

MIDDLETOWN AREA SCHOOL DISTRICT

SECTION: PUPILS

TITLE: SUSPENSION AND EXPULSION

ADOPTED: October 14, 1991

REVISED: October 25, 2010

<p>233. SUSPENSION AND EXPULSION</p>	
<p>1. Purpose SC 1318 Title 22 Sec. 12.6</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.</p>
<p>2. Authority SC 1318 Title 22 Sec. 12.6, 12.8, 14.143 34 CFR Part 300</p>	<p>The Board may, after a proper hearing, suspend a child for such time as it deems necessary or may permanently expel him/her. Federal and state laws must be adhered to in regard to special education students.</p>
<p>3. Guidelines</p> <p>Pol. 222</p> <p>Pol. 227</p> <p>Pol. 227</p> <p>Pol. 218</p>	<p><u>Student Offenses</u></p> <p>A student who commits any of the following offenses during any period during which s/he is subject to the supervision of the school may be subject to suspension and/or expulsion from school:</p> <ol style="list-style-type: none"> 1. Stealing. 2. Possession or smoking of tobacco. 3. Possession or consumption of alcohol. 4. Possession, usage, selling or dispensing of drugs. 5. Disobedience, insubordination or disrespect to teachers or members of the school administrative staff. 6. Violation of published regulations of the Board of School Directors.

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Pol. 204	7. Suspension may occur after other interventions have been attempted to address recurrent and excessive tardiness.
Pol. 204	8. Suspension may occur after other interventions have been attempted to address recurrent and excessive unexcused absences.
Pol. 204	9. Unexcused absences from assigned classes.
Pol. 224	10. Vandalism. 10. Causing substantial disruption to the educational process. 11. Substantial interference with the right of another student or students to acquire an education in an orderly school environment.
Pol. 218.1, 218.5, 247, 248, 249	12. Threatening or causing bodily harm to any other individual. 13. Commission of any offense under the Criminal Code of the Commonwealth of Pennsylvania.
Title 22 Sec. 12.6	Exclusion from school may be effected by temporary suspension, full suspension, or expulsion in accordance with the following guidelines.
Title 22 Sec. 12.6	<p><u>Temporary Suspension</u></p> <p>1. Temporary suspension shall be exclusion from school for a period up to three (3) days.</p> <p>2. It shall be effected by the principal, without a hearing.</p> <p>3. The student shall be informed of the reasons for this suspension and given an opportunity to respond before the suspension becomes effective.</p>
Title 22 Sec. 12.6	<p><u>Full Suspension</u></p> <p>1. Full suspension shall be an exclusion from school for a period of up to ten (10) days.</p> <p>2. The principal shall notify the student and student's parents/guardians of the reasons for the proposed suspension and also notify them of the time and place of the informal hearing to discuss the charges.</p>

<p>Title 22 Sec. 12.6</p>	<p>3. At the informal hearing conducted by the principal:</p> <ul style="list-style-type: none">a. The witnesses to the offense shall present testimony.b. The student shall have a right to defend him/herself and produce witnesses on his/her own behalf.c. The principal and/or witnesses to the student's offense shall have the right to cross-examine the student or witnesses.d. The student and the parents/guardians shall have the right to cross-examine witnesses to the student's offense.e. The principal shall determine the guilt or innocence of the student after all parties have been heard. <p><u>Expulsion</u></p> <ul style="list-style-type: none">1. Expulsion shall mean exclusion from school for an offense for a period exceeding ten (10) days and may be permanent expulsion from the school rolls.2. The expulsion proceeding shall be conducted in accordance with the rules of this school district concerning such hearings. The need for an expulsion hearing may be waived, if the parties mutually agree to a punishment for the student's underlying offense and the School Board approves the proposed waiver of expulsion agreement proposed by the parties.3. Students receiving three (3) temporary or one (1) full suspension during the course of the year may be taken before the Board for an expulsion hearing. <p>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.</p> <p>The student shall be permitted to make up exams and work missed while being disciplined by temporary or full suspension, either with the student's normal classroom teacher or in a school-bound instruction program as determined by the principal.</p>
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Title 22
Sec. 12.6

In any case where expulsion proceedings are initiated and it is determined by the Superintendent that a student's presence in his/her normal class would constitute a threat to the health, safety, morals or welfare of others, and it is not possible to hold a formal hearing within the period of a full suspension, the student may be excluded from school for more than ten (10) school days, provided the formal hearing on expulsion is not unreasonably delayed. Any student so excluded shall be provided with alternative instruction, either home-bound or school-bound but in any event in an educational setting displaced from the student's normal classroom routine.

