

SUSPENSION AND EXPULSION

Background

The Mt. Lebanon School 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, expel a child for such time as it deems necessary or may permanently expel him/her.

Objective

It is the objective of this policy to specify the procedures related to suspensions and expulsions. The types of offenses that may result in exclusions from school are specified in Policy JIC, other Board policies, and in student handbooks and administrative procedures that are communicated to students and parents.

Policy

Suspension (Exclusion from school)

The principal may suspend any student for disobedience or misconduct for a period of one (1) to ten (10) consecutive school days. The principal shall notify the parents or guardians of the student and the Superintendent in writing when the student is suspended and the reasons for such suspension.

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 him/her. Prior notice need not be given when it is clear that the health, safety or welfare of the school community is threatened. Parents or guardians shall be notified immediately in writing when the student is suspended.

When the suspension exceeds three (3) school days, the student and parent(s)/ guardian will be given the opportunity for an informal hearing with the designated school official. The student and parent(s)/guardian will be given sufficient notice of the time and place of the hearing. The school district shall offer to hold the informal hearing within the first five (5) days of the suspension. At the hearing, the student and parent(s)/guardian shall have the right to question any witnesses present and to speak and produce witnesses on her or his own behalf. There is no right to counsel at an informal hearing.

Suspensions shall not be made to run consecutively beyond the ten (10) school day period.

Students shall make up work and exams missed during suspension.

Exclusion from Classes (In-school suspension)

Where determined by the principal to be appropriate, a student may receive an in-school suspension. A student may not receive an in-school suspension unless the student is informed of the reason for the suspension and is given the opportunity to respond before the suspension becomes effective.

The parent(s)/guardian shall be advised of the suspension action.

If the in-school suspension exceeds ten (10) consecutive school days, the student and her or his parent(s)/guardian shall be offered an informal hearing with the principal prior to the eleventh school day.

The District shall provide for the education of the student during the period of in-school suspension.

Expulsion

The Board may either expel for a period exceeding ten (10) school days or may permanently expel from the rolls of this District any student whose misconduct and disobedience is such as to warrant this sanction, as determined by the Board. The Board may allow an expelled student to apply for readmission, and may impose conditions for such readmission.

No student shall be expelled without a prior formal hearing before the Board, a duly authorized committee of the board or a qualified hearing examiner appointed by the Board and upon action taken by a majority vote of the Board. Such hearing shall be private unless the student or parent requests a public hearing. The hearing may be waived by agreement of the parties.

Notification of the charges against the student shall be sent to the student's parent(s)/guardian by certified mail. A minimum of three (3) days' notice of the time and place of the hearing shall be given. Such notice shall include a copy of this expulsion policy and shall include a notice that the student may be represented by counsel. A student may, upon good cause shown, request the rescheduling of the hearing. Pending the hearing, the student shall be placed in her or his normal classes unless it is determined after an informal hearing that her or his presence in such classes poses a threat to the health, safety or welfare of others and it is not possible to hold a formal hearing within the period of a suspension, in which case the student may be excluded from school for more than ten (10) school days. In no case may a student be excluded from school for longer than fifteen (15) school days without a formal hearing unless mutually agreed upon by the parties, or as provided below. A student so excluded shall be provided with alternative education which may include home study pending the hearing.

A hearing shall be held within fifteen (15) school days of notification of the charges unless the parties mutually agree to a longer period or unless one of the following circumstances justifies a delay, in which case the hearing shall be held with all reasonable speed:

- a) Laboratory reports from law enforcement agencies are needed;
- b) Evaluations or other court or administrative proceedings are pending due to a student invoking her or his rights under the Individuals with Disabilities Education Act (U.S.C.A. §§ 1400 - 1419); or
- c) Delay is necessary due to the condition or best interests of a victim of sexual assault or serious bodily injury in cases involving juvenile or criminal court.

The student shall have the right to have her or his parent(s)/guardian attend the hearing. The student shall have the right to be represented by counsel at the hearing at the expense of the student or her or his parent(s)/guardian. The student shall have the right to a list of the witnesses against the student and copies of the affidavits and statements of such witnesses. The student shall have the right to request that any such witnesses appear in person to testify and answer questions or be cross-examined. The student shall have the right to testify and to present witnesses on her or his own behalf. A written or audio record of the hearing shall be maintained and the student shall be entitled to a copy of the same at her or his own expense or that of her or his parent(s)/guardian. A copy shall be provided at no cost to any student who is indigent.

When the student is notified of the expulsion decision, s/he shall be notified of her or his right to appeal the results of the hearing.

Student under the age of 17 who are expelled are still subject to compulsory attendance laws, as further described in applicable regulations.

Special Education

All suspensions and expulsions shall be governed by Federal and state statutes and regulations concerning special education students where applicable.

Administrative Responsibility

It shall be the responsibility of the Administration to develop and enforce any administrative procedures deemed necessary to implement this policy.

Communication

This policy shall be communicated to:

1. All District professional staff
2. Parents and student through Parent/Student Handbooks
3. The Mt. Lebanon community.

Adopted November 15, 2004