

PENN MANOR SCHOOL DISTRICT

ADMINISTRATIVE REGULATION

APPROVED: July 2, 2012

REVISED:

233-AR-0. SUSPENSION AND EXPULSION

Exclusion from school represents the most severe disciplinary action of the district. Exclusion removes the student from the classroom and revokes all of his/her social privileges during the period of the exclusion. Exclusion from school may take the form of in-school suspension, out-of-school suspension or expulsion. The administration and the Board have the right to impose and use any combination of school exclusions necessary to address the misconduct, in accordance with Board Policy and the applicable student conduct rules.

Exclusion From School - Suspension: Ten (10) Days Or Less

Out-of-school suspension is removal of a student from school for a period of one (1) to ten (10) consecutive school days. The building principal, other administrators in charge of the building, the central administration or the Board may assign an out-of-school suspension to a student. No student may 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 to the student when it is clear that the health, safety or welfare of the school community is threatened. The parents/guardians of the student and the Superintendent will be notified immediately in writing when a student is suspended. Suspensions may not be made to run consecutively beyond the 10-school day period.

When the out-of-school suspension exceeds three (3) school days, the student and the student's parent/guardian will be given the opportunity for an informal hearing with the building principal.

The purpose of the informal hearing is to bring forth all relevant information regarding the event for which the student may be suspended and for the student, parent/guardian and school officials to discuss ways by which future offenses might be avoided.

The building principal will offer to hold the informal hearing within the first five (5) days of the suspension. Delay of the informal hearing will not operate to delay return to school. The following due process requirements are to be observed in regard to the informal hearing: (a) notification of the reasons for the suspension will be given in writing to the parents/guardians and to the student; (b) sufficient notice of the time and place of the informal hearing will be given; (c) the student has the right to question any witnesses present at the hearing; (d) the student has the right to speak and produce witnesses on his/her own behalf.

During an out-of-school suspension, a student is placed into the custody of his/her parents/guardians during the hours of the regular school day, and is not permitted to attend any school functions, to be on school grounds or to participate in any school activities. A student is expected to make up all missed exams and school work during his/her exclusion within a reasonable time period upon his/her return to school, as determined by the building administration and the student's teachers.

Exclusion From Class - In-School Suspension

In-school suspension is the removal of a student from his/her scheduled classes and placement in a supervised study area for the full school day. In-school suspensions may be imposed by the building principal, other administrators in charge of the building, the central administration or the Board. No student may be suspended until 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 parent/guardian of the student will be notified of the action taken by the school.

When the in-school suspension exceeds ten (10) consecutive school days, an informal hearing with the building principal will be offered to the student and the student's parent/guardian prior to the eleventh (11th) school day. The following due process requirements are to be observed in regard to the informal hearing: (a) notification of the reasons for the suspension will be given in writing to the parent(s)/guardian(s) and to the student; (b) sufficient notice of the time and place of the informal hearing will be given; (c) the student has the right to question any witnesses present at the hearing; (d) the student has the right to speak and produce witnesses on his/her own behalf.

The school will provide for the student's education during the period of the in-school suspension. Students are required to complete assigned schoolwork from their individual teachers during their in-school suspensions. Students may not participate in any school activity during their in-school suspension. Students attending in-school suspension are recorded as present for the school day. All in-school suspension time must be completed prior to a return to the classroom.

Expulsion

Expulsion is exclusion from school by the Board for a period exceeding ten (10) school days, and may be permanent expulsion from the district schools. No student will be expelled without an opportunity for a formal hearing before the Board or a duly authorized committee of the Board as set forth in Policy 233. All of the due process requirements and procedures set forth in Policy 233 will be followed with respect to the Board hearing.

The hearing will be held in accordance with Policy 233 and 22 Pa. Code §12.8(b). If it is not possible for the hearing to be held and the Board to vote on the expulsion while the student is suspended, the student will be placed in his/her normal class at the end of the suspension period pending the Board's decision; however, if it is determined after an informal hearing that the 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 suspension, 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 will be provided with alternative education, which may include home study.

The following due process requirements will be observed with regard to the formal hearing:

1. Notification of the charges will 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 hearing will be given. A copy of the expulsion policy, notice that legal counsel may represent the student and hearing procedures will 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 will 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/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 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/her own behalf.
8. A written or audio record will be kept of the hearing. The student is entitled, at the student's expense, to a copy. A copy will be provided at no cost to a student who is indigent.
9. The proceeding will 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 will 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/her rights under the Individuals With Disabilities Education Act.
 - c. Juvenile or criminal court cases involving sexual assault or serious bodily injury may necessitate a delay due to the condition or best interests of the victim.
10. Notice of a right to appeal the results of the hearing will be provided to the student with the expulsion decision.

Any student under seventeen (17) years of age who is expelled has forfeited his/her right to an education in the district's schools, but has not been excused from compliance with the compulsory attendance laws. The initial responsibility for providing the required education rests with the student's parents/guardians through placement in another school, tutorial or correspondence study or another educational program approved by the Superintendent. Within thirty (30) days of the Board's expulsion decision, the parents/guardians of expelled students under seventeen (17) years of age will submit to the Superintendent written evidence that the required education is being provided to the student, including a description of where or how the education is being provided. If the parents/guardians are unable to provide the required education, the parents/guardians will send a letter to the Superintendent within thirty (30) days of the Board's expulsion decision, indicating that they are unable to provide the required education. If the parents/guardians are unable to provide the required education, the district will then make provision for the student's education within ten (10) days of receipt of the parents/guardians' notification, in its discretion. A student with a disability will be provided educational services as required by IDEA. If the approved education program is not complied with, the district may take action in accordance with 42 Pa. C.S. Chapter 63 to ensure that the child will receive a proper education.

Any student who has been expelled, but not permanently expelled, may apply for re-admission to school pursuant to such conditions imposed by the Board in its decision at the time of expulsion.