school board policy, 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 (1) any weapon, including a starter gun 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; (2) the frame or receiver of any such weapon; or (3) any unloaded firearm in a closed container. “Firearm” does not include any pneumatic gun as defined in this Policy.

“Full Board” means a majority of the Board.

“Long-term suspension” means any disciplinary action whereby a student is not permitted to attend school for 11 to 45 school days except in certain limited circumstances as expressed within this policy elsewhere, whereby a student may be suspended more than 45 school days but not to exceed 364 calendar days.

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

“Opportunity to be heard” means a right to a limited factual inquiry, pursuant to this policy's subsection concerning short-term suspensions. It does not mean a full hearing as that term is used elsewhere within this policy.

“Parent(s)” means the pupil's: (i) natural parent(s); (ii) legal guardian(s); or (iii) person(s) otherwise standing in loco parentis to the pupil.

“Pneumatic gun” means any implement, designed as a gun that will expel a BB or a pellet by action of pneumatic pressure. "Pneumatic gun" includes a paintball gun that expels by action of pneumatic pressure plastic balls filled with paint for the purpose of marking the point of impact.

“Review” means the right to the consideration of the written record from a short-term suspension, conducted according to the procedures of the subsection of this policy regarding short-term suspensions

“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: an individual, holding a position authorized pursuant to this policy, who is a trained hearing officer and/or a professional employee within the administrative offices of the school division, who reports directly to the superintendent (at least with regard to disciplinary matters), and who is not a school-based instructional or administrative employee.

“Suspension”, in general, means any disciplinary action whereby a pupil is denied the right to attend school within the division for a period of school days not to exceed 364 calendar days subject to the limitations below.

“Sufficient Cause”. The phrase sufficient cause means any action of a pupil, whether on the school grounds or off, that:

Disrupts any school program or activity;

Threatens the health, safety or welfare of the pupil, other pupils, the faculty or staff of the school, or anyone else lawfully present at or participating in any school program or activity,

Threatens the maintenance of a safe, disciplined, drug-free, healthy school environment that is conducive to learning; or

Violates the Standards of Student Conduct as expressed in the policies, regulations or other directives of the Board or the Superintendent of the Norfolk Public Schools.

- A. Superintendent's Designee—Positions Authorized. For the purpose of this and related student discipline policies, the board authorizes the Superintendent appoint administrative employees of the Norfolk Public Schools holding positions within the Office of Student Support Services to function as trained hearing officers and/or superintendent's designees as defined within this policy. These people must meet the definition of Superintendent's designee contained within this policy. The board directs the superintendent to take whatever further actions, if any, are necessary to accomplish this purpose.

- B. Virginia Code prevails. This policy enacts the provisions of the Virginia Code, 1950, as amended, concerning pupils and discipline within the public schools of the Commonwealth. In any instance of direct conflict between this policy and the Code concerning pupils and discipline, the Code shall prevail.

II. HEARINGS

This section concerns matters generally applicable to all long-term suspensions and expulsions. They are in addition to any special requirements under the subsections of this policy specifically concerning long-term suspensions and expulsions.

A. Administrative Hearing

Administrative Hearing and notices. All long-term suspensions and expulsions are initiated with an Administrative Hearing before a Superintendent's designee and tribunal with notice and an opportunity to be heard to the pupil, her parent(s) and/or her representative (if any). This hearing shall be held as soon as practical after the incident triggering the consideration of long-term suspension or expulsion.

Immediately upon considering a recommendation of long-term suspension or expulsion, the principal or other school official shall notify the Hearing Officer, a Superintendent's designee, in the Department of Student Support Services by telephone and e-mail, so that the administration can prepare for an Administrative Hearing.

At the Administrative Hearing, the disciplinary hearing officer and tribunal panels of school officials will review the facts of the case, including the pupil's entire prior disciplinary history with the pupil, her parent(s) and/or her representative (if any), and make the final decision to recommend long-term suspension or expulsion.

