

THE SCHOOL DISTRICT
OF PHILADELPHIA

SECTION: PUPILS

TITLE: SUSPENSION AND EXPULSION

ADOPTED: August 24, 2011

REVISED:

<p>233. SUSPENSION AND EXPULSION</p>	
<p>1. Purpose Title 22 Sec. 12.6, 12.7, 14.143 Pol. 113.1</p>	<p>This policy governs the suspension and expulsion of students from the school district. The School Reform Commission 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 and one that cannot be imposed without due process.</p>
<p>Title 22 Sec. 12.6 Pol. 131, 132</p>	<p>The SRC intends not only that this policy be applied when facts and circumstances clearly warrant the imposition of a suspension or expulsion, but also that expulsions are pursued by the school district only when absolutely necessary and appropriate. In addition, the SRC is aware that, pursuant to state regulations, if a student is expelled from the school district, it is that student’s parent/guardian who is responsible for the student’s continued education. However, the SRC intends that the school district will continue to assist all expelled students and their parents/guardians by providing alternative education options that are separate from the comprehensive school educational system from which the student was expelled.</p>
<p>2. Definitions Pol. 131, 132</p>	<p>Alternative education - a system of options for students that provides a high quality academic program and supports that address the diverse needs of students significantly at risk of dropping out of school, returning from court-sponsored placements and those subject to disciplinary transfer or expulsion.</p>
<p>SC 696, 1318 Title 22 Sec. 12.6, 12.8</p>	<p>Expulsion - the exclusion of a student from the school district, by a majority vote of the SRC, for a period exceeding ten (10) consecutive school days. Expulsions may be permanent or for a specified period of time.</p>
	<p>Long-Term Suspension - an exclusion from school and/or any school activity or function for a period of four (4) to ten (10) school days.</p>
	<p>Short-Term Suspension - an exclusion from school and/or any school activity or function for a period of three (3) school days or less.</p>
<p>Title 22 Sec. 12.6</p>	<p>Suspension - the exclusion of a student from school for a period of one (1) to ten (10) consecutive school days.</p>

<p>3. Authority Title 22 Sec. 12.6 Pol. 113.1</p> <p>SC 1318 Title 22 Sec. 12.6, 12.8</p>	<p>The SRC shall define and publish the types of offenses that would lead to exclusion from school. Exclusions affecting students with disabilities shall be governed by applicable state and federal law and regulations.</p> <p>The SRC may, after a proper hearing, suspend or expel a student for such time as it deems necessary, or may permanently expel a student.</p>
<p>4. Guidelines</p> <p>SC 1318 Title 22 Sec. 12.6</p> <p>Title 22 Sec. 12.6</p> <p>Title 22 Sec. 12.6, 12.8</p>	<p><u>Exclusion From School - Suspension</u></p> <p>The principal or person in charge of the school may suspend any student for violation(s) of the Code of Student Conduct for up to ten (10) consecutive school days and shall immediately report the suspension and the reason(s) for the suspension in writing to the Superintendent or designee. Prior approval by the Assistant Superintendent is required for long-term suspensions.</p> <p>A student shall not be suspended for more than five (5) days at a time except in cases where the district determines that the student's continued presence poses a threat of disruption to the academic process, or a threat to the safety of the school community.</p> <p>Suspensions may not be made to run consecutively beyond the ten-school day period.</p> <p>No student may be given a short-term or long-term suspension without a student conference with the building principal or designee. Prior notice of a suspension is not required where it is clear that the health, safety or welfare of the school population is threatened.</p> <p>In addition to holding a student conference, the district shall immediately notify the student's parent/guardian in writing when the student is given a long-term suspension of the opportunity for an informal hearing/parental conference to review the reason(s) for the suspension.</p> <p>The informal hearing/parental conference shall take place as soon as reasonably possible following the commencement of a long-term suspension. The informal hearing/parental conference shall take place no later than the third day of the long-term suspension unless both parties agree otherwise and shall comply with the requirements of due process.</p> <p>Informal hearings/parental conferences under this provision shall be conducted by the building principal or person in charge of the school.</p>

