

REGULATION MONTGOMERY COUNTY PUBLIC SCHOOLS

Related Entries: BLC, COB-RA, ECC-RA, IOA-RA, JFA, JFA-RA, JGA, JGA-RA, JGA-RC, JNA-RB

Responsible Offices: Deputy Superintendent of School Support and Improvement
Chief Operating Officer
Chief Academic Officer

Suspension and Expulsion

I. PURPOSE

School is a community where students, parents/guardians, and staff work together respectfully to maintain an orderly and safe learning environment focused on teaching and learning. Students have the right to a consistent, fair, and equitably applied discipline process that respects the rights of individuals and the community.

Montgomery County Board of Education (Board) Policy JGA, *Student Discipline*, sets forth expectations that Montgomery County Public Schools (MCPS) disciplinary process shall—

- A. include a continuum of instructional strategies and disciplinary responses to support teaching and learning;
- B. foster positive behavior, and, where possible, prevent student misbehavior before it occurs;
- C. reflect restorative practices that afford students opportunities to learn from their mistakes, correct any harm that results from their behavior, and restore relationships that are disrupted by their conduct;
- D. use long-term suspensions or expulsions only as last resort options; and
- E. keep students in or engaged in school so that they may graduate college and career ready.

II. DEFINITIONS

- A. The *chief operating officer* (COO) is the superintendent of schools' designee for decisions regarding suspensions and expulsions.
- B. *Confer* means a discussion or dialogue by any means, for example, telephone, electronic mail, face-to-face meeting, where the views of the teacher are communicated and considered.
- C. An *expulsion* means the exclusion of the student from the student's regular school program for 45 school days or longer, with notice to the parent/guardian, which may only occur under the following circumstances:
1. the COO 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 COO 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. *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:
1. are conducted by trained staff;
 2. focus on repairing the harm to the community through dialogue that emphasizes individual accountability; and
 3. help build a sense of belonging, safety, and social responsibility in the school community.
- E. Suspension
1. *Suspension (in-school)* means the removal within the school building of a student from the student's current regular school program for up to but not more than 10 school days in a school year for disciplinary reasons by the school principal with written notice to the parent/guardian.

An in-school removal is not considered a day of suspension as long as the student is afforded the opportunity to continue to—

- a) appropriately progress in the general curriculum;
 - b) receive the special education and related services specified on the student's Individualized Education Program (IEP), if the student is a student with a disability in accordance with *Code of Maryland Regulations* (COMAR) 13A.05.01;
 - c) receive instruction commensurate with the program afforded to the student in the regular classroom; and
 - d) participate with peers as the student would in the student's current regular school program to the extent appropriate.
2. A *Suspension (short-term, out-of-school)* means the exclusion of a student from a student's regular school program for up to but no more than three school days for disciplinary reasons by the principal with notice to the parent/guardian.
 3. *Suspension (long-term, out-of-school)* means the exclusion of a student from a student's regular school program for a time period between 4 and not more than 10 school days for disciplinary reasons by the principal with notice to the parent/guardian.
 4. *Suspension (extended, out-of-school)* means the exclusion of a student from a student's regular school program for a time period between 11 and 45 school days, with notice to the parent/guardian, which only may occur under the following circumstances:
 - a) The COO has determined 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.

- b) The COO limits the duration of the exclusion to the shortest period practicable; and
- c) 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.

III. GUIDELINES FOR STUDENT DISCIPLINE

- A. Students have the right to a learning environment that is orderly and safe, and to discipline practices that are consistent, fair, and equitably applied. MCPS staff shall make discipline decisions using clear, developmentally appropriate, and relevant factors and making sure that consequences applied are proportional and consistent.
- B. Students with disabilities, for whom IEPs or Section 504 Plans have been developed, are afforded certain protections under federal law, and disciplinary requirements for students with IEPs or Section 504 Plans are described in MCPS Regulation JGA-RC, *Suspension and Expulsion of Students with Disabilities*.
- C. In determining appropriate disciplinary actions, decision makers should consider the infraction and the following factors:
 - 1. The student's age (In Pre-K–Grade 3, suspension and expulsion generally should not be used. See also Section V. below.)
 - 2. 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)
 - 3. Cultural or linguistic factors that may provide context to understand the student's behavior
 - 4. The circumstances surrounding the incident
 - 5. Other mitigating or aggravating circumstances

D. Countywide Disciplinary Standards

1. A continuum of instructional strategies and disciplinary responses that support teaching and learning and foster positive behaviors and reflect restorative practices must be utilized.
2. When disciplinary interventions are determined to be appropriate, suggested disciplinary responses are provided in the *MCPS Student Code of Conduct*.
3. Suspension and expulsion are considered last resort options.
4. For students with disabilities for whom IEPs or Section 504 Plans have been developed, consequences may be modified in accordance with the requirements of law as specified in MCPS Regulation JGA-RC, *Suspension and Expulsion of Students with Disabilities*.

