



SECTION: 534

TITLE: SUSPENSION AND EXPULSION

# NESHAMINY SCHOOL DISTRICT

1	<b>I. PURPOSE</b>	The mission of the Neshaminy School District is to educate the whole child.	1
2		To do that, we absolutely must guarantee the health, safety, and welfare of all	2
3		students and staff members while they are under the District's jurisdiction.	3
4		In no way can we allow our mission to be interrupted by acts of misbehavior	4
5		or misconduct that interfere with the learning and safety processes for every	5
6		member of the school community.	6
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8		Anytime a student is removed from a classroom or excluded from school for	8
9		any length of time it is a serious matter.	9
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11		The areas of suspension and expulsion are the strongest procedures that we	11
12		in school districts have to help create a more effective and safe school	12
13		community.	13
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15		The Board of School Directors realized the importance of maintaining a safe	15
16		and secure environment. Every parent has the right to expect that each and	16
17		every student who comes to school is safe and secure. Staff members have	17
18		the right to expect that when they come to work in the Neshaminy School	18
19		District they will be safe and secure. The following rules and regulations	19
20		help this process become reality.	20
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22		The following list gives examples of offenses which may result in	22
23		suspension from school. However, this list is not all inclusive.	23
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25		• Academic dishonesty (cheating on tests, copying term papers, forging	25
26		signature of teacher and/or parent).	26
27		• Disrespect to Neshaminy School District staff.	27
28		• Fighting .	28
29		• Gambling.	29
30		• Leaving school grounds without authorization.	30
31		• Refusing to cooperate with school rules and regulations.	31
32		• Refusing to serve detention.	32
33		• Tardiness.	33
34		• Truancy.	34

POLICY #534 (con't)

- Possession and/or use of tobacco products and/or paraphernalia.
- Using foul or abusive language.
- Verbal assault on a student or students.
- Use of a look alike weapon of any kind which shall include, but not be limited to, any rifle or gun (loaded or unloaded, operable or inoperable), switchblade knife, hunting knife, star knife, pocket knife, straight razor, nanchaku, spiked glove, or wristband.

The following list gives examples of offenses for which a student could normally be suspended from school and which may result in expulsion from school. However, this list is not all inclusive.

- Assault
- Assault and battery on a student.
- Chronic disruption of the school program/and or activities.
- Deprivation through intimidation of another individual's right to attend school or classes.
- Destruction and vandalism of school property, personal property of students and/or faculty, receipt, sale, possession or distribution of property stolen from Neshaminy School District less than \$300.
- Disruptive behavior which results in the interference with the normal school program.
- Distribution, attempt to distribute, or possession with intent to distribute a non-controlled substance upon the representation that the substance is a controlled dangerous substance.
- Failure to assume responsibility for, or control of his or her behavior.
- Fire alarm/false fire report.
- Harassment for any reason including, but not limited to sexual, racial, religious, and ethnic differences.
- Indecent exposure.
- Insubordination (disobeying a directive from an administrator or teacher).
- Participating in the use, possession and/or detonation of an incendiary or explosive material or device (firecracker or greater).
- Use of a portable electronic device, such as a cell phone, at times not specified by the discipline code of each school
- Possession or use of a pocket knife.
- Possession of a look alike weapon of any kind.
- Possession, use or distribution of controlled paraphernalia.
- Theft and/or knowingly possessing stolen property; trespassing.
- Possession and/or use of tobacco products and/ or paraphernalia.
- Extortion \$300 or less.
- Possession and/or use of any mace, tear gas, or other chemically disabling device.
- Striking a staff member intervening in a fight or other disruptive activity (intentional or unintentional).

POLICY #534 (con't)

The following list gives examples of offenses for which the district will conduct expulsion hearings. However, this list is not all inclusive.

- Arson.
- Assault and battery on a staff member.
- Bomb threat.
- Conspiracy between two or more persons to commit an offense which shall result in expulsion.
- Destruction and vandalism of school property, personal property of students and/or faculty, receipt, sale, possession or distribution, or property stolen from Neshaminy School District- \$300 or more.
- Distribution and/or sale of alcohol.
- Distribution and/or sale of controlled dangerous substances (illegal drugs)
- Extortion \$300 or more.
- Possession or use of a real weapon of any kind which shall include, but not be limited to, any rifle or gun (loaded or unloaded, operable or inoperable), switchblade, knife, hunting knife, star knife, straight razor, nunchaku, spike glove, or spiked wristband.
- Robbery.
- Any violent behavior which creates a substantial danger to persons or property.

II. AUTHORITY

**Suspension (Exclusion from Class)** - No student may receive an in-school suspension unless the student has been informed of the reasons for the suspension and has been given an opportunity to respond before the suspension becomes effective.

Communication to the parents or guardian shall follow the suspension action taken by the school.

When the in school suspension exceeds 3 consecutive school days, an informal hearing with the principal shall be offered to the student and the student's parents or guardian.

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 for which the student is being suspended or to show why the student should not be suspended. The informal hearing is meant to encourage the student's parents or guardian to meet with the principal or his or her designee to discuss ways by which future offenses can be avoided. The following due process requirements are to be observed in regard to the informal hearing.

- Notification of the reasons for suspension shall be given in writing to the parents or guardian and to the student.
- Sufficient notice of the time and place of the informal hearing shall be given.
- A student has the right to question any witnesses present at the hearing.
- A student has the right to speak and produce witnesses on his own behalf.
- The District shall offer to hold the informal hearing within the first 5 days of the suspension.

PA Code  
§ 12.6 (b) (vi)

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 governing board.

