LENAPE TECHNICAL SCHOOL

SECTION: PUPILS

TITLE: SUSPENSION AND EXPULSION

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233. SUSPENSION AND EXPULSION

1. Purpose

The Joint Operating Committee recognizes that exclusion from the instructional program of the school, 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 Joint Operating Committee shall define and publish the types of offenses that would lead to exclusion from the school. Exclusions affecting students with disabilities shall be governed by applicable state and federal law and regulations. [1][2][3][4][5]

2. Authority

The Joint Operating Committee may, after a proper hearing, suspend or expel a student for such time as it deems necessary, or may permanently expel a student. [1][6][7]

Every administrator or teacher in charge of the school may temporarily suspend any student for disobedience or misconduct.

3. Guidelines

Exclusion From School - **Suspension**

The building administrator **or person 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 immediately notify the parent/guardian and the Administrative Director in writing when the student is suspended. [1][6]

No student may be suspended without notice of the reasons for which **the student** is suspended and an opportunity to be heard on **their** 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 populations is threatened. Suspensions may not be made to run consecutively beyond the ten-school day period. [1]

When a suspension exceeds three (3) school days, the student and parent/guardian shall be given the opportunity for an informal hearing with the building administrator. Such hearing shall take place as soon as possible after the suspension; and the school shall offer to hold it within the first five (5) days of the suspension.

Informal hearings under this provision shall be conducted by the Administrative Director.

Purpose of Informal Hearing

The purpose of the informal hearing is to permit the student to explain the circumstances surrounding the event leading to the suspension, to show why the student should not be suspended and to discuss ways to avoid future offenses. [7]

Due Process Requirements for Informal Hearing [7]

1. The student and parent/guardian shall be given written notice of the reasons for the suspension.
2. The student and parent/guardian shall receive sufficient notice of the time and place of the informal hearing.
3. The student may question any witnesses present at the informal hearing.
4. The student may speak and produce witnesses who may speak at the informal hearing.
5. The school shall offer to hold the informal hearing within five (5) days of the suspension.

Exclusion From Class – In-School Suspension

No student may receive an in-school suspension without notice of the reasons for which **the student** 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. [2]

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 administrator. Such hearing shall take place prior to the eleventh (11^{th}) day of the in-school suspension. The procedure shall be the same as the procedure for informal hearings held in connection with out-of-school suspensions. [2][7]

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

Expulsion

Expulsion is exclusion from school by the Joint Operating Committee for a period exceeding ten (10) consecutive school days. The Joint Operating Committee may permanently expel from the school's rolls any student whose misconduct or disobedience warrants this sanction. No student shall be expelled without an opportunity for a formal hearing before the Joint Operating Committee, a duly authorized committee of the Joint Operating Committee, a qualified hearing examiner appointed by the Joint Operating Committee and upon action taken by the Joint Operating Committee after the hearing. [1][6][7]

Expulsion Hearings

A formal hearing shall be required in all expulsion actions. [1][6][7][8]

The formal hearing shall observe the due process requirements: [7]

1. Notification of the charges in writing by certified mail to the student's parent/guardian.
2. At least three (3) days' notice of the time and place of the hearing, which shall include a copy of this policy, hearing procedures, and notice of the right to representation by legal counsel. A student may request the rescheduling of the hearing when **the student** demonstrates good cause for an extension.
3. The hearing shall be private unless the student or parent/guardian requests a public hearing.
4. Representation by counsel at the parent's/guardian's expense and parent/guardian may attend the hearing.
5. Disclosure of the names of witnesses against the student and copies of their written statements or affidavits.
6. The right to request that witnesses against the student appear in person and answer questions or be cross-examined.
7. The right to testify and present witnesses on the student's behalf.
8. A written or audio record shall be kept of the hearing and a copy made available to the student at the student's expense, or at no charge if the student is indigent.
9. The hearing shall held within fifteen (15) school days of the notice of charges, unless a delay is mutually agreed to by both parties or is delayed by:
    a) The need for laboratory reports from law enforcement agencies.
    b) Evaluations or other court or administrative proceedings are pending due to a student's invoking their rights under the Individuals With Disabilities Education Act (IDEA.
    c) Delay is necessary due to the condition or best interests of the victim in cases of juvenile or criminal court involving sexual assault or serious bodily injury.
10. Notice of a right to appeal the results of the hearing shall be provided to the student with the expulsion decision.

