

WILSON AREA
SCHOOL DISTRICT

SECTION: STUDENTS #5114.3

TITLE: SUSPENSION AND EXPULSION

<p>1. Purpose Title 22 Sec. 12.6, 14.143 34 CFR Part 300</p> <p>2. Authority SC 1318 Title 22 Sec 12.6, 12.8</p> <p>3. Guidelines SC 1318 Title 22 Sec. 12.6</p> <p>Title 22 Sec. 12.8</p> <p>Title 22 Sec. 12.8</p>	<p>SUSPENSION AND EXPULSION</p> <p>The Wilson Area School 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 also be governed by applicable state and federal law and regulations.</p> <p>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.</p> <p>Every principal or person in charge of a public school may temporarily suspend any student for disobedience or misconduct.</p> <p><u>Exclusion from School – Out of 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 ten (10) consecutive school days and shall immediately notify the parent(s)/guardian(s) and the Superintendent in writing when the student is suspended.</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 population is threatened. Suspensions may not be made to run consecutive beyond the ten (10) school day period.</p> <p>When a suspension exceeds three (3) school days, the student and parent(s)/guardian(s) 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 first five (5) days of the suspension.</p> <p><u>Purpose of Informal Hearing</u></p> <p>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.</p>
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<p>Title 22 Sec. 12.8</p>	<p>Informal hearings under this provision shall be conducted by the building principal or designee.</p> <p><u>Due Process Requirements for Informal Hearing</u></p> <ol style="list-style-type: none"> 1. The student and parent (s)/guardian(s) shall be given written notice of the reasons for the suspension. 2. The student and parent(s)/guardian(s) shall receive sufficient notice of the time and place of the informal hearing. 3. The student has the right to question any witnesses present at the informal hearing. 4. The student has the right to 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. <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(s) /guardian(s) 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(s)/guardian(s) 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 suspension.</p> <p>The district shall provide for the student’s education during the period of in-school suspension.</p>
<p>Title 22 Sec. 12.7</p>	<p><u>Expulsion</u></p> <p>Expulsion is exclusion from school by the Board for a period exceeding ten (10) consecutive school days. The Board may permanently expel from the school district rolls any student whose misconduct and/or disobedience warrants this sanction. No student shall be expelled without an opportunity for a formal hearing before a duly authorized committee of the Board and upon action taken by the Board after the hearing. If necessary, instruction will be provided to the student in the interim. The type of instruction will be determined by the Superintendent or designee.</p>
<p>Title 22 Sec. 12.8</p>	<p><u>Expulsion Offenses</u></p> <p>Offenses that could lead to an expulsion include, but are not limited to:</p> <ol style="list-style-type: none"> 1. The possession, use, sale, distribution or involvement with drugs and/or alcohol pursuant to Policy #5131.

SC 1318
Title 22
Sec. 12.6, 12.8

2. Conduct that constitutes a danger to the health or safety of others.
3. Physical assaults upon fellow students, teachers, or other school district employees.
4. Continued and willful disobedience.
5. Defiance of authority.
6. Taking or possessing property belonging to others.
7. Willfully causing or attempting to cause damage to school equipment or property.
8. Excessive truancy or tardiness.
9. Smoking or tobacco use or possession.
10. Possessing, handling, or transmitting any object that can reasonably be considered a weapon.
11. The use of abusive, profane, or obscene language or the making of obscene gestures.
12. A violation of school or school bus rules or regulations.
13. A violation of local, state, or federal laws or regulations.
14. Communicating terroristic threats or committing terroristic acts, as defined below:
 - Terroristic threat - shall mean a threat to commit violence communicated with the intent to terrorize another, to cause evacuation of a building or to cause serious public inconvenience, in reckless disregard of the risk of causing such terror or inconvenience.
 - Terroristic act - shall mean an offense against property or involving danger to another person.

This list is intended to be illustrative and not exhaustive of all possible offenses; nor is the list intended to replace or defer other actions as may be required or permitted by law.

Expulsion Hearings

A formal hearing shall be required in all expulsion actions. Unless an agreement to expel a student has been reached with the Superintendent and the student's parent(s)/guardian(s).

The formal hearing shall observe the due process requirements of:

<p>2 Pa. C.S.A. Sec. 101 et seq</p> <p>Title 22 Sec. 12.8</p>	<ol style="list-style-type: none">1. Notification of the charges in writing by certified mail to the student's parent(s)/guardian(s).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(s)/guardian(s) request a public hearing.4. Representation by counsel at the parent(s)/guardian(s) expense and parent(s)/guardian(s) may attend the hearing.5. Disclosure of the name 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:<ol style="list-style-type: none">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. <p><u>Adjudication</u> A written adjudication shall be issued after the Board has acted to expel a student. The adjudication may include additional conditions or sanctions.</p> <p><u>Attendance/Schoolwork During Suspension and Prior to Expulsion</u> 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.</p> <p>Students who are facing an expulsion hearing must be placed in their normal classes if the formal hearing is not held within the ten (10) school day suspension.</p> <p>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</p>
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<p>2 Pa. C.S.A. Sec. 101</p> <p>Title 22 Sec. 12.6</p> <p>Title 22 Sec. 12.6</p>	<p>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.</p> <p>Any further exclusion prior to a formal hearing may be only by mutual agreement. Such students shall be given an alternative education, which may include home study.</p> <p><u>Attendance/ School Work After Expulsion</u> A student under seventeen (17) years of age who is expelled is not excused from compliance with the compulsory attendance statute, even though expelled, and shall be provided an education.</p> <p>The parent(s)/guardian(s) has/have the initial responsibility for 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(s)/guardian(s) is/are 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.</p> <p>The Board may provide an education program to the student immediately upon expulsion and may waive the thirty (30) day period, at its discretion.</p> <p>If the approved educational program is not complied with, the school district may take action in accordance with Chapter 63 of the Juvenile Act to ensure that the child will receive a proper education.</p> <p><u>Students with Disabilities</u> A student with a disability shall be provided educational services as required by state and federal laws and regulations and Board policies.</p>
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<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, in accordance with the Board policy on student discipline2. Procedures that ensure due process when a student is being deprived of the right to attend school3. Regulations regarding student records which require that records of disciplinary suspension be maintained in accordance with Board policy on student records4. 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. <p>Referenced:</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>Individuals With Disabilities Education Act - 20 U.S.C. Sec. 1400 et seq.</p> <p>State Board of Education Regulations – 22 PA Code Sec. 12.3, 12.6, 12.7, 12.8, 14.143</p> <p>Individuals with Disabilities Education, Title 34, Code of Federal Regulations – 34 CFR Part 300</p> <p>Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. Sec. 794</p>
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Approved February 6, 2012