At the conclusion of the Administrative Hearing, the disciplinary hearing officers and tribunal panels of school officials shall notify in writing the pupil, her parent(s) and/or her representative (if any) of the pupil's rights concerning the discipline recommended. This notice shall be provided via first class mail if no one attends the hearing for the pupil. The notice shall include the information required by Board policy or regulation for the specific type of discipline recommended.

Short term suspensions shall be conducted according to the provisions concerning them elsewhere within this policy.

B. Committee of the Board Hearings—Generally

If the appropriate hearing authority is a committee of the Board, then they shall choose one member to function as the chief hearing officer for the purpose of the hearing. The chief hearing officer shall conduct the hearing, see that all

parties maintain appropriate decorum, and that the hearing is conducted both fairly and efficiently. The chief hearing officer shall determine the propriety of attendance at the hearing of persons not having a direct interest in the hearing. The hearing shall be private.

C. Committee of the Board Hearings—Evidence

The chief hearing officer, at her discretion, may exclude any evidence as immaterial, irrelevant, or cumulative. All parties may introduce evidence in the form of hearsay. All parties may offer testimonial evidence through witnesses, subject to the chief hearing officer's discretion to: (1) limit the time; and (2) limit the number of witnesses.

D. Committee of the Board Hearings—Procedures

The chief hearing officer shall allow statements from the division representative and from the pupil, her parent(s), or their representative. Such statements shall be limited to not more than ten (10) minutes for each side. The division representative shall go first. Upon the conclusion of the statements, the chief hearing officer shall open the floor to questions from the board members of the panel.

E. Full School Board Hearings

Hearings before the full school board shall be conducted in the same manner as those before Board Committees, except that the chief hearing officer shall be the Board Chair or Vice Chair. If neither are present, but there is a quorum, the members present shall choose a chief hearing officer.

III. TIME LIMITS.

- A. In long term suspensions or expulsions, subsequent to receiving notice of the decision in an Administrative hearing, a pupil, his parent(s) shall have five business days within which to request a further hearing before a Board Committee. The request shall include a short, clearly legible, written statement (typed or printed) of the reasons for their objection to the Administrative hearing decision. The Board Committee shall give its decision in writing within thirty days of its hearing.
- B. In long term suspensions and expulsions, where the Board Committee decision is not unanimous, the student, parent(s) or shall have five business days after receiving notice of the non-unanimous decision within which to request a further hearing before the full School Board. The School Board shall give its decision in writing within thirty days of its hearing.

IV. SUSPENSIONS

Except as provided in subsection C of Virginia Code §277 (Teacher removal of student from class) or Virginia Code §22.1-277.07 (Firearms) or 22.1-277.08 (Drug Offenses), no student in

preschool through grade three may be suspended for more than three school days or expelled from attendance at school, unless (i) the offense involves physical harm or credible threat of physical harm to others or (ii) the school board or the superintendent or the superintendent's designee finds that aggravating circumstances exist as defined by the Virginia Department of Education.

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 Virginia Code §22.1-277.07 (Firearms) or 22.1-277.08 (Drug Offenses) or involves serious bodily injury or (ii) a committee of the school board or the division superintendent or superintendent's designee finds that aggravating circumstances exist, as defined by the Virginia Department of Education.

Students shall be required to attend alternative school during, and in some cases after, any period of long-term suspension, unless the division, at its sole discretion, determines that the circumstances warrant denying the student the ability to attend any school within the division during the period of the long-term suspension. Students and parents or guardians failing to enroll in and attend alternative school when ordered to do so will be treated as truant and reported to the division's attendance officers. The division's attendance officers will initiate proceedings to enforce Virginia's school attendance laws, including filing petitions in juvenile court, if necessary, pursuant to various sections of the Code of Virginia, including, but not limited to, the provisions of Section 22.1-258, allowing attendance officers to initiate both civil and criminal proceedings in the juvenile courts so as to enforce Virginia's mandatory school attendance laws.

A warning of the potential consequences, both civil and criminal, for failing to attend alternative school when ordered to do so pursuant to a suspension, shall be included in any notice of suspension sent to students and parents or guardians where alternative school attendance during the period of suspension is required.

