STUDENTS

Appeal of Student Matters

The procedures for disciplinary appeals shall be governed by Policy 744 and Regulation 744-1, “Short-Term Suspension of Students”; Policy 745, “Long-Term Suspension or Expulsion of Students, Readmission, and Exclusion/Admission”; Regulation 745-6, “Long-Term Suspension and Expulsion Appeals”; and Policy 681 and Regulation 681-1, “Nontraditional Education Programs.” However, in matters pertaining to adult education, Policy 680 and Regulation 680-1, “Adult Education,” are also applicable. In matters involving students who receive special education services, Policy 745, “Long-Term Suspension or Expulsion of Students, Readmission, and Exclusion/Admission,” and Regulation 745-2, “Discipline of Special Education Students,” are also applicable.

Summary of Procedures and Timelines for Appeals

I. Academic Appeals - Grade placement; class assignment; grades, exams, and exam grades; promotion/retention; honor rolls; and placement in site-specific programs.

A. First Appeal: Written appeal to the principal (or a committee designated by the principal to make recommendations) within three school days of notification of action, stating reason for appeal and the relief being sought. The principal or committee shall respond in writing within five school days, or as soon as otherwise practicable.

B. Final Appeal: Written appeal to the appropriate Level Associate Superintendent or designee within three business days of notification of the principal’s decision. The Level Associate Superintendent shall respond in writing within five business days, or as soon as otherwise practicable.

II. Activities Appeals - Athletic and academic eligibility; membership in clubs and organizations.

A. First Appeal: Written appeal to the principal within three school days of notification of action, stating reason for the appeal and the relief being sought. The principal shall respond in writing within five school days, or as soon as otherwise practicable.

B. Final Appeal: Written appeal to the Supervisor of Student Activities, or designee, within three school days of notification of the principal’s decision. The Supervisor shall respond in writing within five business days, or as soon as otherwise practicable.
III. Graduation Appeals - The procedure and timeline must be expedient due to the time-sensitive nature of these appeals.

A. First Appeal: Informal conference with principal.

B. Final Appeal: Written appeal to appropriate Level Associate Superintendent or designee.

IV. Transfer Appeals - The procedure and timeline must be in accordance with the provisions set forth in Regulation 721-1, “Student Transfers – Kindergarten/Elementary/Middle School” and Regulation 721-2, “Student Transfers – High School.”

A. First Appeal: Supervisor of Elementary Counseling and Related Services for elementary school students or the Supervisor of Secondary Counseling and Student Support Services for middle and high school students.

B. Final Appeal: Written appeal to the Director of Student Services.

V. Appeal of Placement in a Nontraditional Education Program - The procedure and timeline for placement in a nontraditional education program shall be as provided in Regulation 681-1, “Nontraditional Education Programs.”

Tier III placement by a school to a nontraditional education program.

A. First Appeal: Hearing with Office of Student Management and Alternative Programs (OSMAP).

B. Final Appeal: Written appeal to the School Board.

VI. Reassignment by OSMAP for certain school reportable offenses.

A. First Appeal: Hearing with OSMAP.

B. Final Appeal: Written appeal to the School Board.

VII. Placement by OSMAP upon return to school from long-term suspension or expulsion.

Final Appeal: Written appeal to the School Board.
VIII. Disciplinary Appeals – OSMAP shall coordinate the School Division’s disciplinary appeal procedures for all Level 3 and 4 disciplinary appeals.

A. Level 1 Disciplinary Appeals - Disciplinary actions involving in-school suspensions and disciplinary actions, other than out-of-school suspensions.

First and Final Appeal: Opportunity to confer (in person or by telephone) with the principal or principal’s designee as soon as practicable.

B. Level 2 Disciplinary Appeals - Short-term out-of-school suspensions (one to 10 days).

The procedures and timeline for short-term out-of-school suspensions are set forth in Regulation 744-1, “Short-Term Suspension of Students.”

1. First appeal: Written appeal of the decision of the assistant principal or principal’s designee to the principal by parent within three school days of notification of suspension. The parent(s)/legal guardian(s) shall be notified in writing of the status of the principal’s decision within five school days of having received the written appeal.

2. Final Appeal: Written appeal to the appropriate Level Associate Superintendent, or other designee of the Division Superintendent (Superintendent), within three business days of notification of the principal’s decision. The appropriate Level Associate Superintendent shall reply in writing within five business days.

