

# School Suspensions & Expulsions

## School Discipline in Pennsylvania

### **General Tips**

---

- Each school district must publish a code of student conduct and give copies to students and their parent or guardian
- The rules must be reasonably clear so students know what is expected of them
- Students can be punished for non-compliance with these rules
- School rules can govern student behavior while at school and on the way to and from school.
- The law is unclear about how far schools can go in punishing students for conduct outside of school hours or off school grounds.

### **In School Suspensions**

---

- An in-school suspension is where a student is excluded from class, but not from school.
- Before a school can issue an in-school suspension, the student must be informed of the reason for the punishment and the parents/guardians must be notified.
- During the suspension the school must allow the student to complete his or her scheduled schoolwork.
- If the in-school suspension is more than 10 consecutive school days the parent or guardian and the student have the right to an informal hearing with the principal before the 11th day of the suspension. (See below for information on hearings.)

### **Out of School Suspensions**

---

- Before being given an out-of-school suspension, the student must be informed of the reason for the punishment and given a chance to respond.
- Parents must be given written notice of the dates of and reason for suspension
- If an emergency exists, the notice need not be given until after the student is suspended.
- If a student is suspended, he or she must be given an opportunity to make up work missed.
- If the suspension is for more than 3 days, the student has a right to an informal hearing.
- An out of school suspension can only last up to 10 days!

### **Alternate Education Programs**

---

- Transfer to an alternate education program results when a student is considered “disruptive.”
- A student must demonstrate one of the following behaviors to be considered disruptive:
  - Persistent violation of school policy and rules; possession of controlled substances on school property or during school activities; violent or threatening behavior on school property or during school activities; possession of a weapon on school property; commission of a criminal act on school property or during school activities; misconduct that would merit suspension or expulsion under school policy; and habitual truancy
- School officials must hold a hearing before a transfer can occur

- Schools often ask the parent/guardian to sign a waiver of this hearing.
  - **If you don't want the transfer, don't sign the waiver!**

---

### **Expulsions**

---

- An expulsion is a removal from school for more than 10 days in a row.
- The school must hold a formal hearing. The outcome of this hearing is appealable.

---

### **Hearings**

---

- During an informal hearing, all relevant information is brought forth, and is meant to give parents, the student, and the principal an opportunity to discuss ways to prevent future misconduct.
- If a student is given an out-of-school suspension for more than 3 days, the student must be given an informal hearing within the first 5 days of the suspension.
- Advance notice must be given of the time and place of the hearing. The school must send the date, time and location of an expulsion hearing at least 3 days before the hearing.
- For an expulsion, a student is entitled to a formal hearing. 3 day notice must be given.
- The student's parent/guardian (or their counsel) can present witnesses
- The student's parent/guardian (or their counsel) has the right to question opposing witnesses

---

### **Special Rules and Disabilities**

---

- An expulsion decision can be appealed to the Court of Common Pleas. This appeal must be filed within 30 days of the expulsion decision.
- Students must continue to receive an education after an expulsion.
- Except in certain circumstances, school districts cannot honor a different school district's expulsion decision.
- Special rules apply if a school wishes to suspend or expel a student with a disability who receives a special education. If these rules have been violated, contact a lawyer!
- Non-English speaking parents and students have the right to receive information concerning disciplinary matters in their native language. This includes the student handbook! A translator must be made available at meetings and hearings if the family requests!

## **Contact A Lawyer if You Need Help!**

---

Call Northwestern Legal Services' New Client Line, Monday through Friday, 9 AM to 4 PM: **800-665-6957**; In Erie Area Call **814-452-6957** or **Apply Online at [WWW.NWLS.ORG](http://WWW.NWLS.ORG)**



Date Revised: October 2019

