

SECTION: PUPILS

TITLE: SUSPENSION AND

EXPULSION

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SHALER AREA SCHOOL DISTRICT

233. SUSPENSION AND EXPULSION

- 1. Purpose
Title 22
Sec. 12.6, 14.143
34 CFR
300.519-300.529

The Board recognizes that exclusion from the educational program of the schools, whether by suspension or expulsion, is the most severe sanction that can be imposed on a student in this District and one that cannot be imposed without due process. The Board shall define and publish the types of offenses that would lead to exclusion from school. Exclusions affecting students with disabilities shall also be governed by applicable state and federal law and regulations.

- 2. Authority

Title 22
Sec. 12.6, 12.8
SC 1318

The Board may, after a proper hearing, suspend or expel a student for such time as it deems necessary, or may permanently expel a student.

Every principal or teacher in charge of a public school may temporarily suspend any student for disobedience or misconduct.

- 3. Guidelines

SC 1318
Title 22,
Sec. 12.6

Expulsion from School - Suspension

The principal or person in charge of the school may suspend any student for disobedience or misconduct for a period of one (1) to ten (10) consecutive school days and immediately notify the parent/guardian and the Superintendent in writing when the student is suspended.

No student may be suspended without notice of the reasons for which she/he is suspended and an opportunity to be heard in his/her own behalf before the school official who holds the authority to reinstate him/her. Prior notice is not required where it is clear that the health, safety or welfare of the school population is threatened. Suspensions may not be made to run consecutively beyond the ten school day period.

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Title 22
Sec. 12.8

When the suspension exceeds three (3) school days, the student and parent(s)/ guardian(s) will be given the opportunity for an informal hearing with the designated school official. Such hearing shall take place as soon as possible after the suspension and the District shall offer to hold it within the first five (5) days of the suspension.

Informal hearings under this provision shall be conducted by the building principal.

Purpose of Informal Hearing

Title 22
Sec. 12.8

The purpose of the informal hearing is to permit the student to explain the circumstances surrounding the event leading to the suspension, to show why the student should not be suspended, and to discuss ways to avoid future offenses.

Due Process Requirements for Informal Hearing

Title 22
Sec. 12.8

1. The student and parent/guardian shall be given written notice of the reasons for suspension.
2. The student and parent/guardian shall receive sufficient notice of the time and place of the informal hearing.
3. The student may question any witnesses present at the informal hearing.
4. The student may speak and produce witnesses who may speak at the informal hearing.
5. The School District shall offer to hold the informal hearing within five (5) days of the suspension.

Exclusion from Class - In-School Suspension

Title 22
Sec. 12.7

No student may receive an in-school suspension without notice of the reasons for which she/he is suspended and an opportunity to be heard prior to the time the suspension becomes effective. The parent(s)/guardian(s) shall be informed of the suspension action taken by the school.

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Title 22
Sec. 12.8

Should the in-school suspension exceed ten (10) consecutive school days, the student and his/her parent(s)/guardian(s) shall be offered an informal hearing with the designated school official. Such hearing shall take place prior to the eleventh day of the in-school suspension. The procedure shall be the same as the procedure for informal hearings held in connection with out-of-school suspensions.

The District shall provide for the student's education during the period of in-school suspension.

2 Pa. C.S.A.
Sec. 101 et seq

Expulsion

Title 22
Sec. 12.6, 12.8

Expulsion is exclusion from school by the Board for a period exceeding ten (10) consecutive school days. The Board may permanently expel from the District rolls any student whose misconduct or disobedience warrants this sanction. No student shall be expelled without an opportunity for a formal hearing before a qualified hearing examiner appointed by the Board, and upon action taken by the Board after the hearing.

Title 22
Sec. 2 Pa. C.S.A.

Expulsion Hearings

2 Pa. C.S.A.
Sec. 101 et seq
12.8

A formal hearing shall be offered in all expulsion actions.

The formal hearing shall observe the due process requirements of:

Title 22
Sec. 12.8

1. Notification of the charges in writing by certified mail to the student's parent(s)/guardian(s).
2. At least three (3) days' notice of time and place of the time and place of the hearing, which shall include a copy of this policy, hearing procedures, and notice of the right to representation by legal counsel. A student may request the rescheduling of the hearing when she/he demonstrates good cause for an extension.
3. The hearing shall be private unless the student or parent(s)/guardian(s) request a public hearing.
4. Disclosure of the names of witnesses against the student and copies of their written statements or affidavits of witnesses.
5. The right to request such witness against the student appear in person and answer questions or be cross-examined.
6. The right to testify and present witnesses on the student's behalf.

