



STUDENTS: Conduct

Suspensions, Assignment to Alternative Programs, or Expulsions

I. Policy Statement

- A. The Board of Education of Baltimore County (Board) believes that student discipline should reflect a philosophy based on the goals of fostering, teaching, and acknowledging positive behavior. The Board recognizes, however, that suspension or expulsion may be appropriate after all appropriate school resources, interventions, and supports have been exhausted.
- B. Suspension or expulsion may be necessary in order to modify student behavior, when the student's presence in school causes a disruption to the normal educational functions of the school, or when the student poses a threat to the safety of other students or to staff.
- C. This policy establishes the suspension and expulsion process in Baltimore County Public Schools (BCPS).

II. Definitions

- A. *Appropriate Education Programming* – A general or alternative educational program that allows the student the opportunity to continue to receive educational services.
- B. *Assignment to an Alternative Program* – The transfer from the day school program of a student of any age by direction of the Superintendent or designee upon review of the student's suspension from school.
- C. *Business Day* – Any day that the central offices of the school system are open for business or as provided on the official school system calendar.
- D. *Confer* – means a discussion or dialogue by any means, for example, telephone, electronic mail, or face-to-face meeting, where the views of the teacher are communicated and considered.
- E. *Expulsion* – The exclusion of a student from the student's regular school program for 45 school days or longer as determined by the Superintendent or his/her designee.

- F. *Extended Suspension* – The exclusion of a student from a student’s regular program for a time period between 11 and 45 school days as determined by the Superintendent or his/her designee.
- G. *In-School Suspension* – The removal within the school building of a student from the student’s current education program for up to but not more than 10 school days in a school year for disciplinary reasons by the school principal.
- H. *Long-Term Suspension* – The removal of a student from school for a time period between 4 and 10 school days for disciplinary reasons by the principal.
- I. *Parent* – The biological or adoptive parent, legal guardian, or person acting in the absence of the parent or guardian.
- J. *Principal* – The principal of a school or the principal’s designee.
- K. *Regular Instructional Hours* – The school day, beginning at the opening bell and concluding at the dismissal bell.
- L. *School Property* – Any Board-owned, controlled, or leased property or vehicle regardless of whether students are present.
- M. *School-Sponsored Activity* – An activity that is sponsored, approved, conducted, planned, and/or supervised by school personnel, regardless of whether the activity takes place on or off school property or occurs during regular instructional hours.
- N. *Short-Term Suspension* – The removal of a student from school for up to but not more than 3 school days for disciplinary reasons by the principal.
- O. *Superintendent* – The superintendent or the superintendent’s designee.
- P. *Suspension* – The application of in-school suspension, short-term suspension, long-term suspension, or extended suspension.

III. Standards

- A. The student behavior code establishes standards for student behavior and disciplinary consequences for violations of those standards. (See, Board policy and Superintendent’s rule 5550, *Disruptive Behavior*)
- B. Students will be afforded due process when discipline is administered. The student shall:
 - 1. Receive oral or written notice of the charges against him/her;
 - 2. Receive an explanation of the evidence supporting the charges; and
 - 3. Have the opportunity to respond to the charges and provide his/her side of the story before discipline is imposed.
- C. The superintendent will ensure that staff receives training necessary to implement this policy.
- D. Discipline will be administered using a range of consequences.
- E. Student discipline records shall be maintained in accordance with federal and state laws and regulations, Board policy, and Superintendent’s rule 5230, *Student Records*.
 - 1. Upon receipt of a request for information from a school where the student has enrolled or transferred, the school system shall transmit information relating to the discipline of a student.

IV. Suspension or expulsion

- A. In-School Suspension
 - 1. A principal may remove a student from the student’s current education program for up to, but not more than 10 school days.
 - 2. The principal shall inform the student of the reasons for the suspension and give the student the opportunity to respond before the suspension becomes effective.
 - 3. The principal shall provide the student’s parents with written notification of the in-school suspension.
 - 4. The principal shall ensure that the student receives appropriate positive interventions to address the causes of misbehavior that led to the in-school suspension.
- B. Suspension for not more than 10 School Days
 - 1. A principal may suspend a student for cause for not more than 10 school days.

2. The student or the student's parent shall promptly be given a conference with the principal and any other appropriate personnel.
 3. At or before the conference, the principal shall provide the student with oral or written notice of the charges against him/her. If the student denies the charges, the student has the right to an explanation of the evidence supporting the charges and an opportunity to respond and present the student's side of the story.
 4. If a principal determines that a suspension exceeding 10 school days or expulsion is warranted, he/she will issue a suspension, make a written recommendation to the Superintendent, and inform the student and student's parent of the reason(s) for the suspension for more than 10 school days or an expulsion recommendation.
- C. Extended Suspension (suspension for more than 10 SCHOOL days) or Expulsion
1. At the request of a principal, the Superintendent may suspend a student for cause for more than 10 school days or expel a student for 45 school days or more.
 2. Generally, a suspension under this section should be considered under the following circumstances:
 - a. The Superintendent finds that the student's return to school would pose an imminent threat of serious harm to other students or staff; or
 - b. 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.
 3. The superintendent will promptly and thoroughly investigate the matter.
 4. Within 10 school days following the initial suspension, the Superintendent will convene a conference with the student and the student's parent.
 - a. If additional time is needed, either because of delays due to parent unavailability or due to the complexity of the investigation, the student shall be allowed to return to his/her home school; unless the Superintendent determines that the student's return to school would pose an imminent threat of serious harm to other students or staff.
 - (1) If the student is not allowed to return to school after 10 school days following the initial suspension, the

Superintendent shall notify the student and the parent that the student's return to school is denied.

