PRINCE GEORGE’S COUNTY PUBLIC SCHOOLS
Board of Education
Upper Marlboro, Maryland

5115
Policy No.

BOARD OF EDUCATION POLICY

STUDENTS

Student Appeals of Disciplinary Action

Philosophy

The Board of Education has both the responsibility and authority to adopt policies designed to create safe schools. The Board’s goal is to maintain a school environment of order, safety, and discipline necessary for effective learning. The Board encourages fostering, teaching and acknowledgment of positive behavior and discretion for schools to impose discipline.

Discipline of Students

The Board recognizes that it may be necessary for a principal to request the removal of a student from the school environment due to conduct that violates the Student Code of Conduct.

A. In school suspension:

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. The school principal shall provide the student’s parents with written notification of the in-school suspension action taken by the school. After 10 days of cumulative in-school suspension, the student, student’s parents or guardian, and the principal shall confer. The Chief Executive Officer shall include in Administrative Procedure 5115 guidance for principals to determine whether a student may participate in extracurricular activities if the student receives an in-school suspension.

B. Removal for less than 10 days:

Each principal may suspend for cause, for not more than 10 school days, any student in the school. 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. At or before the conference, the student shall receive oral or written notice of the charges against him or her. If the student denies the charges, the student has a right to an explanation of the evidence supporting the charges and an opportunity
to present the student’s side of the story. 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 is provided as soon as
possible. If the principal finds that an extended suspension or expulsion is
warranted, the principal immediately shall report the matter in writing to the
Chief Executive Officer or Designee.

C. Removal for more than 10 days:

At the written request of a principal, the Chief Executive Officer may
suspend a student for more than ten (10) school days or expel the student.
The Chief Executive Officer, or Designee, will require an investigation of
the request to be completed. The Office of Appeals will conduct a
conference with the student and the student’s parent or guardian by the 10th
school day of the initial suspension or when the parent/guardian is
available, whichever is sooner, unless the Chief Executive Officer or the
Designee determines that the student’s return to school would pose an
imminent threat of serious harm to other students or staff. If the student is
not allowed to return to school after the 10th day, the Chief Executive
Officer or Designee shall notify the student and the parent or guardian
within 24 hours and provide the reasons for delay in the process and the
denial of reentry and send a copy of the notice to the State Superintendent
of Schools.

Right of Appeal

State law requires that a student who is suspended for more than ten (10) school
days or is expelled may appeal the decision of the Chief Executive Officer, or Designee,
to the Board of Education within 10 days after the determination. After receipt of a
written request for appeal, the Board’s designated committee shall have forty-five (45)
days from the date the appeal was received to hear the appeal and issue a decision. This
timeline may be extended if the parent, guardian or representative requests additional
time.

If, due to extraordinary circumstances or unusual complexity of a particular appeal,
the Board’s designated committee determines that it will be unable to hear an appeal and
issue a decision within 45 days, it may petition the State Superintendent for an extension
of time. The student or the student’s parent or guardian may bring counsel and witnesses
to the hearing. The Chief Executive Officer may also be represented by counsel and
present witnesses at the hearing. The student or the student’s parent or guardian shall be
provided with the school system’s witness list and a copy of the documents the school
system will present at the hearing five (5) days before the hearing date. 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.

The appeal to the Board does not stay the decision of the Chief Executive Officer
or Designee.
In rendering a decision on the appeal, the Board may consult with Board Counsel for legal advice. The decision of the Board is final.

The Chief Executive Officer shall review and revise Administrative Procedure 5115 to be consistent with this Policy.

Legal Reference: MD Ann. Code, Educ Art, §6-203 and 7-305; COMAR 13A.08.01.11.

Policy Adopted
7/1/03

Policy Reviewed-No Revisions Required
11/9/04

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4/29/10

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