SCHOOL DISTRICT OF PITTSBURGH

218. SUSPENSION AND EXPULSION

1. Purpose

Title 22

Sec. 12.6, 14.143

34 CFR

300.530-300.537

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 and one that cannot be imposed without due process. The Board shall define and publish in the Code of Student Conduct the types of offenses that would lead to exclusion from school.

This policy shall be applied in a nondiscriminatory manner based on the student’s objective conduct, and without regard for the student’s race, color, age, creed, religion, gender (including gender identity or expression), sexual orientation, ancestry, national origin, marital status, pregnancy or handicap/disability.

Exclusions affecting students with disabilities shall be governed by applicable state and federal law and regulations.

2. Authority

Title 22

Sec. 12.6, 12.8

The Board may suspend or expel a student for such time as it deems necessary, or may permanently expel a student.

Every principal or his/her designee in charge of a public school may temporarily suspend for a period of one (1) to ten (10) days any student for disobedience or misconduct, as set forth in the Code of Student Conduct.

3. Guidelines

Exclusion From School - Suspension

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/guardian in writing when the student is suspended.

The Board hereby prohibits the out of school suspension of students enrolled in grades below the third grade for non-violent minor disciplinary infractions, as defined in corresponding administrative regulations to this policy, effective [INSERT DATE DETERMINED BY BOARD].

No student may be suspended without notice of the reasons for which s/he is
**sec. 12.6** 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.

**Title 22 Sec. 12.8**

When a suspension exceeds three (3) school days, the student and parent/guardian 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 or assistant principal.

**Informal Hearing**

**Title 22 Sec. 12.8**

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.

**Due Process Requirements For Informal Hearing**

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.

3. The student may question any witnesses present at the informal hearing.

4. The student may speak and produce witnesses who may speak at the informal hearing.

5. The School District shall offer to hold the informal hearing within five (5) days of the suspension.

**Exclusion From Class - In-School Suspension**

**Title 22 Sec. 12.7**

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.
| Title 22 | Should the in-school suspension exceed ten (10) consecutive school days, the student and parent/guardian shall be offered an informal hearing with the building principal or his/her designee. 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. The District shall provide for the student's education during the period of in-school suspension. |
| SC 1318 Title 22 | Expulsion is exclusion from school by the Board for a period exceeding ten (10) consecutive school days. The Board may permanently expel from the District rolls any student whose misconduct or disobedience warrants this sanction. |
| 2 Pa. C.S.A. Title 22 | A formal hearing shall be required in all expulsion actions. This hearing may be held before the governing Board or an authorized committee of the Board, or a qualified hearing examiner appointed by the Board. When a committee of the Board or a hearing examiner conducts the hearing, a majority vote of the entire governing Board is required to expel a student. |
| Title 22 | Due Process Requirements For Expulsion Hearings |
| Notification of the charges in writing by certified mail to the student's parent/guardian. 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. The hearing shall be private unless the student or parent/guardian requests a public hearing. Representation by counsel at the parent's/guardian's expense and parent/guardian may attend the hearing. Disclosure of the names of witnesses against the student and copies of their written statements or affidavits. The right to request that witnesses against the student appear in person and answer |
questions or be cross-examined.

The right to testify and present witnesses on the student's behalf.

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.

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:

1. The need for laboratory reports from law enforcement agencies.

2. 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).

3. 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.

Notice of a right to appeal the results of the hearing shall be provided to the student with the expulsion decision.

Adjudication

A written adjudication shall be issued after the Board has acted to expel a student. The adjudication may include additional conditions or sanctions.

Attendance/School Work During Suspension And Prior To Expulsion

Students serving an out-of-school suspension for a period exceeding three (3) school days must attend an alternative education program as determined by the administration during the period of suspension.

Students who are facing an expulsion shall attend the alternative education program pending final disposition by the Board.

Absences from the alternative education program shall be deemed illegal absences unless a valid excuse is submitted and approved by the alternative education program administration.

Attendance/School Work After Expulsion

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.
Students who are under the age of seventeen (17) shall attend an alternative education program as determined by the administration. Absences from the alternative education program shall be deemed illegal absences unless a valid excuse is submitted and approved by the alternative education program administration.

Students who are over the age of seventeen (17) and do not attend the alternative education program during any period of expulsion will be withdrawn and removed from the District attendance rolls in accordance with Board policy.

Pol. 212.1 Students With Disabilities

A student with a disability shall be provided educational services as required by state and federal laws and regulations and Board policies.

4. Delegation of Responsibility

The Superintendent or designee shall develop rules and regulations to implement this policy which include:

1. Publication of a Code of Student Conduct, in accordance with Board policy on student discipline.

2. Procedures that ensure due process when a student is being deprived of the right to attend school.

3. Regulations regarding student records which require that records of disciplinary suspension be maintained in accordance with Board 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 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. 12.6, 12.7, 12.8, 14.143


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