

BEFORE THE BOARD OF EDUCATION OF CARROLL COUNTY

IN THE MATTER OF

SUSPENSION

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DECISION AND ORDER

Effective June 1, 2017, Crossroads Middle School Principal Bryan K. Wetzel suspended 7th grade student [redacted] for ten (10) days and recommended that the Superintendent extend the suspension to 45 days. Mr. Dana A. Falls, Director of Student Services, acted as the Superintendent's designee in this matter.

Following a conference on July 6, 2017, with [redacted] mother; his attorney, Mark Martin, Esq.; Assistant Principal Todd Wargo; Pupil Personnel Worker Donald Mongold; and the school system's legal counsel, Ed O'Meally, Esq., Mr. Falls concluded that an extended suspension was appropriate and informed [redacted], by letter dated July 7, 2017, that [redacted] was suspended for 45 days, beginning July 1, 2017, and ending on October 31, 2017, when he could return to his home school, Northwest Middle School. During his suspension, [redacted] was assigned to the Special Education Suspension Center located at the Gateway School. The family was given the option of transferring to Crossroads Middle School for the first quarter of the 2017-2018 school year in lieu of the extended suspension.

The decision of the Superintendent's designee was appealed to the Board by letter dated July 17, 2017. The Board appointed a hearing officer to conduct an evidentiary hearing and prepare a report, with findings of fact, conclusions of law, and a recommendation regarding the suspension decision made by the Superintendent's designee. The hearing was held on August 11, 2017. Subsequently, the Board received a 16-page report with findings of fact, conclusions

of law, and a recommendation to uphold the extended suspension decision.

The parties waived oral argument and the Board considered the appeal based on the hearing officer's report and the record of the hearing, including a transcript of the hearing and exhibits.

For the following reasons, the Board adopts the findings of fact, conclusions of law, and recommendation of the hearing officer in this matter.

First, as the hearing officer reported, and as is clear from the record, there is no factual dispute about the infraction that triggered Mr. Wetzel's decision to suspend [redacted] for 10 days and recommend that the suspension be extended. Although [redacted] mother expressed regret that she did not challenge his January 24, 2017, suspension for being under the influence of a controlled dangerous substance, the circumstances leading to his suspension for the second incident on May 30, 2017, are undisputed.

Second, the long list of disciplinary referrals, the number of interventions, and multiple prior suspensions justify consideration of a more significant discipline. Exhibit 20 lists twenty-two (22) disciplinary events during the 2016-2017 school year, including a physical attack on another student, paying a student to attack another student, shoving another student, fighting, and making disparaging remarks to fellow students. Just as disturbing, or perhaps even more disturbing, is the number of instances where [redacted] behavior disrupted the entire class or school activity. For example,

- September 20, 2016 - ignoring the assignment and using the computer for something else, distracting himself and those around him
- November 9, 2016 - making continual sounds, comments, and motions to disrupt class
- January 4, 2017 - continuing to make loud noises and sounds every several minutes during SRI testing

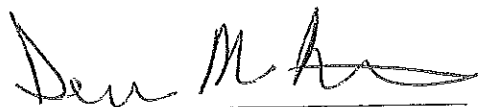
- February 24, 2017 – continually disrupted class by making rule, inappropriate comments
- April 20, 2017 – disturbing the class by waving and looking in the window at students
- April 24-26, 2017 - continues to disrupt, making noises, talking out, off task, “continues to destroy all classes he enters”
- April 28, 2017 – making “loud, obnoxious and rude” noises, screams, shouts, on the bus
- May 6, 2017 – throwing the eraser off his pencil around the room, threw balled up paper towel at teacher

mother believes that the extended suspension is punitive and that he would not necessarily make the connection between his behavior and the consequences. We agree with the hearing officer, however, that the extended suspension is not intended to be punitive; rather, it is yet another form of intervention designed to give _____ time to work on his behavior in a setting that does not disrupt the instruction of other students. We encourage _____; family to take advantage of the opportunity to attend Crossroads Middle School for the first quarter of the upcoming school year in lieu of the extended suspension.

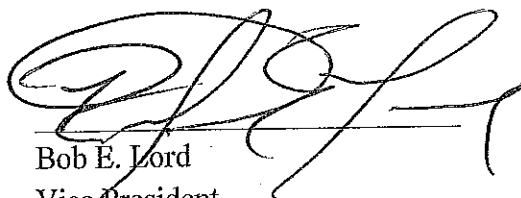
The Board concludes that the extended suspension is appropriate and that the decision to extend the suspension was a thoughtful one. We conclude that the decision was not arbitrary and unreasonable or illegal.

Therefore, we, the undersigned, UPHOLD the decision to extend _____; suspension for 45 days, with the option provided to transfer to Crossroads Middle School for the first quarter of the upcoming school year.

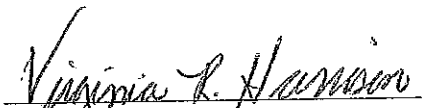
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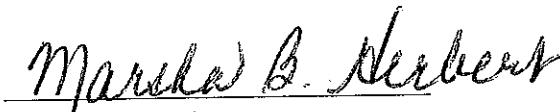
Devon M. Rothschild
President



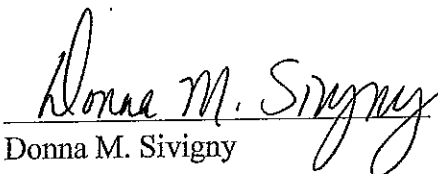
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Donna M. Sivigny
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