

**WC** WEST CHESTER AREA  
SCHOOL DISTRICT

**DISCIPLINE  
&  
RECORDS POLICY**

**2018-19 School Year**



West Chester Area School District  
782 Springdale Drive, Exton, PA 19341  
Phone: 484-266-1000 ~ Website: [www.wcasd.net](http://www.wcasd.net)

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# 2018-19 DISCIPLINE & RECORDS POLICY

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# **WEST CHESTER AREA SCHOOL DISTRICT**

## **DISCIPLINE & RECORDS POLICY**

### **2018-19 SCHOOL YEAR**

#### **RESPECTING MEMBERS OF THE SCHOOL COMMUNITY**

The fundamental premise of Board policy and guidelines related to student discipline is that students will show tolerance to all members of the school community. The Board shall adopt a Code of Student Conduct/Disciplinary Action Schedule to govern student discipline, and students shall not be subject to disciplinary action because of race, sex, color, religion, sexual orientation, national origin, or handicap/disability. Each student must adhere to Board policies and the Code of Student Conduct/Disciplinary Action Schedule governing student discipline.

#### **SOME BASIC UNDERSTANDINGS**

The West Chester Area School Board has the authority to make reasonable and necessary rules governing the conduct of students in school. Provided by Section 1317 of the School Code of the Commonwealth of Pennsylvania: Authority of Teachers, Vice Principals and Principals over Pupils; every teacher, vice principal and principal in the public schools shall have the right to exercise the same authority as to conduct and behavior over the pupils as their parents, guardians or person in parental relation with the student when: (a) attending school including technical college high schools; (b) during the time they are going to and from their homes to school or technical college high schools; and (c) when attending school sponsored events and activities either as a participant or spectator.

- Teachers have the responsibility to maintain a suitable environment for learning, and the administrators have the responsibility for maintaining and facilitating the educational programs.
- The principal is authorized by statute to suspend students for cause.
- Rules and regulations shall be published and reviewed with students at the opening of each school year and shall be posted in prominent locations throughout each school. Copies shall be available in each school library and also to students and parents upon request.
- The principal shall be responsible for informing both parents and students of school rules and regulations at the opening of the school year.

- The teacher has the authority to send a student from a class to an appropriate school official for cause.
- Teachers and school administrators shall administer discipline within federal and state statutes, regulations and guidance, and other specific policies relating to student behavior and discipline as adopted by the Board.

In order that infractions of the rules established for student conduct may be treated equitably and consistently, the Board has approved a Disciplinary Action Schedule for the District's schools.

The intent of this schedule is to provide students with a definition of the limits of acceptable behavior, and to equip teachers and school administrators for their disciplinary responsibilities. **The schedule shall be interpreted by the principals and their designees in a manner which they deem just, given the circumstances of the individual case.** Additionally, students must understand that administrators shall have the authority to enforce other reasonable disciplinary action which they find warranted by situations not covered.

## WHY DISCIPLINE?

Discipline should, as a minimum, have three objectives in mind:

- PRESERVE the optimum environment in which to deliver instructional services.
- RESPOND to disruptive influences with corrective measures in a firm and consistent manner while attempting to correct deviant behavior and keep disrupters in school.
- REMOVE, as a last resort, the disrupters from the educational environment so that the majority may pursue their educational goals.

As present law now stands, it is the responsibility of the Board to continue with the education of the student until age 17, whether in the formal educational setting or in a setting outside that environment.

## STUDENT RIGHTS & RESPONSIBILITIES

The West Chester Area School District recognizes that it has the responsibility to assure students the legal rights that are theirs by virtue of guarantees offered to all persons under the federal/state constitutions and statutes. In connection with rights are responsibilities that must be assumed by students.

It is the Board's belief that as part of the educational process, the students

of the District should be made aware of their legal rights and also the legal authority of the Board to make or delegate authority to employees of the District to make rules and regulations regarding the orderly operation of schools.

Student rights include, but are not limited to:

1. Civil rights, including the rights to equal educational opportunity and freedom from discrimination;
2. The right to attend free public schools;
3. The right to due process of the law with respect to suspensions, expulsions, and unreasonable searches and seizures;
4. The right to not be subject to corporal punishment;
5. The right to free inquiry and expression which implies the right of a person to decline to recite the Pledge of Allegiance and salute the flag; and
6. The right to privacy, which implies the right of a person to dress and/or groom as he/she pleases within certain limits.

