

EAST STROUDSBURG AREA SCHOOL DISTRICT

SECTION: PUPILS

TITLE: SUSPENSION AND EXPULSION

ADOPTED: August 19, 2002

REVISED: July 17, 2006
November 20, 2006

| 233. SUSPENSION AND EXPULSION | |
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| <p>1. Purpose Title 22 Sec. 12.6, 12.7, 14.143 20 U.S.C. 1400 et seq 34 CFR 300.519-300.529</p> | <p>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. 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>2. Authority SC 1318 Title 22 Sec. 12.6, 12.8</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 teacher in charge of a public school may temporarily suspend any student for disobedience or misconduct.</p> |
| <p>3. Guidelines SC 1318 Title 22 Sec. 12.6</p> | <p><u>Exclusion 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 ten (10) consecutive school days and shall immediately notify the parent/guardian 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>Title 22 Sec. 12.6, 12.8</p> | <p>When a suspension exceeds three (3) school days, the student and parent/guardian 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 suspension is imposed, and the school district shall offer to hold it within the first five (5) days of the suspension.</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>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> |
| <p>Title 22 Sec. 12.8</p> | <p><u>Due Process Requirements For Informal Hearing</u></p> <ol style="list-style-type: none">1. The student and parent/guardian shall be given written notice of the reasons for the suspension.2. The student and parent/guardian 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>Pre-Expulsion Meeting</u></p> <p>A pre-expulsion meeting may be held within the period of suspension for a serious offense and/or when a student has developed a pattern of frequent disciplinary infractions. Such meeting may be held with the student and his/her parent(s) or guardian(s) to:</p> <ol style="list-style-type: none">1. Establish the next step to be taken.2. Confirm whether an expulsion will be sought.3. Agree upon a probationary status and terms, which may include a change in school placement, if it is determined that an expulsion will not be sought. Such agreement may include the provision that an expulsion will be sought if the agreement is violated.4. Assist students in realizing the potential consequences of their actions by placing the weight of the office of the Superintendent on their cases. |
| <p>Title 22 Sec. 12.7</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</p> |

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| <p>Title 22 Sec. 12.8</p> | <p>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. The procedure shall be the same as the procedure for informal hearings held in connection with out-of-school suspensions.</p> <p>The school district shall provide for the student's education during the period of in-school suspension.</p> <p><u>Attendance/Schoolwork During Suspension</u></p> |
| <p>Title 22 Sec. 12.6</p> | <p>Students serving out-of-school suspension must make up missed exams, assignments and classwork, and shall be permitted to complete assignments pursuant to established guidelines.</p> |
| <p>SC 1318 Title 22 Sec 12.6, 12.8</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 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.</p> <p><u>Expulsion Offenses</u></p> <p>Offenses that could lead to an expulsion include, but are not limited to:</p> |
| <p>Pol. 218, 218.1, 218.2, 218.3, 227</p> | <ol style="list-style-type: none"> 1. Creating or posing a threat to the health, safety or welfare of the school staff or student body. 2. Acting under the influence of, possessing, using, distributing, or attempting to distribute, attempting to sell or selling, controlled substances. 3. A terroristic threat or act, or committing or threatening to commit an act of physical violence upon a member of the school staff or student body. 4. Committing an act of serious insubordination. 5. Committing a serious disruption of the educational program of the school district. 6. Committing acts of vandalism against school district property. 7. Committing an act of serious disrespect to staff or faculty. 8. Violating the discipline code/code of conduct on a continual basis. |

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| <p>2 Pa. C.S.A. 101</p> <p>Title 22 Sec. 12.6 Pol. 204</p> <p>Title 22 Sec. 12.6 SC 1326</p> | <p><u>Adjudication</u></p> <p>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></p> <p>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-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 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 alternative education, which may include home study.</p> <p><u>Attendance/Schoolwork After Expulsion</u></p> <p>Students who are under seventeen (17) years of age are still subject to compulsory school attendance even though expelled and shall be provided an education. Beginning with the academic year 2020-2021, compulsory school age shall mean no later than age six (6) until age eighteen (18); at that time, students under eighteen (18) years of age shall be subject to compulsory school attendance, and even though expelled, shall be provided an education.</p> <p>The parent/guardian has the initial responsibility of 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/guardian is unable to provide for the required education, the school district shall, within ten (10) days or receipt of the parent(s)/guardian(s) notification, make provision for the student’s education.</p> <p><u>Students With Disabilities</u></p> |
| <p>Pol. 113, 113.1</p> <p>4. Delegation of</p> | <p>A student with a disability shall be provided educational services as required by state and federal laws and regulations and Board policies.</p> <p>The Superintendent or designee shall develop rules and regulations to implement this</p> |

| Responsibility | policy which include: |
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| Pol. 218 | <ol style="list-style-type: none"> 1. Publication of a Code of <u>Student</u> Conduct, in accordance with Board policy on student discipline. 2. Procedures that ensure due process when a student is being deprived of the right to attend school. |
| Pol. 216 | <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 part of any public records 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>References:</p> <p>Local Agency Law – 2 Pa. C.S.A. Sec. <u>101</u>, 101 et seq</p> <p>School Code – 24 P.S. Sec. 1318, <u>1326</u></p> <p>State Board of Education Regulations – 22 PA Code Sec. 12.3, 12.6, 12.7, 12.8, <u>14.143</u></p> <p><u>34 CFR Part 300</u></p> <p>Board Policy – 113, 113.1, 204, 216, 218</p> <p>Individuals with Disabilities Education Act (IDEA)- 20 U.S.C. Sec. 1400-1482<u>et seq</u></p> |