P.I.A. Committee Meeting

Monday, November 23, 2026 6:30 PM
Board Room (K110) at the Bucks County Technical High School, 610 Wistar Road , Fairless Hills, PA 19030

1. **Program/Policy Updates**
2. **Other Business**
3. **Executive Session**

BOARD POLICY

113.1 Discipline of Students With Disabilities

POLICY NUMBER	VERSION	DOCUMENT STATUS	PRINTED
113.1	v1.4	DRAFT	11/17/2026

Purpose

The school shall implement Positive Behavior Support Plans and programs for students with disabilities who require specific interventions to address behaviors that interfere with learning.[1] [2] [3]

Students with disabilities who violate the Code of Student Conduct, or engage in inappropriate behavior, disruptive or prohibited activities and/or actions injurious to themselves or others, which would typically result in corrective action or discipline of students without disabilities, shall be disciplined in accordance with state and federal laws and regulations and Joint Board Committee policy and, if applicable, their Individualized Education Program (IEP) and Positive Behavior Support Plan.[1][4][5] [6] [7]

Definitions

Students with disabilities - school-aged children who have been evaluated and found to have one or more disabilities as defined by the IDEA law, and who require, because of such disabilities, special education and related services. [2]

Suspensions from school - disciplinary exclusions from the school for a period of one (1) to ten (10) consecutive school days. [7] [8]

Expulsions from school - disciplinary exclusions from the school by the Joint Board Committee, for a period exceeding ten (10) consecutive school days and may include permanent exclusion from the school. The school shall coordinate actions involving

expulsions with the student's school district of residence as required by law or the agreement between the sending school district and the Joint Board Committee.[7][8]

Interim alternative educational settings - removal of a student with a disability from the student's current placement. Interim alternative educational settings may be used by school personnel for up to forty-five (45) school days for certain infractions committed by students with disabilities. The IEP team shall determine the interim alternative educational setting; however, this does not constitute a change in placement for a student with a disability.[5][9]

Authority

The Joint Board Committee directs that the school shall comply with provisions and procedural safeguards of the Individuals with Disabilities Education Act (IDEA) and federal and state regulations, and shall coordinate with the student's school district of residence when disciplining students with disabilities for violations of Joint Board Committee policy or school rules or regulations. No student with a disability shall be subjected to a disciplinary change in placement if the student's particular misconduct is a manifestation of **the student's** disability, except as allowed by law related weapons violations, dangerousness, drugs possession use or distribution. ~~However,~~ Under certain circumstances, in coordination with the student's school district of residence, a student with a disability may be placed in an interim alternative educational setting by school personnel or the IEP team could, if appropriate, change the student's educational placement to one which is more restrictive than the placement where the misconduct occurred.[4][5][9]

Provision of Education During Disciplinary Exclusions

During any period of expulsion, or suspension from the school for more than ten (10) cumulative days in a year, or placement in an interim alternative educational setting for disciplinary reasons, a student with a disability shall continue to receive a free and appropriate public education (FAPE), in accordance with law. The student's school district of residence shall be responsible to provide FAPE in the event of an expulsion from the school. [5][8][10]

Guidelines

Suspension From School

A student with a disability may be suspended for ten (10) consecutive and fifteen (15) cumulative days of school per school year, for the same reasons and duration as a student without a disability. Such suspension shall not constitute a change in the student's educational placement.[4][5][8][9][11]

Changes in Educational Placement/Manifestation Determinations

For disciplinary exclusions which constitute a change in educational placement, the school, in coordination with the student's school district of residence and IEP team, shall first determine whether the student's behavior is a manifestation of the student's disability. Expulsion, or exclusion from school for more than fifteen (15) cumulative days in a year, or patterns of suspensions for substantially identical behaviors constitute changes in educational placements requiring a manifestation determination. For students with intellectual disability, any disciplinary suspension or expulsion is a change in educational placement.[4][5]

A student with a disability whose behavior is not a manifestation of the student's disability may be disciplined in accordance with Joint Board Committee policy, school rules and regulations in the same manner and to the same extent as students without disabilities.[4][5] **[6]** **[7]**

Parent/Guardian Appeals From Disciplinary Actions/Request for Hearing by School for Students Who are a Danger to Themselves or Others

