

Student Discipline – Diplomas Issued to Expelled Students

On January 22, 2001, the Commonwealth Court in *Ream v. Centennial School District*, 765 A.2d 1195 (Pa. Commw. Ct. 2000) confirmed that a student who completes all required courses of instruction in high school is entitled to graduate and receive a diploma, notwithstanding an expulsion for possession of drugs on school property.

In the *Ream* case, the student was found with drugs in her car on school property in May, 1999. An informal hearing was held, resulting in her suspension being extended to ten days and an expulsion recommended. While the student was on suspension, awaiting her expulsion hearing, the district provided instruction by home tutoring. In addition, the student was allowed to take final exams, which occurred prior to the expulsion hearing on June 15, 1999.

At the expulsion hearing, the student argued that she had completed all of her course work, examinations, and other requirements for graduation and should, therefore, be awarded her diploma. The board expelled the student and voted to deny her a diploma. The County Court and the Commonwealth Court both agreed with the student and ordered that the district issue her a diploma.

The *Ream* decision is not surprising, given that the Pennsylvania Supreme Court reached the same conclusion in 1991 in the case of *Shuman v. Cumberland Valley School District*, 527 Pa. 658, 593 A.2d 428 (1991). However, the teaching point of *Ream* is found in a footnote to the court's opinion. In the footnote, the court pointed out that the district had other options whereby it lawfully could have denied issuing a diploma. For example, the district could offer home tutoring to suspended students without administering final examinations until there is an outcome of the expulsion hearing. The court noted that in this way, if the student is exonerated, they receive their diploma in a timely fashion, while the diploma may be denied to those who are not exonerated.

The Commonwealth Court's footnote reinforces suggestions that we have made in the past that if a district wants to avoid the *Ream* situation, the student discipline policy should be revised to include that receipt of a diploma is contingent upon, among other things, good behavior up to and including the graduation ceremony, in addition to a provision such as suggested by the *Ream* court that a student who is pending an expulsion hearing at the end of the year can be prevented from taking final examinations until the expulsion hearing is held. We recommend that districts re-examine their student discipline policies to determine whether changes are need in light of the *Ream* decision.

Clients who have questions regarding issues discussed in this article, or any education law matter, should feel free to call us at 215-345-9111.