Students may be required to attend alternative school during, and in some cases after any period of expulsion. However, expelled students may be denied permission to attend any school in the division during any period of expulsion. Moreover, after expulsion, expelled students may be prohibited from ever returning to any school in the division, but such students must be offered the right to annually petition to be reinstated pursuant to procedures governing reinstatement after expulsion elsewhere in this policy until they are no longer eligible for a free public-school education.

Pursuant to Sections 22.1-277.04 (Short term suspensions) and 22.1-277.05 (Long term suspensions) of the Code of Virginia, 1950, as amended, in those suspensions where the division *does not* require students to attend alternative school on pain of truancy charges, the administration shall establish procedures whereby such students may access and complete their graded work during and after a suspension regardless of whether they are disenrolled after 15 days pursuant to Virginia Board of Education regulations.

In those suspensions where the division *does* require students to attend alternative school on pain of truancy charges, but the student requests a review of that decision before a panel of the Board pursuant to this policy, the administration shall establish procedures whereby such right to access and complete drafted work shall be included in the notice of suspension. students may access and complete their graded work pending a final decision by the board panel (or the full board if the panel is not unanimous) regardless of whether they are disenrolled after 15 days pursuant to Virginia Board of Education regulations.

Notice of this statutory right to access and complete drafted work shall be included in the notice of suspension.

A. Short-term Suspensions

General. Pupils may be suspended from attendance at school for sufficient cause. Subject to the above limits concerning students in pre-school through the third grade, a pupil may be suspended for not more than ten school days by the school principal, any assistant principal, or (in their absence) any teacher.

Notice and Opportunity to Be Heard. The principal, assistant principal, or (in their absence) teacher may suspend the pupil after giving the pupil oral or written notice of the charges against her, and if she denies them, an explanation of the facts as known to school personnel and an opportunity to present her version of what occurred. The notice shall include the fact that the pupil's entire disciplinary record may be reviewed, because of its relevance to both whether to suspend and the period of suspension to impose.

Letter of Suspension. Upon the short-term suspension of any pupil, the principal, assistant principal, or (in their absence) teacher responsible for such suspension reports the facts of the case in writing to the superintendent's designee, the pupil and her parent(s).

This letter shall also inform the pupil and her parent(s) of the conditions of the suspension, including (but not limited to):

The period of the suspension, including the date that the pupil may return to school, and whether a parental conference is required prior to the pupil's return to school;

Whether the pupil is prohibited from coming on school property and/or to scheduled school activities during the period of suspension;

Information about the availability of community-based, alternative or other educational options; and

The student's right to attend regular school, either her original school or some other, or to attend an alternative school, during and/or after the end of the suspension period.

Review. Upon a petition for review by any party in interest, the superintendent's designee shall forthwith review the action taken, and confirm or disapprove such action based on an examination of the written record of the pupil's behavior.

The superintendent's designee shall give her decision in writing to the pupil and her parent(s). If the superintendent's designee confirms the suspension, but alters the consequences in any fashion, her letter shall explain the alterations in detail.

The decision of the superintendent's designee shall be final.

B. Emergency Suspension.

In the case of any pupil whose presence poses a continuing danger to persons or property, or whose presence is an ongoing threat of disruption, the pupil may be removed from school immediately and the notice of the charges, and if she denies them, the explanation of facts and opportunity to be heard, required for short term suspensions, shall be given to the pupil as soon as practicable after her removal from school.

C. Long-term Suspensions

General. A pupil may be suspended from attendance at school for sufficient cause. Subject to the above limits concerning students in pre-school through the third grade and the limits upon long term suspensions extending beyond 45 school days but not to exceed 364 calendar days, a pupil may be suspended for more than ten school days after written notice to the pupil and the parent(s) of the action and the reasons therefore and of the right to hearings before a Board Committee and the full School Board.

Notice. The pupil and her parent(s) must be provided written notice of the following:

The proposed action, including the proposed duration of the suspension, the reasons for it, including any justification for extending the period beyond the limits concerning students below the fourth grade or the 45 school days limit, the fact that the student's entire disciplinary record may be reviewed because of its relevance to both, and the student's eligibility to attend regular school, either the student's original school or some other, or to attend an alternative educational program, during and/or after the period of suspension.