A due process hearing may be requested by a parent/guardian of a student with a disability who disagrees with a disciplinary placement or manifestation determination, or by the school, in coordination with the student's school district of residence, if the school believes that the current placement is substantially likely to result in injury to the student or others. On parent/guardian appeal, or when the school, in coordination with the student's school district of residence, requests a due process hearing, the hearing officer may return the student to the placement from which the student was removed or order the student's removal to an appropriate interim alternative educational setting for up to forty-five (45) school days if the hearing officer determines that maintaining the student's current placement is substantially likely to result in an injury to the student or others.[9][12]

Placement during appeals of disciplinary actions shall be in the interim alternative educational setting pending the decision of the hearing officer or expiration of the time period set for the disciplinary exclusion from the student's regular placement unless the school, school district of residence and the parent/guardian agree otherwise.[9][13]

Students Not Identified as Disabled/Pending Evaluation

Students who have not been identified as disabled may be subject to the same disciplinary measures applied to students without disabilities if the school did not have knowledge of the disability. If a request for evaluation is made during the period the student is subject to disciplinary measures, the school shall contact the student's school district of residence and an evaluation shall be expedited.[9][14]

Administrative Removal to Interim Alternative Educational Setting for Certain Infractions

School personnel shall contact the student's school district of residence and notify it of the need to remove a student with a disability, including intellectual disability, to an interim alternative educational setting for not more than forty-five (45) school days without regard to whether the behavior is determined to be a manifestation of the student's disability if the student:[5][9]

1. Carries a weapon to or possesses a weapon at the school, on school property or at school functions. For purposes of this provision, **weapon** is defined as a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than two and one-half (2 ½) inches in length.[5][9][15] **[16]**

2. Knowingly possesses or uses illegal drugs, as defined by law, or sells or solicits the sale of a controlled substance, as defined by law, while at the school, on school property or at school functions.[5][9][17] **[18]**

3. Has inflicted serious bodily injury upon another person while at the school, on school property or at school functions. For purposes of this provision, **serious bodily injury** means bodily injury which involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.[5][9][19]

School personnel shall provide the student's school district of residence with the supporting information necessary for the school district of residence and the student's IEP team to determine the interim alternative educational setting for the student.

Referral to Law Enforcement and Reporting Requirements

For reporting purposes, the term **incident** shall mean an instance involving an act of violence; the possession of a weapon; the possession, use or sale of a controlled substance or drug paraphernalia as defined in the Pennsylvania Controlled Substance, Drug, Device and Cosmetic Act; the possession, use or sale of alcohol or tobacco **products**; or conduct that constitutes an offense listed **in the school safety and security provisions of School Code**.[20][21][22]

The Administrative Director or designee shall immediately report required incidents and may report discretionary incidents committed on school property, at any school-sponsored activity or on a conveyance providing transportation to or from the school or a school-sponsored activity by a student with a disability, including a student for whom an evaluation is pending, to the **law enforcement agency** that has jurisdiction over the school's property, in accordance with state and federal laws and regulations, the procedures set forth in the memorandum of understanding with **law** enforcement and Joint Board Committee policies. The Administrative Director or designee, in coordination with the student's school district of residence, shall respond to such incidents in accordance with law and regulations and, if applicable, the procedures, methods and techniques defined in the student's Positive Behavior Support Plan.[1][3][6][9][16][18][20][22][23][24][25][26][27][28][29][30][31][32]

For a student with a disability who does not have a Positive Behavior Support Plan, subsequent to notification to law enforcement, the school shall contact the student's school district of residence to convene the student's IEP team to consider whether a Positive Behavior Support Plan should be developed to address the student's behavior, in accordance with law, regulations and Joint Board Committee policy.[1][3][25]

When reporting an incident committed by a student with a disability to the appropriate authorities, the school, in coordination with the student's school district of residence, shall provide the information required by state and federal laws and regulations and shall ensure that copies of the special education and disciplinary records of the student are transmitted for consideration by these authorities. The school shall ensure compliance with the Family Educational Rights and Privacy Act when transmitting copies of the student's special education and disciplinary records.[9][20][23][24][25][27][31][33][34][35][36]

In accordance with state law, the Administrative Director shall annually, by July 31, report to the **PA Department of Education** on the required form all new incidents committed by students with disabilities, including students for whom an evaluation is pending, which occurred on school property, at any school-sponsored activity or on a conveyance providing transportation to or from the school or a school-sponsored activity.[22][31][32]

PSBA Revision 9/24 © 2024 PSBA

Legal Footnotes

[1] 22 PA Code 14.133
LEGAL REFERENCE

[2] Pol. 113 — Special Education
POLICY REFERENCE

[3] Pol. 113.2
POLICY REFERENCE
Referenced policy is not available in this policy book.

