

PRINCE GEORGE'S COUNTY PUBLIC SCHOOLS
Board of Education
Upper Marlboro, Maryland

5115
Policy No.

BOARD OF EDUCATION POLICY

STUDENTS

Student Appeals of Disciplinary Action

I. POLICY STATEMENT

The Board of Education has both the responsibility and authority to adopt policies designed to create safe schools. The Board's goal is to maintain a school environment of order, safety, and discipline necessary for effective learning. The Board encourages fostering, teaching and acknowledgment of positive behavior and discretion for schools to impose discipline.

II. PURPOSE

The Board recognizes that it may be necessary for a principal to request the removal of a student from the school environment due to conduct that violates the Student Rights and Responsibilities Handbook. The purpose of this Policy is to describe the options available to a student who wishes to appeal the decision of the Chief Executive Officer, or Designee, regarding the student's extended suspension or expulsion from school.

III. DEFINITIONS

- A. Appeal – A formal, written request by a parent/guardian or authorized representative for the Board of Education to review a decision by the Chief Executive Officer, or Designee, regarding a student's extended suspension or expulsion.
- B. Expulsion – A student's removal from school for 45 days or more for specified behavior under the PGCPs Student Rights and Responsibilities Handbook following a determination that the student's return to school prior to the completion of the expulsion period would pose an imminent threat of serious harm to other students or staff.
- C. Extended Suspension – A student's removal from school between 11 and 45 days under the PGCPs Student Rights and Responsibilities Handbook, after a determination that (1) 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 (2) the student has engaged in chronic and extreme disruption of the educational process that has created a substantial barrier to learning for other students across the school day, and other available and appropriate behavioral and disciplinary interventions have been exhausted.

- D. Hearing – An opportunity for the parties – i.e., a parent/guardian or authorized representative, and Chief Executive Officer or Designee - to be heard in person and present evidence to the Board, its Designated Committee or the Board’s Hearing Examiner regarding a student discipline appeal.
- E. Hearing Examiner – An attorney admitted to practice law in Maryland who is appointed by the Board to hold a hearing and then present findings of fact, conclusions of law and a recommendation to the Board regarding a student discipline appeal.
- F. Oral argument - An opportunity for the parties – i.e., a parent/guardian or authorized representative, and Chief Executive Officer or Designee - to appear in person and present arguments in support of the party’s position to the Board prior to a final decision regarding a student discipline appeal.

IV. STANDARDS

- A. Extended Suspensions or Expulsion
 1. At the written request of a principal, the Chief Executive Officer may suspend a student for more than ten (10) school days or expel the student. The Chief Executive Officer, or Designee, will require an investigation of the request to be completed.
 2. The CEO’s Designee will conduct a conference with the student and the student’s parent or guardian by the 10th school day of the initial suspension or when the parent/guardian is available, whichever is sooner, unless the CEO’s Designee determines that the student’s return to school would pose an imminent threat of serious harm to other students or staff.
 3. If the student is not allowed to return to school after the 10th day, the CEO’s Designee shall notify the student and the parent or guardian within 24 hours and provide the reasons for delay in the process and the denial of reentry and send a copy of the notice to the State Superintendent of Schools.
 4. A student’s extended suspension or expulsion must be limited to the shortest period practicable and include the provision of comparable educational services and appropriate behavioral support services to promote the student’s successful return to regular academic program.

B. Right of Appeal

1. State law requires that a student who is suspended for more than ten (10) school days or is expelled may appeal the decision of the Chief Executive Officer, or Designee, to the Board of Education within 10 days after the determination.
2. After receipt of a written request for appeal, the Board shall have forty-five (45) days from the date the appeal was received to hear the appeal and issue a decision. This timeline may be extended if the parent, guardian or representative requests additional time.
3. The Board may choose to hear a disciplinary appeal through a designated committee or a hearing examiner.
 - a. If the Board decides to hear an appeal through a designated committee, the designated committee will be authorized to make the final decision regarding the appeal on behalf of the full Board.
 - b. If a hearing examiner is appointed, the hearing examiner shall hear the appeal and issue a findings of fact, conclusions of law and recommendation to the Board in a time sufficient to allow the Board to make a final decision within the 45 day time period required by law.

Parties may also request oral argument before the Board on the hearing examiner's recommendation prior to the Board's final decision.
 - c. Upon written request, the parent/guardian may waive the right for a hearing and request to only be heard via oral argument.
4. If, due to extraordinary circumstances or unusual complexity of a particular appeal, the Board's designated committee determines that it will be unable to hear an appeal and issue a decision within 45 days, it may petition the State Superintendent for an extension of time. The petition is not required, however, if the parent/guardian or representative requests additional time.
5. The student or the student's parent or guardian may bring counsel and witnesses to the hearing. The Chief Executive Officer may also be represented by counsel and present witnesses at the hearing. The student or the student's parent or guardian shall be provided with the school system's witness list and a copy of the documents the school system will present at the hearing five (5) days before the hearing date.
6. Unless a public hearing is requested by the parent or guardian of the student, a hearing shall be held out of the presence of all individuals except those whose presence is considered necessary or desirable by the Board.

7. The appeal to the Board does not stay the decision of the Chief Executive Officer or Designee.
8. In rendering a decision on the appeal, the Board may consult with Board Counsel for legal advice. The final decision of the Board shall be in writing and include notice to the parent or guardian of the right to appeal the decision to the State Board of Education.

V. IMPLEMENTATION RESPONSIBILITIES

The Chief Executive Officer shall review and revise Administrative Procedure 5115 to be consistent with this Policy.

VI. REFERENCES

Legal Reference: MD Ann. Code, Education Article, §6-203,7-305 and 7-305.1;
COMAR 13A.08.01.11.

VII. HISTORY

Policy Adopted - 7/1/03

Policy Reviewed: No Revisions Required - 11/9/04

Policy Reviewed: No Revisions Required - 9/21/05

Policy Amended - 4/29/10

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