

## 233-AR SUSPENSION AND EXPULSION

I. Definitions:

Exclusion from school may take the form of suspension or expulsion

- A. Suspension is exclusion from school for a period of from 1 to 10 consecutive school days.
- B. Expulsion is exclusion from school by the Board of Education for a period exceeding 10 consecutive school days and may be permanent expulsion from the school rolls.
- C. In-School Suspension is exclusion from classes.

II. In-School Suspension

- A. Parent(s) or guardian shall be notified by the teacher and/or principal in writing or by telephone.
- B. The school district has the responsibility to make provision for the student's education during the period of the in-school suspension.

III. Suspension Procedures

- A. Reasons for suspension from school by a principal or his/her designee shall include items such as, but not limited to:
  - 1. Theft of school or personal property.
  - 2. Physical attack or threat to a student or staff member.
  - 3. Smoking on school property or during school activities.
  - 4. Drug or alcohol possession, use or sale (see Policy 227 – Controlled Substances/Paraphenalia)
  - 5. Chronic cutting of school, class or other scheduled activities.
  - 6. Chronic lateness to school, class or other scheduled activities.
  - 7. Willfully damaging or destroying school or personal property.
  - 8. Verbally abusing (obscenity, threats) a staff member or student.
  - 9. Refusing to serve detention.
  - 10. Leaving school grounds without permission during the school day.
  - 11. Any activity performed on school property or during school activities which is considered criminal under local, state, or federal law.
  - 12. Refusing to comply with reasonable instructions of a staff member or published school rules. General rules and regulations may be found in student handbooks, teachers' manuals, or other school publications. Elementary teachers are responsible for making their students aware of school rules.

## 233-AR SUSPENSION AND EXPULSION

13. Willfully disrupting the normal operation of the school.

B. When a determination has been made that suspension is warranted, the Principal or his/her designee shall enforce the suspension in accordance with the following:

1. Parents/guardians will be contacted and notified of the reason(s) for the suspension.
  - a. Parents/guardians will be requested to remove the student from the school as soon as possible.
  - b. If contact is not made with a parent/guardian or if student is not removed from the school, the student shall remain in school until the close of the school day, under the supervision of an administrator or a designated staff member.
2. A letter will be sent to the parent/guardian stating the reason(s) for suspension, length of suspension, and the date and time for a conference.
  - a. A copy of the letter will be given to the student to take home to his/her parents/guardians.
  - b. Copies of the suspension letter must be filed with the office of the Assistant Superintendent and office of the Principal.
3. No suspension shall exceed three consecutive school days unless an informal hearing has been held with parents/guardians within the three day period for the purpose of extending the suspension period.
4. Such informal hearings shall take place as soon as possible after the suspension and district shall offer to hold it within the first five (5) days of the suspension. No student shall ever be suspended for more than ten consecutive school days without Board approval.
  - a. If a student's suspension from school is extended to include the maximum of ten school days, a second parent/guardian conference must be scheduled no later than the tenth day of suspension for the student's re-admittance to school on the eleventh day.
  - b. If a parent/guardian refuses to appear for a scheduled conference within the three days, the principal may readmit the student. If, however, the offense warrants the extension of suspension beyond the original conference date, the principal will:
    - (1) notify the parent of the extended time period via mail;
    - (2) continue efforts to establish a parent conference and document those efforts;
    - (3) notify appropriate supervisor of the status of the case on a daily basis.

## 233-AR SUSPENSION AND EXPULSION

## 5. Requirement for Reinstatement

| Number of Days<br>Out-of-School Suspension | Requirement  |
|--|--|
| 3  | Informal hearing with Principal/Assistant Principal. |
| 5  | Reinstatement meeting with Principal.                |
| 10   | Reinstatement meeting with Assistant Superintendent. |

6. A student shall have the responsibility for anticipating and completing assignments while he/she is on suspension. Upon returning to the normal school program, a student shall make up examinations missed while on suspension.
  7. The Assistant Superintendent shall review chronic cases of suspension with the appropriate Principal.
- C. Suspension of a student with a disability shall follow the provisions of appropriate state and federal regulations.
1. The Supervisor of Special Education shall be consulted in all suspensions pertaining to students with a disability.

