



**NORTH ALLEGHENY  
SCHOOL DISTRICT**

<b>SECTION:</b>	<b>PUPILS</b>
<b>TITLE:</b>	<b>SUSPENSION AND EXPULSION</b>
<b>ADOPTED:</b>	<b>11/16/16</b>
<b>REVISED:</b>	

**233 - SUSPENSION AND EXPULSION**

**Section 1. Purpose**

The Board recognizes that exclusion from the educational programs of the North Allegheny School District, 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 North Allegheny School District shall define and publish the types of offences that would lead to exclusion from District programs. Exclusions affecting students with disabilities shall be governed by applicable state and federal law and regulation.

**Section 2. Authority**

The power to exclude a student from school for cause shall be vested in the North Allegheny School Board, the Superintendent, or Principal as hereinafter set forth for an act which violates Board Policy, Rules or Regulations, or which interferes with the ordinary educational process.

**Section 3. Definitions**

Exclusion from school may be affected by temporary suspension, full suspension, or expulsion. These terms as used herein are defined as follows:

- a. Temporary Suspension - exclusion from school for an offense for a period of up to three school days, by the principal, without a hearing, in accordance with policies of the Board of School Directors.
- b. Full Suspension - exclusion from school for an offense for a period of up to ten school days, after an informal hearing before the principal is offered to the student and the student's parents, in accordance with the policies established by the Board of School Directors.
- c. Expulsion - exclusion from school, after formal hearing, for an offense for a period exceeding ten school days, and may be permanent expulsion from school rolls, in accordance with policies of the Board of School Directors.

Title 22  
Sec. 12.6, 12.7,  
14.143  
20 U.S.C.  
Sec. 1400 et seq  
34 CFR  
Part 300

24 P.S.  
Sec. 1318  
Title 22  
Sec. 12.6, 12.8

<p>SC1318 Title 22 Sec. 12.6</p> <p>Title 22 Sec. 12.6, 12.8</p> <p>Title 22 Sec. 12.6, 12.8</p> <p>Title 22 Sec. 12.8</p>	<p><b>Section 5. <u>Obligation to Educate</u></b></p> <p>a. A student who is given a full suspension or is excluded from his/her normal class schedule beyond a full suspension while awaiting a formal hearing shall be given an opportunity to continue his/her education.</p> <p>b. Students who are less than seventeen (17) years of age are still subject to the compulsory school attendance law even though expelled and must attend school. The responsibility for placing the student in school rests initially with the student's parent(s)/guardian(s). However, if the student cannot afford to attend or is unable to be accepted at a private school, the School District shall make provisions for the student's education by either providing homebound instruction or readmitting the student into the School District. If the student is readmitted, the Superintendent may impose any rules or restrictions deemed appropriate. Such restrictions may include, but not be limited to, periodic review of the student's behavior and progress at a minimum of at least once a semester. If none of these alternatives are acceptable, the School District must take action in accordance with the provisions of the Juvenile Act of 1972 to insure that the student will receive a proper education.</p> <p><b>Section 6. <u>Guidelines</u></b></p> <p>a. Exclusion from School – Out of School Suspension</p> <ol style="list-style-type: none"> <li>1. The principal 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(s)/guardian(s) and the Superintendent in writing when the student is suspended.</li> <li>2. 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 the student. Prior notice is not required where it is clear that the health, safety, or welfare of the school population is threatened. Suspensions may not be made to run consecutively beyond the ten school day period.</li> <li>3. When a suspension exceeds three (3) school days, the student and parent(s)/guardian(s) shall be given the opportunity for an informal hearing with the designated school official. Such hearing shall take place as soon as possible after the suspension, and the District shall offer to hold it within the first five (5) days of the suspension. Informal hearings under this provision shall be conducted by the building principal. <ul style="list-style-type: none"> <li>• 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.</li> </ul> </li> </ol>
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<p>Title 22 Sec. 12.8</p>	<ul style="list-style-type: none"> <li>• Due Process Requirements for Informal Hearing             <ul style="list-style-type: none"> <li>○ The student and parent(s)/guardian(s) shall be given written notice of the reasons for the suspension.</li> <li>○ The student and parent(s)/guardian(s) shall receive sufficient notice of the time and place of the informal hearing.</li> <li>○ The student may question any witnesses present at the informal hearing.</li> <li>○ The student may speak and produce witnesses who may speak at the informal hearing.</li> <li>○ The School District shall offer to hold the informal hearing within five (5) days of the suspension.</li> </ul> </li> </ul>
<p>Title 22 Sec. 12.7</p>	<p>b. Exclusion from School - In-School Suspension</p> <ol style="list-style-type: none"> <li>1. No student may receive an in-school suspension without notice of the reasons for which s/he is suspended and an opportunity to be heard prior to the time the suspension becomes effective. The parent(s)/guardian(s) shall be informed of the suspension action taken by the school.</li> </ol>
<p>Title 22 Sec. 12.7, 12.8</p>	<ol style="list-style-type: none"> <li>2. Should the in-school suspension exceed ten (10) consecutive school days, the student and parent(s)/guardian(s) shall be offered an informal hearing with the building principal. Such hearing shall take place prior to the eleventh 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.</li> </ol>
<p>Title 22 Sec. 12.7</p>	<ol style="list-style-type: none"> <li>3. The District shall provide for the student's education during the period of in-school suspension.</li> </ol>
<p>SC 1318 Title 22 Sec. 12.6, 12.8 2 Pa. C.S.A. Sec. 101 et seq</p>	<p>c. Expulsion is exclusion from school by the Board for a period exceeding ten (10) consecutive school days. The Board may permanently expel any student whose misconduct or disobedience warrants this sanction. No student shall be expelled without an opportunity for a 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 the Board after the hearing. A formal hearing shall be required in all expulsion actions. The formal hearing shall observe the due process requirements of:</p>
<p>Title 22 Sec. 12.8</p>	<ol style="list-style-type: none"> <li>1. Notification of the charges in writing by certified mail to the student's parent(s)/guardian(s).</li> <li>2. At least three (3) days' notice of the time and place of the hearing, which</li> </ol>