[4] 22 PA Code 14.143
LEGAL REFERENCE

[5] 34 CFR 300.530
LEGAL REFERENCE

[6] Pol. 218 — Student Discipline
POLICY REFERENCE

[7] Pol. 233 — Suspension and Expulsion
POLICY REFERENCE

[8] 22 PA Code 12.6
LEGAL REFERENCE

[9] 20 U.S.C. 1415
LEGAL REFERENCE

[10] 20 U.S.C. 1412
LEGAL REFERENCE

[11] 34 CFR 300.536
LEGAL REFERENCE

[12] 34 CFR 300.532
LEGAL REFERENCE

[13] 34 CFR 300.533
LEGAL REFERENCE

[14] 34 CFR 300.534
LEGAL REFERENCE

[15] 18 U.S.C. 930
LEGAL REFERENCE

[16] Pol. 218.1 — Weapons
POLICY REFERENCE

[17] 21 U.S.C. 812
LEGAL REFERENCE

[18] Pol. 227 — Controlled Substances/Paraphernalia
POLICY REFERENCE

[19] 18 U.S.C. 1365
LEGAL REFERENCE

[20] 22 PA Code 10.2
LEGAL REFERENCE

[21] 35 P.S. 780-102
LEGAL REFERENCE

[22] 24 P.S. 1319-B
LEGAL REFERENCE

[23] **22 PA Code 10.21**
LEGAL REFERENCE

[24] **22 PA Code 10.22**
LEGAL REFERENCE

[25] **22 PA Code 10.23**
LEGAL REFERENCE

[26] **22 PA Code 10.25**
LEGAL REFERENCE

[27] **34 CFR 300.535**
LEGAL REFERENCE

[28] **Pol. 103.1 — Nondiscrimination — Qualified Students With Disabilities**
POLICY REFERENCE

[29] **Pol. 218.2 — Terroristic Threats**
POLICY REFERENCE

[30] **Pol. 222 — Tobacco and Vaping Products**
POLICY REFERENCE

[31] **Pol. 805.1**
POLICY REFERENCE
Referenced policy is not available in this policy book.

[32] **24 P.S. 1306.2-B**
LEGAL REFERENCE

[33] **20 U.S.C. 1232g**
LEGAL REFERENCE

[34] **34 CFR Part 99**
LEGAL REFERENCE

[35] **Pol. 113.3**
POLICY REFERENCE
Referenced policy is not available in this policy book.

[36] **Pol. 216 — Student Records**
POLICY REFERENCE

BOARD POLICY

218.1 Weapons

POLICY NUMBER	VERSION	DOCUMENT STATUS	PRINTED
218.1	v1.5	DRAFT	11/5/2026

Purpose

The Joint Board Committee recognizes the importance of a safe school environment relative to the educational process. Possession of weapons in the school setting is a threat to the safety of students and staff and is prohibited by law.

Definitions

Weapon - the term shall include but is not limited to any knife, cutting instrument, cutting tool, nunchaku, firearm, shotgun, rifle, replica of a weapon and any other tool, instrument or implement capable of inflicting serious bodily injury.[1][2]

Possession - a student is in possession of a weapon when the weapon is found on the person of the student; in the student's locker or assigned storage area; or under the student's control while on school property, on property being used by the school, at any school function or activity, at any school event held away from the school or while the student is coming to or from the school.

