



## Suspension and Expulsion Policy

This policy governs the suspension and expulsion of students from Boys' Latin of Philadelphia ("Boys' Latin" or "the school"). The Boys' Latin of Philadelphia Board of Trustees ("the board") recognizes that exclusion from the school's educational program, 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 board intends not only that this policy be applied when facts and circumstances clearly warrant the imposition of a suspension or expulsion, but also that the expulsions are pursued by the school only when absolutely necessary and appropriate. In addition, the board is aware that, pursuant to state regulations, if a student is expelled from Boys' Latin, it is that student's parent/guardian who is responsible for the student's continued education. However, the board intends that the school will continue to assist all expelled students and their parents/guardians by providing alternative education options that are separate from Boys' Latin.

### Definitions:

- **Alternative Education:** A system of options for students that provides a high quality academic program and supports that address the diverse needs of students significantly at risk of dropping out of school, returning from court-sponsored placements, and those subject to disciplinary transfer or expulsion.
- **Expulsion:** The exclusion of a student from Boys' Latin, by a majority vote of the governing board via resolution, for a period exceeding 10 consecutive school days. Expulsions may be permanent or for a specified period of time.
- **Long-Term Suspension:** An exclusion from school and/or any school activity or function for a period of four to 10 consecutive school days.
- **Short-Term Suspension:** An exclusion from school and/or any school activity or function for a period of three school days or less.
- **Suspension:** The exclusion of a student from school for a period of one to 10 consecutive school days.

### Suspension:

The principal or administrative designee of the school may suspend any student for violation(s) of the Boys' Latin of Philadelphia Code of Conduct ("the code of conduct") for up to 10 consecutive school days and shall immediately report the suspension and the reason(s) for the suspension in writing to the Chief Executive Officer ("CEO") or the CEO's designee. Prior approval by the CEO is required for long-term suspensions.

A student shall not be suspended for more than five days at a time except in cases where the principal or administrative designee determines that the student's continued presence poses a threat of disruption to the academic process, or a threat to the safety of the school community. Suspensions may not be made to run consecutively beyond the 10-school day period.

No student may be given a short-term or long-term suspension without a student conference with the principal or administrative designee. Prior notice of a suspension is not required where it is clear that the health, safety,

or welfare of the school population is threatened. The purpose of the student conference is to inform the student of the reason(s) for the suspension and to grant the student the opportunity to respond. In addition to holding a student conference, the school shall immediately notify the student's parent/guardian in writing. When a student is given a long-term suspension, the student and the student's parent/guardian shall be given the opportunity for an informal hearing.

#### **Informal Hearings:**

The purpose of the informal hearing is to enable the student to meet with the appropriate school official to explain the circumstances surrounding the event for which the student is being suspended or to show why the student should not be suspended. The informal hearing is held to bring forth all relevant information regarding the event for which the student is being suspended and for students, their parents/guardians, and school officials to discuss ways by which future offenses might be avoided.

The following due process requirements shall be observed in regard to the informal hearing:

- The student and parent/guardian shall be given written notice of the reasons for the suspension.
- The school shall offer to hold the informal hearing within the first five days of the suspension.
- The student and parent/guardian shall receive sufficient notice of the time and place of the informal hearing.
- The student may question any witness present at the informal hearing.
- The student may speak and produce witnesses who may speak at the informal hearing.
- Parents/guardians and students have the right to request to review student records and any witness statements.

#### **Expulsion:**

The board may permanently expel from Boys' Latin any student whose misconduct, disobedience, and/or violation of the code of conduct warrants this sanction. No student shall be expelled without an opportunity for a formal hearing before the board, authorized committee of the board, or qualified hearing examiner appointed by the board.

Expulsions shall be brought before the board by the CEO or the CEO's designee who shall notify the board that the school is recommending a student for expulsion.

The board shall vote at a public meeting on whether the student shall be expelled for any length of time or whether a lesser sanction shall be imposed. The board or its designee shall notify the student's parent/guardian of the date of the vote prior to the vote taking place. The parent/guardian shall be afforded the opportunity to address the board at the public meeting.

Expulsions shall be effective upon the affirmative vote of a majority of the board.

Expulsions shall be permanent unless a period of time for the expulsion is specified at the time the board votes on the expulsion. Expulsions for weapons-related offenses shall be for at least one year. However, the board may consider imposing a lesser sanction for a weapons offense if recommended by the CEO because of special circumstances presented by the student and or the student's parent/guardian.