<p>Title 22 Sec. 12.6</p>	<p><u>Student Conferences</u></p> <p>The student conference shall notify the student of the reasons for which s/he is suspended; give the student an opportunity to respond to allegation(s); discuss the student's behavior and corrective action(s); and document the student's behavior and intervention.</p>
<p>Title 22 Sec. 12.8</p>	<p><u>Informal Hearings/Parental Conferences</u></p> <p>The purpose of the informal hearing/parental conference 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.</p>
<p>Title 22 Sec. 12.8</p>	<p><u>Due Process Requirements For Informal Hearing/Parental Conference</u></p> <ol style="list-style-type: none"> 1. The student and parent/guardian shall be given written notice of the reasons for the suspension. 2. The student and parent/guardian shall receive sufficient notice of the time and place of the informal hearing/parental conference. 3. The student may question any witnesses present at the informal hearing/parental conference. 4. The student may speak and produce witnesses who may speak at the informal hearing/parental conference. 5. The school district shall offer to hold the informal hearing/parental conference within the first three (3) days of a long-term suspension.
<p>Pol. 113, 216</p>	<p>In addition, parents/guardians and students shall be notified of their rights to request to review student records and any witness statements.</p>
<p>Title 22 Sec. 12.7</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 school.</p>

<p>Title 22 Sec. 12.7, 12.8</p>	<p>Should the in-school suspension exceed ten (10) consecutive school days, the student and parent/guardian shall be offered an informal hearing/parental conference with the building principal. Such hearing/conference 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/parental conferences held in connection with out-of-school suspensions.</p>
<p>Title 22 Sec. 12.7</p>	<p>The district shall provide for the student's education during the period of in-school suspension.</p>
<p>SC 696, 1318 Title 22 Sec. 12.6, 12.8</p>	<p><u>Expulsion</u></p> <p>The SRC may permanently expel from the district rolls any student whose misconduct, disobedience, and/or violation of the Code of Student Conduct warrants this sanction. No student shall be expelled without an opportunity for a formal expulsion hearing before the SRC, a duly authorized committee of the SRC, or a qualified hearing examiner appointed by the SRC.</p> <p>Expulsions shall be brought before the SRC by the Superintendent or designee who shall notify the SRC that the district is recommending a student for expulsion.</p> <p>The SRC shall weigh all of the evidence presented by the school district and by the student's parents/guardians at the formal expulsion hearing before scheduling a vote on the question of whether the student should be expelled.</p>
<p>Pol. 006, 903</p>	<p>The SRC shall vote at a public meeting on whether the student shall be expelled for any length of time or whether a lesser sanction shall be imposed. The SRC or its designee shall notify the student's parents/guardians of the date of the vote prior to the vote taking place. The parents/guardians shall be afforded the opportunity to address the SRC at the public meeting, consistent with SRC policy.</p> <p>Expulsions shall be effective upon the affirmative vote of a majority of the SRC.</p>
<p>SC 1317.2 Pol. 218.1</p>	<p>Expulsions shall be permanent unless a period of time for the expulsion is specified at the time the SRC votes on the expulsion. Expulsions for weapons-related offenses shall be for at least one (1) year. However, the SRC may consider imposing a lesser sanction for a weapons offense if recommended by the Superintendent because of special circumstances presented by the student and/or the student's parents/guardians.</p>