Authority

The Joint Board Committee prohibits students from possessing and bringing weapons and replicas of weapons into any school buildings, onto school property, to any school-sponsored activity and onto any vehicle providing transportation to or from the school or a school-sponsored activity, or while the student is coming to or from the school.[2][3] **[4]**

The Joint Board Committee shall, in coordination with the school district of residence, expel for a period of not less than one (1) year any student who violates this weapons policy. Such expulsion shall be given in conformance with formal due process proceedings required by law and Joint Board Committee policy.[2] **[5]** **[6]**

The Administrative Director may recommend modifications of such expulsion requirement on a case-by-case basis.[2]

In the case of a student with a disability, including a student for whom an evaluation is pending, the school shall take all steps required to comply with state and federal laws and regulations, the procedures set forth in the memorandum of understanding with law enforcement and Joint Board Committee policies.[2] **[5]** [7][8] **[9]** **[10]**[11]

Delegation of Responsibility

The Administrative Director or designee shall react promptly to information and knowledge concerning possession of a weapon. Such action shall be in compliance with state law and regulations and with the procedures set forth in the memorandum of understanding with the law enforcement agency that has jurisdiction over the school's property, and the school's emergency preparedness plan.**[11]** **[12]**[13] **[14]**

When the behavior of a student in possession of a weapon indicates a threat to the safety of the student, other students, school employees, school facilities, the community or others, staff shall report the student to the threat assessment team, in accordance with applicable law and Joint Board Committee policy.[15] **[16]**

Reporting

Law Enforcement Incident Report -

The Administrative Director or designee shall immediately report incidents involving weapons on school property, at any school-sponsored activity or on a conveyance providing transportation to or from the school or a school-sponsored activity to the law enforcement agency that has jurisdiction over the school's property, in accordance with state law and regulations, the procedures set forth in the memorandum of understanding with law enforcement and Joint Board Committee policies.[2] **[11]** [13][17][18][19]

Parental Report - Direct Involvement -

The Administrative Director or designee shall notify the parent/guardian of any student directly involved in an incident involving weapons as a victim or suspect immediately, as soon as practicable. The Administrative Director or designee shall inform the parent/guardian whether or not the law enforcement agency that has jurisdiction over the school property has been or may be notified of the incident. The Administrative Director or designee shall document attempts made to reach the parent/guardian.[11][12][18][20]

Additional Parental and Employee Notifications -

The Administrative Director or designee shall, in accordance with applicable law, ensure notification of an incident involving possession of a weapon on school property, at a school-sponsored activity or on a conveyance providing transportation to or from a school or school-sponsored activity, to employees and parents/guardians of students, as follows:[12][21]

1. **Incident occurring at BCTHS- Notification to parents/guardians of students enrolled in or attending BCTHS and all employees assigned to that school.**

2. ~~**Incident occurring at a center (school) building that share a campus with other center (school) buildings - Notification to parents/guardians of students enrolled or attending and center (school) employees assigned to any building on the shared campus.**~~
3. **Incident occurring at a school-sponsored activity or on a public conveyance providing transportation to or from a school or school-sponsored activity - Notification to the appropriate population of parents/guardians and school employees. Notification is not required if the incident is not directly related to the school-sponsored activity or the students or staff involved in the activity.**

Such notification(s) must occur within twenty-four (24) hours of the incident using a method of communication likely to reach designated parents/guardians and employees, unless the circumstances of the incident necessitate otherwise.[12]

Three Tier Notification System

BCTHS shall use a three-tier notification system to match communication to the level of concern. The Administrative Director or designee shall determine the tier based on the item involved and the circumstances. All three tiers remain subject to the notification requirements above, including the twenty-four (24) hour timeframe unless circumstances necessitate otherwise. Notice is required even when an incident is resolved safely and no ongoing threat is identified. The tiers do not change disciplinary requirements, threat assessment responsibilities, or required reporting to law enforcement.[12]

Tier 1 Minimal Impact Incident

Incidents involving prohibited items that were not brought with harmful intent, were not displayed or used, and posed minimal immediate risk. These situations are often accidental.

Examples may include a small pocketknife unintentionally left in a backpack or a plastic or foam replica, such as a toy sword or costume prop, when possession violates law or this policy.

Tier 2 Elevated Concern

Incidents involving items capable of causing harm that were accessible, visible, or handled irresponsibly, but were not used to threaten or injure others.

Examples may include a large knife found in a backpack, a box cutter or razor blade shown to another student, or a realistic-looking replica weapon, when the circumstances do not require Tier 3.