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7. A written or audio record shall be kept of the hearing and a copy made available to the student at the student's expense, or at no charge if the student is indigent.
8. The hearing shall be held within fifteen (15) school days of the notice of charges, unless a delay is mutually agreed to by both parties or is delayed by:
 - a. the need for laboratory reports from law enforcement agencies.
 - b. evaluations or other court or administrative proceedings are pending due to a student's invoking his/her rights under the Individuals with Disabilities Education Act (IDEA).
 - c. delay is necessary due to the condition or best interests of the victim in cases of juvenile or criminal court involving sexual assault or serious bodily injury.
9. Notice of a right to appeal the results of the hearing shall be provided to the student with the expulsion decision.

Stipulated Adjudication / Disciplinary Agreement

In certain matters where the District and the student and/or parent(s)/guardian(s) agree on the discipline that is to exceed ten (10) days, a Stipulated Adjudication shall be prepared by the District administration and presented to the student, parent(s)/guardian(s), and School Board for approval. The Stipulated Adjudication shall include:

- A. A description of the incident.
- B. The terms and conditions of the discipline to be imposed.
- C. The terms of the educational program to be provided for the student.
- D. Shall reference that the student and parent(s)/guardian(s) are waiving the right to a formal hearing referenced below.

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2 PA C.S.A.
Sec. 101

Adjudication

A written Adjudication shall be issued after the Board has acted to expel a student. The Adjudication may include additional conditions or sanctions.

Title 22
Sec. 12.6
Pol. 204

Attendance/School Work During Suspension and Prior to Expulsion

Students serving an out-of-school suspension must make up missed exams and work, and shall be permitted to complete assignments pursuant to established guidelines.

Students who are facing an expulsion hearing must be placed in their normal classes if the formal hearing is not held within the ten-school day suspension.

If it is not possible to hold the formal hearing within the first ten (10) school days, the School District may exclude such a student from class for up to five (5) additional -- fifteen (15) total -- school days if, after an informal hearing, it is determined that the student's presence in his/her normal class would constitute a threat to the health, safety, or welfare of others.

Any further exclusion prior to a formal hearing may be only by mutual agreement. Such students shall be given alternative education, which may include home student.

Title 22
Sec. 12.6

Attendance/School Work After Expulsion

Students who are under seventeen (17) years of age are still subject to compulsory school attendance even though expelled and shall be provided an education.

The parent/guardian has the initial responsibility of providing the required education and shall, within thirty (30) days, submit written evidence to the school that the required education is being provided or that they are unable to do so. If the parent/guardian is unable to provide for the required education, the School District shall, within ten (10) days of receipt of the parent's/guardian's notification, make provision for the student's education.

Pol. 113, 113.1

Students with Disabilities

A Student with a disability shall be provided educational services as required by state and federal laws and regulations and Board Policies.

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4. Delegation of Responsibility

Pol. 218

The Superintendent or designee shall develop rules and regulations to implement this policy which include:

1. Publication of a Code of Student Conduct, in accordance with Board policy on student discipline.
2. Procedures that ensure due process when depriving a student the right to attend school.
3. Regulations regarding student records which require that records of disciplinary suspension be maintained in accordance with Board policy on student records.
4. The name of a student who has been disciplined shall not become part of the agenda or minutes of a public meeting, nor part of any public record of the Board; but such students may be designated by code.
5. Any student who has been expelled may apply for readmission to school upon such conditions as may be imposed by the Board.

Pol. 216

References:

Individuals with Disabilities Education Act – 20 U.S.C. Sec. 1400-1482

Individuals with Disabilities Education Act, Title 34, Code of Federal Regulations – 34 CFR 300.519-300.529

Local Agency Law - 2 Pa. C.S.A. Sec. 101 et seq

School Code - 24 P.S. Sec. 1318

State Board of Education Regulations - 22 PA Code Sec. 12.3, 12.6, 12.7, 12.8, 14.143

Board Policy - 113, 113.1, 204, 216, 218