EASTON AREA SCHOOL DISTRICT
STUDENTS RECOMMENDED FOR EXPULSION HEARING
"WAIVER FORM"

STUDENT'S NAME_____BIRTH DATE_____AGE_____ID#_____

ADDRESS_____PHONE #_____

SCHOOL_____GRADE_____HOMEROOM_____

PARENT'S/GUARDIAN'S NAME_____

_____

Phone number(s) where parents/guardians may be contacted during work hours_____

_____

A. The Easton Area School District recognizes that students must be afforded all appropriate elements of due process if they are to be excluded from school. In cases like this one involving a possible expulsion, the student is entitled to a formal hearing and certain hearing rights as specified by the State Board of Education in 22 Pa. Code, as follows:

2.8. Hearings.

(a) Education is a statutory right, and students shall be afforded due process if they are to be excluded from school. In a case involving a possible expulsion, the student is entitled to a formal hearing.

(b) Formal hearings. 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 a hearing examiner conducts the hearing, a majority vote of the entire governing board is required to expel a student. The following due process requirements shall be observed with regard to the formal hearing:

(1) Notification of the charges shall be sent to the student's parents or guardians by certified mail.

(2) At least 3 days' notice of the time and place of the hearing shall be given. A copy of the expulsion policy, notice that legal counsel may represent the student and hearing procedures shall be included with the hearing notice. A student may request the rescheduling of the hearing when the student demonstrates good cause for an extension.

(3) The hearing shall be held in private unless the student or parent requests a public hearing.

(4) The student may be represented by counsel, at the expense of the parents or guardians, and may have a parent/guardian attend the hearing.

(5) The student has the right to be presented with the names of witnesses against the student, and copies of the statements and affidavits of those witnesses.

(6) The student has the right to request that the witnesses appear in person and answer questions or be cross-examined.

(7) The student has the right to testify and present witnesses on his own behalf.

(8) A written or audio record shall be kept of the hearing. The student is entitled, at the student's expense, to a copy. A copy shall be provided at no cost to a student who is indigent.

(9) The proceeding shall be held within 15 school days of the notification of charges, unless mutually agreed to by both parties. A hearing may be delayed for any of the following reasons, in which case the hearing shall be held as soon as reasonably possible:

(i) Laboratory reports are needed from law enforcement agencies.

(ii) Evaluations or other court or administrative proceedings are pending due to a student invoking his rights under the Individuals With Disabilities Education Act (20 U.S.C.A. §§ 1400--1482).

(iii) 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.

(10) Notice of a right to appeal the results of the hearing shall be provided to the student with the expulsion decision.

B. By signing this document, I/we stipulate to the following facts actually having occurred:_____
_____
_____
_____
_____

C. I/We, _____ and _____, as the mother/father/guardian of _____, have received notice of the charge(s) and accept the recommendation of the Principal to the Superintendent of Schools and the Easton Area School Board that _____ be expelled as of _____ and be placed in my custody. The expulsion period is as follows:
_____
_____

D. I/We acknowledge that I/we have been informed of our rights under due process and understand them. In accepting this recommendation, I/we hereby waive our rights to a formal hearing with the School Board.

E. I/We agree that this document and the Board of School Directors' Adjudication are admissible in any legal proceeding as evidence.

F. I/We recognize that it is our responsibility to secure an appropriate educational placement for our compulsory school-age child within thirty (30) days of Board-approved expulsion.

G. If parents/guardians are unable to enroll the student in another public or private school, the parents/guardians are encouraged to contact the Office of the Assistant Superintendent for Pupil Services (610-250-2400, Ext. 35032) for assistance.

H. Conditions of the expulsion include:_____
_____
_____
_____
_____

I. Readmission probation period/requirements:_____
_____
_____
_____

_____ _____
Date Signature of Superintendent or Designee

_____ _____
Date Signature of Principal

_____ _____
Date Signature of Board President