- (2) Notice of the denial of reentry shall be made within 24 hours prior to the student's scheduled return to school and provide reasons for the delay in the process. A copy of the notice shall be sent to the state superintendent of schools.

5. The Superintendent shall limit the duration of the exclusion to the shortest period practicable and assign the student to an alternative program where the student will be provided with comparable educational services and appropriate behavioral support services to promote successful return to the student's regular academic program.

D. Assignment to an Alternative Program

1. The Superintendent may end a suspension by assigning a student to an alternative program due to the safety concerns, the disruption of the school, or in the best interest of the student.
2. The length of the placement in an alternative program will be determined by the Superintendent.

- E. In accordance with COMAR 13a.08.01.11, a student whose presence in a school poses a continuing danger to persons or property may be removed immediately from school using the disciplinary process or in accordance with Policy 5561, *School Use of Reportable Offenses*. In such cases, necessary notice and hearing with the Superintendent shall follow as soon as practicable.

- F. As part of the disciplinary conference, restitution may be required for behavior violations that resulted in the damage, destruction, or decreased value of school property or the property of another that was on school property at the time of the violation. Restitution shall be collected in accordance with Board policy and Superintendent's Rule 3532, *Restitution for Vandalism*.

G. Students with Disabilities

1. Imposing disciplinary actions on a student identified as a student with a disability shall comply with the *Individuals with Disabilities Education Act* (IDEA) and state special education law and regulation.
2. A student shall receive special education and related services specified on the student's Individual Education Program (IEP).

V. Returning to School Premises or Classroom

- A. Students who are assigned to an alternative program, suspended, or expelled from school shall remain away from the premises of the home school during regular instructional hours.
 - 1. The expelled or suspended student may return to the school premises during the prohibited hours only if for attendance at a previously scheduled appointment and, if a minor, then only if accompanied by his/her parent.
- B. Any student who is suspended, assigned to an alternative program, or expelled under this policy is precluded from participating in extracurricular activities held during the period of the suspension.
- C. A student suspended or expelled from school shall be allowed to return to school on the day when all of the terms and conditions of the suspension or expulsion have been met whether or not the student or his/her parent has filed an appeal of the suspension or expulsion.
- D. Conferring with Teacher
 - 1. If a student's disruptive behavior resulted in a suspension or expulsion, the principal shall confer with the teacher who referred the student prior to returning the student to the teacher's classroom.
 - 2. If a student's disruptive behavior results in action less severe than suspension, the principal shall confer with the teacher who referred the student to the principal before returning the student to the teacher's classroom.
- E. The Superintendent may deny attendance to any student who is currently expelled or on extended suspension from another school system for a length of time equal to that expulsion or extended suspension.

VI. Minimum Education Services

The Board directs the Superintendent to develop and institute guidelines that ensure, as is reasonably possible, that minimum educational services are provided to students who have been suspended or expelled. These guidelines shall include provisions for those students who have not been placed in an alternative education program to receive and complete the academic work missed during the suspension period without penalty.

VII. Appeal Process

- A. Appeal of a Suspension for not more than 10 School Days
1. Appeal to Assistant Superintendent
 - a. The student or the student's parent may appeal a principal's decision to suspend a student for not more than 10 school days to the appropriate assistant superintendent.
 - b. The appeal must be in writing and filed within 10 calendar days after the decision of the principal.
 - c. The assistant superintendent will review the documentation and issue a written decision within 10 business days of receipt of the appeal.
 2. Appeal to Superintendent
 - a. The student or the student's parent may appeal the decision of the assistant superintendent if made in writing and filed with the Superintendent within 10 calendar days after the decision of the assistant superintendent.
 - b. The Superintendent will convene a hearing within 15 business days of receipt of the appeal and will render a decision at the hearing.
 3. Appeal to Board
 - a. The student or the student's parent may file an appeal with the Board following the process in subparagraph VII.(B)(1), Appeal to Board.
 4. An appeal filed under this section does not stay the decision of the principal. The student shall return to his/her regular program at the end of the suspension period.
- B. Appeal of an Extended Suspension, Assignment to an Alternative Program, or Expulsion
1. Appeal to Board
 - a. The student or the student's parent may appeal the Superintendent's decision to suspend a student for more than 10 school days, assign the student to an alternative program, or expel the student.
 - b. The appeal must be in writing and filed with the Board within 10 calendar days after the decision of the Superintendent's designee.

- c. The Board or a designated committee thereof shall schedule a hearing promptly, but no later than within 45 business days from receipt of the appeal, and issue a decision.
 - (1) This time period may be extended if the parent, guardian, or his/her representative requests additional time.
 - (2) If due to the extraordinary circumstances or unusual complexity of a particular appeal, the Board determines that it will be unable to hear an appeal and issue a decision within 45 business days, it may petition the state superintendent for an extension of time.
- d. The student or the student’s parent or representative:
 - (1) Shall be provided with copies of the school system’s witness list and documents that the school system will present at the hearing no later than 5 business days before the hearing; and
 - (2) May bring counsel and witnesses to the hearing.
- e. Unless a public hearing is requested by the parent 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.
- f. An appeal to the Board does not stay the decision of the Superintendent.
- g. The decision of the Board is final.

Legal References: *Annotated Code of Maryland*, Education Article §7-305, Suspension and Expulsion
Annotated Code of Maryland, Education Article §7-306, Corporal Punishment; *State Code of Discipline*
 COMAR 13A.05.01, *Provision of a Free Appropriate Public Education*
 COMAR 13A.08.01.11, *Disciplinary Action*

Related Policies: Board of Education Policy 3532, *Restitution for Vandalism*
 Board of Education Policy 5550, *Disruptive Behavior*
 Board of Education Policy 5561, *School Use of Reportable Offenses*

Board of Education Policy 6702, *Extracurricular Activities*

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