<u>Cooperation With Sending District</u>

If a sending district expels a student, the student is precluded from attending Lenape Technical School. The Joint Operating Committee can only expel a student from Lenape Technical School; in which case the student is returned to the student's member district. Therefore, the Administrative Director shall consult with the

sending district's Superintendent to determine if the alleged infraction is of such a nature that the Superintendent believes a permanent expulsion from the sending district may be warranted. In such case, a formal hearing may be initiated and conducted jointly by the School and the sending district. In such case, a sending district's joint operating committee member who participates in the disciplinary hearing may act in the member's dual official capacity as a sending district's director and JOC member.

Should a sending district choose to conduct its own hearing, separate and apart from whatever action is taken by the School, the Administrative Director shall assist the sending district's administration in regard to witnesses and evidence.

Adjudication

A written adjudication shall be issued after the Joint Operating Committee has acted to expel a student. The adjudication may include additional conditions or sanctions. [9]

Attendance/School Work During Suspension and Prior to Expulsion

Students serving an out-of-school suspension must make up missed exams and work, and shall be permitted to complete assignments pursuant to established guidelines. [1][10]

Students who are facing an expulsion hearing must be placed in their normal classes if the formal hearing is not held within the ten-school day suspension.

If it is not possible to hold the formal hearing within the first ten (10) school days, the school may exclude such a student from class for up to five (5) additional – fifteen (15) total – school days if, after an informal hearing, it is determined that the student's presence in **their** normal class would constitute a threat to the health, safety or welfare of others.

Any further exclusion prior to a formal hearing may be only by mutual agreement. Such students shall be given alternative education, which may include home study.

Attendance/School Work After Expulsion

Students who are under **eighteen (18)** years of age are still subject to compulsory school attendance even though expelled and shall be provided an education. [1][10][11]

The parent/guardian has the initial responsibility of providing the required education and shall, within thirty (30) days, submit written evidence to the school that the required education is being provided or that they are unable to do so. If the parent/guardian is unable to provide for the required education, the school shall,

	within ten (10) days of receipt of the parent's/guardian's notification, make provision for the student's education. Students With Disabilities A student with a disability shall be provided educational services as required by state and federal laws and regulations and Joint Operating Committee policies. [12][13]
4. Delegation of Responsibility	The Administrative Director or designee shall develop administrative regulations to implement this policy which include. 1. Publication of a Code of Student Conduct, in accordance with Joint Operating Committee policy on student discipline. [14] 2. Procedures that ensure due process when a student is being deprived of the right to attend school. 3. Regulations regarding student records which require that records of disciplinary suspension be maintained in accordance with Joint Operating Committee policy on student records. [15]**[16]** 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 Joint Operating Committee. Such students may be designated by code. 5. Any student who has been expelled may apply for readmission to the school upon such conditions as may be imposed by the Joint Operating Committee. **PSBA Revision 12/22 © 2022 PSBA** Legal References 1. 22 PA Code 12.6 2. 22 PA Code 12.7 3. 22 PA Code 14.143 4. 20 U.S.C. 1400 et seq 5. 34 CFR Part 300 6. 24 P.S. 1318 7. 22 PA Code 12.8 8. 2 Pa. C.S.A. 101 et seq 9. 2 Pa. C.S.A. 101 10. Pol. 204 11. 24 P.S. 1326 12. Pol. 113 13. Pol. 113.1 14. Pol. 218 15. Pol. 216 16. Pol. 113.3 22 PA Code 12.3