



Evergreen Community Charter School

Section: 200 Pupils

Title: Suspension and Expulsion

Number: 233

Last Revised: March 2020

Purpose

Evergreen Community Charter School Board recognizes that exclusion from the educational program of the school, whether by suspension or expulsion, is the most severe sanction that can be imposed on a student at Evergreen and one that cannot be imposed without due process.

Authority

The Board may, after a proper hearing, suspend a child for such time as it deems necessary or may permanently expel him/her.

Students suspended or expelled from school for violation of school rules are prohibited from attending or participating in all school activities and sponsored events such as: social, musical, or clubs, for the duration of the suspension or expulsion including the day of action.

Guidelines

Suspension (Exclusion from School)

The Director, Principal, or teacher in charge may suspend any pupil for disobedience or misconduct for a period of one (1) to ten (10) consecutive school days.

No student may be suspended without notice of the reasons for which s/he is suspended without having been given an opportunity to respond on his/her own behalf before the school official who holds the authority to reinstate him/her and before the suspension becomes effective.

Communication to the parent(s)/guardian(s) shall follow this suspension action taken by the school. Prior notice of the intended suspension need not be given when it is clear that the health, safety or welfare of the school community is threatened. The parent(s)/guardian(s) and Director or his/her designee shall be notified immediately in writing when a student is suspended.

When the suspension exceeds three (3) school days, the student and parent(s)/guardian(s) will 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 shall be offered prior to the end of the fifth

day of suspension.

Students shall have the responsibility to make up exams and work missed while being disciplined by suspension and shall be permitted to complete these assignments within guidelines established by the Director, Principal, or designated school official.

Suspension (Exclusion from Class)

No student may receive an in-school suspension without notice of the reasons for which s/he is suspended and an opportunity to respond prior to the time the suspension becomes effective. Communication to the parent(s)/guardian(s) shall follow the suspension action taken by the school.

Should the in-school suspension exceed ten (10) consecutive school days, the student and his/her parent(s)/guardian(s) shall be offered an informal hearing with the designated school official. Such hearing shall take place prior to the eleventh day of the in-school suspension.

Evergreen Community Charter School shall make some provision for the student's education during the period of the in-school suspension.

Any student who is permanently dismissed from a class as a disciplinary measure will automatically be dropped and suspended from all school activities and school-sponsored events, such as: social, musical, or clubs. All such cases shall be subject to review at the end of each month.

Expulsion

Following ten (10) days of suspension, the Board may expel any student whose misconduct and disobedience is such as to warrant this sanction. Expulsion may range from one (1) day to permanent expulsion. No student shall be expelled without an opportunity for a formal hearing before the Board or before a duly authorized committee of the Board. A majority vote of the entire Board is required to expel a student.

Attendance Requirements

Any student under seventeen (17) years of age who is expelled forfeits his/her right to an education at Evergreen, however, s/he is not excused from compliance with the compulsory school attendance statute. The initial responsibility for providing an education for the student through placement in another school, tutorial or correspondence study or another education program approved by the sending school district rests with the student's parent(s)/guardians(s).

Within thirty (30) days of the Board's expulsion decision, the parent(s)/guardian(s) must submit written evidence that the student is receiving the required education or that they are unable to provide the education. If the parent(s)/guardian(s) are unable to provide the education, the sending school district will, within ten (10) days of receipt of the written evidence, make provision for the student's education.

A student with a disability will be provided educational services as required by the Individuals with Disabilities Education Act (20 U.S.C. Section 1400-1482).

If the educational program as approved Evergreen is not complied with, the school may take action to ensure that the student will receive a proper education and may refer the student to the appropriate juvenile or other authorities.

Students with Disabilities

When a student with an Individualized Education Program faces suspension or expulsion, Evergreen shall ensure that it complies with all applicable state and federal laws and regulations and Board policies. Exclusions affecting certain students with disabilities shall be governed by 22 PA Code Sec. 14.143 (relating to Disciplinary Placements) and 34 CFR 300.519-300.529 (relating to Discipline Procedures).

Informal Hearings

Students suspended for a period of time longer than three (3) school days shall be afforded an informal hearing. Evergreen shall offer to hold the informal hearing within the first five (5) days of the suspension. The purpose of the informal hearing is to enable the student to meet with the appropriate school official to explain the circumstances surrounding the event or conduct for which the student is being suspended or to show why the student should not be suspended, and to encourage the student's parent(s)/guardian(s) and the appropriate school official to discuss ways by which future offenses can be avoided.

The informal hearing shall observe the due process requirements of: notification of the reasons for the suspension being given in writing to the parent(s)/guardian(s) and the student; sufficient notice of the time and place of the informal hearing; the right to question any witness present at the hearing; and the right to speak and produce witnesses on the student's own behalf at the hearing.

Formal Hearings

In the event a formal hearing cannot be convened prior to the conclusion of the student's ten-day suspension, the student's suspension may be extended only when it is determined after an informal hearing that the continued presence of the student in his/her normal class would constitute a threat to the health, safety or welfare of others and it is not possible to hold a formal hearing within the period of the suspension, in which event the student may be excluded from school for more than (10) school days. However, a student who does constitute a threat to the health, safety or welfare of that student or others may not be excluded from school for longer than fifteen (15) school days unless mutually agreed upon by both parties. Any student so excluded shall be provided with alternative education which may include or consist of home study.

A student suspended during examinations or near the end of the educational future may request an immediate hearing, even though the suspension is for a short time.

The formal hearing shall observe the due process requirements of:

1. Notification of the charges shall be sent to the student's parent(s)/guardian(s) by certified mail.
2. At least three (3) days' notice of the time and place of the hearing shall be given. A copy of the expulsion policy and notice that legal counsel may represent the student in hearing procedures shall be included with the hearing notice. A student may request the scheduling of the hearing when the student demonstrates good cause for an extension.
3. The hearing shall be held in private unless the student or parent(s)/guardian(s) request a public hearing.
4. The student may be represented by counsel, at the expense of the parent(s)/guardian(s) and may have parent(s)/guardian(s) attend the hearing.

5. The student has the right to be presented with the names of witnesses against the student, and copies of the statements and affidavits of those witnesses.
6. The student has the right to request that the witnesses appear in person and answer questions or be cross-examined.
7. The student has the right to testify and present witnesses on his/her own behalf.
8. A written or audio record shall be kept of the hearing. The student is entitled to a copy.
9. The proceeding shall be held within fifteen (15) school days of the notification of charges, unless mutually agreed to by both parties. A hearing may be delayed for any of the following reasons, in which case the hearing shall be held as soon as reasonably possible:
 - a. Laboratory reports are needed from law enforcement agencies.
 - b. Evaluations or other court or administrative proceedings are pending due to a student invoking his/her rights under the Individuals with Disabilities Education Act (20 U.S.C. Section 1400-1482).
 - c. In cases in juvenile or criminal court involving sexual assaults or serious bodily injury, delay is necessary due to the condition or best interest of the victim.
10. 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. Where the student disagrees with the written adjudication, recourse is available in the appropriate court of the Commonwealth. If it is alleged that a Constitutional issue is involved, the student may file claim for relief in the appropriate federal district court.

Delegation of Responsibility

The Director may develop rules and regulations to implement this policy which may include: publication of a Code of Conduct, in accordance with Board policy on student discipline; procedures that ensure due process in the deprivation of a student's right to attend school and comport with this policy; and regulations regarding student records which require that all records of suspension be expunged if a student is found innocent of charges made against him/her. Any student who has been expelled may apply for readmission to school upon such conditions as may be imposed by the Board.