

## STUDENT SUSPENSION/EXPULSION

### I. DEFINITIONS

As used in this Policy,

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

“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 regulations governing 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days by another school board or a private school, either in Virginia or another state, or for whom admission has been withdrawn by a private school in Virginia or another state.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.

"Long-term suspension" means any disciplinary action whereby a student is not permitted to attend school for more than ten school days but less than 365 calendar days.

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

"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.

"School Board Disciplinary Committee or Disciplinary Committee" means a committee composed of at least three members of the Tazewell County Public Schools School Board.

"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 a 1) trained hearing officer or 2) professional employee in the administrative offices of the school division who reports directly to the superintendent and who is not a school-based instructional or administrative employee.

## II. SUSPENSIONS AND EXPULSIONS OF STUDENTS GENERALLY

Pupils may be suspended or expelled from attendance at school for sufficient cause; however, in no case may sufficient cause for suspension include only instances of truancy.

Any student for whom the superintendent has received a report pursuant to Va. Code § 16.1-305.1 of an adjudication of delinquency or a conviction for an offense listed in subsection G of Va. Code § 16.1-260 may be suspended or expelled from school attendance.

The authority of teachers to remove students from their classes in certain instances of disruptive behavior shall not be interpreted to affect the operation of this Policy.

## III. SHORT-TERM SUSPENSIONS

A pupil may be suspended for not more than ten school days by either the school principal, any assistant principal, or, in their absence, any teacher. The principal, assistant principal or teacher may suspend the pupil after giving the pupil oral or written notice of the charges against him and, if he denies them, an explanation of the facts as known to school

personnel and an opportunity to present his version of what occurred. 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, explanation of facts and opportunity to present his version shall be given as soon as is practical thereafter.

Upon suspension of any pupil, the principal, assistant principal or teacher responsible for such suspension reports the facts of the case in writing to the superintendent or superintendent's designee and the parent of the pupil suspended. The superintendent or superintendent's designee reviews forthwith the action taken by the principal, assistant principal or teacher upon a petition for such review by any party in interest and confirms or disapproves such action based on an examination of the record of the pupil's behavior.

The decision of the superintendent or superintendent's designee is final and may not be appealed.

Any oral or written notice to the parent of a student who is suspended from school attendance for not more than ten days includes notification of the length of the suspension, information regarding the availability of community-based educational programs, alternative education programs or other educational options and of the student's right to return to regular school attendance upon the expiration of the suspension. The costs of any community-based educational program, or alternative education program or educational option, which is not a part of the educational program offered by the school division, are borne by the parent of the student.

#### IV. LONG-TERM SUSPENSION

A pupil may be suspended from attendance at school for more than ten days after written notice is provided to the pupil and his parent of the proposed action and the reasons therefor and of the right to a hearing before the Disciplinary Committee. The Disciplinary Committee may confirm or disapprove the suspension. If the Disciplinary Committee's decision is not unanimous, the pupil or his parent may appeal the Disciplinary Committee's decision to the full School Board. Such appeal shall be decided by the School Board within thirty days.

The written notice of a suspension for more than ten days includes notification of the length of the suspension and provides information concerning the availability of community-based educational, alternative education or intervention programs. Such notice also states that the student is eligible to return to regular school attendance upon the expiration of the suspension or to attend an appropriate alternative education program approved by the School Board during or upon the expiration of the suspension. The costs of any community-based educational, alternative education, or intervention program that is not a part of the educational program offered by the school division that the student may attend during his suspension is borne by the parent of the student.

Nothing herein shall be construed to prohibit the School Board from permitting or requiring students suspended pursuant to this section to attend an alternative education program provided by the School Board for the term of such suspension.

## V. EXPULSION

### A. Generally

Pupils may be expelled from attendance at school after written notice to the pupil and his parent of the proposed action and the reasons therefor and of the right to a hearing before the Disciplinary Committee in accordance with the regulations of the School Board.

The Disciplinary Committee may confirm or disapprove the expulsion of a student. If the Committee's decision is not unanimous, the pupil or his parent may appeal the Committee's decision to the full School Board. Such appeal is decided by the School Board within 30 days.

The Committee confirms or disapproves of proposed expulsions regardless of whether the pupil has exercised the right to a hearing.

