

FREDERICK COUNTY PUBLIC SCHOOLS	Reg. No. 400-04
Subject: SUSPENSION AND EXPULSION	Issued: 4/6/78
Preparing Office: Office of the Superintendent	Amended: 11/15/17

I. Policy 408

II. Procedures

Definitions

A. Confer: 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.

B. Expulsion: The exclusion of the student from the student's regular school program for forty-five (45) school days or longer, which only may occur under the following circumstances:

1. The Superintendent or his/her designee has determined 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;
2. The Superintendent or his/her designee limits the duration of the exclusion to the shortest period practicable; and
3. The school system provides the excluded student with comparable educational services and appropriate behavioral support services to promote successful return to the student's regular academic program.

C. Extended Suspension: The exclusion of a student from a student's regular program for a time period between eleven (11) and forty-four (44) school days, which only may occur under the following circumstances:

1. The Superintendent or his/her designee has determined that:
 - a. 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
 - 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.
2. The Superintendent or his/her designee limits the duration of the exclusion to the shortest period practicable; and
3. The school system provides the excluded student with comparable educational services and appropriate behavioral support services to promote successful return to the student's regular academic program.

D. 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, ten (10) school days in a school year for disciplinary reasons by the school principal.

E. Long-term Suspension: The removal of a student from school for a time period between four (4) and ten (10) school days for disciplinary reasons by the principal.

F. Out-of-School Suspension: The removal of a student from the school, by the principal, for up to ten (10) school days for disciplinary reasons.

G. Principal: The principal of a school or the principal's designee.

H. Restorative Justice: A system of justice that focuses on the rehabilitation of offenders through reconciliation with victims and the community at large.

I. Short-term Suspension: The removal of a student from school for up to, but not more than, three (3) school days for disciplinary reasons by the principal.

J. Suspension: The application of extended suspension, in-school suspension, short-term suspension, or long-term suspension.

III. Discipline of Students

A. Frederick County Public Schools (FCPS) Regulation 400-08 *Discipline* outlines a range of consequences imposed for inappropriate student conduct. The procedures outlined below identify the process of imposing those consequences.

B. Procedures to be Followed When a Student is Suspended or Expelled

1. In-School Suspension

- a. An in-school removal is not considered a day of suspension as long as the student is afforded the opportunity to continue to:
 - i. Appropriately progress in the general curriculum;
 - ii. Receive the special education and related services specified on the student's Individualized Education Plan (IEP), if the student is a student with a disability in accordance with COMAR 13A.05.01;
 - iii. Receive instruction commensurate with the program afforded to the student in the regular classroom; and
 - iv. Participate with peers as he/she would in his/her current education program to the extent appropriate.
- b. A student may not receive an in-school suspension unless the student has been informed of the reasons for the suspension and has been given an opportunity to respond before the suspension becomes effective.
- c. The school principal shall provide the student's parents or guardian with written notification of the in-school suspension action taken by the school.

- d. After ten (10) days of cumulative in-school suspension, the student, the student's parents or guardian, and the principal shall confer.
 - e. The student's school of current enrollment shall make provision for the student's education during the period of in-school suspension.
 - f. The student will be provided access to a behavioral program of positive interventions to address the causes of misbehavior as part of the in-school suspension. Examples of positive interventions include those services that are provided by an assistant principal, school counselor, student intervention specialist or pupil personnel worker.
2. Suspension for Not More Than Ten (10) Days for Students 3rd Grade through 12th Grade
- a. Each principal of an FCPS school may suspend for cause, for not more than (10) school days, any student in the school who is under the direction of the principal in accordance with the FCPS approved disciplinary guidelines.
 - b. The student or the student's parent or guardian promptly shall be given a conference with the principal and any other appropriate personnel during the suspension period.
 - c. At or before the conference, the student shall receive oral or written notice of the offense that the student is suspected to have committed and shall be provided an opportunity to offer a response. If the student elects not to offer a response or denies the charges, the student has the right to an explanation of the evidence supporting the charges and the principal can proceed with issuing an appropriate disciplinary consequence in accordance with FCPS Regulation 400-08.
 - d. A student whose presence in school poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process may be removed immediately from school, if the notice and conference required by this subsection is provided as soon as possible.
 - e. If the principal finds that an extended suspension or expulsion is warranted, the principal immediately shall report the matter in writing to the Superintendent.
3. Suspension for More Than Ten (10) Days or Expulsion for Students 3rd Grade through 12th Grade
- a. At the request of a principal, the Superintendent or his/her designee may suspend a student for more than ten (10) school days or expel the student.
 - b. Upon receipt of a written report from a principal requesting an extended suspension or expulsion, the Superintendent or his/her designee shall promptly make a thorough investigation of the matter.
 - c. If, after the investigation, the Superintendent or his/her designee finds that an extended suspension, an alternative placement, or an expulsion is warranted, the Superintendent or his/her designee shall promptly notify the parent or guardian in writing.