The right to a hearing before a Board Committee, when timely requested;

The right to a further hearing before the full School Board where the Committee decision is not unanimous, when timely requested; and

The Board Committee's and the full School Board's authority to accept, reject or vary the decision of the of the administrative hearing.

D. Reinstatement after long-term suspension of more than 45 school days but not to exceed 364 calendar days.

Students are required to attend alternative school during or after a long-term suspension of more than 45 school days but not to exceed 364 calendar days. If students suspended for more than 45 school days but, not to exceed 364 calendar days, are offered alternative school during the period of suspension, the notice of suspension must state whether they will be automatically returned to their zoned school after the period of suspension. If the notice states

they will not automatically be returned to their zoned school, then the student may petition to return to their zoned school at the end of the period of suspension. Such petitions must be addressed to the Superintendent or a designee thereof. The Superintendent or designee shall make a decision based on the student's record alone. The Superintendent or designee may deny the petition, grant the petition, or grant the petition but require the student to attend some regular school other than their zoned school. If the decision is made by a designee, the student may appeal to the Superintendent who shall make a final decision on the record alone. The Superintendent's decision shall be final and may not be appealed.

After an initial denial, the student may petition again to return to a regular school one calendar year after the initial denial. If the petition is again denied, the student may appeal the final administrative denial to the School Board. The Board will decide all such appeals based on the record alone.

V. EXPULSIONS

Except as provided in subsection C of Virginia Code §277 (Teacher removal) or Virginia Code §22.1-277.07 (or 22.1-277.08, no student in preschool through grade three may be suspended for more than three school days or expelled from attendance at school, unless (i) the offense involves physical harm or credible threat of physical harm to others or (ii) the school board or the superintendent or the superintendent's designee finds that aggravating circumstances exist as defined by the Virginia Department of Education.

- A. A pupil may be expelled from attendance at school for sufficient cause. Subject to the above limits concerning students in pre-school through the third grade, a pupil may be expelled from attendance at school after written notice to the pupil and parent(s) of the action and the reasons therefore and of the right to hearings before a Board Committee and the full School Board (if the Board Committee decision is not unanimous).

On the advice of any principal and/or member of the division administration, the superintendent or his designee may recommend the expulsion of any student.

Regardless of whether the pupil or the parent(s) exercises the pupil's right to a hearing beyond the administrative hearing, the full board shall review the written record and confirm or disapprove the expulsion decision.

- B. Notice. The pupil and her parent(s) must be provided written notice concerning the following:
 - 1. The nature of the proposed disciplinary action and the reasons for it. The notice shall include: the fact that the pupil's entire disciplinary record may be reviewed;

2. The availability of community-based educational, training, and intervention programs; an indication as to whether the student is eligible to return to regular school attendance, either the student's original school or some other, or to attend an alternative education program, or an adult education program, during or upon the expiration of the student's expulsion, and the terms and conditions of such readmission.
 3. The length of the expulsion;
 4. The pupil's right to a hearing before a committee of the board, when timely requested;
 5. The pupil's right to an appeal of the committee's decision to the full school board if the committee's decision is not unanimous, when timely requested;
 6. The committee's (or the full board's on appeal) authority to accept, reject or vary the proposals of the division.
 7. The pupil's right to petition for readmission if the School Board determines the student is ineligible to return to regular school attendance or to attend, during or upon the expiration of the expulsion, an alternative education program, or an adult education program in the division. The notice shall also advise the pupil and the pupil's parent(s) that they may petition the School Board for readmission to be effective one calendar year from the date of the expulsion, and of the conditions, if any, under which readmission may be granted.
- C. Procedures. The procedures for expulsion hearings shall be as established in this policy's provisions concerning hearings.

B. Reinstatements in Expulsions.

1. Reinstatements where a student is notified he may never attend school in the division again.

If an expelled student is told he may never attend school in the division again, he may still petition to return. The superintendent is hereby authorized and directed to establish a process and a schedule whereby pupils may apply and reapply for readmission to school after expulsion. The schedule shall be designed to ensure that any initial petition for readmission, if granted, would enable the student to resume school attendance one calendar year from the date of the expulsion. The superintendent or a board committee of two or more members shall review all such petitions. If denied, the student may petition the full board to review such denial. The Board shall review such petitions based on the written record alone.