Student responsibilities include, but are not limited to:

1. The responsibility to attend school as required by law;
2. The responsibility to observe school rules, regulations and policy, as well as federal, state and local laws;
3. The responsibility to work with the administration and faculty to develop a climate within the school that is conducive to learning;
4. The responsibility to respect the rights of administrators, faculty, students and all others who are involved in the educational process;
5. The responsibility not to interfere with the education of other students;
6. The responsibility to assist the school staff in operating a safe school;
7. The responsibility not to discriminate against others;
8. The responsibility to observe reasonable rules regarding free inquiry and expression; and
9. The responsibility to exercise proper care when utilizing public facilities and equipment.

## **STUDENT INTEGRITY (POLICY 218.3)**

The West Chester Area School District supports students' learning and academic achievement by encouraging them to produce academic work that is their own best efforts, done with integrity, and displaying the best academic ethical behavior. Academic dishonesty and plagiarism are unacceptable and those engaged in such acts will face disciplinary consequences.

Violations shall subject students to disciplinary action as outlined herein. This covers all school-related tests, quizzes, and in and out of class assignments and projects.

Plagiarism is defined as intentionally or unintentionally stealing and using the idea, structure, language, context or writings of another as one's own without crediting the original author through parenthetical documentation, footnotes or bibliography.

Academic dishonesty is defined as the act of cheating or participating in an act of unacceptable behavior in relation to academic expectations, class assignments, curriculum assessments or any material that contributes to a course grade. Academic dishonesty includes, but is not limited to, a student copying an assignment or test and submitting it as his/her own; allowing someone to copy an assignment or test and submit it as his/her own; unauthorized use of or communicating with notes, calculators, computers, textbooks, cell or smart phones, or any other electronic device during an exam or assignment; telling other students what is on a test or quiz or providing specific questions or answers; submitting the same work in two (2) or more courses without permission from the teachers; working with others on a project that was assigned individually; or securing answers in any other dishonest manner.

When academic dishonesty or plagiarism takes place at the elementary school level, it shall be addressed by the classroom teacher on an individual basis.

When academic dishonesty or plagiarism takes place at the middle or high school levels, it shall be reported by the teacher to the building principal.

<b>Middle School Action Schedule for Plagiarism and Academic Dishonesty</b>	
1st Offense	Zero on the assignment/project/test and parent/guardian notification
2nd Offense	Zero on the assignment/project/test and discipline for a Level II offense as set forth the middle school administrative action schedule in Policy 218
3rd and Subsequent Offenses	Zero on the assignment/project/test, and discipline for a third or subsequent Level II offense as set forth in the middle school administrative action schedule in Policy 218

The building principal may, if he/she considers an act of plagiarism or academic dishonesty sufficiently severe or disruptive to the school environment or a threat to the health, safety or welfare of others, treat any offense as a Level III offense, resulting in discipline for Level III offenses as

set forth in the middle school administrative action schedule in Policy 218.

<b>High School Action Schedule for Plagiarism and Academic Dishonesty*</b>	
1st Offense	Zero on the assignment/project/test and parent/guardian notification
2nd Offense	Zero on the assignment/project/test and discipline for a Level II offense as set forth in the High School Administrative Action Schedule in Policy 218
3rd and Subsequent Offenses	Zero on the assignment/project/test and discipline for a third or subsequent Level II offense as set forth in the High School Administrative Action Schedule in Policy 218

The building principal may, if he/she considers an act of plagiarism or academic dishonesty sufficiently severe or disruptive to the school environment or a threat to the health, safety or welfare of others, treat any offense as a Level III offense, resulting in discipline for Level III offenses as set forth in the high school administrative action schedule in Policy 218.

If a student is found to have committed academic dishonesty or plagiarism, the National Honor Society advisor will be notified.

## **ELEMENTARY STUDENT EXPECTATIONS**

### **I. ELEMENTARY CODE OF CONDUCT:**

- Students will respect everyone's right to learn
- Students will choose ways to resolve conflict without fighting
- Students will accept others for who they are and respect differences
- Students will show proper respect for:
  - ✓ Themselves
  - ✓ Other students
  - ✓ Adults
  - ✓ School Property
  - ✓ Personal property

### **II. STUDENT JOB DESCRIPTION**

My education is important. To the best of my ability, I will:

- Be a good citizen of school
- Arrive at school on time every day

- Complete my homework and be prepared every day
- Be a cooperative learner
- Ask for help when I need it
- Help others when possible
- Demonstrate a positive attitude
- Follow school and classroom rules

Students have the responsibility to conduct themselves according to the Code listed above and to meet their responsibilities by following the Student Job Description. Students who fail to do so will be subject to follow the schedule of disciplinary action.

