

# SUN AREA TECHNICAL INSTITUTE

SECTION: PUPILS

TITLE: SUSPENSION AND EXPULSION

ADOPTED: March 21, 2002

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	233. SUSPENSION AND EXPULSION
1. Purpose Title 22 Sec. 12.6	The Joint Operating Committee recognizes that exclusion from the educational program of the center, 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.
2. Authority SC 1318, 1850.1 Title 22 Sec. 12.6, 12.8	The Joint Operating Committee acknowledges that it is the legal authority of the sending/home School Boards of the student identified: 1) following an informal hearing authorizes the administrator to suspend a student; 2) after a proper hearing by the sending/home School Board or their duly authorized committee, may authorize expulsion from the SUN Area Technical Institute and/or their district for such time as it deems necessary or may permanently expel a student.
3. Guidelines  SC 1318 Title 22 Sec. 12.6	<p><u>Exclusion From School – Suspension</u></p> <p>The administrator in charge of the career and technology center may suspend any student for disobedience or misconduct for a period of one (1) to ten (10) consecutive school days and shall report the suspension to the sending school as soon as possible.</p> <p>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. The parents/guardians, sending/home school principal, Superintendent and the Administrative Director shall be notified immediately in writing when a student is suspended.</p> <p>When the suspension exceeds three (3) school days, the student and parent/guardian will be given the opportunity for an informal hearing with the designated school official within the first five (5) days of suspension. Such hearing shall take place as soon as possible after the suspension. When extraordinary circumstances involving the health and safety of the student or others in the school may require immediate exclusion, the hearing may be delayed to such time as circumstances permit.</p>

<p>Title 22 Sec. 12.7</p>	<p>A student may be suspended up to ten (10) school days following a hearing by the administrator.</p> <p><u>Exclusion From Class – In-School Suspension</u></p> <p>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/guardian shall be informed of the suspension action taken by the center.</p> <p>Should the in-school suspension exceed ten (10) consecutive school days, the student and his/her parent/guardian shall be offered an informal hearing with the designated school official. Such hearing shall take place prior to the third day of the in-school suspension.</p>
<p>SC 1318 Title 22 Sec. 12.6, 12.8</p>	<p><u>Expulsion</u></p> <p>Expulsion is exclusion from school by the sending/home School Board. The administrator in charge of the career and technology center will contact the sending school of the student and make recommendation to the sending/home school principal that the student be expelled by the student's sending/home School Board either for a period exceeding ten (10) school days or may permanently expel from the school rolls, any student whose misconduct and disobedience warrants this sanction. No student shall be expelled without an opportunity for a formal hearing before the student's sending/home School Board or a duly authorized committee of the student's sending/home School Board and upon action taken by the student's sending/home School Board after the hearing.</p>
<p>Title 22 Sec. 12.6</p> <p>Title 22 Sec. 12.6</p>	<p><u>Attendance Requirements</u></p> <p>A student under seventeen (17) years of age who is expelled has forfeited his/her right to an education in the center, but the student has not been excused from compliance with the compulsory attendance statute.</p> <p>The initial responsibility for providing the required education rests with the parents/guardians. Parents/Guardians who are unable to provide an education for their student shall submit a written statement within thirty (30) days that they are unable to do so. The student's sending/home school shall then make provisions for the student's education. If thirty (30) days pass without satisfactory evidence that the required education is being provided, the student's sending/home school shall contact the parent/guardian and make provisions for the student's education.</p>

<p>Title 22 Sec. 12.1, 12.6</p>	<p>If the approved educational program is not complied with, the student's sending/home school may take action to ensure that the student will receive a proper education.</p> <p><u>Hearings</u></p>
<p>Title 22 Sec. 12.6, 12.8</p>	<p>Students suspended for a period of time longer than three (3) days shall be afforded an informal hearing. Delay of such hearing shall not delay return to school.</p> <p><u>Students With Disabilities</u></p>
<p>Pol. 113, 113.1</p>	<p>When a student with an Individualized Education Program (IEP) faces suspension or expulsion, the school (center) shall ensure that it complies with all applicable state and federal laws and regulations, sending/home school IEP directives and Joint Operating Committee policies.</p> <p><u>Expulsion Hearings</u></p>
<p>2 Pa. C.S.A. Sec. 101 et seq</p>	<p>A formal sending/home school hearing shall be required in all expulsion actions.</p>
<p>Title 22 Sec. 12.8</p>	<p>The Joint Operating Committee requires that each hearing shall be closed to the public; but should the student and/or parents/guardians agree, the hearing may be held publicly.</p>
<p>Title 22 Sec. 12.6</p>	<p>Each suspended student involved in a formal hearing shall be restored to the regular educational program pending the outcome of the hearing except when, in the opinion of the Administrative Director, the presence of the student in school poses a danger to the student or others in the school community.</p> <p>No student shall be suspended for an aggregate of more than ten (10) school days in any one (1) school year without the opportunity for a full and formal hearing.</p>
<p>Title 22 Sec. 12.8</p>	<p>The formal hearing shall observe the due process requirements of:</p> <ol style="list-style-type: none"> <li>1. Notification of the charges in writing by certified mail to the student or the student's parents/guardians.</li> <li>2. Sufficient notice of the time and place of the hearing.</li> <li>3. The hearing shall be private unless the student or parent/guardian requests a public hearing.</li> </ol>

<p>2 Pa. C.S.A. Sec. 101</p> <p>4. Delegation of Responsibility</p> <p>Pol. 218</p> <p>Pol. 216</p>	<ol style="list-style-type: none"> <li>4. The right to representation by counsel.</li> <li>5. Disclosure of the names of witnesses and copies of written statements or affidavits of witnesses.</li> <li>6. The right to request such witnesses 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. The hearing shall be held with all reasonable speed.</li> <li>9. Recording of the proceedings by stenographer or tape recorder.</li> <li>10. A copy of the transcript available at the student's expense.</li> </ol> <p><u>Adjudication</u></p> <p>A written adjudication shall be issued after the sending/home Board has acted to expel a student. The adjudication may include additional conditions or sanctions.</p> <p>The Administrative Director or designee shall develop rules and regulations to implement this policy which include:</p> <ol style="list-style-type: none"> <li>1. Publication of Code of Student Conduct standards in accordance with Joint Operating Committee policy on student discipline.</li> <li>2. Procedures that ensure due process when depriving a student the right to attend school.</li> <li>3. Regulations regarding student records which require that records of disciplinary suspension be maintained in accordance with Joint Operating Committee policy on student records.</li> <li>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.</li> <li>5. Any student who has been expelled may apply for readmission to school (the center) upon such conditions as may be imposed by the Board.</li> </ol>
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	<p>References:</p> <p>Individuals With Disabilities Education Act – 20 U.S.C. Sec. 1400-1482</p> <p>Individuals With Disabilities Education Act, Title 34, Code of Federal Regulations – 34 CFR 300.519-300.529</p> <p>Local Agency Law – 2 Pa. C.S.A. Sec. 101 et seq</p> <p>School Code – 24 P.S. Sec. 1318, 1850.1</p> <p>State Board of Education Regulations – 22 PA Code Sec. 12.1, 12.3, 12.6, 12.7, 12.8, 14.143</p> <p>Joint Operating Committee Policy – 113, 113.1, 204, 216, 218</p>
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