

## SUSPENSION OR EXPULSION

STUDENTS: Elementary and Secondary

### Procedures for Processing Suspensions/Expulsions

Use of the suspension or the expulsion process is an administrative responsibility sanctioned by State Law and by policies of the Board of Education as a measure to be used in the discipline of students. Principals have full authority to use temporary suspension in a judicious manner, i.e., where the procedure fits the offense and the offender is not unreasonable, excessive, or malicious. Complete records must be available to justify each suspension. A student may appeal a long-term suspension, new assignment or expulsion to the Board of Education by sending such a request in writing to the Superintendent of Schools within ten (10) days of the decision by the Superintendent or the Superintendent's Designee. Upon appeal, the Board or a designated committee thereof shall hear the matter promptly, but in no event later than fifteen (15) school days from the notice of appeal. Each party shall be afforded the opportunity to present witnesses and be represented by counsel. Unless the student or parent/guardian requests a public hearing, the hearing shall be conducted out of the presence of all persons except those whose presence is deemed necessary or desirable by the Board. The appeal to the Board of Education shall not operate as a stay of the decision of the Superintendent, and the decision of the Board shall be final.

### Types of Suspension, Assignment, and Expulsion

Within the Baltimore County school system the following types of suspensions, assignments and expulsions are utilized:

a. Short-term Suspension

Temporary suspension of a student by the principal for a period not to exceed ten (10) school days.

b. Long-term Suspension or Assignment

A suspension or assignment for more than ten (10) school days imposed by the Superintendent, or the Superintendent's Designee, at the recommendation of the school principal.

c. Expulsion

Expulsion is the required withdrawal from school of a student of any age, by direction of the Superintendent, or the Superintendent's Designee, at the recommendation of the school principal. All cases of expulsion are subject to review for readmission to the day school program.

### Short-term Suspension

Principals of all schools, in accordance with the rules of the Board of Education, shall have the right to suspend temporarily, for cause, any students in the schools under their direction for a period of not more than ten (10) school days.

Prior to any suspension, the student shall receive oral and written notifications of the charges against them, the conduct which formed the basis of the charges, and the policies, rules, or procedures violated. If the students deny the charges, they shall have the right to explanations of the evidence supporting the charges and opportunities to present their sides of the incidents. Students whose presence in school poses a danger to persons or property may be immediately removed from school. Arrangements should be made to inform the student of the charges and to provide an opportunity for the student to present his/her accounting of the incident.

Principals will implement a suspension by preparing the appropriate suspension forms, BEBCO form 042. One copy of the suspension form is given to the student, one copy is to be mailed to the parent/guardian, and the school retains one copy. Every effort should be made to notify the parent/guardian of the student's suspension by telephone. Normally, the suspension should be activated at the end of the student's school day.

It is the responsibility of the principal or the principal's designee to make every effort to schedule conferences with the student and his/her parent/guardian as soon as possible, preferably the same or next school day. The parent/guardian of a student, including those of a student eighteen (18) years and older, should participate in the suspension conference. If the conference is satisfactory, the student should be reinstated immediately. In certain other cases, the principal may deem it advisable that the pupil personnel worker assigned to the schools should assume the responsibility for a temporary suspension with the student and the student's parent/guardian. Generally, prior to taking this action the principal should discuss this intervention with the pupil personnel worker. A suspension processed by the pupil personnel worker requires that parent/guardian student conference be held as soon as possible. Whenever a temporary suspension is to be handled by pupil personnel worker, the appropriate suspension form, signed by the principal, must be forwarded to the pupil personnel worker; a telephone call subsequent to the completion of the proper suspension packet assist in the communication process. In addition, administrative reports must be forwarded as quickly as possible to the pupil personnel worker.

#### Long-term Suspension, Assignment or Expulsion

Suspensions or assignments for more than ten (10) school days or expulsions may be made by the Superintendent of Schools, or the Superintendent's Designee, at the recommendation of the principals. It must be stressed that a school should use all of its resources prior to making such recommendations. Pending action by the Superintendent, the principals may temporarily suspend students in accordance with the procedures previously stated for short-term suspensions.

The procedure for recommending a long-term suspension, assignment or expulsion is begun by the principal forwarding copies of the appropriate temporary suspension form, BEBCO form 40, signed by the principal, to the Superintendent or the Superintendent's Designee, with a copy to the parent/guardian, one copy should be given to the student and one copy should be sent to the pupil personnel worker of the school. Every effort should be made to notify the student's parent/guardian by telephone of the suspension. Normally, a suspension should be activated at the end of the student's school day. The copies of the suspension report must contain specific and adequate information to justify the recommendation for a suspension or new assignment for more than ten (10) school days, (administrative report).

Following receipt of the suspension notice and other appropriate data, the Superintendent, or the Superintendent's Designee, shall determine whether a suspension or new assignment longer than ten (10) school days appear to be warranted. These decisions must be communicated promptly by letters to the principals. If it is determined that suspensions beyond ten (10) school days are not advisable, the principals shall process the suspensions as they would regularly process short-term suspensions. In all instances of principal's recommendation for long-term suspension, new assignment, or expulsion, thorough school reports must be received by the Superintendent's Designee prior to the hearing. Prompt receipt of the school reports will enable the Superintendent's Designee, to arrange a hearing with the student and his/her parent/guardian within five (5) days.

If after a thorough investigation of the information included in the suspension packet, the Superintendent's Designee, believes that a long-term suspension, new assignment or expulsion is warranted, the Superintendent's Designee, shall arrange for hearing with the student and his/her parent/guardian within five (5) days of the date of the temporary suspension. The student and his/her parent/guardian shall be notified in writing of the time and place of the hearing; the nature of the charges; the evidence and witnesses upon which the charges are based; the policy, rule, or procedure violated; and the fact that the hearing may result in the student's suspension for longer than five (5) days, new assignment or expulsion. The notice shall also inform the student and his/her parent/guardian that the student may have witnesses, a representative, or an attorney appear on his/her behalf. At the hearing, the student shall have the right, upon request, to confront the evidence against him/her, to ask questions of such witnesses, and to have witnesses testify on his/her behalf.

If, upon consideration of all of the evidence presented at the hearing, the Superintendent's Designee, concludes that a long-term suspension, new assignment, or expulsion is warranted, the Superintendent's Designee may impose an alternative assignment, expulsion or continue the suspension as long as is deemed necessary. The Superintendent's, Designee, shall notify the student and parent/guardian in writing of the findings and decision; the letter shall also advise the parent/guardian and the student of their rights to appeal the decision to the Board of Education within ten (10) days by sending their requests in writing to the Superintendent.

Legal Reference:       Annotated Code of Maryland, Education  
                              §7-302, Report of Absences and Maladjustment  
                              §7-304, Suspension and Expulsion  
                              §7-304, Bringing a Firearm onto School Property  
                              Code of Maryland Regulations  
                              13A.08.01.11A, Disciplinary Action  
                              13A.08.01.11B, Suspension and Expulsion

Revised 1978  
Revised 1987  
Revised 1996  
Revised 1998  
Revised 1999  
Revised 03/06