- d. The Extended Suspension/Expulsion (ESE) process as previously described shall be completed by the tenth (10th) school day of 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 Superintendent or his/her designee determines that the student's return to school would pose an imminent threat of serious harm to other students or staff.
- e. If the student is not allowed to return to school after the tenth (10th) day, the Superintendent or his/her designee shall notify the student and the parent or guardian within twenty-four (24) hours and provide the reasons for the delay in the process and the denial of reentry and send a copy of the notice to the State Superintendent of Schools.
- f. If, after the conference, the Superintendent or his/her designee finds that an extended suspension or an expulsion is warranted, the student or the student's parent or guardian may appeal to the Board of Education within ten (10) calendar days after the determination.

C. Procedures to be Followed When a Parent or Guardian of a Student Appeals a Suspension of More Than Ten (10) Days or an Expulsion under Section B, Paragraph 3

- 1. If an appeal is filed, the Board of Education shall have forty-five (45) days from the date the appeal was received to hear the appeal and issue a decision. This timeline period may be extended if the parent, guardian or his/her representative requests additional time; and
- 2. If, due to extraordinary circumstances or unusual complexity of a particular appeal, the Board of Education determines that it will be unable to hear an appeal and issue a decision within forty-five (45) days, it may petition the State Superintendent for an extension of time.
- 3. The student or the student's parent or guardian or representative:
 - a. Shall be provided the school system's witness list and a copy of the documents that the school system will present at the hearing five (5) days before hearing; and
 - b. May bring counsel and witnesses to the hearing.
- 4. 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 of Education.
- 5. The appeal to the Board of Education does not stay the decision of the Superintendent.
- 6. The decision of the Board of Education is final.

D. Educational Services and/or the Appropriate Behavioral Support Services to be Made Available to a Suspended or Expelled Out-of-School Student

In order to establish accountability and keep suspended or expelled students on track with classroom work, as is reasonably possible, the Board of Education shall institute educational services that at a minimum provide that:

1. Each student suspended or expelled out-of-school who is not placed in an alternative education program shall receive daily classwork and assignments from each teacher, which shall be reviewed and corrected by teachers on a weekly basis and returned to the student; and
2. Each principal shall assign a school staff person to be the liaison between the teachers and the various students on out-of-school suspension or expulsion and to communicate weekly about classwork assignments and school-related issues by phone or email with those out-of-school suspended/expelled students and their parent or guardian.
3. A principal or his/her designee will inform the parent or guardian of the name and contact information for the designated staff liaison at the time the principal or his/her designee informs the parent or guardian about the suspension.