IV. Expulsion Procedures

- A. The Assistant Superintendent, in recommending to the Superintendent that a student be expelled from school, must involve guidance personnel and the appropriate administrative staff in preparing a report that shall include the following:
  1. A chronological list of incidents which includes disciplinary action taken by the school;
  2. A guidance report listing measures taken by the counselor in his/her attempts to assist the student;
  3. A review of the involvement and assistance provided to the student and his/her parents/guardians by the guidance staff.
- B. Expulsion from school must be approved by the Board of Education upon recommendation from the Superintendent (Section 1318 Pennsylvania School Code).
- C. Expulsion of a student with a disability shall follow the provisions of appropriate state and federal regulations:
  1. The Supervisor of Special Education shall participate in all expulsion decisions pertaining to a student with a disability.
- D. Formal Hearing for Expulsion
  1. A formal hearing is required for expulsion actions, unless the student's right to a hearing is properly waived pursuant to a written agreement executed by the student, parent, or guardian, as appropriate, and approved and executed by the Board. Hearings may be held before the Board, an authorized committee of the Board, or a qualified hearing examiner appointed by the Board.

## 233-AR SUSPENSION AND EXPULSION

2. The student's parent(s), unless the student is an emancipated student who is married or an emancipated student who is beyond compulsory school age, and the student must be notified of the charges by registered or certified mail, return receipt requested.
3. The student's parent(s), unless the student is an emancipated student who is married or an emancipated student who is beyond compulsory school age, and the student must be notified of the time and place of the hearing by registered or certified mail, return receipt requested.
  - a. At least three (3) days' notice of the time and place of the hearing shall be given. The notice shall include a copy of Expulsion Policy and Administrative Regulations, hearing procedures, and notice of the right to representation by legal counsel.
  - b. The proceeding must be held within fifteen (15) school days of the notification of charges, unless mutually agreed to by both parties.
  - c. A student may request the rescheduling of the hearing when the student demonstrates good cause for an extension.
  - d. A hearing may be delayed for any of the following reasons, in which case the hearing shall be held as soon as reasonably possible.
    - (1) Laboratory reports are needed from law enforcement agencies.
    - (2) Evaluations or other court or administrative proceedings are pending due to a student invoking his or her rights under the Individuals with Disabilities Education Improvement Act (IDEIA).
    - (3) In cases in juvenile or criminal court involving sexual assault or serious bodily injury, delay is necessary due to the condition or best interests of the victim.
4. The hearing shall be private unless the student's parent(s) (or the student himself or herself in the event that he or she is an emancipated student who is married or an emancipated student who is beyond compulsory school age) requests that it be held in public.
5. The student shall have the right to an impartial tribunal and to be represented by counsel, at the expense of the parent(s) or guardian, and may have the parent(s) or guardian attend the hearing.
6. The student has a right to the names of witnesses against him or her, to copies of affidavits of those witnesses, if any exist, and to demand that any such witnesses appear in person and answer questions or be cross-examined.
7. If the student and/or his or her parent(s) are dissatisfied with the findings of the hearing, recourse can be had to the appropriate court. Notice of a right to appeal the results of the hearing shall be provided with the expulsion decision.

## 233-AR SUSPENSION AND EXPULSION

8. A record must be kept of the hearing, either by a stenographer or through a tape recorder, and the student or his or her parent(s), is entitled, at the expense of the student or his or her parent(s), to a copy of the transcript. A copy shall be provided at no cost to a student who is indigent.
9. When the hearing is conducted by a committee of the Board or a hearing examiner, a majority vote of the entire Board of School Directors is required to expel a student.

## E. Compulsory School Attendance

1. Students who are less than 17 years of age are subject to compulsory attendance laws and even though expelled must be provided an education.
2. The initial responsibility for providing the required education rests with the student's parent(s) or guardian, as outlined in School Laws of Pennsylvania, January 1971.
3. Placement in another school, tutorial, or correspondence study, or another educational program must be approved by the district's superintendent.
4. If the parent(s) or guardian(s) are unable to provide for the required education, they must within thirty (30) days of action by the Board of Education, submit to the school district written evidence stating that the required education is being provided or that they are unable to do so.
5. If the parent(s) or guardian(s) are unable to provide the required education, the district shall, within ten (10) days of receipt of the required notification, make provision for the student's education.
6. A student with a disability must be provided educational services as required by the Individuals with Disabilities Education Improvement Act (IDEIA).
7. If thirty (30) days pass without the district receiving satisfactory evidence that the required education is being provided to the student, the district must recontact the parent and, pending the parent(s)'s or guardian's provision of such education, the district must make some provision for the student's education or the district may take action in accordance with 42 Pa.C. S. Chapter 63 to ensure that the child will receive a proper education.

V. Responsibility

- A. The Code of Student Conduct, Policy 218, shall be published on the District website.
- B. Regulations regarding student records of disciplinary suspension are maintained in accordance with Board Policy 216 and 216.1.

Established: 5/11/11