



Center Area School District

SECTION: PUPILS

TITLE: SUSPENSION AND EXPULSION

ADOPTED: JANUARY 22, 2004

REVISED:

<p>1. Purpose Title 22 Sec. 12.6 SC 1318</p> <p>2. Authority</p>	<p style="text-align: center;">233. SUSPENSION AND EXPULSION</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 in this district and one that cannot be imposed without due process. The Board may, after a proper hearing, suspend a child for such time as it deems necessary or may permanently expel him/her.</p> <p><u>In-School Suspensions</u></p> <p>The principal will advise the parents or guardians of any student if the student receives an in-school suspension. If any in-school suspension exceeds ten (10) consecutive school days, an informal hearing with the principal must be offered to the student and the student's parents or guardian.</p> <p><u>Immediate Suspensions</u></p> <p>If the principal witnesses any serious student misconduct and s/he thinks that immediate removal of the student is necessary to restore order to protect persons on the school grounds, s/he may suspend the student immediately.</p> <p>In such cases, the principal is not required to conduct the investigation described in Policy 218, under Principal's Investigation, before s/he suspends; but s/he shall initiate such an investigation at the earliest possible time and decide on further disciplinary action, if any, at least by the end of the school day following the summary suspension.</p> <p><u>Informing the Parents in Cases of In-School, Immediate Out-of-School and Temporary Out-of-School Suspension</u></p> <p>1. When a student is suspended, the principal shall:</p> <ol style="list-style-type: none"> a. attempt to contact the student's parents to inform them of the school's action and to request that they come to the school of the child. If the parent cannot be immediately notified of the suspension, the principal may require
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	<p>the student to remain in the school, in suspended status, for the remainder of the school day;</p> <ol style="list-style-type: none">b. give a verbal and written notification to his/her parents fully describing the student's misconduct, stating the rule violation, and stating the principal's reason for the action;c. make every reasonable effort to hold an informal hearing with the parents before or at the time the student returns to school;d. secure written statement when appropriate and keep on file all documents and relevant information received about the misconduct. <p>2. Students suspended by principals for three (3) school days shall not be entitled to readmission to school unless an informal hearing has been held with the parent. If the parent is unable or unwilling to appear for such an informal hearing, the principal shall immediately notify the Pupil Personal services, which will attempt to make contact with the parent via phone and/or by certified mail. Concurrent with the immediate notification, the principal may authorize and direct the readmission of the student even though the required parental informal hearing has not been convened.</p> <p>3. If 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 suspension, the student may be excluded from school for more than ten (10) days, if the formal hearing is not unreasonably delayed. Any student so excluded shall be provided with alternative education which may include home study.</p> <p><u>Suspensions in Excess of Ten (10) School Days</u></p> <ol style="list-style-type: none">1. Initiating Suspensions, Transfer or Expulsion If after his/her investigation, the principal decides that a penalty more severe than any within his/her own authority is warranted, s/he shall immediately notify the Board and ask that a hearing date be set. Any request for action not within the authority of the principal shall be set forth in writing on the approved form and forwarded to the School Board within three (3) days of the conclusion of the investigation. The procedure contained herein does not affect the principal's authority to invoke out-of-school suspension or other sanction after his/her investigation. <p><u>Notice</u></p> <p>Whenever the principal seeks a suspension exceeding ten (10) days, a transfer, or an expulsion, written notice shall be sent to the student and to his/her</p>
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	<p>parents within three (3) school days of the conclusion of the investigation. The notice shall include:</p> <ol style="list-style-type: none">a. the rule allegedly violated and the acts of the student thought to have violated the rule, including a summary of the evidence against him/ her;b. a tentative time and place for the hearing;c. notification that written statements about misconduct, if any, and the student's academic and behavior records are available at the school for examination by the student, his/her parents, and his/her representative;d. a description of the hearing procedures approved by the Board;e. a statement that the student has the right to a hearing which may be waived if s/he and his/her parents agree to forego it by furnishing the principal a signed statement to that effect, provided the suspension does not exceed twenty(20) school days;f. a statement of possible actions that the principal may recommend to the Superintendent through the Board if the hearing is waived;g. a statement that the student and his/her parent have the right to present witnesses and be represented at the hearing by legal counsel or some other adult. <p><u>Scheduling of the Hearing</u></p> <p>The Board shall examine the Notice of Suspension submitted by the principal and shall review both the facts set forth thereon and the action recommended by the principal, when the recommendation of the principal exceeds a ten (10) day suspension, the matter shall be treated as a Long Term Suspension.</p> <ol style="list-style-type: none">1. Long Term Suspension The Board shall schedule all hearings involving Long Term Suspensions, as herein defined, to be held within ten (10) school days after the first full day of suspension, provided that a hearing may be held at a later time if a request is made by either a student or his/her representative, the principal concurs therein, and good and sufficient cause is shown for the delay. Failure of a student and his/her parents or representative to appear at any hearing for which adequate notice has been given shall operate to suspend the limitations upon hearing dates contained herein.2. Exception as stated under <u>Informing the Parents in Cases of In-School, Immediate Out-of-School and Temporary Out-of-School Suspensions</u>
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3. Administrative and Formal Hearings may be attended by the appropriate School District personnel, the student, the parents, the student's representative and certain other persons where appropriate.

Availability of Records

Besides being provided with a copy of the Notice set forth in this policy, the parents or representative of the student involved shall have access to his/ her previous behavior record and his/her academic record and that it be explained and interpreted to the parents or representative by a person trained in its use and interpretation upon their request.

Formal Hearing

The following due process procedures are to be observed with regard to the formal hearing:

1. Notification of the charges shall be sent to the student's parents or guardian by certified mail or courier delivery.
2. Sufficient notice of the time and place of the hearing must be given.
3. The hearing shall be held in private unless the student or parent requests a public hearing.
4. The student has a right to be represented by counsel.
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 any such 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 record must be kept of the hearing, either by a stenographer or by tape recorder. The student is entitled, at his/her own expense, to a copy of the transcript.
9. The proceedings must be held with all reasonable speed.

Where 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 a claim for relief in the appropriate Federal district court.

Discipline Procedures for Certain Exceptional Students

Class 1 -Educable Mentally Retarded. Follow state guidelines regarding exceptional children as per Bureau of Special Education Regulations and Standards in determining who are Class 1 mentally retarded.

Class 2 -Socially and Emotionally Disturbed. Brain Injured

1. The procedures in the Code of Student Conduct relating to non-exceptional students are applicable for all proposed suspension of ten (10) days or less.
2. Suspension of Class 2 students for more than ten (10) days will be reported to the Superintendent who will in turn notify the Division for Exceptional Children. Thereafter, the Division for Exceptional Children will ensure that due process procedures are carried out in the same manner as the Class 1 suspension procedures set forth above.

Class 3 -Gifted

1. Suspension procedures for Class 3 students are identical to those outlined in the Code of Student Conduct relating to non-exceptional students.

Appeal

1. Appeal procedures relating to non-exceptional students shall apply.