## **ADMINISTRATIVE ACTION ELEMENTARY & SECONDARY (BOARD POLICY 218, 218AG1)**

At times during the school year, student misbehavior will necessitate action on the part of the Board. At this point, the school administration will have exhausted all approaches in attempting to correct the student's misbehavior. The administration may have, at various times, worked with these resources and shall keep records and documentation as evidence of other efforts. The resources shall include among others:

- Parents
- Teachers
- Guidance counselor
- Social worker/counselor
- Community or religious resource personnel
- Social agencies
- Psychologist

The breach of discipline within the schools will probably fall into two major classes of offense:

1. Violation of the rules of conduct of the school (see Level I, II and III)
2. Violation of rules of conduct of the school because they are a violation of the law (a crime has been committed) (see certain Level III offenses)

This second category of infraction calls for dual corrective action of a school administered response as well as a community administered response. The school action would be a Level III infraction, except for the sanction imposed. In addition, the appropriate law enforcement agency would be brought into the matter, and it may take action in addition to the penalties set forth herein.

## SCHOOL OFFENSES

Any student subjected to disciplinary action which involves his/her removal from the normal classroom environment is still to demonstrate mastery of all subject matter for advancement to the next grade level. It is the responsibility of the student subjected to such disciplinary action to ensure that s/he remains current with course subject matter and that s/he arrange with the Administration for the taking of any examinations missed due to his/her absence from school. Parents/guardian of said student shall be notified immediately by phone, if possible, and in writing when a student has been suspended externally from class.

Possession, distribution or use of alcoholic beverages or drugs will result in the application of Policy 227.

A student who is on suspension shall not participate in or attend any extracurricular school activity during the period of external suspension or Saturday School. This will be in effect immediately upon notification of the suspension. Suspension shall be in effect until the start of the first school day that the student is eligible to return to school. A student who is participating in an extracurricular activity must be in school in order to participate on that day. Further, a student will be subject to the terms of the Extra-Curricular Code of Conduct.

### I. ELEMENTARY SCHOOL DISCIPLINARY ACTION SCHEDULE:

Different offenses should require different responses. The following is a categorization of offenses into levels.

#### A. LEVEL I

1. Unexcused lateness to school or class
2. Possession/use of personal technology/electronic devices in violation of Policy 237
3. Disrespect to peer(s)
4. Student Integrity (Policy 218.3)
5. Other minor infractions of unacceptable behavior in or on school property

#### B. LEVEL II

1. Cutting class
2. Tobacco use (Policy 222)
3. Insubordination
4. Fighting
5. Defacing school property
6. Violation of Student Acceptable Use of Internet, Computers and Network Resources (Policy 252)

7. Verbal assault
8. Intimidation
9. Foul and abusive language/gestures
10. Theft
11. Peer conflict/disrespect/disturbance
12. Possession/use of personal technology devices in violation of Policy 237
13. Student Integrity (Policy 218.3)
14. Other serious infractions of unacceptable behavior in or on school property, or while under school supervision or jurisdiction

### **C. LEVEL III**

1. Physical assault
2. Possessing a weapon
3. Arson, false alarm or 911 Call
4. Bomb threats
5. Vandalism
6. Controlled substance/paraphernalia (Policy 227)
7. Harassment (Policy 103)
8. Intentional contact
9. Terroristic threats (Policy 218.2)
10. Bullying (Policy 249)
11. Student Integrity (Policy 218.3)
12. Hazing (Policy 247)
13. Sexual Assault
14. Commission of any act punishable under the Pennsylvania Crimes Code
15. Other most serious infractions of unacceptable behavior in or on school property, or while under school supervision or jurisdiction

## **II. ELEMENTARY SCHOOL ADMINISTRATIVE ACTION**

The Administration Action Schedule shall be interpreted by the principals and their designees in a manner which they deem just given the circumstances of the individual case.

### **A. LEVEL I**

Disciplinary options may include, but are not limited to any Level I discipline plus any one or more of the following:

1. Verbal reprimand
2. Detention
3. Restrictions

4. Parental notification
5. Internal suspension

#### **B. LEVEL II**

Disciplinary options may include, but are not limited to, any one or more of the following:

1. Parental conference
2. Restrictions
3. External suspension(except in the case of truancy)
4. Notification of local law enforcement agency (who may take action in addition to the penalties set forth herein).

