

# Palmyra Area School District

SECTION: PUPILS

TITLE: SUSPENSION AND  
EXPULSION

ADOPTED: November 9, 1995

REVISED: January 12, 2006

<p>1. Purpose</p> <p>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>The Board recognizes it possesses the broad authority to prescribe and enforce reasonable and necessary standards of conduct in its schools, but that such authority must be exercised consistently with constitutional safeguards. Recognizing that a student’s legitimate entitlement to a public education is a property interest which is protected by the Due Process Clause of the United States Constitution and that the Due Process Clause forbids arbitrary deprivation of liberty, the Board hereby affirms that students must be afforded all appropriate elements of due process if they are to be excluded from school.</p> <p><u>Grounds for Expulsion</u></p> <p>The following types of offenses may lead to exclusion from school:</p> <ol style="list-style-type: none"> <li>1. Violation of any ordinance of any municipality having jurisdiction with the Palmyra Area School District or any state or federal law.</li> <li>2. Violation of published school rules or regulations promulgated or approved by the Board.</li> <li>3. Activities which interfere with or threaten the orderly functioning of school activities including classroom, extracurricular and athletic activities and/or activities which pose a danger or threat of danger to persons or property.</li> <li>4. Assault on a teacher or employee of the school district, arson or destruction of school property, active leadership in school disruption, and direct refusal</li> </ol>
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to follow the direct order from an administrator in time of school tension.

Exclusion

Exclusion from school may be affected by temporary suspension, full suspension or expulsion.

1. “Temporary suspension” shall mean exclusion from school for an offense for a period of up to three (3) school days, by the principal, without a hearing, in accordance with policies of the Board of School Directors.
2. “Full suspension” shall mean exclusion from school for an offense for a period of up to ten (10) school days after an informal hearing before the principal is offered to the student and the student’s parents, in accordance with policies established by the Board of School Directors.
3. “Expulsion” shall mean exclusion from school for an offense for a period exceeding ten (10) school days, and may be permanent expulsion from the school rolls.

Exclusion Procedures

1. Whenever an incident occurs that may lead to exclusion from school, the principal or assistant principal shall investigate the nature of the alleged offense to determine whether there is probable cause to believe that an offense has been committed by the accused student. Unless the student is available or unwilling to discuss the incident with the principal, this investigation shall include an informal discussion with the student at which the student shall be notified, orally or in writing, of the specific charges against him/her and the evidence in support of the charges so that the student may be given an opportunity to be heard with respect to the alleged offense. In determining whether such probable cause exists, the principal shall take into consideration such factors as the identity of the person(s) claiming to have witnessed or discovered the incident, the nature of the facts alleged to be in support of the charge(s), and other relevant factors.
2. If the principal determines that grounds for exclusion do exist, s/he shall proceed in the following manner:
  - a. Immediately remove a student by placing him/her on a “temporary suspension” as defined above; or
  - b. Immediately remove a student by placing him/her on “temporary suspension” and initiate proceedings in accordance with this section relating to “full suspension”; or
  - c. Initiate proceedings relating to a “full suspension” while ordering the student be placed in his/her normal class pending an informal hearing.

Title 22  
Sec. 12.6  
(b) (1)

3. Whenever proceedings are initiated with reference to a “full suspension,” the principal shall proceed as follows:
  - a. Within 24 hours after the principal determines that there is probable cause to believe that an offense which may lead to exclusion has been committed by the student, the principal shall give notice to the student and to the parent(s) or guardian(s) by telephone and in writing of the reason for the removal from school and the proposed suspension. For the students not removed from school by “temporary suspension” only the reasons for proposed suspension need be given in the notice.
  - b. In addition to the requirements set forth above, the notice shall set forth the exact time and place of the informal hearing, together with a statement that the student and/or the parent(s) or guardian(s) shall have the right to cross-examine any witness and the right to speak and to produce witnesses in his/her own behalf.
  - c. Within 72 hours after the actual removal of the student from school, or the notification of a proposed suspension, the student and his/her parent(s) or guardian(s) must be given an opportunity to be present at an informal hearing before a school principal or assistant principal who shall determine if a “full suspension” shall be imposed. At such hearing, which shall be conducted in private, the following minimum requirements shall be observed:
    - (1) The principal or assistant principal shall advise the student of the precise charge against him/her and offer any written statements in support of the charge(s) against the student upon which the hearing is conducted.
    - (2) The student may present an explanation, verbally or in writing in defense of the charge(s) and any statement by the student and others in defense of the charge(s) and/or in mitigation or explanation of his/her conduct
    - (3) The student shall have the right to cross-examine any witnesses.
    - (4) The administrator is not required to permit the presence of counsel or follow any prescribed judicial rules in conducting the hearing.
  - d. Within 24 hours after the informal hearing, a letter shall be sent to the parent(s) or guardian(s) and student which shall include the principal’s decision. If the decision of the principal is to suspend, the letter shall state the findings and the reasons for the suspension and the number of days of suspension.
  - e. The maximum period a student may be suspended following an informal hearing shall not exceed ten (10) days. A temporary

suspension may be followed by a full suspension for the same offense, provided that the ten (10) school days limitation is not exceeded. Temporary or full suspension may not be accumulated or made to run consecutively beyond this ten (10) school days limitation.

