

### EXCLUSIONS FROM SCHOOL (SUSPENSIONS AND EXPULSIONS)

Occasionally it is necessary to exclude students from school for the benefit of the greater student body. When this course of action is followed, administrators must be cognizant of student rights and act accordingly.

Reasons for exclusion from school shall include items such as, but not limited to: persistent disruption of classes; violence; smoking; assault; vandalism; disruption on school buses or at school activities; dangerous or illegal acts; violation of the rights of others; possession, use or involvement with alcohol or drugs, on school property or at school activities or on the way to and from school, under Section 1317 of the School Laws of Pennsylvania; willful violation of Student Responsibilities.

The Board may also exclude students from school based on student conduct which occurs off school property, which would violate the student code of conduct, school laws, or student rights and responsibilities, if:

1. There is a nexus between the proximity or timing of the conduct in relation to the student's attendance at school or school-sponsored activities, or
2. The student is a member of an extracurricular activity and has been notified that particular off-campus conduct could result in exclusion from such activities, or
3. Student expression or conduct materially and substantially disrupts the operations of the school, or the administration reasonably anticipates that the expression or conduct is likely to materially and substantially disrupt the operations of the school, or
4. Student conduct which occurs off school property would violate the Student Code of Conduct if committed on school property, and it is directly connected to the student's enrollment in the school district or participation in school activities.

Exclusion from school may be effected by temporary suspension; full suspension; or expulsion.

1. "Temporary Suspension" shall mean exclusion from school for an offense for a period of up to three school days by the principal.
2. "Full Suspension" shall mean exclusion from school for an offense for a period of up to ten school days, after an informal hearing before the principal is offered to the student and the student's parents, in accordance with policies established by the Board of School Directors.
3. "Expulsion" shall mean exclusion from school for an offense for a period exceeding ten school days, and may be permanent expulsion from the school rolls.

No student may receive a temporary 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. All full suspensions require a prior informal hearing, and all expulsions require a prior formal hearing, in accordance with the procedures of the Section on Hearings.

The maximum period a student may be suspended for an offense shall not exceed ten school days. A temporary suspension may be followed by a full suspension for the same offense, provided that the ten school days limitation is not exceeded. Temporary or full suspensions may not be cumulated or made to run consecutively beyond this ten school day limitation.

Students shall be permitted to make up exams and work missed while being disciplined by temporary or full suspensions, within guidelines established by the Board of School Directors.

If, when expulsion proceedings are initiated, 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, morals or welfare of others, and it is not possible to hold a formal hearing within the period of a full suspension, the student may be excluded from school for more than ten school days, provided the formal hearing is not unreasonably delayed. Any student so excluded shall be provided with alternative instruction.

#### Formal Hearings

Education is a fundamental right and students must be afforded all appropriate elements of 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, which is a fundamental element of due process.

A formal hearing may be held before the Board of School Directors or a duly authorized committee of the Board, or a hearing officer. The hearing committee's or hearing officer's decision is advisory to the School Board where expulsion is recommended. A majority vote of the entire School Board is required to expel a student.

At the formal hearing, the following due process requirements are to be observed:

1. Notification of the charges shall be sent to the student's parents or guardians by certified mail.
2. At least three (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 or 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 fifteen (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.

Where the student is dissatisfied with the results of the hearing, recourse can be had to the appropriate state court. If it is alleged that a constitutional issue is involved, the student may file a claim for relief in the appropriate federal district court.

#### Informal Hearings

The purpose of the informal hearings 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, to demonstrate that there is a case of mistaken identity or to show that there is some compelling reason why the student should not be suspended. The informal hearing also encourages the student's parents or guardian to meet with the principal to discuss ways by which future offenses can be avoided.

At the informal hearing, the following due process requirements are to be observed:

1. Notification of the reasons for the suspension in writing, given to the parents or guardian and to the student.
2. Sufficient notice of the time and place of the informal hearing.
3. The right to cross-examine any witnesses.
4. The student's right to speak and produce witnesses on his own behalf.