The written notice given to the pupil and his parent includes notification of the length of the expulsion and provides information concerning the availability of community-based educational, training, and intervention programs. The notice states whether or not the student is eligible to return to regular school attendance, or to attend an appropriate alternative education program approved by the School Board, or an adult education program offered by the school division, during or upon the expiration of the expulsion, and the terms or conditions of such readmission. The costs of any community-based educational, training, or intervention program that is not a part of the educational program offered by the school division that the student may attend during his expulsion is borne by the parent of the student.

Nothing in this Policy shall be construed to prohibit the School Board from permitting or requiring students expelled pursuant to this Policy to attend an alternative education program provided by the School Board for the term of such expulsion.

If the School Board determines that the student is ineligible to return to regular school attendance or to attend during the expulsion an alternative education program or an adult education program in the school division, the written notice also advises the parent of such student that the student may petition the School Board for readmission to be effective one calendar year from the date of his expulsion, and of the conditions, if any, under which readmission may be granted.

The School Board establishes, by regulation, a schedule pursuant to which such students may apply and reapply for readmission to school. Such schedule is designed to ensure that any initial petition for readmission will be reviewed by the Disciplinary

Committee or the superintendent, and, if granted, would enable the student to resume school attendance one calendar year from the date of the expulsion. If the superintendent or the Disciplinary Committee denies such petition, the student may petition the School Board for review of such denial.

#### B. Conduct Giving Rise to Expulsion

Recommendations for expulsions for actions other than those specified below are based on consideration of the following factors:

- the nature and seriousness of the conduct;
- the degree of danger to the school community;
- the student's disciplinary history, including the seriousness and number of previous infractions;
- the appropriateness and availability of an alternative education placement or program;
- the student's age and grade level;
- the results of any mental health, substance abuse or special education assessments;
- the student's attendance and academic records; and
- other appropriate matters.

No decision to expel a student shall be reversed on the grounds that such factors were not considered. Nothing in this subsection precludes the School Board from considering any of the factors listed above as "special circumstances" for purposes of expulsions discussed in the following subsections.

##### 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, by regulation, 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.

#### Drug Offenses

The School Board shall expel from school attendance any student whom the School Board has determined to have brought a controlled substance, imitation controlled substance or marijuana as 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. In addition, the School Board may, by regulation, authorize 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.

#### C. Procedure for School Board Disciplinary Committee Hearing

The procedure for the Disciplinary Committee hearing is as follows:

- The Disciplinary Committee determines the propriety of attendance at the hearing of persons not having a direct interest in the hearing. The hearing is private unless otherwise specified by the Disciplinary Committee.
- The Disciplinary Committee may ask for opening statements from the principal or his representative and the student or his parent(s) (or their representative) and, at the discretion of the Disciplinary Committee, may allow closing statements.
- The parties then present their evidence. Because the principal has the ultimate burden of proof, he presents his evidence first. Witnesses may be questioned by the Disciplinary Committee members and by the parties (or their representative). The Disciplinary Committee may, at its discretion, vary this procedure, but it shall afford full opportunity to both parties for presentation of any material or relevant evidence and shall afford the parties the right of cross-examination provided, however, that the Disciplinary Committee may take the testimony of student witnesses outside the presence of the student, his parent(s) and their representative if the Disciplinary Committee determines, in its discretion, that such action is necessary to protect the student witness.
- The parties shall produce such additional evidence as the Disciplinary Committee may deem necessary. The Disciplinary Committee is the judge of the relevancy and materiality of the evidence.
- Exhibits offered by the parties may be received in evidence by the Disciplinary Committee and, when so received, are marked and made part of the record.

- The Disciplinary Committee may, by majority vote, uphold, reject or alter the recommendations.
- The Disciplinary Committee transmits its decision, including the reasons therefor, to the student, his parent(s), the principal and superintendent.

Following the decision of the Disciplinary Committee or upon expiration of the appeal period, the student's parent(s) or guardian is provided with written notice which includes the following:

- The terms or conditions of re-admission, if any;
- The duration of expulsion;
- A statement declaring whether the student is eligible to return to school or attend an appropriate alternative education program approved by the School Board or an adult education program offered by the division during or after the expulsion. If neither option applies, a statement that the student may petition the School Board for readmission after one calendar year from the date of his expulsion; and
- The availability of community-based educational, training and intervention programs.

The student or his parent(s) may appeal the Disciplinary Committee's decision to the full School Board only if the decision of the Disciplinary Committee is not unanimous. Otherwise the decision of the Disciplinary Committee is final.

