

ADMINISTRATIVE PROCEDURE

STUDENT APPEALS OF EXTENDED SUSPENSIONS AND EXPULSIONS

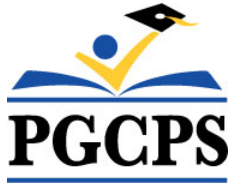
5115

Procedure No.

April 20, 2021

Date

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- I. **PURPOSE:** To clarify the procedural process for requesting an extended suspension or expulsion and the rights of students in the suspension and expulsion appeal process.
- II. **POLICY:** The Board of Education (Board) 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 recognizes that there are circumstances in which a principal may need to request the removal of a student for a period of time longer than 10 days due to behavior that violates the Prince George’s County Public Schools’ (PGCPS) Student Rights and Responsibilities Handbook. The purpose of Policy 5115 is to describe options available to students who wish to appeal an extended suspension or expulsion decision of the Chief Executive Officer or Designee. (Board Policy 5115)
- III. **DEFINITIONS:**
- A. 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.
- B. 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.
- IV. **GUIDELINES**
- A. An extended suspension or expulsion should be limited in duration to the shortest period practicable.
- B. Extended suspensions and expulsions are considered last resort options.
- C. In determining appropriate disciplinary actions, the following factors should be considered:



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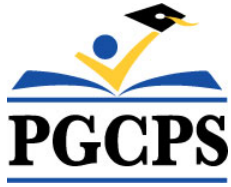
1. Previous serious disciplinary infractions, including the nature of the prior misconduct, the number of prior instances of misconduct, and the progressive disciplinary measures implemented for such misconduct;
2. The circumstances surrounding the incident;
3. Other mitigating or aggravating circumstances.

V. PROCEDURES

The principal may request, in writing, an extended suspension or an expulsion to the CEO's designee. The CEO's designee for an extended suspension is the Pupil Personnel Worker (PPW) assigned to the school, who may suspend a student for more than 10 school days. The CEO's designee for an expulsion is the Office of Appeals, who may expel a student.

A. Expulsion

1. If a principal recommends an expulsion, the principal will submit the request to the PPW who will forward it to the Office of Appeals, along with information collected during the investigation.
2. Upon receipt of the request for an expulsion, the Office of Appeals shall promptly examine the investigation information provided by the PPW and conduct any additional inquiry deemed necessary.
3. If the Office of Appeals determines that an expulsion is warranted, a conference will be promptly arranged with the student and the student's parent(s)/guardian(s). The student, parent(s) or guardian(s) will be provided the date, time and place of the conference.
4. An expulsion conference must be held by the 10th school day from the initial suspension. If additional time is necessary to complete the process, either because of delays due to parent or guardian unavailability or due to the complexity of the investigation, the student shall be allowed to return to school, unless the Office of Appeals determines that the student's return to school would pose an imminent threat of serious harm to other students or staff.
5. If the student is not allowed to return to school after the 10th day, the Office of Appeals shall notify the parent or guardian and provide the reasons for the delay in the process and the denial of reentry and send a copy of the notice to the Maryland State Superintendent of Schools.



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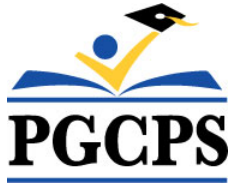
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6. Students with disabilities, for whom IEPs or Section 504 Plans have been developed, are entitled to certain protections under federal law, including a manifestation meeting to determine if the conduct is a manifestation of the student's disability. The principal is required to conduct a manifestation meeting no later than the 10th day from the initial date of the suspension and prior to the expulsion conference. If it is determined that the student's conduct is a manifestation of the student's disability, the principal will notify the student's parent/guardian that the student will immediately be returned to school and rescind the request for an expulsion.
7. During the conference, the administrator from the school will present the evidence to substantiate the request for expulsion. Students will be given an opportunity to share their version of events. Parents may ask the school questions or provide testimony in support of the student.
8. Following the conference, the Office of Appeals will render a decision as to whether an expulsion is warranted. The decision will be provided in writing to the parent or guardian and the principal and will include notice of the right to appeal the decision to the Board within 10 calendar days of the date of the decision.
9. Upon receipt of the decision from the Office of Appeals, the principal or the principal's designee will update the decision in SchoolMax, including the school assignment and the actual days of removal.

B. Extended Suspension

1. If a principal recommends an extended suspension for a student, the principal will forward that request to the PPW.
2. Upon receipt of the request for an extended suspension, the PPW shall promptly investigate the matter.
3. If the PPW determines that an extended suspension is warranted, a conference will be promptly arranged with the student and the student's parent(s)/guardian(s). The student, parent(s) or guardian(s) will be provided the date, time and place of the conference.
4. An extended suspension conference must be held by the 10th school day from the initial suspension. If additional time is necessary to complete the process, either because of delays due to parent or guardian unavailability or due to the complexity of the investigation, the student shall be allowed to return to school, unless the



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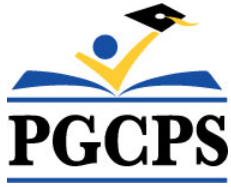
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PPW determines that the student's return to school would pose an imminent threat of serious harm to other students or staff.

