

No. 233

SECTION: PUPILS

TITLE: Suspension & Expulsion

# CATASAUQUA AREA SCHOOL DISTRICT

ADOPTED: March 11, 2002

REVISED: November 10, 2005

REVIEWED: November 10, 2005

REVISED: April 2, 2013

#233 — Suspension and Expulsion		1
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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 in this District, and one that cannot be imposed without due process. In accordance with this policy and the requirements of due process, the appropriate officials of the District may suspend a student for disobedience or misconduct for such time as they deem necessary or may permanently expel him/her.	4 5 6 7 8 9 10
2. Authority	The authority granted to school boards by the Pennsylvania Public School Code of 1949, as amended, permits the District to suspend or expel students on account of disobedience or misconduct, subject to the requirements of due process under the federal and state constitutions and the regulations of the Pennsylvania Department of Education.	11 12 13 14 15 16 17
Public School Code § 1318; 22 Pa. Code §§ 12.6, 12.7, 12.8		18 19
3. Policy	A. <u>Grounds for Exclusion: Code of Conduct</u>	20
22 Pa. Code §§ 12.3(c), 12.6(a)	The Board shall adopt a code of student conduct which shall include policies governing student discipline and a listing of students rights and responsibilities. The Board shall define and publish the types of offenses that would lead to exclusion from school or classes. No exclusions shall be imposed which are not provided under, or are in excess of, the disciplinary rules so established by the Board. The code of conduct shall be published and distributed to students and parents, and copies of the code shall also be available in each school library.	21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36

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B. Children with Disabilities

22 Pa. Code §  
12.6(a), (e)(2);  
20 USC § 1400  
*et seq.*;  
34 CFR Part 300;  
22 Pa. Code ch.  
14

A child with a disability may only be excluded from the educational program of the schools for disciplinary reasons in accordance with the substantive and procedural rules applicable to such students under the Individuals with Disabilities Education Act (as amended) and the federal and state implementing regulations (including 22 Pa. Code § 14.143 (relating to disciplinary placements) and 34 CFR 300.530 – 300.537 (relating to discipline procedures)), as well as the requirements of this policy. A student with a disability must be provided educational services as required by the Individuals with Disabilities Education Act.

C. Suspensions

Public School  
Code § 1318;  
22 Pa. Code §  
12.6(b)(1),  
12.8(c)(2)(v)

A suspension is exclusion from school for a period from one (1) to ten (10) consecutive school days. Suspensions may not be made to run consecutively beyond the ten (10) school day period.

Suspensions may be given by the principal or person in charge of a public school.

No student shall be suspended until the student has been informed of the reasons for the suspension and given an opportunity to respond. Prior notice of the intended suspension need not be given when it is clear that the health, safety, or welfare of the school community is threatened.

The parents/guardians and the superintendent of the District shall be notified immediately in writing when a student is suspended.

Students shall have the responsibility to make up exams and work missed while being disciplined by suspension, and shall be permitted to complete these assignments within guidelines established by the board of school directors.

When a suspension exceeds three (3) school days, the student and the student’s parents/guardians shall be given the opportunity for an INFORMAL HEARING consistent with the requirements in part F of this policy. The District shall offer to hold the INFORMAL HEARING within the first five (5) days of the suspension. If such an offer is not made, the student has the right to return to school after serving five (5) days of the suspension.

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D. In-School Suspensions

22 Pa. Code §  
12.7

An in-school suspension is exclusion from classes, but not from school. In-school suspensions may be given by the principal or person in charge of a public school.

No student may receive an in-school suspension unless the student has been informed of the reasons for the suspension and has been given an opportunity to respond before the suspension becomes effective.

The parents/guardians of the student shall be informed of the suspension action.

During an in-school suspension, the District has the responsibility to make some provision for the student's education.

When an in-school suspension exceeds ten (10) consecutive school days, the student and the student's parents/guardians shall be given the opportunity for an INFORMAL HEARING with the principal consistent with the requirements in part F of this policy. The INFORMAL HEARING shall be held prior to the eleventh (11<sup>th</sup>) school day of the in-school suspension. If the hearing is not held by that time, the student has the right to return to his/her normal classes after serving ten (10) days of the in-school suspension.

E. Expulsions

Public School  
Code § 1318;  
22 Pa. Code §§  
12.6(b)(2),  
12.8(b)

An expulsion is an exclusion from school for a period exceeding ten (10) school days, and may be permanent expulsion from the school rolls.

All expulsions must be imposed by a majority vote of the entire school board.

All expulsions require a prior FORMAL HEARING before the Board or a committee of the Board consistent with the requirements in part G of this policy.