The appeal to the full School Board must be in writing and must be filed with the superintendent within five (5) calendar days of the Committee's decision. Failure to file a written appeal within the specified time constitutes a waiver of the right to an appeal. The full School Board decides the appeal upon the record of the case within thirty (30) calendar days of the request for an appeal and communicates its decision in writing to the student and his parent, guardian or other person having control or charge of the student. Such written notice includes any changes in: (1) the duration of the suspension or expulsion; (2) the availability of community-based educational, training, and intervention programs; and/or (3) eligibility to return to school or attend an alternative education program. No statements, witnesses or evidence may be presented at this appeal unless specifically requested by the Chairman of the Board.

## VI. ALTERNATIVE EDUCATION PROGRAM

The School Board may require any student who has been

(1) charged with an offense relating to the laws of Virginia, or with a violation of School Board policies, on weapons, alcohol, or drugs, or intentional injury to another person, or with an offense that is required to be disclosed to the superintendent pursuant to Va. Code § 16.1-260.G;

(2) found guilty or not innocent of an offense relating to Virginia's laws on weapons, alcohol, or drugs, or of a crime that resulted in or could have resulted in injury to others, or of an offense that is required to be disclosed to the superintendent pursuant to Va. Code § 16.1-260.G.;

(3) found to have committed a serious offense or repeated offenses in violation of School Board policies;

(4) suspended pursuant to Va. Code § 22.1-277.05; or

(5) expelled pursuant to Va. Code § 22.1-277.06, 22.1-277.07, or 22.1-277.08 or subsection B of Va. Code § 22.1-277,

to attend an alternative education program. The School Board may require such student to attend such programs regardless of where the crime occurred.

The School Board may require any student who has been found to have been in possession of, or under the influence of, drugs or alcohol on a school bus, on school property, or at a school-sponsored activity in violation of School Board policies, to undergo evaluation for drug or alcohol abuse, or both, and, if recommended by the evaluator and with the consent of the student's parent, to participate in a treatment program.

A principal or principal's designee may impose a short-term suspension, pursuant to Va. Code § 22.1-277.04, upon a student who has been charged with an offense involving intentional injury enumerated in Va. Code § 16.1-260.G, to another student in the same school pending a decision as to whether to require that such student attend an alternative education program.

As used herein, "charged" means that a petition or warrant has been filed or is pending against a pupil.

## VII. REPORTING

A. Except as may otherwise be required by federal law, regulation, or jurisprudence, reports are made to the superintendent and to the principal or principal's designee on all incidents involving

- (1) the assault, or assault and battery, without bodily injury, of any person on a school bus, on school property or at a school-sponsored activity;
- (2) the assault and battery which results in a bodily injury, sexual assault, death, shooting, stabbing, cutting, or wounding of any person, or stalking of any person as described by Va. Code § 18.2-60.3, on a school bus, on school property or at a school-sponsored activity;
- (3) any conduct involving alcohol, marijuana, a controlled substance, imitation controlled substance, or an anabolic steroid on a school bus, on school property or at a school-sponsored activity, including the theft or attempted theft of student prescription medications;

- (4) any threats against school personnel while on a school bus, on school property or at a school-sponsored activity;
  - (5) the illegal carrying of a firearm as defined in Va. Code § 22.1-277.07 onto school property;
  - (6) any illegal conduct involving firebombs, explosive materials or devices or hoax explosive devices, as defined in Va. Code § 18.2-85, or explosive or incendiary devices, as defined in Va. Code § 18.2-433.1, or chemical bombs, as described in Va. Code § 18.2-87.1, on a school bus, on school property or at a school sponsored activity;
  - (7) any threats or false threats to bomb, as described in Va. Code § 18.2-83, made against school personnel or involving school property or school buses;
  - (8) the arrest of any student for an incident occurring on a school bus, on school property or at a school-sponsored activity, including the charge therefor and
  - (9) any illegal possession of weapons, alcohol, drugs or tobacco products.
- B. The superintendent and the principal or principal's designee may receive reports made by local law enforcement authorities on offenses, wherever committed, by students enrolled at the school if the offense would be a felony if committed by an adult or would be a violation of the Drug Control Act, Va. Code § 54.1-3400 et seq., and occurred on a school bus, on school property, or at a school-sponsored activity, or would be an adult misdemeanor involving any incidents described in the clauses (1) through (8) of subsection VII.A. of this Policy, and whether the student is released to the custody of his parent or, if 18 years of age or more, is released on bond. A superintendent who receives notification that a juvenile has committed an act that would be a crime if committed by an adult pursuant to subsection G of Va. Code § 16.1-260 reports such information to the principal of the school in which the juvenile is enrolled.
- C. The principal or principal's designee submits a report of all incidents required to be reported pursuant to subsection VII.A.(1-8) of this Policy to the superintendent. The superintendent annually reports all such incidents to the Department of Education.