E. Authority

1. The principal/designee, has the authority to implement an in-school suspension, a short-term suspension, or a long-term suspension.

The principal may also recommend, in writing, an extended suspension or an expulsion to the COO.
2. The COO has the authority to implement an extended suspension or expel a student.
3. MCPS has the authority and reserves the right to reassign a student to a different school or alternative instructional program for disciplinary reasons. If a student is assigned to an alternative instructional program for disciplinary reasons, it will be considered an extended suspension or expulsion, depending on the duration, except as otherwise described in MCPS Regulation JGA-RC, *Suspension and Expulsion of Students with Disabilities*.

IV. PROCEDURES FOR SCHOOLS

- A. When the principal/designee responds to a disciplinary infraction that may warrant a suspension of any duration or expulsion, the principal/designee will—

1. meet with the student before imposing any suspension, or as promptly as possible if it is necessary to exclude the student from school because the student poses an immediate danger to persons or property, or poses an ongoing threat of disrupting the education process, and—
 - a) inform the student of the allegations against the student and provide an explanation of the evidence, and
 - b) provide the student an opportunity to present the student's version of the incident;
 2. render a decision to suspend or not suspend; and
 3. confer with the teacher who referred the student prior to returning the student to that teacher's classroom if the decision is to not suspend.
- B. If the decision is to suspend the student, the principal/designee will—
1. make every effort to notify the parent/guardian of the suspension preferably before removing the student from the school grounds, with consideration given to the age and developmental level of the student. In the case of a student 18 years or older, who resides with parents/guardians, contacts must be made with parents/guardians as in the case of younger students. The notification may be oral but must be followed by a written communication to the parent/guardian. The notification should contain the following:
 - a) The effective date and period of the suspension
 - b) An offer to schedule a conference with the parent/ guardian as soon as possible to review the incident and the subsequent suspension
 - c) A statement advising the parent/guardian of the right to appeal as follows:
 - (1) Short and long-term suspensions are appealed first to the principal for reconsideration. The next level of appeal is to the director of the Division of Pupil Personnel and Attendance Services (DPPAS).
 - (2) Recommendations for extended suspensions or expulsion are appealed directly to the COO.

- d) A statement advising the parent/guardian that the student cannot return to the school premises unless accompanied by the parent/guardian or unless otherwise expressly permitted by conditions of the suspension
2. Complete MCPS Form 560-6, *Worksheet for Suspension or Health-Related Exclusion*, and enter information from the worksheet into OASIS. Maintain a copy of Form 560-6 in the student's cumulative file.
3. Advise a student who is suspended that the student may not participate in any school-sponsored activity.
4. Confer with the teacher who referred the student before the student may return to that teacher's class.
5. Ensure minimum education services are provided as follows:

In order to establish accountability and to keep suspended or expelled students on track with classroom work, each school shall institute education services that provide at minimum the following:

- a) Each student suspended out-of-school or expelled who is not placed in an alternative instructional 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.
- b) 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 e-mail with those out-of-school suspended/expelled students and their parents/ guardians.
- c) For short-term suspensions, schools will:
 - (1) Provide all students who receive short-term suspensions with the opportunity to complete the academic work they miss during the suspension period without penalty; and
 - (2) Provide all students who receive short-term suspensions, and their parents/guardians, with the contact information for a

school employee who will be responsible for ensuring that the requirement described in Section IV.B.5.a) is met.

- (3) All other aspects of the process for suspended students receiving missed assignments, completing missed assignments, and making up tests shall be identical with each school's established policy and practice for makeup work in the event of any other excused absence.

6. Work with the student and parent/guardian to develop a program designed to prevent a recurrence of the disciplinary infraction, if appropriate.

V. PROCEDURES FOR DISCIPLINE OF STUDENTS IN PRE-K – GRADE 2

- A. Except as provided in this section, a student enrolled in Pre-K-Grade 2 may not be suspended or expelled from school. Schools must provide intervention and support to address a Pre-K-Grade 2 student's behavior if the student is suspended; is disruptive to the school environment; or commits an act that would be considered an offense subject to suspension but for the student's grade.

1. Intervention and support include any of the following–

- a) positive behavior interventions and supports;
- b) a behavior intervention plan;
- c) a referral to a student support team;
- d) a referral to an IEP or Section 504 Plan team; and,
- e) a referral for appropriate community-based services.

2. The school, to the best of its ability, must remedy the effect of a student's behavior on school climate through appropriate intervention methods including restorative practices as described in the *MCPS Student Code of Conduct*.