2. Reinstatements where a student is notified he may attend alternative school during and after the expulsion.

Students may be permitted or required to attend alternative school during and after a period of expulsion. If expelled students are permitted or required to attend alternative school during and after the period of expulsion, then the students may petition to return to their zoned school at the end of the period of expulsion. Such petitions must be addressed to the Superintendent or a designee thereof. The Superintendent or designee shall make a decision based on the record alone. The Superintendent or designee may deny the petition, grant the petition, or grant the petition but require students to attend some regular school other than the zoned school. If the decision is made by a designee, the student may appeal to the Superintendent, who shall make a final decision on the record alone. The Superintendent's decision shall be final and may not be appealed.

After an initial denial, the student may petition to return to regular school one calendar year after the initial denial. If the petition is again denied, the student may appeal the final administrative denial to the School Board. The Board will decide all such appeals based on the record alone.

VIII. FIREARMS

Pursuant to Virginia Code Section 22.1-277.07 (Firearms), the School Board shall expel from school attendance for a period of not less than one year any student whom the School Board has determined to have possessed a firearm on school property or at a school-sponsored activity as prohibited by Va. Code § 18.2-308.1, or to have possessed a firearm or destructive device as defined in this policy, a firearm muffler or firearm silencer or a pneumatic gun as defined in this policy on school property or at a school-sponsored activity. A school administrator, pursuant to School Board policy, or the School Board may, however, determine, based on the facts of a particular situation that special circumstances exist and no disciplinary action or another disciplinary action or another term of expulsion is appropriate. The School Board may promulgate guidelines for determining what constitutes special circumstances. In addition, the School Board may authorize the superintendent or superintendent's designee to conduct a preliminary review of such cases to determine whether a disciplinary action other than expulsion is appropriate. Nothing in this policy shall be construed to require a student's expulsion regardless of the facts of the particular situation.

The exemptions set out in Va. Code § 18.2-308 regarding concealed weapons apply, *mutatis mutandis*, to the provisions of this Policy. The provisions of this policy do not apply to persons who possess such firearm or firearms or pneumatic guns as a part of the curriculum or other programs sponsored by the schools in the school division or any organization permitted by the school to use its premises or to any law-enforcement officer while engaged in his duties as such.

IX. DRUG OFFENSES

Pursuant to Virginia Code Section 22.1-277.08 (Drug Offenses), the School Board shall expel from school attendance any student whom the School Board has determined to have brought a substance or imitation controlled substance as those terms defined in Va. Code § 18.2-247 onto

school property or to a school-sponsored activity. The School Board may, however, determine, based on the facts of the particular case that special circumstances exist and another disciplinary action is appropriate. The School Board authorizes the superintendent or the superintendent's designee to conduct a preliminary review of such cases to determine whether a disciplinary action other than expulsion is appropriate. Nothing in this policy shall be construed to require a student's expulsion regardless of the facts of the particular situation.

Legal Ref.:

20 U.S.C. § 7961.

Code of Virginia, 1950, as amended, §§ 15.2-915.4, 16.1-260, 18.2-119, 18.2-308.1, 18.2-308.7, 18.2-308.2:2, 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.

State Board of Education Student Conduct Policy Guidelines.

Cross Ref.:

BCEA. Disciplinary Committee

IGBH. Alternative School Programs

JEC. School Admission

JFC. Student Conduct

JFCD. Weapons in School

JGDA. Disciplining Students with Disabilities

JGDB. Discipline of Students with Disabilities for Infliction of Serious Bodily Injury

KG. Community Use of School Facilities

Adopted by the Norfolk School Board August 22, 2001.

Revised:

August 17, 2005; July 1, 2013; April 15, 2015, June 2019, May 16, 2021, September 21, 2021, ???.

VSBA 05/2020, 05/2021, 5/2023.

