

## ***Due Process Summary (to be included in Culture Section of Handbook)***

In the event that a student violates the code of conduct the student is always given the opportunity to respond to his/her side of the story by the School Director / Dean of Students / Director of Culture.

*\*\*Exception to the rule: 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.*

### Suspensions:

In the event of a suspension, written notice of suspension will be prepared for parents and given to student. The notice of suspension must contain reasons for suspension.

If the suspension is for more than three (3) days, the student and parent have the right to an informal hearing with School Director / Dean of Students / Director of Culture. For all suspensions, 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.

### Expulsions:

Expulsion is exclusion from school for more than 10 days. Expulsions require a formal hearing and decision from the Board of Trustees to expel a student.

In the event of a recommendation for expulsion, notification of the charges will be sent to the student's parents/guardian by certified mail. The hearing will be held in private unless the student or parent requests a public hearing. During the hearing,

1. The student will have the right to be represented by counsel.
2. The student will have the right to be notified of the names of the witnesses against the student, and copies of the statements and affidavits, if any, of those witnesses.
3. The student will have the right to request that any such witnesses appear in person and answer questions or be cross-examined. (If witness is a minor, parental consent is required and must be given before the minor can appear)
4. The student will have the right to testify and present witnesses on his own behalf.
5. A record will be kept of the hearing, either by stenographer or by tape recorder.

### Appeals

A parent or guardian may make a written request to the School Director to appeal a disciplinary action, including, but not limited to short-term and long-term suspensions and expulsions within twenty-four hours of receiving notification of the disciplinary action. Below are the steps to the appeal process:

1. Appeal to School
2. Appeal to Disciplinary Committee
3. Appeal to Board of Trustees

For more details on Suspensions, Expulsions and Appeals, please see the Due Process policy in Appendix XXX.

## ***Due Process (full text available in Handbook appendix)***

### **Authority of School Administration**

Every teacher, designated supervisory personnel and/or school administrator, has the right to exercise the same authority as to the conduct and behavior over the pupils during the time they are in attendance at school, including traveling to and from school, as the parents or guardians may exercise over them.

**When a student violates the student code of conduct with a Level 2 or 3 Behavior Offense at school, the following procedures must be followed by school staff.**

### **When the Incident Occurs**

Student must be brought to School Director / Dean of Students / Director of Culture or other administrator in charge. The dean or administrator must inform the student of the complaint against him/her. The student must be given an opportunity to respond with his/her side of story.

*\*\*Exception to the rule: 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.*

If the violation of code of conduct results in a suspension, written notice of suspension will be prepared for parents and given to student.

The notice of suspension must contain reasons for suspension. If for more than three (3) days, see below.

### **Suspension**

For suspensions of 4 to 10 days (*suspensions may not be made to run consecutively beyond the 10 school day period*)

- 1) Student and parent have the right to an informal hearing with School Director / Dean of Students / Director of Culture
- 2) Informal hearing requirements:
  - a. The informal hearing is meant to encourage the student's parents/guardian to meet with the School Director / Dean of Students / Director of Culture to discuss ways by which future offenses can be avoided.
  - b. The steps below will be followed to ensure due process:
    - i. The student and the parent/guardian will be notified in writing as to the reasons for the suspension.
    - ii. Sufficient notice will be provided with notice of the time and place of the informal hearing.
    - iii. A student has the right to question any witnesses present at the informal hearing, and has the right to speak and produce witnesses on his/her own behalf.
    - iv. The informal hearing will be held within the first 5 days of the suspension.

For all suspensions, 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.

### **Due Process Expulsion Procedures:**

**In the case that a student is recommended for expulsion, the following procedures must be followed.**

1. A Board of Trustees decision is required to expel a student.
  - a. Expulsion is exclusion from school for more than 10 days. All expulsions require a prior formal

- hearing.
- b. In the event that the Board of Trustees decides to expel a student, the Board of Trustees will also determine the length of expulsion. Expulsions may be any length of time longer than 10 days or permanent.
  - c. During the period prior to the hearing and decision of the Board of Trustees in an expulsion case, the student, unless on suspension, shall be placed in his normal class except:
    - i. 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
    - ii. If 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.
    - iii. Students may not be excluded from school for more than 15 school days unless mutually agreed upon by the school and parent/guardian. Any student excluded for more than 15 days will be provided with alternative education, which may include home study.
2. Notification of the charges will be sent to the student's parents/guardian by certified mail. Notice should also be sent to the Secretary of the Board of Trustees.
  3. Parents will be provided with sufficient notice of the time/place of the hearing.
  4. The hearing will be held in private unless the student or parent requests a public hearing.
  5. The student will have the right to be represented by counsel.
  6. The student will have the right to be notified of the names of the witnesses against the student, and copies of the statements and affidavits, if any, of those witnesses.
  7. The student will have the right to request that any such witnesses appear in person and answer questions or be cross-examined. (If witness is a minor, parental consent is required and must be given before the minor can appear)
  8. The student will have the right to testify and present witnesses on his own behalf.
  9. A record will be kept of the hearing, either by stenographer or by tape recorder.
  10. The proceeding will be held with all reasonable speed.
  11. In the event that the Board of Trustees decides to expel a student, they will state the length of expulsion (any length of time more than 10 days or permanent) along with their decision.
  12. In the event the student is dissatisfied with the results of the hearing, an appeal may be filed in accordance with the Local Agency Law to the Court of Common Pleas within thirty (30) days of receipt of that Adjudication. If it is alleged that a constitutional issue is involved, the student may be able to file a claim for relief in the Federal District Court. Students and their parents/guardians will be apprised of these rights. See Appeals Process section below.

