

EASTON AREA SCHOOL DISTRICT

SECTION: PUPILS

TITLE: SUSPENSION AND EXPULSION

ADOPTED: March 5, 2007

REVISED: December 3, 2013

	<p>233. SUSPENSION AND EXPULSION</p> <p>EXCLUSIONS FROM SCHOOL (SUSPENSIONS AND EXPULSIONS)</p>
1. Purpose	<p>When any of the following actions of a student are brought to the attention of the building principal, the principal shall have the power and it shall be his/her duty to initiate action which may lead to suspension and possible expulsion of the student. These prohibited acts apply equally to sponsored school activities both off and on school property:</p>
Pol. 218.1	1. Bringing onto school property or having in the student's possession dangerous or illegal weapons.
Pol. 227	2. Sells, uses, possesses or aids in the procurement of alcoholic beverages, narcotics or restricted drugs including marijuana or any material purported to be such.
Pol. 218, 218.2, 248	3. Engaging in violent actions threatening to the safety of students and school personnel. This includes loud statements or harassment, which may possibly lead to disruption of the school.
Pol. 222	4. Smoking in school buildings or on school property.
Pol 224	5. Acts of vandalism related to school buildings, grounds or equipment.
	6. Fighting in school or on school property.
	7. Theft of school property or personal property of individuals in the school.
	8. Overt insubordination to the clear directions of a school district employee.
	9. Committing immoral acts or gestures.
	10. Making salacious statements either verbally or in writing.
2. Definitions	Suspension: An exclusion from school for a period from one (1) to ten (10)

<p>Title 22 Sec. 12.6 Sec. 12.8</p>	<p>consecutive school days. Suspensions may be given by the principal.</p> <p>Expulsion: An exclusion from school by the governing board for a period exceeding 10 school days and may be permanent expulsion from the school rolls. Expulsions require the opportunity to a formal hearing.</p> <p>Informal Hearing: Due process afforded to students who are excluded from school for a suspension exceeding three (3) days. The purpose of an informal hearing is to enable the student to meet with the appropriate school official to explain the circumstances surrounding the event for which the student is being suspended or to show why the student should not be suspended.</p> <p>Formal Hearing: A formal hearing is required in all expulsion actions. This hearing may be held before the governing board or an authorized committee of the board, or a qualified hearing examiner appointed by the board. When a committee of the board or hearing examiner conducts the hearing, a majority vote of the entire governing board is required in order to expel a student.</p>
<p>3. Authority Title 22 Sec. 12.1 et seq</p>	<p>Implementation of the School Laws of Pennsylvania and the State Board of Education "Regulations and Guidelines on Student Rights and Responsibilities" (Chapter 12) shall be accomplished as follows:</p> <p>The principal will make the suspension and shall:</p> <ol style="list-style-type: none"> 1. Meet the student in person and state to him/her the reasons for the suspension and give the student the opportunity to explain why he should not be suspended. 2. Immediately notify the parent/guardian by telephone. 3. Document all telephone calls in writing. 4. Provide parent/guardian with written notification of suspension, reason for the suspension, and date of re-admittance for the suspended student.
<p>SC 1318</p>	<p>No suspended student shall be removed from the rolls unless permanently expelled as prescribed in Section 1318 of the School Laws of Pennsylvania.</p>
<p>SC 1318</p>	<p>No suspension by the principal shall exceed ten (10) days. Suspensions for longer periods shall be given only by the Board or its authorized committee as provided in Section 1318 of the School Laws of Pennsylvania.</p>
	<p>Three (3) suspensions of any individual student in a single school term may result in a recommendation by the principal to the superintendent for expulsion of the student. However, this should not deter the principal from recommending the expulsion of a student on first offense. The judgment of the principal in weighing the gravity of the</p>

