

BRANDYWINE HEIGHTS AREA SCHOOL DISTRICT

SECTION: PUPILS

TITLE: SUSPENSION AND EXPULSION

ADOPTED: June 28, 2004

REVISED:

233. SUSPENSION AND EXPULSION	
1. Purpose	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.
2. Authority SC 1318 Title 22 Sec. 12.6, 12.8	The Board may, after a proper hearing, suspend a student for such time as it deems necessary or may permanently expel a student.
3. Guidelines SC 1318 Title 22 Sec. 12.6	<p><u>Exclusion From School - Suspension</u></p> <p>The principal or teacher 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 report the suspension to the Superintendent as soon as possible.</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. The parents/guardians and Superintendent shall be notified immediately in writing when a student is suspended.</p> <p>When the suspension exceeds three (3) school days, the student and parent/guardian will 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>Informal hearings under this provision shall be conducted by the building principal.</p>

<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>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.</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><u>Expulsion</u></p> <p>Expulsion is exclusion from school by the Board for a period exceeding ten (10) school days. The Board may permanently expel from the district rolls any student whose misconduct and 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>Title 22 Sec. 12.6</p>	<p><u>Attendance Requirements</u></p> <p>A student under seventeen (17) years of age who is expelled is not excused from compliance with the compulsory attendance statute.</p>
<p>Title 22 Sec. 12.6</p>	<p>The initial responsibility for providing the required education rests with the student's parent/guardian. Parents/Guardians who are unable to provide an education for their student shall submit a written statement within thirty (30) days that they are unable to do so. The district shall then make provisions for the student's education. If thirty (30) days pass without satisfactory evidence that the required education is being provided, the district shall contact the parent/guardian and make provisions for the student's education.</p> <p>The Board may provide an educational program to the student immediately upon expulsion and may waive the 30-day period, at its discretion.</p>

<p>Pol. 113.1</p> <p>2 Pa. C.S.A. Sec. 101 et seq</p> <p>Title 22 Sec. 12.6, 12.8</p> <p>Title 22 Sec. 12.8</p>	<p><u>Students with Disabilities</u></p> <p>When a student with an Individualized Education Program faces suspension or expulsion, the district shall ensure that it complies with all applicable state and federal laws and regulations and Board policies.</p> <p><u>Expulsion Hearings</u></p> <p>A formal hearing shall be required in all expulsion actions.</p> <p>The Board requires that each hearing shall be closed to the public unless the student and/or the parent/guardian requests a public hearing.</p> <p>A formal hearing shall not be unreasonably delayed. If it is not possible to hold a formal hearing within the suspension period, the student shall be placed in his/her normal class, after an informal hearing, unless it is determined that the student would constitute a threat to the health, safety, morals or welfare of others.</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. Sufficient notice of the time and place of the hearing.3. The hearing shall be private unless the student or parent/guardian requests a public hearing.4. The right to representation by counsel.5. Disclosure of the names of witnesses and copies of written statements or affidavits of witnesses.6. The right to request such witnesses appear in person and answer questions or be cross-examined.7. The right to testify and present witnesses on the student's behalf.8. The hearing shall be held with all reasonable speed.9. Recording of the proceedings by stenographer or tape recorder.
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<p>2 Pa. C.S.A. Sec. 101</p> <p>4. Delegation of Responsibility</p> <p>Pol. 218</p> <p>Pol. 216</p>	<p>10. A copy of the transcript available at the student's expense.</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>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 Board policy on student discipline. 2. Procedures that ensure due process when depriving a student the right to attend school. 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 record of the Board; but 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. 101 et seq</p> <p>School Code – 24 P.S. Sec. 1318</p> <p>State Board of Education Regulations – 22 PA Code Sec. 12.3, 12.6, 12.7, 12.8</p> <p>Board Policy – 113.1, 216, 218</p>
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