- B. If the behavior of a Pre-K-Grade 2 student warrants suspension in accordance with the *MCPS Student Code of Conduct*, the following applies:

1. The principal/designee must consult with a school psychologist or other mental health professional to determine if there is an imminent threat of

serious harm to other students or staff that cannot be reduced or eliminated through interventions and supports.

2. If the school principal/designee decides to proceed with the suspension or expulsion, the principal/designee must then promptly contact the appropriate director in the Office of School Support and Improvement for approval, and the parent/guardian of the student.
 3. If a suspension is approved, the length of suspension may not exceed five school days per incident.
- C. Recommendations to expel a student in grades Pre-K-2 are limited to circumstances required by Federal law (i.e. when a gun or other firearm is involved)

VI. PROCEDURES FOR REVIEWING SUSPENSIONS/EXPULSIONS

- A. At the request of the parent/guardian, and after reconsideration by the principal, the director of DPPAS may review decisions to render a short- or long-term suspension.
- B. In reviewing the principal's decision to render a short- or long-term suspension, the director of DPPAS will—
1. review all materials from the principal, DPPAS staff, parent/guardian, or others concerning the incident, and recommended disciplinary action;
 2. contact by telephone or, at the director of DPPAS' option, arrange a conference with the principal and/or parent/guardian; and
 3. render a written decision, including the reasons, and notify the parent/guardian that parent/guardian may have a right of further appeal to the COO.
- C. If a principal recommends an extended suspension or expulsion, the principal will promptly forward that recommendation to the Office of the COO.
1. Upon receipt of a recommendation from a principal for an extended suspension or expulsion, staff in the Office of the COO will work with staff from DPPAS and the school to inform the parent/guardian of the recommended action and notify the parent/guardian of the date, time, and place of a conference with a hearing officer designated by the COO, the student, the student's parent/guardian, and school staff; and

2. Following the conference, the COO will render a decision as to whether an extended suspension or expulsion is warranted, send a copy to the student or the student's parent/guardian, and include notice of the right to appeal to the Board within 10 calendar days of the date of the decision. The Board appeal process is provided in Board Policy BLB, *Rules of Procedure in Appeals and Hearings*.
- D. A student suspended or expelled from school shall be allowed to return to school on the day that the terms and conditions of the suspension or expulsion are met, whether or not the student or parent/guardian has filed an appeal of the suspension, unless the COO makes a determination to extend the suspension or expulsion for a specified additional time period because the student's return to school prior to the completion of that extended period would pose an imminent threat of serious harm to other students or staff.
 - E. The process described in Section V of this regulation shall be completed by the tenth school day of the initial suspension. If additional time is necessary to complete the process, either because of delays due to parent/guardian unavailability or due to the complexity of the investigation, the student shall be allowed to return to school, unless the COO determines that the student's return to school would pose an imminent threat of serious harm to other students or staff.
 - F. If the student is not allowed to return to school after the tenth day, the COO shall notify the student and the parent/guardian within 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 Maryland State Superintendent of Schools.

VII. PROCEDURES FOR RESTITUTION

The principal/designee will follow procedures in MCPS Regulation ECC-RA, *Loss of or Damage to Montgomery County Public Schools Property*, and MCPS Regulation JNA-RB, *Collection of Student Financial Obligations*, for damage or substantial decrease in value of property that occurred during or resulted from a student violating state or local law or regulation.

In those instances where a student violates state or local law and school property is damaged, the principal shall require the student or parent/guardian to make restitution up to \$ 2,500, unless the student is referred to the Maryland Department of Juvenile Services.

VIII. MAINTENANCE AND DESTRUCTION OF RECORDS OF SUSPENSIONS AND EXPULSIONS

- A. If the principal, director of DPPAS, or COO determines that a suspension or expulsion should not have occurred, all information pertaining to the discipline proceedings, including MCPS Form 560-6, *Worksheet for Suspension or Health-Related Exclusion*, will be removed from the student's record immediately, and no personally identifying information regarding same will be communicated to any person.
- B. In order to delete suspension or expulsion records from the student's electronic records, the original copy of the student suspension form, MCPS Form 560-6, *Worksheet for Suspension or Health-Related Exclusion*, should be sent to the chief technology officer with a note, signed by the principal, to delete that record. The original will be destroyed after the school has received its verification of the deleted transactions.
- C. All records and documents regarding confirmed incidents of suspension or expulsion will be maintained by the principal in accordance with MCPS Regulation JOA-RA, *Student Records*.
- D. MCPS may maintain aggregated data about suspension and expulsion proceedings, without disclosing personally identifying information, for the purpose of serving legitimate and recognized educational ends.

Related Sources: Annotated Code of Maryland, Education Articles, §7-305, §7-305.1; *Code of Maryland Regulations* (COMAR) 13A.08.01.11; 13A.05.01

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