STUDENTS

Office of Student Management and Alternative Programs (OSMAP)

This regulation governs the process and procedures followed by the Office of Student Management and Alternative Programs (OSMAP) with regard to student discipline.

I. Long-Term Suspension and Expulsion Procedures

A. School-Based Procedures

1. The principal shall initially suspend the student for up to five school days and provide the student and the student’s parent(s)/legal guardian(s) with written notice of the suspension and the reasons therefore.

2. After a preliminary investigation, if the principal determines further disciplinary action may be warranted, the principal shall provide written notice to the student and parent(s)/legal guardian(s) of the date and time of an informal conference. The informal conference shall take place within five school days of the offense and shall include only the student, the student’s parent(s)/legal guardian(s), and school staff. The student and parent(s)/legal guardian(s) shall be provided with an explanation of the facts known to school personnel and an opportunity to present the student’s version of what occurred. Following the informal conference and any further investigation, the principal shall review the facts of the case with the Level Associate Superintendent for the purpose of determining whether to recommend that OSMAP conduct a due process hearing to decide whether to recommend that further disciplinary action be taken; up to and including a recommendation for expulsion to the School Board. If the decision is made to recommend further disciplinary action, school staff must contact OSMAP within three business days of the principal’s informal conference to schedule a due process hearing.

3. In the event the principal, with the agreement of the Level Associate Superintendent, decides to recommend further disciplinary action of a student, the principal shall extend the suspension for an additional five school days. Pending final outcome of disciplinary action by the School Board or until a long-term suspension is imposed, students are eligible to receive educational services after the 10th day of suspension.
4. The student and the student’s parent(s)/legal guardian(s) shall be given written notice by the principal or his/her designee of any recommendation for further disciplinary action and the reasons therefore within 10 school days of the first day of suspension. The written notice shall include the charges against the student and notification of a hearing before a hearing officer in OSMAP.

B. Students with Disabilities

1. Prior to recommending the long-term removal of a student with disabilities receiving services under the Individuals with Disabilities Act (IDEA) or Section 504, a Manifestation Determination Review (MDR) must be completed at the school level to determine if the conduct for which the student is to be disciplined is a manifestation of the student’s disability. If the MDR reveals that the incident is a manifestation of the student’s disability, the student will not be referred to OSMAP for further disciplinary action.

If the Individualized Education Program (IEP) Team determines that the behavior was a manifestation of the student’s disability:

a. The IEP Team shall return the student to the placement from which the student was removed unless the parent/legal guardian and Prince William County Public Schools (PWCS) agree to a change in placement. The exception to this provision is when the student has been removed for not more than 45 school days to an interim alternative education setting due to special circumstances. In that case, school personnel may keep the student in the interim alternative education setting until the expiration of the 45-day period.

b. The school shall conduct a Functional Behavioral Assessment (unless PWCS had conducted this assessment before the behavior that resulted in the change in placement occurred), and shall implement a Behavior Intervention Plan for the student.

2. Special Circumstances

School personnel may remove a student with a disability to an appropriate interim alternative education setting for the same amount of time that a student without a disability would be subject to discipline, but for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student’s disability if:
a. The student carries a weapon to school or possesses a weapon while at school, on school property, or at a school function under the jurisdiction of PWCS or the Virginia Department of Education; or

b. The student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school property, or at a school function under the jurisdiction of PWCS or the Virginia Department of Education; or

c. The student inflicts serious bodily injury upon another person at school, on school property, or at a school function under the jurisdiction of PWCS or the Virginia Department of Education.

3. If a parent/legal guardian requests that a general education student be evaluated for initial special education services after the student has committed a disciplinary infraction, the OSMAP disciplinary process shall continue until a final outcome is reached by OSMAP or the School Board. However, an expedited evaluation must be conducted by school staff.

a. If the student is found ineligible for special education services, school staff shall provide prior written notice, the OSMAP disciplinary process shall continue, and the OSMAP/School Board decision shall be enforced.

b. If the student is found eligible for special education services, school staff shall provide prior written notice, no MDR shall be conducted, and the OSMAP disciplinary process shall continue. The student shall be provided with educational services in a non-traditional education setting under IDEA during the disciplinary period.

4. If a parent/legal guardian requests that a general education student be evaluated for initial special education services or there is reason to suspect a disability prior to the disciplinary infraction, the OSMAP disciplinary process shall continue until a final outcome is reached by OSMAP or the School Board, unless the student is found eligible and the incident deemed a manifestation of the student’s disability. All reasonable efforts shall be made to expedite the evaluation by school staff.

a. If the student is found ineligible for special education services, school staff shall provide prior written notice, the OSMAP disciplinary process shall continue, and the OSMAP/School Board decision shall be enforced.
b. If the student is found eligible for special education services, an MDR shall be conducted. If the MDR indicates that the disciplinary incident was not a manifestation of the student’s disability, the OSMAP disciplinary process shall continue and the OSMAP/School Board decision shall be enforced. If the MDR indicates that the incident was a manifestation of the student’s disability, the disciplinary process shall cease and the student shall be provided with appropriate services under IDEA. If the long-term suspension or expulsion has been imposed, the long-term suspension or expulsion shall be withdrawn and removed from the student’s record.

C. OSMAP Hearing

1. The student shall be provided with a due process hearing by an OSMAP hearing officer, acting as the designee of the Superintendent. Prior to the hearing, OSMAP shall advise the student and parent(s)/legal guardian(s) by certified and regular mail of the date, time, and location of the hearing; that the student shall be given the opportunity to present evidence and the student’s explanation of the charges against him/her; and that the student has the right to have parent(s)/legal guardian(s) and/or advocate present at the OSMAP due process hearing. The student and parent(s)/legal guardian(s) shall also have the right to invite witnesses to the hearing. However, witnesses shall not be permitted in the hearing room, other than to testify. A copy of the materials used at the due process hearing may be obtained by the parent(s)/legal guardian(s) from OSMAP two school days prior to the hearing.