Tier 3 Major Incident

Serious incidents involving firearms, BB or airsoft guns, other high-risk weapons, or any item used, displayed, or referenced in a threatening manner, whether or not anyone was injured.

Examples may include possession of a firearm, a weapon used to threaten or intimidate, or a credible statement of intent to use a weapon. Credible threats shall receive an appropriate safety response even when possession has not been confirmed.

Notification Content and Confidentiality

Notifications shall provide factual information about what occurred, the steps taken, and whether an ongoing safety concern exists. Not every notice signals an emergency or harmful intent. When there is an immediate safety concern, BCTHS shall also issue emergency communications under its emergency preparedness plan.[12] [14]

Community notices shall not identify students. As required by law and subject to the Family Educational Rights and Privacy Act, employees to whom the student found in possession of a weapon is assigned shall separately receive the student's identity and the portion of the student's records related to the incident.[12][21]

The school shall keep a record of the tier, notices sent, recipients, communication methods, and notification times. Tier selection shall not delay required notice. These provisions do not delay required law enforcement reporting, replace emergency response procedures, or supersede a collective bargaining agreement.[12]

Annual School Safety and Security Incidents Report -

In accordance with state law, the Administrative Director shall annually, by July 31, report all incidents involving possession of a weapon to the PA Department of Education on the required form.[11][13][17]

Guidelines

The building administrator shall annually inform staff, students and parents/guardians about the Joint Board Committee policy prohibiting weapons and about their personal responsibility for the health, safety and welfare of the school community.

An exception to this policy may be made by the Administrative Director, in accordance with law, who shall prescribe special conditions or procedures to be followed.[2]

{ } In accordance with federal law, possession or discharge of a firearm in, on or within 1,000 feet of school grounds is prohibited. Violations shall be reported to the appropriate law enforcement agency.[22][23]

Transfer Students

When the school receives a student who transfers from a public or private school during an expulsion period for an offense involving a weapon, the school may assign that student to an alternative assignment or may provide alternative education, provided the assignment does not exceed the expulsion period.[2]

NOTES:

Gun-Free School Zone Act was found unconstitutional – change language to read "In accordance with federal law, . . ." and keep cites to 18 U.S.C. Sec. 921, 922.

The "replica of a weapon" language in the policy definition of "weapon" is not included in School Code 1301-A or 1317.2; it was included because PSBA and solicitors agree that school entities may define "weapon" through policy based on their needs—that language was included as a recommendation from a school safety standpoint, since it is often difficult to tell whether a weapon, particularly a gun, is real or a model.

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Legal Footnotes

[1] **24 P.S. 1301-A**
LEGAL REFERENCE

[2] **24 P.S. 1317.2**
LEGAL REFERENCE

[3] **24 P.S. 1850.1**
LEGAL REFERENCE

[4] **Pol. 218 — Student Discipline**
POLICY REFERENCE

[5] **Pol. 113.1 — Discipline of Students With Disabilities**
POLICY REFERENCE

[6] **Pol. 233 — Suspension and Expulsion**
POLICY REFERENCE

[7] **20 U.S.C. 1400 et seq**
LEGAL REFERENCE

[8] **22 PA Code 10.23**
LEGAL REFERENCE

[9] **Pol. 103.1 — Nondiscrimination — Qualified Students With Disabilities**
POLICY REFERENCE

[10] **Pol. 113.2**
POLICY REFERENCE
Referenced policy is not available in this policy book.

[11] **Pol. 805.1**
POLICY REFERENCE
Referenced policy is not available in this policy book.

[12] **24 P.S. 1303.2-A**
LEGAL REFERENCE

[13] **24 P.S. 1319-B**
LEGAL REFERENCE

[14] **Pol. 805 — Emergency Preparedness and Response**
POLICY REFERENCE

[15] **24 P.S. 1302-E**
LEGAL REFERENCE

[16] **Pol. 236.1**
POLICY REFERENCE
Referenced policy is not available in this policy book.