3. In the event that a recommendation for long-term suspension or expulsion is made during the imposed suspension, the Level 3 and Level 4 Disciplinary Appeals procedures shall then apply and there shall be no further appeals of an out-of-school suspension of 10 days or less under this level.

C. Level 3 Disciplinary Appeals - Long-term out-of-school suspensions (more than 10 school days but less than 45 school days). A long-term suspension may extend beyond a 45-school-day period but shall not exceed 364 calendar days if (1) the offense is one described in §§ 22.1-277.07 or 22.1-277.08 of the Virginia Code or involves serious bodily injury; or (2) the School Board or Superintendent or designee finds that aggravating circumstances exist, as defined by the Virginia Department of Education.

The procedure and timeline for long-term suspension appeals are set forth in Regulation 745-6, “Long-Term Suspension and Expulsion Appeals.”
1. Final Appeal: Written appeal of the decision of the OSMAP hearing officer to the School Board must be received by OSMAP within 10 calendar days of the date of the OSMAP decision letter. The School Board shall review the written appeal of the OSMAP hearing officer’s decision in closed session and the full School Board shall decide the appeal within 30 days of the filing of the request for appeal. Neither school staff, OSMAP staff, the student, the parent(s)/legal guardian(s), or any representative of the student or parent(s)/legal guardian(s) are present during the closed session of the School Board. The School Board shall consider only the documentation presented during the OSMAP hearing, with the exception of the letter of appeal and the OSMAP hearing officer’s letter or exhibits addressing only those new issues or facts in the letter of appeal, which shall also be provided to the School Board. No other documentation shall be considered by the School Board. The School Board shall consult with OSMAP staff on procedural issues and/or placement options. If the School Board upholds the long-term suspension of a student with disabilities, an Individualized Education Program team will convene to determine continued educational services.

2. In the event that the OSMAP hearing officer recommends expulsion rather than long-term suspension, the Level 4 Disciplinary Appeals procedure shall apply.

D. Level 4 Disciplinary Appeals - Expulsions, readmissions, and exclusions from school.

**Expulsions**

If a student is recommended for expulsion by OSMAP, the parent(s)/legal guardian(s) and student may submit a written request to appeal the recommendation of the OSMAP hearing officer to a School Board Disciplinary Committee within 10 calendar days of the date of the OSMAP decision letter.

A School Board Disciplinary Committee shall act on the appeal of the recommendation for expulsion without unreasonable delay. Such committee shall be composed of three members of the School Board, as set forth in § 22.1-277.06 of the Virginia Code.

1. First Appeal: Expulsion hearing before a committee of three School Board members (final level of appeal if unanimous vote of committee).
2. Final Appeal: Written appeal to the full School Board based on documentation only (only available if vote of School Board committee is not unanimous).

School Board Disciplinary Committee procedures for student expulsion appeal hearings can be found in Regulation 745-4, “School Board Disciplinary Committee Procedures for Student Expulsion Appeal Hearings.”

Readmissions

The procedures and timeline for readmission to school of students who have previously been expelled from Prince William County Public Schools (PWCS) are set forth in Regulation 745-5, “Readmissions and Exclusions/Admissions.”

Final Appeal: Written appeal of the decision of the OSMAP hearing officer to the School Board.

Exclusions from School

The procedures for students who have previously been expelled or suspended from attendance at school by another school division or private school and are requesting admission to PWCS are set forth in Regulation 745-5, “Readmissions and Exclusions/Admissions.”

Final Appeal: Written appeal of the decision of the OSMAP hearing officer to the School Board.

E. Authority to Modify Disciplinary Actions.

At each level of the procedure for all disciplinary appeals, the appeal may be granted or denied and the related consequences (corrective measures) may be increased, decreased, or allowed to remain the same.

If in the appeal of a long-term suspension the School Board determines that expulsion may be appropriate, the student shall be notified by OSMAP of the right to request a due process hearing before a committee of the School Board. In the event that the student does not request such a hearing, or a hearing is requested and the student fails to appear, a committee of the School Board shall render a decision based upon the written record. In the event that the decision of the School Board committee is not unanimous, the student may submit a written appeal to the School Board.
The Associate Superintendent for Special Education and Student Services (or designee) is responsible for implementing and monitoring this regulation.

This regulation and related policy shall be reviewed at least every five years and revised as needed.