### Description of the due process hearing

Due process hearings will be facilitated by a duly authorized committee of the Board of Trustees or a duly qualified hearing examiner, who need not be a member of the Board of Trustees (herein called Hearing Committee). The Hearing Committee will be responsible for making a recommendation to the Board of Trustees as to the expulsion of the student; the final decision regarding the student's expulsion must be made and approved by a vote of the Board of Trustees. The Hearing Committee shall not have intimate knowledge of the details of the charges in advance of the due process hearing to assure an impartial, unbiased hearing of the case.

At the beginning of the hearing, the Hearing Committee shall inform the student and the student's representative(s) that:

- 1) The School's and the student's representatives shall have the right to examine and cross-examine witnesses; The student has the privilege against self-incrimination, but that if the student does testify, he/she shall be subject to cross-examination; The Young Scholars 'School' has the burden of proving the charges by a preponderance of the credible evidence;
- 2) A transcript or recording of the proceedings shall be maintained and made available to the student's

representative upon request; and the hearing shall be private or open to the public, as determined by the student's representative.

The hearing will proceed as follows:

- 1) The School presents its evidence through witnesses and other evidence;
- 2) The School's witnesses shall be subject to cross-examination by the student's representative;
- 3) The student will then have the opportunity to present witnesses on his/her behalf, subject to cross-examination by the School's representative.
- 4) Following the conclusion of the testimony and the introduction of other evidence matters, the parties shall be afforded the opportunity to present oral arguments to the Hearing Committee indicating the reasons why the charges should be sustained or dismissed.
- 5) The Hearing Committee will make a recommendation to the Board of Trustees as to the expulsion of the student and the length of any such expulsion.
- 6) The final decision regarding the student's expulsion, as well as the length of any such expulsion, must be made and approved by a vote of the Board of Trustees.

### Student Rights

This policy sets forth guidelines by which student rights are to be determined consistent with law.

1. The Board of Trustees has the authority and responsibility to establish reasonable rules and regulations for the conduct and deportment of students of this school. At the same time, no student shall be deprived of equal treatment and equal access to the educational program, due process, a presumption of innocence, and free expression and association in accordance with these guidelines.
2. Attendant upon the rights established for each student are certain responsibilities, which include respect for the rights of others, obedience to properly constituted school authority and compliance with the rules and regulations of this school.
3. A student who has reached the age of 18 years possesses the full rights of an adult and may authorize those school matters previously handled by his/her parents.
4. The School Director / Dean of Students shall observe the disciplinary procedures consistent with law and Board of Trustees policy to ensure that student rights under varying conditions are properly respected.

### Appeal Process

A parent or guardian may make a written request to the School Director to appeal a disciplinary action, including, but not limited to short-term and long-term suspensions and expulsions within twenty-four hours of receiving notification of the disciplinary action.

#### Step 1: Appeal to School (for expulsion skip to Step 2)

The School Director will schedule the Appeal Hearing within two days of receiving the written request. The student may be represented at the hearing only by parents or guardians and one additional adult, who may be legal counsel, a member of the clergy, a social worker, etc. The hearing will be conducted by the School Director. The hearing shall be closed to the public and may include the presentation of evidence, testimony, and questioning of those present. The hearing will not be recorded verbatim by stenographic, tape, or other means. The School Director will notify the parent or guardian of the decision within 24 hours of the Appeal Hearing. If the disciplinary decision (suspension/expulsion/etc.) is overturned, the cumulative record of the student and any other school-maintained records will reflect that conclusion.

#### Step 2: Appeal to Disciplinary Committee

If the disciplinary decision is upheld and the parent or guardian wants to continue the appeal process, the parent or

guardian may make a written request to the Young Scholars 'School' CS Discipline Committee within two days of receiving the School Director's Appeal Hearing decision, stating why the suspension should be reversed or modified. The Hearing Officer will schedule the Appeal Hearing within two days of receiving the written request. The student may be represented at the hearing only by parents or guardians and one additional adult, who may be legal counsel, a member of the clergy, a social worker, etc.

The hearing will be conducted by the Young Scholars 'School' CS Discipline Committee. The Discipline Committee (as determined by the School Director) will have a minimum of three (3) members and include at one (1) member of the Scholar Academies Home Office. If the student has an IEP, the Home Office representative must be a special education expert. The hearing shall be closed to the public and may include the presentation of evidence, testimony, and questioning of those present. The hearing will not be recorded verbatim by stenographic, tape, or other means. The Young Scholars 'School' CS Discipline Committee will notify the parent or guardian of the decision within 24 hours of the Appeal Hearing. If the disciplinary decision (suspension/expulsion) is overturned, the cumulative record of the student and any other school-maintained records will reflect that conclusion.

### Step 3: Appeal to Board of Trustees

If the disciplinary decision (suspension/expulsion) is upheld and the parent or guardian wants to continue the appeal process, the parent or guardian make a written request to the Young Scholars 'School' CS Board of Trustees, stating why the suspension should be reversed or modified within two days of receiving the Young Scholars 'School' CS Discipline Committee Appeal Hearing decision. The Hearing Officer will schedule the Appeal Hearing within two days of receiving the written request. The student may be represented at the hearing only by parents or guardians and one additional adult, who may be legal counsel, a member of the clergy, a social worker, etc. The hearing will be conducted by one or more representatives from the Young Scholars 'School' CS Board of Trustees. The hearing shall be closed to the public and may include the presentation of evidence, testimony, and questioning of those present. The hearing will not be recorded verbatim by stenographic, tape, or other means. The Young Scholars 'School' CS Board of Trustees will notify the parent or guardian of the decision within 24 hours of the Appeal Hearing. If the disciplinary decision is overturned, the cumulative record of the student and any other school-maintained records will reflect that conclusion. If the Young Scholars 'School' CS Board of Trustees upholds the disciplinary action, the disciplinary action shall be imposed, and such decision will be final.