[17] **24 P.S. 1306.2-B**
LEGAL REFERENCE

[18] **22 PA Code 10.2**
LEGAL REFERENCE

[19] **22 PA Code 10.21**
LEGAL REFERENCE

[20] **22 PA Code 10.25**
LEGAL REFERENCE

[21] **20 U.S.C. 1232g**
LEGAL REFERENCE

[22] **18 U.S.C. 921**
LEGAL REFERENCE

[23] **18 U.S.C. 922**
LEGAL REFERENCE

BOARD POLICY

233 Suspension and Expulsion

POLICY NUMBER	VERSION	DOCUMENT STATUS	PRINTED
233	v1.6	DRAFT	11/10/2026

Purpose

The Joint Board Committee recognizes that exclusion from the instructional program of the school, whether by suspension or expulsion, is the most severe sanction that can be imposed on a student and one that cannot be imposed without due process. The Joint Board Committee shall define and publish the types of offenses that would lead to exclusion from the school. Exclusions affecting students with disabilities shall be governed by applicable state and federal law and regulations.[1][2][3][4][5]

Authority

The Joint Board Committee may, after a proper hearing, suspend or expel a student for such time as it deems necessary, or may permanently expel a student.[1][6][7]

Guidelines

Exclusion From School - Suspension

The principal or designee may suspend any student for disobedience or misconduct for a period of one (1) to ten (10) consecutive school days and shall immediately notify the parent/guardian and the Administrative Director or designee in writing when the student is suspended.[1][6]

No student may be suspended without notice of the reasons for which **the student** is suspended and an opportunity to be heard on **their** own behalf before the school official who holds the authority to reinstate the student. Prior notice is not required where it is clear that the health, safety or welfare of the school population is threatened. Suspensions may not be made to run consecutively beyond the ten-school day period.[1]

When a suspension exceeds three (3) school days, the student and parent/guardian shall be given the opportunity for an informal hearing with the building administrator. Such hearing shall take place as soon as possible after the suspension, and the school shall offer to hold it within the first five (5) days of the suspension. **[1]**[7]

Informal hearings under this provision shall be conducted by the

{X} building administrator.

~~{ } Administrative Director.~~

~~{ } person in charge of the center (school).~~

Purpose of Informal Hearing

The purpose of the informal hearing is to permit the student to explain the circumstances surrounding the event leading to the suspension, to show why the student should not be suspended and to discuss ways to avoid future offenses.[7]

Due Process Requirements for Informal Hearing[7]

1. The student and parent/guardian shall be given written notice of the reasons for the suspension.
2. The student and parent/guardian shall receive sufficient notice of the time and place of the informal hearing.
3. The student may question any witnesses present at the informal hearing.
4. The student may speak and produce witnesses who may speak at the informal hearing.
5. The school shall offer to hold the informal hearing within five (5) days of the suspension.

Exclusion From Class - In-School Suspension

No student may receive an in-school suspension without notice of the reasons for which **the student** is suspended and an opportunity to be heard prior to the time the suspension becomes effective. The parent/guardian shall be informed of the suspension action taken by the school.[2]

Should the in-school suspension exceed ten (10) consecutive school days, the student and parent/guardian shall be offered an informal hearing with the building administrator. Such hearing shall take place prior to the eleventh day of the in-school suspension. The procedure shall be the same as the procedure for informal hearings held in connection with out-of-school suspensions.[2][7]

The school shall provide for the student's education during the period of in-school suspension.

Expulsion

Expulsion is exclusion from school by the Joint Board Committee for a period exceeding ten (10) consecutive school days. The Joint Board Committee may permanently expel from the school's rolls any student whose misconduct or disobedience warrants this sanction. No student shall be expelled without an opportunity for a formal hearing before

~~{ } the Joint Board Committee,~~

{X} a duly authorized committee of the Joint Board Committee,

~~{ } a qualified hearing examiner appointed by the Joint Board Committee,~~

and upon action taken by the Joint Board Committee after the hearing.[1][6][7]

Expulsion Hearings

A formal hearing shall be required in all expulsion actions.[1][6][7][8]

The formal hearing shall observe the due process requirements of:[7]

1. Notification of the charges in writing by certified mail and email to the student's parent/guardian.
2. At least three (3) days' notice of the time and place of the hearing, which shall include a copy of this policy, hearing procedures and notice of the right to representation by legal counsel. A student may request the rescheduling of the hearing when **the student** demonstrates good cause for an extension.