	<p>offense shall accompany the recommendation for either suspension or expulsion.</p>
<p>SC 1318</p>	<p>In the case of recalcitrant student(s) whose behavior is a hindrance to the proper conduct of the school and wherein the principal has exhausted all possible means of improving the conduct and attitude of the student(s), it shall be the responsibility of the principal to recommend to the Superintendent that such pupil be expelled. The Superintendent shall then report such requests to the Board for further action under Section 1318 of the School Laws of Pennsylvania.</p>
<p>Pol. 248</p>	<p>It is unacceptable behavior for students to harass other students or school personnel, sexually or otherwise, and such behavior on the part of any student is subject to appropriate discipline. Extreme or persistent behavior may result in suspension or expulsion of the offending student.</p>
<p>4. Guidelines</p>	<p>PROCEDURE FOR SUSPENSIONS AND EXPULSIONS OF STUDENTS</p> <p><u>Suspension</u></p> <p>The Board adopts this policy and designates a limitation of three (3) days as a reasonable period for such suspension without an informal hearing. Suspension may be in school or out, according to the discretion of the principal. Students shall be permitted to make up exams and work missed while being disciplined by suspension.</p>
<p>Title 22 Sec. 12.8</p>	<p>For a suspension exceeding three (3) days, an informal hearing will be offered.</p>
<p>Title 22 Sec. 12.8</p>	<p>The purpose of the informal hearing is to enable the student to meet with the Superintendent or designated officer to explain the circumstances surrounding the event for which the student is being suspended, to demonstrate that there is a case of mistaken identity or to show that there is some compelling reason why the student should not be suspended. At the informal hearing the student's parents/guardian are to meet with the suspending principal to discuss ways by which future offenses can be avoided. At the informal hearing, the following requirements are to be observed:</p> <ol style="list-style-type: none"> 1. Notification of the reasons for the suspension in writing given to the parents/guardian and to the student. 2. Sufficient notice of the time and place of the informal hearing. 3. The right to cross-examine any witnesses. 4. The student's right to speak and produce witnesses on his behalf.

