

COLONIAL SCHOOL DISTRICT

SECTION: PUPILS
 TITLE: SUSPENSION AND EXPULSION
 ADOPTED: DECEMBER 18, 1974
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233. SUSPENSION AND EXPULSION	
1. Purpose	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.
2. Authority SC 1318 Title 22 Sec. 12.6, 12.8	The Board may, after a proper hearing, suspend a student for such time as it deems necessary or may permanently expel a student
3. Guidelines SC 1318 Title 22 Sec. 12.6	<p><u>Expulsion from School - Suspension</u></p> <p>The principal or person in charge of the school may suspend any student for disobedience or misconduct for a period of one (1) to (10) consecutive school days and shall report the suspension to the Superintendent as soon as possible.</p> <p>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 community is threatened. The parent/guardian and Superintendent shall be notified immediately of the suspension and a written letter will follow up the initial correspondence.</p> <p>The Superintendent shall receive written updates regarding the status of any suspensions.</p> <p>When the suspension exceeds three (3) school days, the student and parent/guardian will be given the opportunity for an informal hearing with the designated school official. Such hearing shall take place on or before the first day in which the student is designated to return.</p> <p>Informal hearings under this provision shall be conducted by the building principal.</p>

<p>Title 22 Sec. 12.7</p>	<p>The purpose of the 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 and is meant to encourage the parent/guardian to meet with the principal to discuss ways future offenses can be avoided.</p>
	<p>Students shall make up exams and work missed while being disciplined by suspension and shall be permitted to complete these assignments within established guidelines.</p>
	<p><u>Exclusion from Class – In-School Suspension</u></p>
	<p>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.</p>
	<p>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</p>
	<p>The district shall provide for the student’s education during the period of in-school suspension.</p>
	<p><u>Expulsion</u></p>
<p>SC 1318 Title 22 Sec. 12.6, 12.8</p>	<p>Expulsion is exclusion from school by the Board for a period exceeding ten (10) school days. The Board may permanently expel from the district rolls any student whose misconduct and disobedience warrants this sanction. 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. All Board members shall be authorized to serve on hearing committees and to act as chairpersons thereof without the necessity or requirement of any further action being taken by the School Board.</p>
	<p>Expulsion proceedings will normally be initiated by the building principal recommended expulsion to the Superintendent who will then report the recommendation to the Board President for further action.</p>

<p>Title 22 Sec. 12.6</p> <p>Title 22 Sec. 12.6</p>	<p>A student may be expelled for his/her first violation, depending on the nature of the act committed and the gravity of the conduct involved.</p> <p>Three (3) or more suspensions of a student in one (1) school year for any offense or offenses may result in a recommendation by the principal to the Superintendent that the student be expelled.</p> <p>At the expulsion hearing, the principal and Superintendent shall present their recommendations regarding expulsions, including their recommendations for the period thereof, and will also present their recommendations regarding conditions for readmission to school of an expelled student.</p> <p><u>Attendance Requirements</u></p> <p>A student under seventeen (17) years of age who is expelled is not excused from compliance with the compulsory attendance statute.</p> <p>The initial responsibility for providing the required education rests with the student's parent/guardian through placement in another school, through tutorial or correspondence study or through another education program approved by the Superintendent. Parents/Guardians who are unable to provide an education for their student shall submit a written statement within thirty (30) days that they are unable to do so. The district shall then make provisions for the student's education. If thirty (30) days pass without satisfactory evidence that the required education is being provided, the district shall contact the parent/guardian and make provisions for the student's education.</p> <p>If the approved educational program is not complied with, the district may take action in accordance with applicable provisions of the Juvenile Act to ensure that the student will receive a proper education.</p> <p>A suspension or expulsion from school shall result in the student who is suspended or expelled also being excluded from all school-related activities and all district properties for the period of the suspension or expulsion.</p> <p><u>Students with Disabilities</u></p> <p>When a student with an Individualized Education Program faces suspension or expulsion, the district shall ensure that it complies with will applicable state and federal laws and regulations</p>
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<p>2 Pa. C.S.A Sec. 101 et seq</p> <p>Title 22 Sec. 12.6, 12.8</p> <p>Title 22 Sec. 12.8</p>	<p><u>Expulsion Hearings</u></p> <p>A formal hearing shall be required in all expulsion actions.</p> <p>The Board requires that each hearing shall be closed to the public unless the student and/or parent/guardian requests a public hearing.</p> <p>A formal hearing shall not be unreasonably delayed. If it is not possible to hold a formal hearing within the suspension period, the student shall be placed in his/her normal class, after an informal hearing, unless it is determined that the student would constitute a threat to health, safety, morals or welfare of others.</p> <p>The formal hearing shall observe the due process requirements of:</p> <ol style="list-style-type: none">1. Notification of the charges in writing by certified mail to the student's parent/guardian.2. Sufficient notice of the time and place of the hearing.3. The hearing shall be private unless the student or parent/guardian requests a public hearing.4. The right to representation by counsel.5. Disclosure of the names of witnesses and copies of written statements or affidavits of witnesses.6. The right to request such witnesses appear in person and answer questions or be cross-examined7. The right to testify and present witnesses on the student's behalf.8. The hearing shall be held with all reasonable speed.9. Recording of the proceedings by a stenographer or electronic device.10. A copy of the transcript available at the student's expense. <p>All witnesses testifying at the hearing shall be sworn before testifying.</p>
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<p>2 Pa C.S.A. Sec. 101</p>	<p>The accused student’s past record shall not be consulted and no testimony pertaining thereto shall be received in evidence until after the guilt or innocence of the student is determined. If the student is found guilty of the offense charged, the Board or hearing committee shall have the right to review past academic and discipline records in determining the penalty to be imposed.</p> <p>The hearing examiner, School Board or hearing committee shall not be bound by technical rules of evidence at the expulsion hearing, and all relevant evidence of reasonably probative value may be received.</p> <p>If the expulsion hearing is held before the School Board and the Board decides to expel the student, the Board may also impose reasonable conditions for the readmission of the student to school. If the expulsion hearing is held before a hearing committee, the committee shall submit a proposed adjudication to the School Board, and if the proposed adjudication recommends expulsion it may also contain proposed conditions for the readmission of the student to school. When an expulsion hearing is held before a hearing examiner or hearing committee, a majority vote of the entire Board is required to expel a student.</p> <p>If the School Board decides to expel a student it shall issue a written adjudication or shall approve the proposed adjudication submitted by the hearing committee if a hearing was held before a hearing committee, and a copy of the adjudication shall be sent by regular mail to the student and the student’s parent/guardian and to any attorney who represented the student and/or the student’s parent/guardian at the hearing.</p>
<p>Pol. 216</p>	<p>If a student is expelled, all information and testimony concerning the expulsion shall be classified as Category B information (supplemental records) and shall remain confidential unless an authorized person gives written permission for its release to identified sources.</p>
<p>4. Delegation of Responsibility</p>	<p>The Superintendent or designee shall develop rules and regulations to implement this policy which include:</p> <ol style="list-style-type: none"> 1. Publication of a Code of Student Conduct 2. Procedures that ensure due process when depriving a student the right to attend school.
<p>Pol. 216</p>	<ol style="list-style-type: none"> 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 may part of any public record of the Board; but such students 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:

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

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