#### **C. LEVEL III**

The offenses in this class are of a nature that their commission represents a violation of law and may be subject to civil and/or criminal penalties. This type of behavior is obviously unacceptable in the educational environment. The local law enforcement agency will be notified on all Level III offenses and may take action in addition to the penalties set forth herein. In addition, the following action will be taken:

1. A first offense may result in a 10-day external suspension from school.
2. A second offense may result in a 10-day external suspension from school and a Board hearing shall be held with administration recommendation for exclusion of the student for the remainder of the school year.

The administrator may, if he/she considers the committing of offenses in this category serious enough to be a threat to the health, safety or welfare of others, request Board hearing for exclusion of the student upon commitment of the offense for the first time.

### **III. MIDDLE SCHOOL DISCIPLINARY ACTION SCHEDULE**

Different offenses should require different responses. The following is a categorization of offenses into levels.

#### **A. LEVEL I**

1. Unexcused lateness to school
2. Unexcused lateness to class
3. Not reporting to detention
4. Failure to sign in at attendance
5. Possession/use of personal technology/electronic devices in violation of Policy 237
6. Disrespect to peer(s)
7. Student Integrity (Policy 218.3)

8. Other infractions of unacceptable behavior in or on school property

## **B. LEVEL II**

1. Cutting class
2. Leaving school or class without permission
3. Tobacco use (Policy 222)
4. Insubordination
5. Fighting
6. Defacing school property
7. Violation of Student Acceptable Use of Internet, Computers and Network Resources (Policy 252)
8. Verbal assault
9. Foul and abusive language/gestures
10. Forgery
11. Intimidation
12. Peer conflict/disrespect/disturbance
13. Possession/use of personal technology/electronic devices in violation of Policy 237
14. Student Integrity (Policy 218.3)
15. Seventh Level I offense
16. Other serious infractions of unacceptable behavior in or on school property, or while under school supervision or jurisdiction

## **C. LEVEL III**

1. Theft
2. Physical assault
3. Possessing a weapon
4. Arson or false alarm, or 911 Call
5. Bomb threats
6. Terroristic threat (Policy 218.2)
7. Harassment (Policy 103)
8. Bullying (Policy 249)
9. Vandalism
10. Controlled substance/paraphernalia (Policy 227)
11. Extortion
12. Intentional contact
13. Student Integrity (Policy 218.3)
14. Hazing (Policy 247)
15. Sexual Assault
16. Commission of any act punishable under the Pennsylvania Crimes Code

17. Other most serious infractions of unacceptable behavior in or on school property, or while under school supervision or jurisdiction

#### IV. MIDDLE SCHOOL ADMINISTRATIVE ACTION

The Administrative Action Schedule shall be interpreted by the principals and their designees in a manner which they deem just given the circumstances of the individual case.

##### A. LEVEL I

1. Unexcused Lateness to school:
  - (a) Each of the first four offenses in a semester will be recorded in the student's file..
  - (b) Fifth, sixth, seventh, and eight offenses in a semester will result in detentions for each offense.
  - (c) Upon recording of the ninth or more lateness in a semester will result in one day of Saturday School.
  - (d) A new late record will be started each semester.
2. Unexcused lateness to class:
  - (a) One detention will be assigned for each offense.
  - (b) Upon recording of the seventh or more lateness in a school year, the student will be assigned one day of Saturday School
3. Not Reporting to Detention:
  - (a) One day of Saturday School
4. Student Integrity
  - (a) See Policy 218.3
5. Other Minor Infractions of Unacceptable Behavior in or on School Property:
  - (a) Detention
6. The accumulation of seven Level I offenses shall result in a student being credited with one Level II offense. Thereafter, subsequent accumulations of seven Level I offenses shall likewise result in additional crediting of Level II offenses.

##### B. LEVEL II

1. With the exception of tobacco use, fighting, verbal assault, and cutting Saturday School, these offenses, being of more serious nature, will result in the following actions:
  - (a) The first, second, third, and fourth offense will result in one day of Saturday School for each offense.
  - (b) The fifth offense will result in a three-school-day external suspension and a mandatory principal conference with

the parent and student.

