SCHOOL DISTRICT OF THE CITY OF YORK DRAFT 1/26/2015

SECTION: PUPILS

TITLE: SUSPENSION AND EXPULSION

ADOPTED:

REVISED:

233. SUSPENSION AND EXPULSION

1. Purpose Title 22 Sec. 12.6, 12.7, 14.143 20 U.S.C. Sec. 1400 et seq 34 CFR Part 300	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 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 be governed by applicable state and federal law and regulations.
2. Authority SC 1318 Title 22 Sec. 12.6, 12.8	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.
3. Guidelines	<u>Exclusion From School - Suspension</u>
SC 1318 Title 22 Sec. 12.6	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 shall immediately notify the parent/guardian and the Superintendent in writing when the student is suspended.
Title 22 Sec. 12.6	No student may be suspended without notice of the reasons for which s/he is suspended and an opportunity to be heard on his/her own behalf before the school official who holds the authority to reinstate the student. 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.
Title 22 Sec. 12.6, 12.8	When a suspension exceeds three (3) school days, the student and parent/guardian shall 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.

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	Informal hearings under this provision shall be conducted by the { X } building principal; or { X } Superintendent; or { X } person in charge of the school. <u>Purpose Of Informal Hearing</u>
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.
	<u>Due Process Requirements For Informal Hearing</u>
Title 22 Sec. 12.8	1. The student and parent/guardian shall be given written notice of the reasons for the 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.
	<u>Exclusion From Class - In-School Suspension</u>
Title 22 Sec. 12.7	No student may receive an in-school suspension without notice of the reasons for which s/he is suspended and an opportunity to be heard prior to the time the suspension becomes effective. The parent/guardian shall be informed of the suspension action taken by the school.
Title 22 Sec. 12.7, 12.8	Should the in-school suspension exceed ten (10) consecutive school days, the student and parent/guardian shall be offered an informal hearing with the building principal. 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.

Title 22 Sec. 12.7	The district shall provide for the student's education during the period of in-school suspension.
	<u>Expulsion</u>
SC 1318 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 { X } the Board; or { X } a duly authorized committee of the Board; or { X } a qualified hearing examiner appointed by the Board, and upon action taken by the Board after the hearing.
	<u>Expulsion Hearings</u>
SC 1318 Title 22 Sec. 12.6, 12.8 2 Pa. C.S.A. Sec. 101 et seq	A formal hearing shall be required in all expulsion actions.
Title 22 Sec. 12.8	The formal hearing shall observe the due process requirements of: 1. Notification of the charges in writing by certified mail to the student's parent/guardian. 2. At least three (3) days' notice 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 s/he demonstrates good cause for an extension. 3. The hearing shall be private unless the student or parent/guardian requests a public hearing. 4. Representation by counsel at the parent's/guardian's expense and parent/guardian may attend the hearing.

	5. Disclosure of the names of witnesses against the student and copies of their written statements or affidavits. 6. The right to request that witnesses against the student appear in person and answer questions or be cross-examined. 7. The right to testify and present witnesses on the student's behalf. 8. 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. 9. 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. 10. Notice of a right to appeal the results of the hearing shall be provided to the student with the expulsion decision. <u>Adjudication</u>
2 Pa. C.S.A. Sec. 101	A written adjudication shall be issued after the Board has acted to expel a student. The adjudication may include additional conditions or sanctions.
	<u>Attendance/School Work During Suspension And Prior To Expulsion</u>
Title 22 Sec. 12.6 Pol. 204	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 study. <u>Attendance/School Work After Expulsion</u>
Title 22 Sec. 12.6	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. The Board may provide an educational program to the student immediately upon expulsion and may waive the 30-day period, at its discretion. <u>Students With Disabilities</u>
Pol. 113, 113.1	A student with a disability shall be provided educational services as required by state and federal laws and regulations and Board policies.
4. Delegation of Responsibility	The Superintendent or designee shall develop administrative regulations to implement this policy which include:
Pol. 218	1. Publication of a Code of Student Conduct, in accordance with Board policy on student discipline. 2. Procedures that ensure due process when a student is being deprived of the right to attend school.
Pol. 216	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. 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.

References:

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

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

Individuals With Disabilities Education Act – 20 U.S.C. Sec. 1400 et seq.

Individuals With Disabilities Education Act, Title 34, Code of Federal Regulations –
34 CFR Part 300

Board Policy – 000, 113, 113.1, 204, 216, 218

PSBA Revision 12/07