

# WILKINSBURG SCHOOL DISTRICT

TITLE: EXPULSION

ADOPTED: May 25, 2004

REVISED:

<p>1. Purpose SC 1318 Title 22 Sec. 12.6, 12.8</p> <p>2. Guidelines SC 1318 Title 22 Sec. 12.6, 12.8</p> <p>Title 22 Sec. 12.6</p>	<p style="text-align: center;">233.1. EXPULSION</p> <p>The Board recognizes that exclusion from the educational program of the schools of the district by expulsion is the most severe sanction that can be imposed on a student and one that cannot be imposed without due process. The Board may, after proper hearing, expel a student for such time as the Board deems necessary, up to and including permanent expulsion.</p> <p>Expulsion is exclusion from school by the Board for a period exceeding ten (10) days and may be permanent expulsion from the district's school rolls. No student shall be expelled without an opportunity for a formal hearing before a duly authorized committee of the Board and upon a majority vote of the entire Board taken after the hearing.</p> <p><u>Steps Leading to an Expulsion Hearing</u></p> <p>Prior to an expulsion hearing, certain steps must be taken by the principal of the school in which the student is enrolled. These steps are taken to protect both the interests of the students and the district.</p> <p><i>First Step -</i></p> <p>During the period after the ten (10) day suspension is served and prior to the hearing and decision of the Board, the student shall be returned to his/her normal class except where the following occurs:</p> <ol style="list-style-type: none"> <li>1. If it is determined after an informal hearing that a student's presence in his/her 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 ten (10) school days, if the formal hearing is not unreasonably delayed. Any student so excluded shall be provided with alternative education that may include home study.</li> </ol>
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<p>Title 22 Sec. 12.8</p>	<p><i>Second Step -</i></p> <p>Notification of the charges shall be sent to the student's parent(s)/guardian(s) by certified mail with sufficient notice given of the time and place of the hearing. The notice will also advise the student and parent(s)/guardian(s) of the following rights:</p> <ol style="list-style-type: none"><li>1. The hearing will be held in private unless the student or parent/guardian requests a public hearing.</li><li>2. The student has the right to be represented by counsel.</li><li>3. The student has the right to be presented with the names of witnesses against the student and copies of the witness statements, if any.</li><li>4. The student has the right to request that any such witness appear in person and answer questions or be cross-examined.</li><li>5. The student has the right to testify and present witnesses on his/her own behalf.</li><li>6. A record must be kept of the hearing, a copy of which the student is entitled to at his/her expense.</li><li>7. The proceeding must be held with all reasonable speed.</li><li>8. The student may appeal the Board's decision to the appropriate court.</li></ol> <p><i>Third Step -</i></p> <p>The administration will gather the necessary evidence in support of the charges and arrange for the witnesses for the hearing. The principal will also prepare the student profile for presentation at the hearing, which will include the student's prior disciplinary record, attendance, academic progress, counseling reports, and manifestation determinations, if appropriate.</p> <p><i>Fourth Step -</i></p> <p>The hearing will be conducted before a committee of the Board, and the student and parents/guardians will be informed of their recommendation as soon as possible. The Board, at its next regular meeting, will take formal action after which the written determination will be sent to the parents/guardians.</p>
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<p>Title 22 Sec. 12.6</p>	<p><i>Fifth Step -</i></p> <p>If the Board expels the student and that student is under seventeen (17) years of age, the student forfeits his/her right to an education in the district schools but is not excused from compliance with the compulsory attendance statutes.</p>
<p>Title 22 Sec. 12.6</p>	<p>The initial responsibility for providing the required education rests with the student's parents/guardians through placement in another school, tutorial or correspondence study or through another education program approved by the Superintendent.</p>
<p>Title 22 Sec. 12.1, 12.6</p>	<p>If the parents/guardians are unable to provide for the required education, they must, within thirty (30) days, submit to the district written evidence so stating and the district then has the responsibility to make some provision for the student's education. If thirty (30) days pass without the district receiving satisfactory evidence that the required education is being provided, the district must contact the student's parents/guardians and make provisions for the student's education, pending the parent's/guardian's taking such action. If the approved educational program is not complied with, the district may take action as appropriate to ensure that the student will receive a proper education.</p>
	<p><u>Expulsion Hearing</u></p> <p>The Superintendent or Board Secretary will contact Board members on a rotating basis and inform them of the date and time of the expulsion hearing. Volunteers from the Board will be accepted until at least three (3) members have indicated their willingness to serve on the Board committee that hears the expulsion case.</p>
<p>Title 22 Sec. 12.8</p>	<p>The necessary legal formalities for the hearing will be arranged by the district solicitor to ensure that the hearing is properly conducted according to the provisions of law.</p> <p>The Board committee will meet at the specified date, time and place and hear the evidence provided by the principal and/or other persons involved in support of the recommendation for expulsion, including the contents of the student profile. The student and/or his/her parent/guardian and/or legal counsel (if the student or his/her parent/guardian chooses to be represented by counsel), will be afforded an opportunity to present evidence and/or arguments on the student's behalf.</p>
<p>Title 22 Sec. 12.8</p>	<p>The hearing will be conducted in accordance with law by a hearing officer and a tape-recorded record will be made of the proceedings. The district solicitor will serve as the hearing officer to be certain that no legal technicalities are omitted and the student's rights are not violated.</p>

<p>3. Delegation of Responsibility</p> <p>Pol. 218</p> <p>Pol. 216</p>	<p>The hearing will recess briefly while the Board committee members decide the guilt or innocence of the accused students. The hearing will reconvene and the verdict will be announced to the student and his/her parent(s)/guardian(s) and other appropriate parties. At that time, the student and parent(s)/guardian(s) will be given an opportunity to comment on what punishment, if any, they consider to be appropriate. In cases where the student has been found guilty, the hearing will again recess while the Board committee consults with the Superintendent and principal on what punishment should be recommended to the entire Board. This recommendation will immediately, or as soon as possible, be communicated to the student and his/her parent(s)/guardian(s) by the Superintendent.</p> <p>The Superintendent or designee shall develop rules and regulations to implement this policy which include:</p> <ol style="list-style-type: none"> <li>1. Publication of conduct standards in accordance with Board policy on student discipline.</li> <li>2. Procedures that ensure due process in 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 Board policy on student records.</li> <li>4. Procedures for periodic case review of expelled students.</li> <li>5. 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 code.</li> </ol>
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