In submitting reports of such incidents, principals and superintendents accurately indicate any offenses, arrests, or charges as recorded by law-enforcement authorities and required to be reported by such authorities pursuant to subsection VII.B. of this Policy.

- D. The principal or principal's designee also notifies the parent of any student involved in an incident required by this subsection to be reported, regardless of whether disciplinary action is taken against such student or the nature of the disciplinary action. Such notice relates to only the relevant student's involvement and does not include information concerning other students.
- E. Whenever any student commits any reportable incident as set forth in this subsection, such student shall be required to participate in such prevention and intervention activities as deemed appropriate by the superintendent or superintendent's designee.

- F. Except as may otherwise be required by federal law, regulation, or jurisprudence, a principal immediately reports to the local law-enforcement agency any act enumerated in clauses (2) through (7) of subsection VII.A. of this Policy that may constitute a criminal offense and may report to the local law enforcement agency any incident described in clause (1) of subsection VII.A. of this Policy.

In addition, except as may be prohibited by federal law, regulation, or jurisprudence, the principal also immediately reports any act enumerated in clauses (2) through (5) of subsection VII.A of this Policy that may constitute a criminal offense to the parents of any minor student who is the specific object of such act. Further, the principal reports that the incident has been reported to local law enforcement as required by law and that the parents may contact local law enforcement for further information, if they so desire.

- G. For purposes of this section, “parent” or “parents” means any parent, guardian or other person having control or charge of a child.

#### VIII. RE-ADMISSION OF SUSPENDED AND/OR EXPELLED STUDENTS

Any student who has been suspended from a school of this division is not eligible to attend any other school within the division until eligible to return to his or her regular school.

Any student who has been expelled or suspended for more than thirty days from attendance at school by a school board or a private school in this Commonwealth or in another state or for whom admission has been withdrawn by a private school in this Commonwealth or in another state may be excluded from attendance in Tazewell County Public Schools, in accordance with Policy JEC School Admission. In the case of a suspension of more than thirty days, the term of the exclusion may not exceed the duration of such suspension.

In excluding any such expelled student from school attendance, the Tazewell County School Board may accept or waive any or all of any conditions for readmission imposed upon such student by the expelling school board pursuant to Va. Code § 22.1-277.06. The School Board shall not impose additional conditions for readmission to school.

No suspended student is admitted to the regular school program until such student and his parent have met with school officials to discuss improvement of the student’s behavior, unless the school principal or principal’s designee determines that re-admission, without parent conference, is appropriate for the student.

If the parent fails to comply with this Policy or Policy JEC School Admission, the School Board may ask the Juvenile and Domestic Relations Court to proceed against the parent for willful and unreasonable refusal to participate in efforts to improve the student’s behavior.

Upon the expiration of the exclusion period for an expulsion or a withdrawal of admission, which period shall be established by the School Board, committee thereof, or

superintendent or superintendent's designee, as the case may be at the relevant hearing, the student may re-petition the School Board for admission. If the petition for admission is rejected, the School Board shall identify the length of the continuing exclusion period and the subsequent date upon which such student may re-petition the School Board for admission.

The School Board may permit students excluded pursuant to this subsection to attend an alternative education program provided by the School Board for the term of such exclusion.

## IX. DISCIPLINING STUDENTS WITH DISABILITIES

Students with disabilities are disciplined in accordance with Policy JGDA Disciplining Students with Disabilities.

Adopted: March 13, 2017

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Legal Refs.: 20 U.S.C. § 7151.

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.

Cross Refs.: BCEA	Disciplinary Committee
IGBH	Alternative School Programs
JEC	School Admission
JFC-R	Standards of Student Conduct
JFCD	Weapons in School
JGDA	Disciplining Students with Disabilities
JGDB	Discipline of Students with Disabilities for Infliction of Serious Bodily Injury

## STUDENTS

SuspensionA. Generally

All available resources promptly will be enlisted to assist students in making required adjustments. This assistance will range from simple behavioral suggestions by the classroom teacher to the use of the skills of specialized persons in the school division or available for consultation from outside the division. In utilizing these resources to assist any student to adjust to the school situation, each staff member, from classroom teacher to superintendent, is expected to call upon the resource or resources deemed best suited to meet the particular student's individual needs.