Removal From Classroom And Placed In An Alternative Educational Setting

Any student who has committed any of the offenses set forth in this policy or the Criminal Code may be removed from normal classroom routine and assigned to alternative classroom instruction, in accordance with the following procedures:

1. The decision to assign a student to an alternative classroom shall be made by the principal to which the student is assigned. The principal shall first consult with such of the student's regular teachers as s/he deems appropriate, with the Superintendent, and with such other members of the administrative staff.
2. The principal shall perform the following responsibilities after making such decision:
 - a. The parents/guardians of the student shall be advised in writing of the principal's action and the reasons therefore; and they shall be invited to confer with the principal if they desire to do so.
 - b. The student's status shall be reviewed at least weekly by the principal.
 - c. The principal, after consultation with the Superintendent and with such other individuals as the principal deems appropriate, may return the student to the traditional classroom setting at such time as s/he deems proper. This determination may take place before or following any adjudication by a body other than representatives of the school district involving the student.

A student who has been temporarily suspended or who has been given a full suspension may, upon return to school, be assigned by the principal to alternative classroom instruction and/or nonparticipation in extracurricular activities, in accordance with the procedures set forth above and in compliance with other appropriate Board policies.

<p>Title 22 Sec. 12.8</p>	<p><u>Procedures For Expulsion</u></p> <p>In any situation where the principal or teacher in charge of a public school determines that a student should be excluded from school for a period in excess of ten (10) days, or permanently expelled, the following procedures shall be followed:</p> <ol style="list-style-type: none">1. The principal shall submit, in writing, the reasons why s/he deems the student should be excluded from school for a period in excess of ten (10) days to the Superintendent and the President of the Board, who shall promptly refer the matter to the School Board Committee on Exclusion.2. The building administrator in consultation with the Superintendent may develop a waiver of expulsion agreement which may be used in place of a formal expulsion hearing.3. The School Board Committee on Exclusion (or the School Board, should it act as a committee of the whole on the matter) shall, by written notice to the parents/guardians of the student, fix a time and place for a hearing upon the request, enclosing a copy of the written report submitted by the principal. The notice shall be sent by certified mail, or by personal delivery, and shall request the attendance of the student and parents/guardians at the hearing, and in addition shall advise on the following matters:<ol style="list-style-type: none">a. That the student and any person acting for him/her shall have the right to hear the testimony of the accusers.b. That the student shall have the right to call, examine and cross-examine all witnesses.c. That the student and parents/guardians shall have the right to offer testimony.d. That the student may be represented by counsel.4. The Committee, or the Board acting as a whole, shall not be bound by technical rules of evidence; and all relevant evidence of reasonable probative value may be received.5. The Committee, or the Board acting as a whole, shall cause a written record of the proceedings to be taken at the hearing and shall provide a copy thereof to the student, without charge.
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6. As promptly as possible after the conclusion of the hearing, the Committee, or the Board acting as a whole, shall:
 - a. Hand down written findings of fact and conclusions of law.
 - b. By written order, reinstate the student, or exclude the student for such further time as it may determine, or permanently expel the student from the school program.
7. A copy of the Order of the Committee, or the Board acting as a whole, shall be sent by certified mail or personal delivery to the student in care of his/her parents/guardians, the Superintendent, and the principal of the school wherein the student was enrolled.
8. If requested by the student or the student's parents/guardians, the hearing shall be held in public.

Procedures For Students Suspended Or Expelled By Dauphin County Technical School

It is policy of the Middletown Area School District to give full faith and credit to the decision of the Dauphin County Technical School (“DCTS”) to suspend or expel a student for disciplinary reasons. Therefore, the Middletown Area School District will honor and continue to impose all unfinished suspensions and/or expulsions by DCTS that were imposed on each and every new entrant into the Middletown Area School District. Each new entrant, whether by transfer or relocation will serve the remainder of that discipline prior to physical entrance into any Middletown Area School.

References:

School Code – 24 P.S. Sec. 1318

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

Board Policy – 204, 218, 218.1, 218.5, 222, 224, 227, 247, 248, 249