Documentation of the minutes from the regularly scheduled public board meeting during which the board decided on an expulsion shall be maintained.

#### **Formal Hearings:**

General Education is a statutory right, and students shall be afforded due process if they are to be excluded from school. In a case involving a possible expulsion, the student is entitled to a formal hearing. A formal hearing is required in all expulsion actions. This hearing may be held before the board or an authorized

committee of the board, or a qualified hearing examiner appointed by the board. When a committee of the board, or a hearing examiner conducts the hearing, a majority vote of the entire board is required to expel a student.

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

- Notification of the charges shall be sent to the student's parent/guardian by certified mail.
- At least three days' notice of the time and place of the hearing shall be given.
- A copy of the expulsion policy, notice that legal counsel may represent the student, and hearing procedures shall be included with the hearing notice. The student may request the rescheduling of the hearing when the student demonstrates good cause for an extension.
- The hearing shall be in private unless the student or the student's parent/guardian requests a public hearing.
- The student may be represented by counsel, at the expense of the student's parent/guardian, and may have a parent/guardian attend the hearing.
- 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.
- The student has the right to request that the witnesses appear in person and answer questions or be cross-examined.
- The student has the right to testify and present witnesses on their own behalf.
- A written or audio record of the hearing shall be maintained in the student's file. The student is entitled, at the student's expense, to a copy. A copy shall be provided at no cost to a student who is indigent.
- The proceeding shall be held within 15 school days of the notification of the charges, unless mutually agreed to by both parties. A hearing may be delayed for any of the following reasons, in which case the hearing shall be held as soon as reasonably possible:
  - Laboratory reports are needed from law enforcement agencies.
  - Evaluations or other court or administrative proceedings are pending due to a student invoking their rights under the Individual with Disabilities Education Act ("IDEA", 20 U.S.C.A. §§ 1400-1482).
  - In cases in juvenile or criminal court proceeding involving assault or serious bodily injury, delay is necessary due to the condition or best interests of the victim.
- Notice of a right to appeal the results of the hearing to the board at the regularly scheduled board meeting during which a vote on the matter of the student's expulsion shall be provided to the student and their parent/guardian.

**Adjudication:**

Written adjudication shall be issued after the board has acted to expel a student. The adjudication may include additional conditions or sanctions.

**Attendance/School Work During Suspension and Prior to Expulsion:**

Students shall have the responsibility to make up exams and work missed while being disciplined by suspension and shall be permitted to complete these assignments within the guidelines established by the board.

Students recommended for expulsion shall be placed in their normal classes during the period prior to the formal expulsion hearing and the decision of the board if the formal hearing is not held within the 10 school day suspension.

If it is not possible to hold the formal hearing within the first 10 school days, the school may exclude such a student from class for up to five additional, 15 total, school days if, after an informal hearing, it is determined that the student's presence in their normal classes would constitute a threat to the health, safety, or welfare of others. Any student so excluded shall be provided with options for alternative education, including home study.

Any further exclusion prior to a formal hearing may be only by mutual written agreement between the school and the student's parent/guardian. Such students shall be given alternative education, which may include home study.

**Procedural Requirements and Conditions:**

The CEO or the CEO's designee shall develop administrative procedures to implement the above policies which include:

- Publication of a student code of conduct.
- Procedures that ensure due process when a student is being deprived of the right to attend school.
- Regulations regarding student records, which require that records of disciplinary suspension be maintained in accordance with the law.
- 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. Such students may be designated by code.
- Procedures for return to school following a suspension.
- Annually submitting documentation demonstrating that the school has complied with all requirements of 22 Pa. Code Chapter 12, including without limitation: (1) a compliant notice of the hearing sent to the student and family; (2) the charges on expulsion approved by the board; (3) if the student who is subject to the board approved expulsion has an Individualized Education Program ("IEP"), all evidence that a manifestation determination process, as required by the IDEA was properly conducted; and (iv) information regarding any manifest determination.
- Annually submitting, pursuant to the guidelines of the Charter Schools Office of the School District of Philadelphia ("CSO"), a list of students recommended for expulsion, the reason for such expulsion, and whether the student withdrew prior to expulsion.
- If any student was expelled or withdrew from Boys' Latin as a result of an Act 26 weapons violation, pursuant to 24 P.S. § 13-1317.2, the school shall provide to the School District of Philadelphia ("the district") the student's name and documentation related to the violation within two (2) business days after the student is expelled or withdraws.