5. If the student is not allowed to return to school after the 10th day, the PPW shall notify the parent or guardian and provide the reasons for the delay in the process and the denial of reentry and send a copy of the notice to the Maryland State Superintendent of Schools
6. Students with disabilities, for whom IEPs or Section 504 Plans have been developed, are entitled to certain protections under federal law, including a manifestation meeting to determine if the conduct is a manifestation of the student's disability. The principal is required to conduct a manifestation meeting no later than the 10th day from the initial date of the suspension and prior to the extended suspension conference. If it is determined that the student's conduct is a manifestation of the student's disability, the principal will notify the student's parent/guardian that the student will immediately be returned to school and rescind the request for an extended suspension.
7. During the conference, the administrator from the school will present the evidence to substantiate the request for an extended suspension. Students will be given an opportunity to share their version of events. Parents may ask the school questions or provide testimony in support of the student.
8. Following the conference, the PPW will render a decision as to whether an extended suspension is warranted. The decision will be provided in writing to the parent or guardian and include notice of the right to appeal to the Board within 10 calendar days of the date of the decision.
9. Upon receipt of the decision from the PPW, the principal or the principal's designee will update the decision in SchoolMax, including the school assignment and the actual days of removal.

C. Appeal

1. The Board shall have 45 calendar days from the date the written request for an appeal was received to hear the appeal and issue a decision.
2. The timeline may be extended if the parent, guardian, or his/her representative requests additional time.
3. The Board may petition the State Superintendent of Schools for an extension of time, if due to extraordinary circumstances or unusual complexity of a particular



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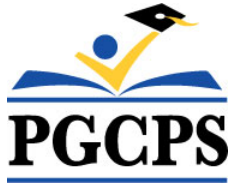
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appeal, the Board determines that the appeal can't be heard and a decision issued within 45 days.

4. The Board may choose to hear the appeal through a designated committee or a hearing examiner.
5. The student or the students' parent or guardian or representative must be provided PGCPS' witness list and a copy of the documents that will be presented five (5) days prior to the hearing and may bring counsel and witnesses to the hearing.
6. Unless the parent(s) or guardian(s) request a public hearing, the hearing will 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. The parent and/or guardian may waive the right to a hearing and request in writing an oral argument and either party may request an oral argument before the Board based on the hearing examiner's recommendation.

D. Educational Placement/Services

1. PGCPS has the authority and reserves the right to reassign a student to a different school or to an alternative school for disciplinary reasons.
2. If a student is assigned to an alternative school for disciplinary reasons, it will be considered an extended suspension or expulsion depending on the duration.
3. If a student is assigned to a different school or to an alternative school for safety reasons or upon parental request, it will not be considered an extended suspension or expulsion, but it will be deemed an administrative transfer.
4. Students must be provided with comparable educational services during the period when the student is excluded from the regular school program.
5. Each student suspended or expelled who is not placed in an alternative program shall receive daily classwork and assignments from each of the student's teachers. The work should be available within 48 hours after the initial suspension is issued. Once a student submits the completed work, it must be reviewed and graded by teachers on a weekly basis.
6. Each principal shall assign a school staff person to be the liaison between the teachers and the students on extended suspension or expulsion. The liaison will



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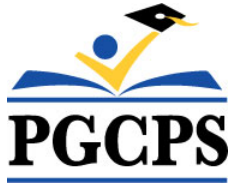
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regularly communicate with the suspended student and his/her parent(s) or guardian(s) using Class Dojo, Edmodo, Remind or another PGCPS-approved group application to communicate with students and parents via phone or email. The liaison will document the date and subject of each communication.

7. Students with IEPs who have been suspended beyond 10 days in which it is determined that the behavior was not a manifestation of the disability must continue to receive educational services so as to enable them to continue to participate in the general education curriculum and progress toward meeting the goals set out for them in the IEP. The educational services should be documented on the Manifestation Determination Worksheet and explained to the parent/guardian.

VI. MONITORING AND COMPLIANCE:

- A. The Department of Student Services will be responsible for providing training to school based administrators, PPW, and discipline managers on AP 5115 annually through the use of a T3 video.
- B. The Department of Students Services will review extended suspension and expulsions data on annual basis to monitor that conferences were held by the 10th school day from the initial suspension.
- C. The Principal is responsible for reviewing School Max on a quarterly basis to make sure that disciplinary decisions involving extended suspensions and expulsions are updated in SchoolMax, including school assignment and the number of days the student is removed from school.
- D. The Department of Student Services will be responsible for submitting mid-year and annual student discipline and health related exclusions reports to Maryland State Department of Education (MSDE) at the required times.
- E. The principal will monitor on a quarterly basis the liaison's documentation of teachers' assignments from each of the student's teachers and the liaison's communications with the suspended student and his/her parent(s) or guardian(s) using Class Dojo, Edmodo, Remind or another PGCPS-approved group application.
- F. The Department of Special Education will monitor the manifestation process for students with disabilities to ensure that all schools comply with all discipline requirements set forth by the Individuals with Disabilities Education Act and COMAR, as explained in Chapter 18 of the Prince George's County Public Schools Special Education Process Guide.



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VII. RELATED POLICY AND PROCEDURES:

- Board Policy 5115 - Student Appeals.
- Administrative Procedure 2952 - Behavior Threat Assessment Process
- Administrative Procedure 4219 – Inappropriate Interactions Among Students and Employees, Independent Contractors and Volunteers
- Administrative Procedure 10101 -The Student Rights and Responsibilities Handbook

VIII. LEGAL REFERENCE:

- Annotated Code of Maryland, Education Article §§ 6-203; 7-305; 7-305.1;
- Code of Maryland Regulations (COMAR) 13A.08.01.11; 13A.05.01; 13A.08.03.08

IX. MAINTENANCE AND UPDATE OF THESE PROCEDURES: The Office of Appeals will be responsible for the maintenance of this procedure.

X. CANCELLATIONS AND SUPERSEDURES: This Administrative Procedure cancels and supersedes Administrative Procedure 5115, dated July 2, 2003.

XI. EFFECTIVE DATE: April 20, 2021