- (c) A sixth offense will result in a five-school-day external suspension. An informal hearing shall be held with the parents and the student and a meeting will be scheduled with the parents and student to meet with the Superintendent or his/her designee.
- (d) A seventh offense will result in a ten-school-day external suspension from school and a Board hearing may be held with administration recommendation for exclusion of the student from school for the remainder of the school year.

Note: The offense may be a repeat of a prior Level II offense or combination of offenses. Some violations may result in appropriate legal action.

- 2. Tobacco use and verbal assault will result in the following action:
  - (a) Each offense will result in a three-school-day external suspension.
  - (b) If the offense is the fifth or more Level II offense, the administrative action shall follow the Level II (1)(b) or higher level guidelines set forth above.
  - (c) If the first offense is the seventh or subsequent Level II offense, the administrative action shall follow the Level II (1) (g) or higher level guidelines set forth above.
- 3. Fighting will result in the following action:
  - (a) Each offense will result in a three to five day external suspension and the local law enforcement agency will be notified, which may take action in addition to the penalties set forth herein.
  - (b) If the offense is the fifth or more Level II offense, the administrative action shall follow the Level II (1)(b) or higher level guidelines set forth above and local law enforcement will be notified which may lead to further actions in addition to the penalties set for herein.
- 4. Cutting Saturday School will result in the following action:
  - (a) A first offense will result in a one-school-day external suspension and the student must repeat the Saturday School.
  - (b) A second or more offense will result in a one-school-day external suspension, repeating the Saturday School.
  - (c) If the offense is the fifth or more Level II offense, the administrative action shall follow the Level II (1)(b) or

higher level guidelines set forth above.

5. Student Integrity (Policy 218.3)

The administrator may, if he/she considers a Level II offense sufficiently severe or disruptive to the school environment, provide for up to a three (3) day external suspension for any Level II offense.

**C. LEVEL III**

The offenses in this class are of a nature that their commission represents a violation of law and are subject to civil and/or criminal penalties. This type of behavior is obviously unacceptable in the educational environment. The local law enforcement agency will be notified on all Level III offenses and may take action in addition to the penalties set forth herein. In addition, the following action will be taken:

1. A first offense will result in a 10-day external suspension from school.
2. A second offense shall result in a 10-day external suspension from school and a Board hearing shall be held with administration recommendation for exclusion of the student for the remainder of the school year.

The administrator may, if he/she considers the committing of offenses in this category serious enough to be a threat to the health, safety or welfare of others, request Board hearing for exclusion of the student upon commitment of the offense for the first time.

**V. HIGH SCHOOL DISCIPLINARY ACTION SCHEDULE**

Different offenses should require different responses. The following is a categorization of offenses into levels.

**A. LEVEL I**

1. Unexcused lateness to school
2. Unexcused lateness to class
3. Refusing or cutting detention
4. Failure to sign in at attendance
5. Possession/use of personal technology/electronic devices in violation of Policy 237
6. Student Integrity (Policy 218.3)
7. Other minor infractions of unacceptable behavior in or on school property

**B. LEVEL II**

1. Cutting class
2. Leaving school or class without permission

3. Tobacco use (Policy 222)
4. Insubordination
5. Fighting
6. Defacing school property
7. Violation of Student Acceptable Use Policy 252 and related policies
8. Verbal assault
9. Intimidation
10. Forgery
11. Foul and abusive language/gestures
12. Failure to give name
13. Cutting Saturday School
14. Peer conflict/disrespect/disturbance
15. Student Integrity (Policy 218.3)
16. Possession/use of personal technology/electronic devices in violation of Policy 237
17. Other more serious infractions of unacceptable behavior in or on school property, or while under school supervision or jurisdiction

**C. LEVEL III**

1. Theft
2. Physical assault
3. Possessing a weapon
4. Arson, false alarm or 911 call
5. Bomb threats
6. Vandalism
7. Controlled substance/paraphernalia (Policy 227)
8. Extortion
9. Harassment (Policy 103)
10. Intentional contact
11. Terroristic threats (Policy 218.2)
12. Bullying (Policy 249)
13. Student Integrity (Policy 218.3)
14. Hazing (Policy 247)
15. Sexual Assault
16. Commission of any act punishable under the Pennsylvania Crimes Code
17. Other most serious infractions of unacceptable behavior in or on school property, or while under school supervision or jurisdiction

## VI. HIGH SCHOOL ADMINISTRATIVE ACTION

The Administrative Action Schedule shall be interpreted by the principals and their designees in a manner which they deem just given the circumstances of the individual case.