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Policy #534 (con't)

**Suspension (Exclusion from School)** – An Administrator in the Neshaminy School District may suspend any student for disobedience or misconduct for a period of one to ten consecutive school days and shall report the suspension to the Superintendent or his or her designee in writing as soon as possible. The administration shall make an effort to notify the parents or guardians prior to the suspension unless the child is deemed by the school administration to be a threat or danger to the student or others, or unless the parents or guardians are not available. The parents or guardians of the student shall be notified immediately in writing when the student is suspended.

No student shall be suspended until the student has been informed of the reasons for the suspension and given an opportunity to respond. 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. When the suspension exceeds three school days, the student and parent shall be given the opportunity for an informal hearing.

The purpose of the informal hearing for suspension purposes or for School Board policy violations is to enable the student to meet with the appropriate school official to explain the circumstances surrounding the event for which the student is being suspended or to show why the student should not be suspended. The informal hearing is meant to encourage the student's parents or guardian to meet with the principal or his or her designee to discuss ways by which future offenses can be avoided. The following due process requirements are to be observed in regard to the informal hearing:

- Notification of the reasons for the suspension shall be given in writing to the parents or guardian and to the student.
- Sufficient notice of the time and place of the informal hearing shall be given.
- A student has the right to question any witnesses present at the hearing.
- A student has the right to speak and produce witnesses on his own behalf.
- The district shall offer to hold the informal hearing within the first five days of the suspension.

**Expulsion** – The Board of School Directors of Neshaminy School District may either expel for a period exceeding ten school days or may permanently expel from the rolls of this district any student whose misconduct and disobedience warrant this sanction. No student shall be expelled without an opportunity for a formal hearing before the Board of School Directors. The following due process requirements are to be observed with regard to the formal hearing:

- Notification of the charges shall be sent to the student's parents or guardian by certified mail.
- At least 3 days notice of the time and place of the hearing shall be given. A copy of the expulsion policy, notice that legal counsel may represent the student and hearing procedures shall be included with the hearing notice. A student may request the rescheduling of the hearing when the student

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PA Code  
§ 12.8 (2)

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PA Code  
§ 12.8 (9)

- POLICY #534 (con't)
- demonstrates good cause for an extension.
- The hearing shall be held in private unless the student or parent requests a public hearing.
  - The student has the right to be represented by counsel.
  - 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.
  - The student has the right to request that any such witnesses appear in person and answer questions or be cross-examined.
  - The student has the right to testify and present witnesses on his own behalf.
  - A record must be kept of the hearing, either by a stenographer or by tape recorder. The student is entitled, at the student's expense, to a copy of the transcript.
  - The proceeding shall be held within 15 school days of the notification of charges, unless mutually agreed to by both parties.
  - Notice of a right to appeal the results of the hearing shall be provided to the student with the expulsion decision.

During the period prior to the hearing and decision of the Board of School Directors in an expulsion case, the student shall be placed in his normal class except if it is determined after an informal hearing that a student's presence in his 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 suspension, the student may be excluded from school for more than 10 school days, if the formal hearing is not unreasonably delayed. Any student so excluded shall be provided with alternative education which may include home study. compulsory school attendance law even though expelled, and they must be provided an education.

The initial responsibility for providing the required education rests with the student's parents or guardian, through placement in another school, through tutorial or correspondence study or through another educational program approved by the district's superintendent or his or her designee.

If the parents or guardian are unable to provide for the required education, they must, within 30 days, submit to the school district written evidence so stating. The district then has the responsibility to make some provision for the student's education. If 30 days pass without the district's receiving satisfactory evidence that the required education is being provided to the student, it must re-contact the parent and, pending the parents' or guardian's provision of such education, the district must make some provision for the student's education or proceed under Chapter 63 of the Juvenile Act to ensure that the child will receive a proper education or do both.

**Expulsion Affecting Certain Exceptional Students** – Prior to a change in placement or revision of an IEP, the IEP team shall consider whether an

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POLICY #534 (con't)  
eligible student might need the application of school discipline procedures and shall determine whether the actual or anticipated behavior is attributable to the student's disability.

In making this determination, the IEP team shall rely on previous behavior and the likelihood of the occurrence or recurrence of behaviors requiring disciplinary action.

The following disciplinary expulsions are considered a change in educational placement:

- A disciplinary expulsion of an exceptional student for more than ten consecutive school days or more than fifteen cumulative schools days in a school year is considered a change in educational placement requiring multidisciplinary evaluation, notice to the parents and a right to a hearing under Section 14.61 - 14.68 (relating to procedural safeguards) which shall be afforded prior to the exclusion.
- A disciplinary expulsion of a student with mental retardation is considered a change in educational placement, notice to the parents and a right to a hearing under Section 14.61-14.68 which shall be afforded prior to the expulsion.

If a discipline problem with an exceptional student is so immediate or severe as to warrant immediate action, the school district, with approval of the Secretary of Education or a designee, may implement an interim change in educational placement, including expulsion from school, as long as notice is provided to the parents under Section 14.61 (relating to notice) and a due process hearing is scheduled under Section 14.64 (relating to impartial due process hearing) as soon as possible.

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

1. The publication of standards in accordance with Board policy on student discipline
2. Procedures that ensure due process in the deprivation of a student's right to attend school and comply with this policy; and
3. Regulations regarding students records which require that:
  - a. all records of suspensions be expunged if a student is found innocent of charges made against him or her;
  - b. records of disciplinary suspension shall be expunged in accordance with Board Policy on student records.

The name of a student under eighteen (18) years of age whose conduct 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, but such students may be designated by an identification code.

**III.  
DELEGATION  
of  
RESPONSIBILITY**

BGH:ef

Approved:8/22/95

Reviewed: 9/2003

Revised/App: 1/21012