- f. Reasonable conditions on re-admittance to school may be imposed in all cases of temporary or full suspension.
  - g. If, when proceedings are initiated with reference to an informal hearing, it is determined, after a discussion with the student in accordance with this policy, that a student's presence in his/her normal class would disrupt the academic atmosphere of the school or endanger fellow students, teachers, or school officials, or damage property, and it is not possible to hold an informal hearing within the period of a temporary suspension, the student may be excluded from school for more than three (3) school days, provided the informal hearing is not unreasonably delayed. Any student so excluded shall be provided with alternative instruction.
  - h. Students shall be permitted to make up exams and work missed while being disciplined by temporary or full suspension, within guidelines established by the Board.
  - i. At the conclusion of a suspension it is the responsibility of the principal to see that the pupil is informed that the suspension is terminated and s/he is eligible to return to school.
4. Within 24 hours after a temporary or full suspension, the principal shall give written notice to the district Superintendent or secretary of the Board that a student has been suspended, indicating the nature of the offense, the period of the suspension, and the facts supporting the decision to suspend and his/her findings as to whether the student's presence in his/her normal class would disrupt the academic atmosphere of the school or endanger fellow students, leaders, or school officials, or damage property. After consultation with the principal or administrator, the Superintendent shall determine whether the case should be referred to the Board for its action.
5. Whenever the Superintendent determines that a case should be referred to the Board, s/he shall proceed in the following manner:
- a. Promptly give written notice to the student and his/her parent(s) or guardian(s) of the specific offense with which the student has been charged together with notice of the time and place of the formal hearing. The notice shall be sent by certified mail, return receipt requested, and shall contain a statement of the following:
    - (1) The student's right to be represented by counsel.
    - (2) The right to be presented with the names of witnesses against

the student, and copies of the statement and affidavits of those witnesses.

- (3) The right to demand that any such witnesses appear in person and answer questions or be cross-examined.
- (4) The student’s right to testify and produce witnesses on his/her own behalf.

A statement that a transcript of the full and complete record of the proceedings will be made available, at the student’s request and expense.

- b. Within 24 hours after notice is sent pursuant to this policy, the Superintendent shall notify the full Board, and a minimum of three (3) Board members will participate in the formal hearing. The notices shall be in writing on the forms provided by the school district and shall contain a statement of the offense with which the student is charged and a brief summary of the facts supporting the charge. A carbon copy of such notice shall be sent to the solicitor of the school district, together with a copy of the notice sent to the student under 5 (a).
6. The formal hearing shall be held within the period of full suspension, if practicable, in any case, the formal hearing shall be held with all reasonable speed.
7. The formal hearing before the Committee on Student Discipline, which shall be composed of a minimum of three (3) members of the Board, shall be conducted in the following manner:
- a. The president of the Board, or in his/her absence the vice president or other member selected in the absence of both the president and vice president, shall act as chairperson. The district solicitor shall be in attendance at the formal hearing.
  - b. The chairperson shall open the meeting promptly at the time set forth in the notice of the formal hearing by reading a “Statement of Charges” which shall contain the following:
    - (1) Specific statement of the offense with which the student is charged and the alleged facts supporting the charge.
    - (2) Statement of the right of the student to be represented by counsel.
    - (3) Statement of the right of the student to be presented with the names of witnesses against the student, and copies of the statements and affidavits of those witnesses.

- (4) Statement of the right of the student to demand that any such witnesses appear in person and answer questions or be cross-examined.
  - (5) Statement of the right of the student to testify and produce witnesses on his/her own behalf.
  - (6) Summary of the procedures set forth hereinafter for the conduct of the hearing.
- c. The district solicitor shall rule on all questions of procedure and substance at the hearing, including, but not limited to, the order of the presentation of evidence, the scope of cross-examination, etc. The committee shall not be bound by technical rules of evidence and all relevant evidence of reasonable probative value may be received.
- d. The decision of the Committee on Student Discipline as a result of a formal hearing shall be advisory to the Board in all cases in which expulsion is recommended. A majority vote of the entire Board is required to expel a student. The decision of the entire Board on the question of expulsion shall be announced at a regular or special meeting of the Board duly called in accordance with the law and such meetings shall not be unreasonably delayed.

School Code  
1318  
PA Code  
Title 22  
Sec. 12.6  
12.7, 12.8,  
12.1, 12.3  
PA Statute  
  
42 Pa. CS  
Sec. 6301  
To 6308