## SPRING-FORD AREA SCHOOL DISTRICT

### SECTION: PUPILS
### TITLE: SUSPENSION AND EXPULSION
### ADOPTED: March 25, 1991
### REVISED: April 23, 2001

| Purpose | The Board recognizes that exclusion from the educational program in 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 expel him/her from school for a period exceeding ten (10) school days or permanently as it deems necessary. Exclusions affecting certain exceptional children shall be subject to disciplining students under the Individuals With Disabilities Education Act and its accompanying regulations, Chapters 14, 15 and 342 of the Pennsylvania State Board of Education Regulations and Standards. |
| Authority | **Suspension - (Exclusion From School)** |
| suspended without notice of the reasons for which s/he is suspended and an opportunity to be heard in his/her own behalf before the school official who holds the authority to reinstate him/her. |
| The parents and the Superintendent of the district shall be notified immediately in writing when the student is suspended. |
| If a suspension shall exceed three (3) school days, consistent with the State Board of Education Regulations (22 Pa. Code § 12.8 (c) ), the student and parent(s) or guardian will be given the opportunity for an informal hearing with the principal and/or assistant principal. Such hearing shall take place as soon as possible except that, when extraordinary circumstances involving the health and safety of the student or others in the school require immediate exclusion, the hearing may be delayed to such time as circumstances permit. Delaying the hearing will not operate to delay the student’s return to school. |
A student may be suspended up to ten (10) school days following a hearing by the principal and/or assistant principal.

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

- Notification of the reasons for the suspension must be given in writing to the parents or guardian and to the student.
- Sufficient notice of the time and place of the informal hearing must be given.
- A student has the right to question any witnesses present at the hearing.
- A student has the right to speak and produce witnesses on his/her own behalf.
- The district shall offer to hold the informal hearing within the first five (5) days of the suspension.

Expulsions

The Board may expel any student whose misconduct and disobedience warrants this sanction for any period exceeding ten (10) school days, which includes permanently expelling the student from the rolls of the district.

No student shall be expelled without an opportunity for a formal hearing before the Board and upon action taken by the Board after the hearing.

The formal hearing shall observe the due process requirements of the Pennsylvania State Board of Education Regulations (22 Pa. Code § 12.8 (b) ), which include:

- Notification of the case must be sent to the student's parents or guardian by certified mail.
- Sufficient notice of the time and place of the hearing must be given.
- The hearing must be held in private unless the student or parent requests a public hearing.
- The student has the right to be represented by counsel.
| Title 22 Sec. 12.6(e) | • 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 any such witnesses appear in person and answer questions or be cross-examined.  
• The student has the right to testify and present witnesses on his/her own behalf.  
• A record must be kept of the hearing, either by a stenographer or a tape recorder. The student is entitled, at the student’s expense, to a copy of the transcript.  
• The proceeding 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 U. S. Eastern District Court.  

Title 22 Sec. 12.6 (e) (2) | The students who are under seventeen (17) years of age and who are expelled, are subject to the compulsory school attendance laws even though expelled, and they must be provided an education.  

Title 22 Sec. 12.6 (e) (3) | Parents or guardians who are unable to provide an education for their child shall submit a written statement within thirty (30) days of the adoption of the Board’s resolution to expel 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 to the student, the district shall recontact the parent and either make provisions for the student's education, or take action under the Juvenile Act to ensure the student receives a proper education.  

Title 22 Sec. 12.1 (b)  
42 Pa. C. S.  
SC 6301-6308 | If the approved educational program is not complied with, the school district may take action to ensure that the student will receive a proper education under the Juvenile Act.  

Title 22 Sec. 12.6 (2) (c), 12.8 (1) | Each suspended student involved in a formal hearing shall be restored to a regular educational program pending the outcome of the hearing, except when in the opinion of the Superintendent, the presence of the student in school poses a danger to him/herself or others as to warrant continued absence.  

3. Delegation of Responsibility
Title 22, Sec. 12.3

The Superintendent shall develop rules and regulations to implement this policy which shall include:

- The publication of standards in accordance with Board policy on student discipline.
- Procedures that insure due process before the deprivation of a student's right to attend school and comport with this policy.
- Procedures for periodic case review of expelled pupils each semester.

RELATED POLICIES

123  Interscholastic Athletics
218  Student Discipline
218.1 Weapons
218.2 Terroristic Threats
222  Tobacco Use
226  Locker Search
227  Drug Abuse
248  Sexual Harassment