FERPA, 20 USC  
§ 1232g, 34 CFR  
Part 99

The name of a student who is the subject of an expulsion or suspension proceeding shall not become part of the agenda or minutes of a public meeting, nor any part of any public record. However, the student may be designated by a code which is not available to the public.

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Public School  
Code § 1317.2

In the case of an expulsion under section 1317.2 of the Public School Code for any student who is determined to have brought onto or is in possession of a weapon on any school property, any school-sponsored activity, or any public conveyance providing transportation to a school or school-sponsored activity, the term of the expulsion shall not be less than one year, unless the Superintendent recommends modifications for a student on a case-by-case basis or the student is a child with a disability.

22 Pa. Code §  
12.6(c)-(e)

During the period prior to the FORMAL HEARING and decision by the Board but after the expiration of a suspension, the student shall be placed in his/her normal class, unless it is determined after an INFORMAL HEARING that a student's presence in his/her normal class would constitute a threat to the health, safety, or welfare of others and it is not possible to hold a FORMAL HEARING within the period of a suspension. In that case, the student may be excluded from school for more than ten (10) school days. A student may not be excluded from school for longer than fifteen (15) school days without a FORMAL HEARING unless mutually agreed upon by both parties. Any student so excluded shall be provided with an alternative education, which may include home study.

42 Pa. C.S. §  
6301 *et seq.*

Students who are under seventeen (17) years of age are still subject to the compulsory school attendance law even though expelled, and they must be provided an education. The initial responsibility for providing the required education rests with the student's parents/guardians, through placement in another school, through tutorial or correspondence study, or through another educational program approved by the Superintendent. Within thirty (30) days after action by the school board to expel a student, the parents/guardians must submit written evidence to the District that the required education is being provided or that they are unable to do so. If the parents/guardians are unable to provide the required education, then the District shall make provision for the student's education within ten (10) days after receipt of the parents'/guardians' notification. If the thirty (30) days pass without the District receiving satisfactory evidence that the required education is being provided to the student or notice that the parents/guardians are unable to do so, the District must recontact the parents/guardians and may take action in accordance with Chapter 63 of the Juvenile Act. If the approved educational program is not complied with, the District may take action in accordance with Chapter 63 of the Juvenile Act to ensure that the child will receive a proper education.

Expelled students who are seventeen (17) years of age or older need not be provided with any education by the District.

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F. Informal Hearings

22 Pa. Code §  
12.8(c)

The purpose of an informal hearing is to enable the student to meet with the principal or other person in charge of the school who has the authority to suspend the student or revoke a suspension, in order to explain the circumstances surrounding the event for which the student is being suspended or to show why the student should not be suspended. The informal hearing is held to bring forth all relevant information regarding the event. The informal hearing is also meant to encourage the student, the student’s parents/guardians, and school officials to discuss ways by which future offenses might be avoided.

The following due process requirements are to be observed in regard to an informal hearing under this policy:

1. Notification of the reasons for the suspension shall be given in writing to the parents/guardians and to the student.
2. Sufficient notice of the time and place of the informal hearing shall be given.
3. A student has the right to question any witnesses present at the hearing.
4. A student has the right to speak and produce witnesses on his/her own behalf.

G. Formal Hearings

22 Pa. Code §  
12.8(b)

The following due process requirements are to be observed in regard to a formal hearing under this policy:

1. Notification of the charges shall be sent to the student’s parents/guardians by certified mail.
2. At least three (3) days’ notice of the time and place of the formal hearing must be given. A copy of this policy #233, 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 formal hearing shall be held in private unless the student or parents/guardians request a public hearing.

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- 4. The student may be represented by counsel, at the expense of the parents/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 any such witnesses appear in person and answer questions or be cross-examined. If any of such requested witnesses do not appear, the Board shall not consider any statements, affidavits, or other heresy evidence attributed to such persons.
- 7. The student has the right to testify and present witnesses on his/her 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 fifteen (15) 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:
  - a. Laboratory reports are needed from law enforcement agencies.
  - b. Evaluations or other court or administrative proceedings are pending due to a student invoking his rights under the Individuals with Disabilities Education Act.
  - c. 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. Where the student disagrees with the results of the formal hearing, recourse is available in the appropriate court by filing timely proceedings in accordance with all applicable laws and court rules. Appeals may be taken to the local Pennsylvania Court of Common Pleas pursuant to the Local Agency Law. If it is alleged that a federal right has been violated, it may also be possible to file a claim for relief with the local United States District Court or other agency in accordance with federal statutes or regulations.

20 U.S.C. § 1400  
*et seq.*

2 Pa. C.S. § 101  
*et seq.*