When attempts to achieve a satisfactory adjustment fail, the suspension of a student may become necessary either to help improve his/her conduct or to relieve others of the distraction caused by his/her behavior.

B. Definition

The school board has defined suspension as "the formal act that denies a student access to the school premises without removing his name from the school register."

C. Authority

Each school principal, assistant principal or teacher-in-charge is delegated authority to suspend a student when, in their judgment, this action is required. In the exercise of this authority, the principal, or a designee, is subject to all provisions of law and of this policy.

D. Duration

The principal, or designee, may suspend a student from school for not more than ten (10) days. The principal may terminate any period of suspension at an earlier time when a parent or guardian complies with the request for a conference. All suspensions for periods longer than ten (10) days must be approved by the superintendent who will provide written notice to the pupil and his parent the right to a hearing before the Disciplinary Committee.

E. Notice of Suspension

The notice of suspension should be completed in triplicate with one copy mailed to the parent or legal guardian, one copy sent to the central office and one copy retained by the school.

The space on the suspension notice designated for the principal's statement must include:

1. Charges or reasons for suspension
2. A statement to the effect that the student has been informed of the reasons for suspension and given an opportunity to reply to the charge or charges before the suspension is effective
3. Length of suspension
4. Parental conference is necessary before student is reinstated
5. Right of appeal

#### F. Appeals

A student or parent must be informed of the right to appeal a suspension.

Students suspended from school for not more than ten (10) days may appeal the suspension to the division superintendent. The decision of the division superintendent, or designee, shall be final.

For suspensions over ten days, and after receiving a written request for an appeal from the parent, the pupil and his parent(s) (or their representative) have a right to a hearing before the Disciplinary Committee.

The guidelines do not preclude the right of the principal to remove a student from the school premises because of a flagrant violation which would require immediate action.

#### G. Reinstatement of Students

The manner in which a student is received on returning from his/her suspension is of utmost importance. The following steps should be used when applicable:

1. Accompanied by a parent or guardian, the student shall report to the principal or other designated staff member upon return to school.
2. The principal or another staff member shall consider the best class placement and confer with the teacher and/or counselor in preparation for the student's return.
3. The student shall resume classroom activities with no further reference to past difficulties.

#### H. Suspension (and Expulsion) of Handicapped Students

It is the responsibility of the school administration to create an atmosphere conducive to learning, to help students learn responsible conduct, and to maintain a safe environment in which the school can accomplish its goals and objectives. In order to fulfill these responsibilities, good discipline must be maintained; therefore, the school board has established policies and regulations dealing with disruptive behavior of all students. In this respect, all students, handicapped and nonhandicapped, come under one umbrella.

Federal and State laws require that in the following two cases handicapped students must be treated differently:

1. If the proposed action substantially changes the student's individualized education program.
2. If the proposed action denies the student a free appropriate public education.

Court cases have provided direction and established conditions and procedures to follow when either of the above actions become necessary:

1. All students have the right to procedural safeguards when being disciplined:
  - a. The right to know what specific rule he/she has violated;
  - b. The right to know how you know he/she has violated the rule;
  - c. The opportunity to respond to the accusations; and
  - d. The right to have an investigation conducted if there is contradictory information.
2. Short-term suspension is for 10 or fewer days and long-term suspension is for more than 10 days.
3. Suspensions of more than 10 days at one time or an accumulative total of more than 10 days during a school year are considered long-term suspensions.

Where a disciplinary action involving long-term suspension or expulsion of a handicapped student is being considered, a determination must be made as to whether or not there is a direct causal relationship between the student's handicap and the misconduct. This determination must be made by a specialized, knowledgeable group of persons pursuant to the change of placement procedures. If a direct causal relationship is found, the appropriateness of the placement must be reassessed.

The following procedures should be followed when it becomes necessary to impose a suspension:

1. Notify the parent(s) or guardian(s) immediately of an emergency IEP meeting, by telephone and in writing. Document all unsuccessful attempts to reach parent(s)/guardian(s).
2. Convene the IEP committee
3. The IEP committee must determine if there is a link between the student's handicap and the inappropriate behavior. If there is a link, the student may not be suspended, but may be considered for a change in placement. (Usual referral procedures must be followed.) If there is no link, the regular discipline procedures should be applied.
4. Notes should be kept on the IEP committee meeting and signed and dated by all participants.