<p>2 Pa. C.S.A. Sec. 101</p>	<p>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 s/he demonstrates good cause for an extension.</p> <ol style="list-style-type: none"> <li>3. A private hearing, unless the student or parent(s)/guardian(s) request a public hearing.</li> <li>4. Representation by counsel at the parent(s)/guardian(s) expense and parent(s)/guardian(s) may attend the hearing.</li> <li>5. Disclosure of the names of witnesses against the student and copies of their written statements or affidavits.</li> <li>6. The right to request that witnesses against the student appear in person and answer questions or be cross-examined.</li> <li>7. The right to testify and present witnesses on the student's behalf.</li> <li>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.</li> <li>9. The hearing being 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:             <ul style="list-style-type: none"> <li>• The need for laboratory reports from law enforcement agencies.</li> <li>• Evaluations or other court or administrative proceedings are pending due to a student's invoking his/her rights under the Individuals with Disabilities Education Act (IDEA).</li> <li>• Delay due to the condition or best interests of the victim in cases of juvenile or criminal court involving sexual assault or serious bodily injury.</li> </ul> </li> <li>10. Notice of a right to appeal the results of the hearing provided to the student with the expulsion decision.</li> </ol> <p>d. Adjudication</p> <p>A written adjudication shall be issued after the Board has acted to expel a student. The adjudication may include additional conditions or sanctions.</p> <p>e. Attendance/School Work During Suspension and Prior to Expulsion</p> <ol style="list-style-type: none"> <li>1. Students serving an out-of-school suspension must make up missed</li> </ol>
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<p>Title 22 Sec. 12.6 Pol. 204</p>	<p>exams and work and shall be permitted to complete assignments pursuant to established guidelines.</p> <ol style="list-style-type: none"> <li>2. Students who are facing an expulsion hearing must be placed in their normal classes if the formal hearing is not held within the ten (10) school day suspension.</li> <li>3. If it is not possible to hold the formal hearing within the first ten (10) school days, the School District 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 his/her normal class would constitute a threat to the health, safety, or welfare of others.</li> <li>4. 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.</li> </ol> <p>f. Attendance/School Work After Expulsion</p> <ol style="list-style-type: none"> <li>1. Students who are under seventeen (17) years of age are still subject to compulsory school attendance even though expelled and shall be provided an education.</li> <li>2. The parent(s)/guardian(s) 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(s)/guardian(s) is unable to provide for the required education, the School District shall, within ten (10) days of receipt of the parent's(s)/guardian's(s) notification, make provision for the student's education.</li> <li>3. The Board may provide an educational program to the student immediately upon expulsion and may waive the 30-day period, at its discretion.</li> </ol>
<p>Title 22 Sec. 12.6</p>	<p>g. Transfer Students</p> <p>The District will generally extend full faith and credit to the decision of another school entity to suspend or expel a student for disciplinary reasons. The decision to honor and continue to impose unfinished suspensions and/or expulsions imposed on a new entrant into the District will be made in accordance with the terms of Board policy.</p>
<p>Pol. 216.1, 233</p>	<p>h. Previous Suspensions</p> <ol style="list-style-type: none"> <li>1. If a student was recently suspended by his/her previous district, a hearing will be conducted by the building principal within forty-eight (48) hours,</li> </ol>



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 Board. Such students may be designated by code.
5. Any student who has been expelled may apply for readmission to school upon such conditions as may be imposed by the Board.

**References**

School Code – 24 P.S. Sec. 1318

State Board of Education Regulations – 22 PA Code Sec. 12.3, 12.6, 12.7, 12.8, 14.143

Local Agency Law – 2 Pa. C.S.A. Sec. 101 et seq.

Individuals With Disabilities Education Act – 20 U.S.C. Sec. 1400 et seq.

Individuals With Disabilities Education, Title 34, Code of Federal Regulations – 34 CFR Part 300

Board Policy – 000, 113, 113.1, 204, 216, 216.1, 218, 233

**REPLACES POLICY**

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