All administrative procedures developed by the CEO or designee shall be advertised in school, on the school's website, and made available to all students' parents/guardians.

**Disciplinary Exclusions of Students Eligible for Special Education:**

The school adheres to the regulations established in the Individuals with Disabilities Education Improvement Act of 2004 ("IDEA 2004") and 22 Pa. Code Chapters 14 and 711 regarding disciplinary exclusions of students eligible for special education and of students not yet determined eligible for special education and related services if the school had knowledge that the student was a student with a disability before the behavior that precipitated the disciplinary action occurred in accordance with 34 C.F.R. § 300.534. In accordance with the law, the school maintains the provision of a free and appropriate public education ("FAPE") to a student with a disability during all disciplinary exclusions.

If the student is eligible for special education, the school must determine whether the disciplinary exclusion being contemplated is a change in educational placement as described in 22 Pa. Code § 14.143 or § 711.61. According to 22 Pa. Code §§ 14.143 and 711.61 and IDEA 2004, an intended disciplinary exclusion of a student eligible for special education is a change in educational placement in any of these situations:

- The disciplinary exclusion is for more than 10 consecutive school days.
- A series of removals that constitute a pattern as defined under 34 C.F.R. § 300.536.
- The disciplinary exclusion, when accumulated with other disciplinary exclusions in a single school year, exceeds 15 school days.
- The disciplinary exclusion (for any length of time) involves a student with an intellectual disability.

For all students eligible under IDEA and Section 504, the school must conduct and document a manifestation determination prior to and within 10 days of disciplinary change in educational placement. A student with a disability may be removed to a 45-school-day interim alternative educational setting without regard to whether the behavior was a manifestation of the student's disability if the student:

- Carries a weapon or possesses a weapon at school, on school premises, or at a school function.
- Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function.
- Inflicts serious bodily injury upon another person while at school, on school premises, or at a school function.

In addition, a student with a disability may be removed to an appropriate interim alternative educational setting for not more than 45 school days if a hearing officer orders the change in placement after determining that maintaining the current placement of the student is substantially likely to result in injury to the student or to others. The school may also seek a court order to remove a student with a disability from school or to change a student's current educational placement, if the school believes that maintaining the student in the current educational placement is substantially likely to result in injury to the student or to others. If a discipline problem involving a student eligible for special education with an intellectual disability is immediate or so severe as to warrant immediate action, the school will contact the student's parent/guardian to see if they will agree to a change in education placement. If there is no agreement, the school will contact the Pennsylvania Department of Education ("PDE") Bureau of Special Education to request permission to impose a disciplinary exclusion which would be a change in educational placement. If approved by PDE, the school will issue a notice to the student's parent/guardian.

During the manifestation determination, the school, the student's parent/guardian, and relevant members of the student's IEP team, as determined by the school and parent/guardian, determine whether the conduct is a manifestation of the student's disability. If this group determines that the conduct was a manifestation of the student's disability, the IEP team must either conduct a functional behavioral assessment ("FBA"), unless the school had conducted a FBA before the behavior that resulted in the change of educational placement occurred, and implement a behavior intervention plan ("BIP") for the student; or if a BIP has already been developed, the IEP team must review the BIP and modify it, as necessary, to address the behavior.

If it is determined that the student's behavior was not a manifestation of the student's disability, then the school may proceed with the disciplinary exclusion via the procedures for changing educational placement. A student's parent/guardian may dispute a manifestation determination and a disciplinary exclusion by requesting a due process hearing, thereby invoking pendency. Such hearings will be expedited, occurring within 20 school days of the date of the due process complaint requesting the hearing is filed.

If during the manifestation determination, the school determines that the conduct was the direct result of a failure to implement the IEP, the school will take immediate steps to remedy the deficiencies.

For any student with a disability who is removed from their current placement for disciplinary purposes, the student will continue to receive educational services in the interim alternative educational setting that is determined by the IEP team so as to enable the student to continue to progress in the general curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP. The student's IEP will include services and modifications that are designed to prevent the behavior from recurring. After meeting all procedural requirements, if the IEP team recommends a disciplinary exclusion which would constitute a change in educational placement, the school will follow all notice requirements for changes in educational placement.