<p>SC 1318 Title 22 Sec. 12.6, 12.8 2 Pa. C.S.A. Sec. 101 et seq</p> <p>Title 22 Sec. 12.8</p>	<p><u>Expulsion Hearings</u></p> <p>A formal hearing shall be required in all expulsion actions.</p> <p>The formal hearing shall observe the due process requirements of:</p> <ol style="list-style-type: none">1. Notification of the charges in writing by certified mail to the student's parent/guardian.2. At least three (3) days' notice of the time and place of the hearing, which 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.3. The hearing shall be private unless the student or parent/guardian requests a public hearing.4. Representation by counsel at the parent's/guardian's expense and parent/guardian may attend the hearing.5. Disclosure of the names of witnesses against the student and copies of their written statements or affidavits.6. The right to request that witnesses against the student appear in person and answer questions or be cross-examined.7. The right to testify, make arguments and present witnesses on the student's behalf.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.9. The hearing shall be 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:<ol style="list-style-type: none">a. The need for laboratory reports from law enforcement agencies.
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	<p>b. 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).</p> <p>c. Delay is necessary due to the condition or best interests of the victim in cases of juvenile or criminal court involving sexual assault or serious bodily injury.</p> <p>10. Notice of a right to appeal the results of the hearing shall be provided to the student with the expulsion decision.</p>
<p>2 Pa. C.S.A. Sec. 101</p>	<p><u>Adjudication</u></p> <p>A written adjudication shall be issued after the SRC has acted to expel a student. The adjudication may include additional conditions or sanctions.</p>
<p>Title 22 Sec. 12.6 Pol. 204</p>	<p><u>Attendance/School Work During Suspension And Prior To Expulsion</u></p> <p>Students serving an out-of-school suspension must make up missed exams and work, and shall be permitted to complete assignments pursuant to established guidelines.</p> <p>Students recommended for expulsion shall be placed in their normal classes during the period prior to the formal expulsion hearing and the decision of the SRC if the formal hearing is not held within the ten-school day suspension.</p>
<p>Pol. 132</p>	<p>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/parental conference, 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. Any student so excluded shall be provided with alternative education.</p> <p>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.</p>
<p>Title 22 Sec. 12.6</p>	<p><u>Attendance/School Work After Expulsion</u></p> <p>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.</p> <p>The parent/guardian 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</p>

<p>Pol. 132</p>	<p>parent/guardian is unable to provide for the required education, the school district shall, within ten (10) days of receipt of the parent's/guardian's notification, make provision for the student's education.</p> <p>The SRC may provide an educational program to the student immediately upon expulsion and may waive the 30-day period, at its discretion.</p> <p><u>Readmission Of Expelled Students</u></p> <p>Students who have been permanently expelled from the school district may apply for readmission to the district. Permanent expulsion includes being expelled to a district-operated alternative school. Temporarily expelled students need not apply for readmission for the reason that they are automatically readmitted to the district upon the expiration of the expulsion period.</p> <p>The SRC delegates authority for all readmission decisions to the Superintendent or designee who shall have the final decision regarding readmission.</p>
<p>Pol. 216</p>	<p><u>Expungement Of Records Of Expelled Students</u></p> <p>A student who has been permanently or temporarily expelled, beginning in school year 2008 – 2009, may apply to the school district for expungement of the records of expulsion. The SRC delegates authority for all decisions as to expungement of records of expelled students to the Superintendent or designee who shall have the final decision regarding expungement.</p> <p><u>Students With Disabilities</u></p>
<p>Pol. 113, 113.1</p> <p>5. Delegation of Responsibility</p>	<p>A student with a disability shall be provided educational services as required by state and federal laws and regulations and SRC policies.</p> <p>The Superintendent or designee shall develop administrative procedures to implement this policy which include:</p>
<p>Pol. 218</p>	<ol style="list-style-type: none"> 1. Publication of a Code of Student Conduct, in accordance with SRC policy on student discipline. 2. Procedures that ensure due process when a student is being deprived of the right to attend school.
<p>Pol. 216</p>	<ol style="list-style-type: none"> 3. Regulations regarding student records which require that records of disciplinary suspension be maintained in accordance with SRC policy on student records.

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 SRC. Such students may be designated by code.
5. Procedures for readmission to the school district and expungement of expulsion records.

All administrative procedures developed by the Superintendent or designee shall be advertised in all district schools, on the district's web site, and made available to all students' parents/guardians.

References:

School Code – 24 P.S. Sec. 696, 1317.2, 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

School Reform Commission Policy – 006, 113, 113.1, 131, 132, 204, 216, 218, 218.1, 903