

## **Student Policy #218 Student Discipline**

### **Purpose:**

In order to foster achievement of the goals of public education, the school environment should be safe, orderly, and encourage the fullest possible educational development of each student. The conduct of the persons participating in the process greatly affects the extent to which a beneficial environment exists.

### **Authority:**

The following offenses may cause immediate suspension and a hearing before the Board of Trustees for expulsion:

1. Sale, use, or possession of illegal drugs
2. Sale, use, or possession of alcoholic beverages
3. Vandalism of school property
4. Possession of a weapon including look-alikes at a school-sponsored activity, or public transportation to a school site or school sponsored activity
5. Any unlawful acts under the laws or ordinances of the Commonwealth of Pennsylvania or local municipality

First offense for the following may require up to a ten-day suspension and multiple offenses will require a hearing before the Board of Trustees for possible expulsion:

1. Smoking, use, or possession of tobacco products in a school bus, or on school property owned by, or leased by, or under the control of the Cyber School and as referenced by Act 145 of 1996
2. Persistent misbehavior and/or violation of school rules
3. Consistent absenteeism and tardiness
4. Persistent lack of effort in schoolwork

All of the above rules and regulations also apply when students are participants or spectators in any extracurricular activities or taking part in any field trips.

The administration shall have the right to formulate other rules, regulations, and disciplinary actions that it deems necessary to conduct a well disciplined, safe and orderly school.

### **Definitions:**

Exclusion from School may take the form of suspension or expulsion.

**“Temporary Suspension”** shall mean exclusion from school for an offense for a period of up to three school days. The “Temporary Suspension” may be given by the administration, with an informal hearing for offenses, such as persistent misbehavior, fighting, smoking, and other actions on the part of the student that are deemed more serious in nature than those which would result in a warning letter. The purpose of the informal hearing is to enable the student to meet with the school administrator to explain the circumstances surrounding the event for which the student is being suspended, to demonstrate that this may be a case of mistaken identity, or to show that there is some compelling reason why the student should not be suspended. Prior

notice of an intended suspension need not be given when it is clear that the health, safety, or welfare of the school community is threatened.

**“Full Suspension”** shall mean exclusion from school for an offense for a period of up to ten school days. An informal hearing, before the school administrator, shall be given to the student and offered to the student’s parents or legal guardian. The “Full Suspension” may be given by the administration for offenses deemed to be of a serious nature, such as possession, use, sale, or giving of alcoholic beverages or drugs on school property, acts of vandalism of school property, persistent misbehavior, and those actions that persist on the part of the student after written warning and a lesser suspension. Suspensions may not be made to run consecutively beyond the ten school day period.

**“Expulsion”** is exclusion from school by the Board of Trustees for a period exceeding ten school days and may be a permanent expulsion from the school rolls. All expulsions require a prior formal hearing. While excluded from school by suspension, students shall have the responsibility to complete their assignments within the guidelines established by the Board of Trustees. A suspended student is not permitted to work on his/her on-line courses from home and must report during regular school hours to a library or community center with computers and internet access. During exclusion the student may not access his/her courses from home and the internet access will be disabled. The parents and Chief Executive Officer (CEO) shall be notified immediately in writing when a student is suspended. Written notification shall be prepared and sent by the Board of Trustees.

**Regarding Expulsions:**

1. During the period prior to the hearing and decision of the Board of Trustees in an expulsion case, the student shall report to the library or community center daily as a suspended student except that if the Cyber School deems the disciplinary problem so severe as to jeopardize the health and safety of the library or community center staff, then the student will be suspended out of school immediately until the hearing is held.
  
2. If following the hearing, the student is expelled for a period of time he/she will be excluded from school. The student’s courses will be suspended, and the loaned computer must be returned to the school. However, students who are less than 17 years of age are still subject to the compulsory school attendance law even though expelled, and they must be provided an education.
  - a. 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 school’s CEO.
  - b. If the parents or guardian are unable to provide for the required education, they must within 30 days submit to the school written evidence so stating. The school then has the responsibility to make some provision for the student’s education. If 30 days pass without the school 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 school must make some provision for the student’s education.

- c. In the case of noncompliance with the approved education program, the school may take action in accordance with Chapter 63 of the Juvenile Act (42 PA. C.S. §§6301-6308), to ensure that the child will receive a proper education.

**Hearings:**

1. Education is a statutory right, and students must be afforded all appropriate elements of due process if they are to be excluded from school. In a case involving a possible expulsion, the student is entitled to a formal hearing, which is a fundamental element of due process.
2. “A formal hearing” is required in all expulsion actions. This hearing may be held before the Board of Trustees, or a duly authorized committee of the board, or a qualified hearing examiner appointed by the board. Where the hearing is conducted by a committee of the board or a hearing examiner, a majority vote of the entire board of trustees is required to expel a student.
3. The following due process requirements are to be observed with regard to the formal hearing:
  - a. Notification of the charges and sufficient notice of the time and place of the hearing shall be sent to the student’s parents or guardian by certified mail.
  - b. The hearing shall be held in private unless the student or parent requests a public hearing.
  - c. The student has the right to be represented by counsel.
  - d. 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.
  - e. The student has the right to request that any such witnesses appear in person and answer questions or be cross-examined.
  - f. The student has the right to testify and present witnesses on his/her own behalf.
  - g. 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.
  - h. The proceeding must be held with all reasonable speed.
4. Where the student disagrees with the results of the hearing, recourse is available in the appropriate court of the Commonwealth. If it is alleged that a constitutional issue is involved, the student may file a claim for relief in the appropriate federal district court.
5. 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.
6. The informal hearing is meant to encourage the student’s parents or guardian to meet with the CEO to discuss ways by which future offenses can be avoided.
7. The following due process requirements are to be observed in regard to the informal hearings:
  - a. Notification of the reasons for the suspension shall be given in writing to the parents or guardian and to the student.
  - b. Sufficient notice of the time and place of the informal hearing.
  - c. A student has the right to question any witnesses present at the hearing.
  - d. A student has the right to speak and produce witnesses on his/her own behalf.

8. The informal hearing will be held within the first five days of the suspension.
9. The CEO shall, in the case of an exceptional student, take all steps necessary to comply with the Individuals with Disabilities Education Act.

**Special Needs Students:**

The procedure to be followed for a student with a disability who has an IEP shall be in accordance with PA Chapter 711 regulations and Chapter 432 standards. A suspension of an exceptional student for more than ten consecutive school days or more than 15 cumulative school days in one year is considered a change in educational placement and, as such, requires a multidisciplinary evaluation where a manifestation determination shall be made, notice to the parents (NOREP), and a right to a hearing prior to exclusion. The disciplinary exclusion of a student with mental retardation is considered a change in placement and requires notice to the parents (NOREP) and a right to a hearing prior to the exclusion.

If the school deems the discipline problems so severe as to warrant immediate action, it may, with the approval of the Secretary of Education for the State of Pennsylvania, implement an interim change in educational placement, including exclusion from school, as long as notice is provided to the parents (NOREP), and a due process hearing is scheduled as soon as possible. Under no circumstances is corporal punishment permitted.

**Delegation of Responsibility:**

The CEO shall be responsible for the enforcement of this policy and ensuring that all due process rights of the students are afforded.

TO THE EXTENT THAT ANYTHING IN THIS POLICY COULD BE CONSTRUED TO CONFLICT WITH APPLICABLE STATE AND/OR FEDERAL LAWS, THE APPLICABLE STATE AND/OR FEDERAL LAWS CONTROL. THIS POLICY IS NOT INTENDED TO CONFLICT WITH CHARTER REQUIREMENT.