2. In the event the student, parent(s), or legal guardian(s) waive their right to appear or fail to appear at the OSMAP hearing, the hearing shall be held in their absence and the decision shall be based on any documentation and evidence provided by the school administrator/designee. OSMAP shall consider rescheduling a hearing only for the death of a family member, hospitalization of the student, or other extenuating circumstances, as approved by the Supervisor of Student Management.

3. The OSMAP hearing shall be limited to 45 minutes. The school staff shall present evidence regarding the incident. The student, his/her parent(s)/legal guardian(s), or advocate shall have an opportunity to ask questions of the school staff or other witnesses and to present evidence on the student’s behalf. The student, parent(s)/legal guardian(s), advocate, and witnesses may not present duplicative argument or evidence. The hearing officer may then ask questions of any witness, including school staff, the student, and the student’s parent(s)/legal guardian(s). The number of witnesses may be limited by the
OSMAP hearing officer to avoid repetitious or irrelevant testimony or to avoid prolonging the hearing. Students are encouraged to provide character evidence in written form.

4. All parties, including attorneys and advocates, shall remain civil and refrain from personal attacks or other inappropriate conduct. The hearing officer has the authority to remove persons from the hearing who engage in inappropriate conduct or disrupt the hearing. The law does not compel the School Division to allow attorneys or advocates to participate in the hearing, except in limited circumstances.

5. All hearings are audio recorded. Following the hearing, the parent(s)/legal guardian(s) may make an appointment to listen to the audio recording at OSMAP. However, the parent(s)/legal guardian(s) may not make a recording during a hearing.

6. The decision of the OSMAP hearing officer following the due process hearing shall be issued without unreasonable delay. OSMAP shall provide its decision letter to the student and/or parent(s)/legal guardian(s) by certified and regular mail, directed to the address listed on the student’s Emergency Information Card. However, it shall be the duty of the student and parent(s)/legal guardian(s) to provide OSMAP with any change of address and to promptly obtain a copy of OSMAP’s decision letter since an appeal of OSMAP’s decision must be received at OSMAP within 10 calendar days of the date of the decision letter. The student and/or parent(s)/legal guardian(s) may also obtain a copy of the decision letter on the date of issuance by picking up the letter from OSMAP or requesting that the letter be sent to them by facsimile or email. If a parent or legal guardian requests that the decision letter be sent via email or facsimile, then a certified letter will not be sent. However, the letter shall be sent via regular mail.

7. Absent any appeal, a recommendation for expulsion from the OSMAP hearing officer shall be presented in writing to a School Board Disciplinary Committee or to the full School Board in closed session for either confirmation or disapproval.

8. For general education students, prior to the outcome of any disciplinary action, educational services shall be provided through multiple vehicles, to include but not be limited to, work packets, on-line instruction, etc.
Once the disciplinary outcome is determined, students may be referred to the Computer-Based Instruction program, an alternative program or a traditional school setting where educational services shall continue. Once the disciplinary outcome is determined, OSMAP has the authority to determine which educational services or programs, if any, will be provided to the student.

For students with disabilities, prior to the outcome of any disciplinary action, educational services shall be provided as determined by the IEP Team. Once the disciplinary outcome is determined, the IEP Team shall determine how educational services are delivered. OSMAP reserves the right to determine the location of said educational services.

**D. Letter of Agreement**

1. The OSMAP hearing officer has the authority to enter into a Letter of Agreement with the student and parent(s)/legal guardian(s), whereby the student and parent(s)/legal guardian(s) accept and agree to all conditions, non-traditional education placement, etc. The Letter of Agreement shall be binding and final, and there will be no appeal.

2. If a student is offered a Letter of Agreement and does not fulfill one or more of the conditions by the required date stated in the letter, then the student will be in violation of the Letter of Agreement.

3. OSMAP shall schedule a “violation hearing” with the student and parent(s)/legal guardian(s) in order to discuss and gather information regarding the areas not fulfilled in the Letter of Agreement. The hearing officer shall determine whether the original decision should be implemented; an extension on providing documents is warranted; or if the Letter of Agreement should be altered, due to extenuating circumstances. In the event that the original OSMAP decision is imposed, the proper appeal procedures for long-term suspension or expulsion shall take effect. In addition, if the hearing results in a change of placement, the appeal process regarding the placement shall be followed.

4. If the student is deemed a “probationary student” as a result of the Letter of Agreement, and is to be placed on a behavior contract at school, the student shall be considered in violation of the Letter of Agreement if the student violates the “Code of Behavior” by committing an offense that would constitute an out-of-school suspension. In these cases, the student shall be
suspended from school for five days and an OSMAP violation hearing shall be held. Every reasonable effort shall be made to hold the violation hearing within those five days of an out-of-school suspension.

If any part, section, subsection, sentence, clause, or phrase of this regulation is for any reason declared to be unconstitutional or invalid, or otherwise in violation of law, that declaration shall not affect the validity of any other portion of this regulation, it being the express intent of the School Board that each provision stand independently and that severability be enforced to the maximum extent permitted by law.

The Associate Superintendent for Student Learning and Accountability (or designee) is responsible for implementing and monitoring this regulation.

The Associate Superintendent for Student Learning and Accountability (or designee) is responsible for reviewing this regulation in 2020.