3. The hearing shall be private unless the student or parent/guardian requests a public hearing.

4. Representation by counsel at the parent's/guardian's expense and parent/guardian may attend the hearing.

5. Disclosure of the names of witnesses against the student and copies of their written statements or affidavits.

6. The right to request that witnesses against the student appear in person and answer questions or be cross-examined.

7. The right to testify and present witnesses on the student's behalf.

8. A written or audio record shall be kept of the hearing and a copy made available to the student at the student's expense, or at no charge if the student is indigent.

9. The hearing shall be held within fifteen (15) school days of the notice of charges, unless a delay is mutually agreed to by both parties or is delayed by:

    a. The need for laboratory reports from law enforcement agencies.

    b. Evaluations or other court or administrative proceedings are pending due to a student's invoking **their** rights under the Individuals with Disabilities Education Act (IDEA).

    c. Delay is necessary due to the condition or best interests of the victim in cases of juvenile or criminal court involving sexual assault or serious bodily injury.

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 Joint Board Committee has acted to expel a student. The adjudication may include additional conditions or sanctions.[9]

Attendance/School Work During Suspension and Prior to Expulsion

Students serving an out-of-school suspension must make up missed exams and work, and shall be permitted to complete assignments pursuant to established guidelines.[1] **[10]**

Students who are facing an expulsion hearing must be placed in their normal classes if the formal hearing is not held within the ten-school day suspension.

If it is not possible to hold the formal hearing within the first ten (10) school days, the school may exclude such a student from class for up to five (5) additional – fifteen (15) total – school days if, after an informal hearing, it is determined that the student's presence in **their** normal class would constitute a threat to the health, safety or welfare of others.

Any further exclusion prior to a formal hearing may be only by mutual agreement. Such students shall be given alternative education, which may include home study.

Attendance/School Work After Expulsion

Students who are under **eighteen (18)** years of age are still subject to compulsory school attendance even though expelled and shall be provided an education.[1] **[10]** [11]

The parent/guardian has the initial responsibility of providing the required education and shall, within thirty (30) days, submit written evidence to the school district of residence and BCTHS that the required education is being provided or that they are unable to do so. If the parent/guardian is unable to provide for the required education, the school district of residence shall, within ten (10) days of receipt of the parent's/guardian's notification, make provision for the student's education.

Students With Disabilities

A student with a disability shall be provided educational services as required by state and federal laws and regulations and Joint Board Committee policies. **[12]** **[13]**

Delegation of Responsibility

The Administrative Director or designee shall develop administrative regulations to implement this policy which include:

1. Publication of a Code of Student Conduct, in accordance with Joint Board Committee policy on student discipline. **[14]**

2. Procedures that ensure due process when a student is being deprived of the right to attend school.

3. Regulations regarding student records which require that records of disciplinary suspension be maintained in accordance with Joint Board Committee policy on student records. [15] [16]

4. The name of a student who has been disciplined shall not become part of the agenda or minutes of a public meeting, nor part of any public record of the Joint Board Committee. Such students may be designated by code.

5. Any student who has been expelled may apply for readmission to the school, subject to the school's admissions process, and upon such conditions as may be imposed by the Joint Board Committee.

PSBA Revision 12/22 © 2022 PSBA

Legal Footnotes

[1] 22 PA Code 12.6
LEGAL REFERENCE

[2] 22 PA Code 12.7
LEGAL REFERENCE

[3] 22 PA Code 14.143
LEGAL REFERENCE

[4] 20 U.S.C. 1400 et seq
LEGAL REFERENCE

[5] 34 CFR Part 300
LEGAL REFERENCE

[6] 24 P.S. 1318
LEGAL REFERENCE

[7] 22 PA Code 12.8
LEGAL REFERENCE

[8] 2 Pa. C.S.A. 101 et seq
LEGAL REFERENCE

[9] 2 Pa. C.S.A. 101
LEGAL REFERENCE

[10] Pol. 204 — Attendance
POLICY REFERENCE

[11] 24 P.S. 1326
LEGAL REFERENCE

[12] Pol. 113 — Special Education
POLICY REFERENCE

[13] Pol. 113.1 — Discipline of Students With Disabilities
POLICY REFERENCE

[14] Pol. 218 — Student Discipline
POLICY REFERENCE

[15] Pol. 216 — Student Records
POLICY REFERENCE