<p>SC 1318 Title 22 Sec. 12.8 2 Pa. C.S.A. Sec. 101 et seq</p>	<p><u>In-School Suspension</u></p> <p>The purpose of an in-school suspension is to provide a structured and supervised learning environment for students who demonstrate violations to established school procedures and regulations. Students may be assigned to the In-School Suspension program in accordance with the Code of Conduct. While assigned to the In-School Suspension program, students are expected to adhere to the established rules.</p> <p>The procedure regarding informal hearings for in-school suspensions shall be the same as the procedure outlined for out-of-school suspensions.</p> <p><u>Expulsion</u></p> <p>If the suspension of a student exceeds ten (10) days, or if expulsion may result, the Board shall give written notice by certified mail to the student and parent/guardian not later than three (3) school days after the date of the first regular School Board meeting following the alleged misconduct but not later than three (3) school days after the second regular School Board meeting following the alleged misconduct if less than five (5) school days intervene between the alleged misconduct and the first regularly scheduled Board meeting. The notice shall contain:</p> <ol style="list-style-type: none">1. A concise statement of the charges alleged that make up the misconduct or the alleged offense.2. The name of the person or persons bringing the charge.3. The time and place of the hearing.4. A statement that the student and his/her parent/guardian have the right to appear at the hearing, produce witnesses on their behalf, and to be represented by legal counsel.5. A statement that the student, parent/guardian, or their legal counsel shall have the right, upon reasonable request prior to the hearing, to examine written statements about the misconduct, if any, and examine the student's record.6. When a student who has passed the age of compulsory attendance requests readmission to school during a school year in which s/he has voluntarily withdrawn from school to avoid suspension or expulsion, the appropriate exclusion procedure may be initiated upon receipt of the formal request for re-entry.
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<p>Title 22 Sec. 12.8</p>	<p>HEARING PROCESS</p> <p><u>Time Of Hearing</u></p> <p>The hearing date shall be fixed not less than ten (10) or more than twenty (20) school days after the date of written notice.</p> <p><u>Student Under Temporary Exclusion</u></p> <p>If, when expulsion proceedings are initiated, it is determined by the Superintendent after an informal hearing that a student's presence in his/her normal class would constitute a threat to the health, safety, morals, or welfare of others and it is not possible to hold a formal hearing within the period of a full suspension, the student may be excluded from school for more than ten (10) school days, provided the formal hearing is not unreasonably delayed. Any student so excluded shall be provided with alternative instruction.</p> <p><u>Failure Of Student To Report For Hearing</u></p> <p>If, after being properly advised of the hearing date, the student fails to appear, the hearing will be conducted with the student being considered <i>in absentia</i>.</p> <p><u>Hearing Procedure:</u></p> <ol style="list-style-type: none">1. The district solicitor shall arrange for an independent counsel (i.e. attorney) to preside at all hearings.2. It shall be the duty of the Chairperson to instruct the accused student, his/her parents/guardians, or their counsel, that the student accused is not compelled to testify, and his/her refusal to testify shall not be construed as an admission of guilt.3. Hearings shall be private unless the accused student, his/her parent/guardian, or their counsel request that the hearing be public. Such request must be in writing and must be received by the Board twenty-four (24) hours before the hearing begins. Hearings shall be attended by the following: Members of the Board or a duly authorized committee of no fewer than two (2) members of the Board, Board solicitor, court reporter, the student accused, his/her parents/guardians, their respective counsel, and all witnesses to be called by the parties involved. At the request of any of the parties involved, or the Board, witnesses may be separated.4. All witnesses shall be sworn by the court reporter.
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<p>Pol. 216</p>	<p>5. The Board, its solicitor, the student and/or his/her parent/guardian, or counsel for either of them shall have the right to examine and cross-examine all witnesses.</p> <p>6. Only relevant and competent evidence shall be received and considered by the Board, but strict rules of legal evidence should not be followed so that every opportunity may be afforded by the Board to hear and obtain all relevant and pertinent facts.</p> <p>7. The accused student's past record shall not be consulted or any testimony pertaining thereto received in evidence until after the Board determines the guilt or innocence of the student accused. If the student is found guilty, the Board has the right to review "past" academic and discipline reports to determine the student's penalty.</p> <p>8. The testimony of all witnesses shall be recorded by the court reporter so that it may be transcribed later if required.</p> <p>9. After the evidence is closed, the accused student, his/her parent/guardian or their legal counsel, may make a summation of the testimony and argument, not to exceed fifteen (15) minutes in length.</p>
	<p><u>Disposition Of Case</u></p> <p>As promptly as is possible after the hearing is closed, the full Board shall convene to consider the evidence and, by majority of members present, by roll call vote, determine the guilt or innocence of the accused student, and shall further determine the penalty, if any. The Board may reprimand, suspend, or expel.</p>
<p>2 Pa. C.S.A. Sec. 101</p>	<p>If the charges are sustained, the Board shall prepare a written adjudication which shall include findings of fact and conclusions setting forth in summary the evidence and the reasons for its decision and penalty imposed, if any. It shall transmit, by certified mail, a copy thereof to the student accused or to his/her parent/guardian and to their counsel, not later than five (5) school days from the date of such Board meeting.</p>
	<p>In case of suspension or expulsion of a student, any information or testimony concerning the incident shall be classified in the student record, and shall remain confidential, unless the parent/guardian gives written permission for its release to identified sources. The release shall be directed to the Board.</p>
<p>Pol. 216</p>	<p>If the Board shall find in favor of the student, all references to the alleged incident shall be removed from the student's records.</p> <p>Where the student is dissatisfied with the results of the hearing, recourse can be had to the appropriate state or federal court.</p>

<p>Title 22 Sec. 12.6 Pol. 204</p>	<p>COMPULSORY SCHOOL ATTENDANCE</p> <p>Students who are less than seventeen (17) years of age are still subject to the compulsory school attendance law even though expelled and must attend school. The responsibility for placing the student in school rests initially with the student's parents/guardians. However, if the student is unable to attend another public school or cannot afford to attend or is unable to be accepted at a private school, the school district will make provision for the child's education, either through an alternative education plan or by readmitting the child. If none of these alternatives is acceptable, the school district will take action in accordance with the provision of the Juvenile Act of 1972 to ensure that the child will receive a proper education. It shall be the responsibility of the Superintendent to initiate such action.</p>
<p>Pol. 113.1</p>	<p>STUDENTS WITH DISABILITIES</p> <p>As set forth in Board Policy 113.1, District shall comply with all applicable laws protecting students with disabilities, such as the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act of 1973.</p> <p>References:</p> <p>School Code – 24 P.S. Sec. 1318</p> <p>Local Agency Law – 2 Pa. C.S.A. Sec. 101 et seq.</p> <p>State Board of Education Regulations – 22 PA Code Sec. 12.1 et seq.</p> <p>Board Policy – 204, 216, 218, 218.1, 218.2, 222, 224, 227, 248</p>