

ALLENTOWN SCHOOL DISTRICT

SECTION: PUPILS

TITLE: SUSPENSION AND EXPULSION

ADOPTED: June 21, 2007

REVISED:

233. SUSPENSION AND EXPULSION	
<p>1. Purpose Title 22 Sec. 12.6, 14.143 34 CFR Part 300</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 Allentown School District Official Code of Conduct shall define and publish the types of offenses that would lead to exclusion from school. Exclusions affecting students with disabilities shall 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 in charge of a public school may temporarily suspend any student for disobedience, misconduct and infraction of the district's Code of Conduct. The length or appropriateness of the suspension and any recommendation for expulsion shall take into consideration the standards for disciplinary action set forth in the Code of Conduct, the unique circumstances of the incident, the need for equitable student treatment, the student's status if considered disabled or a protected handicapped student, and the severity of the incident.</p>
<p>3. Guidelines SC 1318 Title 22 Sec. 12.6</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 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 principal or designee 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. Suspensions may not be made to run consecutively beyond the ten-school day period.</p>

<p>Title 22 Sec. 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, and the district shall offer to hold it within the first five (5) days of the suspension.</p>
<p>Title 22 Sec. 12.8</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 with the student and his/her parent/guardian 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 may question any witnesses present at the informal hearing. 4. The student may 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>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 suspension action taken by the school.</p>
<p>Title 22 Sec. 12.8</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 designated school official. 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 district shall provide for the student's education during the period of in-school suspension.</p>

<p>SC 1318 Title 22 Sec. 12.6, 12.8</p> <p>2 Pa. C.S.A. Sec. 101 et seq</p> <p>Title 22 Sec. 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. Expulsion may range from one (1) day to permanent expulsion. No student shall be expelled without an opportunity for a formal hearing before a duly authorized committee of the Board or a qualified hearing examiner appointed by the Board, and upon action taken by the Board after the hearing.</p> <p><u>Expulsion Hearings</u></p> <p>A formal hearing shall be required in all expulsion actions.</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. 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/guardian requests a public hearing. 4. Representation by counsel at the parent's/guardian's expense and parent/guardian may attend the hearing. 5. Disclosure of the names 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.
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<p>2 Pa. C.S.A. Sec. 101</p> <p>Title 22 Sec. 12.6 Pol. 204</p>	<p>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:</p> <ul 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) and/or Section 504.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. <p>10. Notice of a right to appeal the results of the hearing shall be provided to the student with the expulsion decision.</p> <p>If the student disagrees with the results of the hearing, recourse is available in the appropriate court of the Commonwealth. If it is alleged that a constitutional issue is involved, the student may file claim for relief in the appropriate federal district court.</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/School Work 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>
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<p>Title 22 Sec. 12.6</p>	<p>Suspension or expulsion from school shall include the student's exclusion from attending or participating in all school district and school activities.</p> <p><u>Attendance/School Work 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. The parent/guardian has the initial responsibility of providing the required education through placement in another school, tutorial or correspondence study or another educational program approved by the Superintendent. Within thirty (30) days of the expulsion decision, the parent/guardian shall 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 of receipt of the parent's/guardian's notification, make provision for the student's education.</p> <p>The Board may provide an educational program to the student immediately upon expulsion and may waive the thirty-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>Pol. 113, 113.1</p>	<p><u>Students With Disabilities</u></p> <p>A student with a disability shall be provided educational services as required by state and federal laws and regulations and Board policies. Incidents which may result in the suspension or expulsion of a student with a disability or a protected handicapped student shall require consultation with appropriate instructional support services personnel, prior to the imposition of the disciplinary action.</p> <p>Only the principal or another administrator authorized by the Superintendent shall impose a suspension or recommend expulsion.</p>
<p>4. Delegation of Responsibility</p> <p>Pol. 218</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 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.

<p>Pol. 216</p>	<p>3. Regulations regarding student records which require that records of disciplinary suspension be maintained in accordance with Board policy on student records.</p> <p>4. The name of a student, under eighteen (18) years of age, 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 a student code.</p> <p>5. Any student who has been expelled may apply for readmission to school upon such conditions as may be imposed by the Board.</p> <p>References:</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> <p>Board Policy – 113, 113.1, 204, 216, 218</p>
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