

## Due Process Procedures

### REQUIRED ATTENDANCE at ALTERNATIVE EDUCATION PROGRAM

In accordance with the *Virginia Code 22.1-277.2:1*, the School Board may require students included within the categories set forth below to attend alternative education programs. The procedure to be followed is included herein.

#### The following categories of students may be required to attend alternative education programs:

- Any student charged with an offense relating to the Commonwealth of Virginia laws on weapons, alcohol or drugs or intentional injury to another person; or:
- Any student found guilty or not innocent of a crime, which resulted in or could have resulted in injury to others, or a crime for which the disposition ordered by a court is required to be disclosed to the superintendent pursuant to *Virginia Code 16.1-260G*.

For the purposes of this policy the term "charged" means a petition or warrant has been filed or is pending against a pupil.

#### The following procedures will apply:

- Upon notification by the court of a student being charged or found guilty of the criminal charges against him or her, the student may be placed in an alternative program for a length of time or upon of the receipt of the courts final disposition. The parent/guardian and student may request in writing a review of an alternative placement within three (3) school days after receipt of notification of the placement. This written request for review is submitted to the Executive Director of Student Leadership or Designee. The placement will be final if no written request review is filed.
- Within three (3) school days after receipt of the written request for review, the Executive Director of Student Leadership or Designee, will review the matter and/or conduct a hearing with the parents and will confirm or disapprove the alternative placement.
- The decision of the Executive Director of Student Leadership, or designee, shall be final unless the parent or guardian files a written request for review within seven (7) days after receipt of such decision to the Superintendent. The written request must include specific reasons to support the request.
- Within three (3) school days after receipt of the written request for review, the Superintendent will review the matter and will confirm or disapprove the alternative placement.
- The decision of the Superintendent shall be final unless the parent or guardian files a written request for review within seven (7) days after receipt of such decision to the School Board. The written request must include specific reasons to support the request.
- The School Board will consider the written request in a closed meeting at a regular or special meeting held within thirty (30) days after the request for review of the Superintendent's decision. The Superintendent will provide a written response that addresses the reasons in the written request for a review. The School Board will base its decision solely on the record of the matter and may alter the placement decision of the Superintendent. A written decision of the School Board will be provided to the parents/guardian and student within seven (7) days after the meetings of the Board.