In emergency situations involving handicapped students, short-term suspension should be imposed, and the IEP committee meeting set up as soon as possible. The following situations can be considered as emergencies:

1. The student is uncontrollably violent.
2. The student presents an actual danger to himself or other.
3. The student poses a threat of harm to himself or to others.
4. The student is so disruptive that normal school activities cannot continue.
5. The student is physically or verbally abusive to others.

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Regulatory Authority: (1984)

Approved by School Board: June 9, 1986  
Amended by the School Board: June 13, 2005  
Amended by the School Board: August 8, 2005  
Amended by the School Board: March 13, 2017

(5)

## STUDENTS

ExpulsionA. Generally

The principal of a school, for sufficient cause within the scope of the board's policies, may recommend to the superintendent the expulsion of a student from school.

The principal shall attach to his/her written recommendation all supportive evidence as to the act or actions of the student prompting the recommendation and evidence of all previous efforts made by the staff to assist the student in the case where the recommendation is the result of a series of acts by the student.

After consultation with the principal, the parents and the student and an examination of the evidence presented him, the superintendent may recommend to the Disciplinary Committee that a student be expelled. The parents or guardian of the student shall be notified in writing of the time and place of the meeting at which the Disciplinary Committee will consider the recommendation for expulsion and of the charges against the student. The parents or guardian shall be given a copy of the board's policy on expulsion and this administrative regulation.

During the interim period between the principal's recommendation of expulsion and the action of the Disciplinary Committee, the student is considered to be suspended from all school activities and school functions and is prohibited from being on school premises. The principal shall follow the regulations for suspension during this interim period. Exception - - Students attending an off campus alternative program will be allowed on school property for the sole purpose of taking required exams, Standards of Learning benchmark tests, and Standards of Learning end of course tests.

## B. Expulsion of Handicapped Students

*Editor's Note*

*See division regulation JGD/JGE-R.1 preceding at Part H.*

Regulatory Authority: (1984)

See legal references to school board policy JGD/JGE

Approved by School Board: June 9, 1986

Amended by School Board: January 8, 2007

Amended by School Board: March 13, 2017

STUDENTS

Transfer Students

No transfer student will be accepted if he/she is under suspension or expulsion from the last school attended unless approval is given by the school board after due consideration to all pertinent facts.

TAZEWELL COUNTY SCHOOL BOARD  
TAZEWELL, VIRGINIA

NOTIFICATION OF SUSPENSION

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SCHOOL		DATE	
<hr/>		<hr/>	
PARENT OR GUARDIAN		PUPIL'S NAME	
<hr/>		<hr/>	
ADDRESS		DATE OF BIRTH	
<hr/>		<hr/>	
CITY	STATE ZIP	GRADE	E/C

I regret inform you that your son/daughter is in violation of the following school policy:

SUSPENSION CODE(S):

Victim information if assault (physical or sexual):

Student or Staff \_\_\_\_\_ Gender \_\_\_\_\_ Grade if Student \_\_\_\_\_

Your son/daughter has been informed of the reasons for suspension and has been given an opportunity to reply to the charge or a charge before the suspension was imposed.

SUSPENSION DATES: \_\_\_\_\_

RECOMMENDED COMMUNITY-BASED ALTERNATIVE EDUCATION PROGRAM:

REINSTATEMENT OF STUDENT: A parental conference is necessary before your son/daughter will be reinstated.

RIGHT TO APPEAL: The Board of Education policy and regulations dealing with suspension are found in the Policy Manual at JGD/JGE and JGD/JGE-R, R.1, R.2, R.3. If you have already had a conference with me, a copy of the Board's policy and implementing policy were shown to you. If you have not yet had a conference with me, a copy of the Board's policy and implementing regulations on suspension will be shown to you at the beginning of the conference. A student or parent has the right to appeal a suspension. It will be necessary for you to have a conference at school regarding your son's/daughter's suspension. The conference must be scheduled immediately. Please call the school for an appointment.

NOTICE OF SUSPENSION: The notice of suspension will be completed in triplicate, with one copy mailed to parents or guardians, one copy sent to the Central Office, and one copy retained by the school.

\_\_\_\_\_  
PRINCIPAL OR ASSISTANT PRINCIPAL