E. Suspension and Expulsion of Students Prekindergarten through 2nd Grade

1. Except as provided in paragraph 2 below, a student enrolled in a prekindergarten program, kindergarten, 1st grade, or 2nd grade may not be suspended or expelled from school.
2. A student described in paragraph 1 above may only be:
 - Expelled from school if required by federal law; or
 - Suspended for not more than 5 school days per incident if the school administration, in consultation with a school psychologist or other mental health professional, determines that there is an imminent threat of serious harm to other students or staff that cannot be reduced or eliminated through interventions and supports.
3. The principal or school administration shall promptly contact the parent or guardian of a student suspended or expelled.
4. Intervention and Support by School

Intervention and support will be provided to address the student's behavior if the student is:

- Suspended; or
- Enrolled in a prekindergarten program, kindergarten, 1st grade, or 2nd grade and (a) is disruptive to the school environment; or (b) commits an act that would be considered an offense subject to suspension but for the student's grade.

5. Intervention and support provided includes:

- Positive behavior interventions and supports;
- A behavior intervention plan;
- A referral to a student support team;
- A referral to an individualized education program team; and
- A referral for appropriate community-based services.

6. Remedying Impact of Behavior

The appropriate administrator shall remedy the impact of a student's behavior through appropriate intervention methods that may include restorative practices.

"Restorative practices" means practices conducted in a whole-school ethos or culture that supports peacemaking and solves conflict by building a community and addressing harm in a school setting and that:

- Are conducted by trained staff;
- Focus on repairing the harm to the community through dialogue that emphasizes individual accountability; and
- Help build a sense of belonging, safety, and social responsibility in the school community.

Consultation with the school psychologist or other mental health professional shall be documented and shall include consideration of interventions and supports that may reduce or eliminate the threat.

F. Procedures to be Followed to Comply with Maryland State Board of Education (State Board) Reporting Requirements With Regard to Arrests on School Premises and Delinquent Acts

1. Delinquent acts are offenses committed by a person who is under eighteen (18) years old which would be crimes if committed by an adult. School officials shall promptly report to the responsible law enforcement agencies all delinquent acts coming to their attention whether occurring on or away from the school premises which involve students attending the particular school.
2. Delinquent acts do not include conduct which has been traditionally treated as a matter of discipline to be handled administratively by the particular school, except that all conduct of a serious nature should be promptly reported to the parents or guardian concerned.
3. Beginning in the 2015-2016 school year, the Board of Education shall report data to the Maryland State Department of Education (MSDE) on school arrests and referrals to law enforcement agencies or to the juvenile justice system in a form and manner developed by MSDE, in consultation with local school systems, and approved by the State Board.

G. Procedures to be Followed to Collect, Monitor, Analyze and Report Student Discipline Data

1. The Superintendent, or his/her designee, shall collect data on all student suspensions and expulsions each school year.

2. Suspension data shall be analyzed according to disciplinary incident and length of suspension. Data shall also be disaggregated according to racial subgroup and service category.
3. Beginning with the 2015-2016 school year, the Board of Education shall report all suspension data to MSDE. The Superintendent shall report suspension data to all principals, to inform school based decision-making and professional development for school staff.

H. Procedures to be Followed to Provide Ongoing Professional Development for School System Staff and School Resource Officers

The director of Student Services is responsible for coordinating ongoing staff professional development.

I. Corporal Punishment

Corporal punishment may not be used to discipline a student in a public school in the State of Maryland.

J. Restitution

Unless the student is referred to the Department of Juvenile Services, if a student violates a state or local law or regulation and during or as a result of the commission of that violation damaged, destroyed, or substantially decreased the value of school property or property of another that was on school property at the time of the violation, as part of a conference on the matter with the student, the student's parent or guardian, and other appropriate individual, the principal shall require the student or the student's parent or guardian to make restitution. The restitution may be made in the form of monetary restitution not to exceed the lesser of the fair market value of the property, or \$2,500, or by the student's assignment to a school work project, or both.

Legal References: Maryland Annotated Code, Education Article, Section 7-306(b)(1)
Maryland Annotated Code, Education Article, Section 7-305.1
Code of Maryland Administrative Regulations (COMAR) 13A.05.01, 13A.08.01.11A,
13A.08.01.15

Approved:

Original signed by

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Superintendent