### A. LEVEL I

1. Unexcused lateness to school:
  - (a) Each of the first four offenses in a semester will be recorded in the student's file.
  - (b) Fifth, sixth, seventh and eighth offenses in a semester will result in the student receiving one day of after school detention for each offense.
  - (c) Upon the recording of the ninth or more lateness in a semester, the result will be one day of Saturday School.
2. Unexcused lateness to class:
  - (a) One day of after school detention will be assigned for each offense.
  - (b) Upon recording of the ninth or more lateness in a year, the student will be assigned one day of Saturday School.
3. Refusing or cutting detention/late room:
  - (a) One day of Saturday School
4. Student Integrity
  - (a) See Policy 218.3
5. Other minor infractions of unacceptable behavior in or on school property:
  - (a) First, second, third and fourth offenses will result in a detention.
  - (b) Upon recording of the fifth or more Level I offense, the student will receive a day of Saturday School.

### B. LEVEL II

1. With the exception of tobacco use, fighting, verbal assault truancy, and cutting Saturday School, these offenses, being of a more serious nature than Level I offenses, will result in the following action:
  - (a) The first, second, third, and fourth offense will result in one day of Saturday School for each offense.

**NOTE:** The offense may be a repeat of a prior Level II offense or combination of offenses. Some Internet violations may result in appropriate legal action.
  - (b) A fifth offense will result in a three-school-day external

suspension and a mandatory principal conference with the parent and student.

- (c) A sixth offense will result in a five-school-day external suspension. An informal hearing shall be held with the parents and the student and a meeting will be scheduled with the parents and student to meet with the Superintendent or his/her designee.
  - (d) A seventh offense will result in a ten-school-day external suspension from school and a Board hearing may be held with administration recommendation for exclusion of the student from school for the remainder of the school year.
2. Tobacco use and verbal assault will result in the following action:
- (a) Each offense will result in a three-school-day external suspension.
  - (b) If the offense is the fifth or more Level II offense, the administrative action shall follow the Level II(1)(b) or higher level guidelines set forth above.
3. Fighting will result in the following action:
- (a) Each offense will result in a three to five-school-day external suspension and local law enforcement agency will be notified, which may take action in addition to the penalties may set forth herein.
  - (b) If the offense is the fifth or more Level II offense, the administrative action shall follow the Level II(1)(b) or higher level guidelines set forth above and local law enforcement agency will be notified, which may lead to further action in addition to the penalties set forth herein.
4. Cutting Saturday School will result in the following action:
- (a) A first offense will result in a one-school-day external suspension and the student must repeat the Saturday School.
  - (b) A second or more offense will result in a one-school-day external suspension, repeating the Saturday School and will be recorded as a Level II offense.
  - (c) If the offense is the fifth or more Level II offense, the administrative action shall follow the Level II(1)(b) or higher level guidelines set forth above.
5. Student Integrity
- (a) Policy 218.3

The administrator may, if he/she considers a Level II offense sufficiently severe or disruptive to the school environment, provide

up to a three (3) day external suspension for any Level II offense.

### **C. LEVEL III**

The offenses in this class are of a nature that their commission represents a violation of law and are subject to civil and/or criminal penalties. This type of behavior is obviously unacceptable in the educational environment.

The local law enforcement agency will be notified on all Level III offenses and may take action in addition to the penalties set forth herein. In addition, the following action will be taken:

1. A first offense may result in a 10-day external suspension from school.
2. A second offense shall result in a 10-day external suspension from school and a Board hearing may be held with administration recommendation for exclusion of the student for the remainder of the school year.

The administrator may, if he/she considers the committing of offenses in this category serious enough to be a threat to the health, safety or welfare of others, request Board hearing for exclusion of the student upon commitment of the offense for the first time.

## **VII. DEFINITIONS & SPECIAL NOTES**

**A. Student Integrity** – The act of cheating or participating in an act of unacceptable behavior in relation to academic expectations, class assignments, curriculum assessments or any material that contributes to a course grade. Academic dishonesty includes, but is not limited to, a student copying an assignment or test and submitting it as his/her own; allowing someone to copy an assignment or test and submit it as his/her own; unauthorized use of or communicating with notes, calculators, computers, textbooks, cell or smart phones, or any other electronic device during an exam or assignment; telling other students what is on a test or quiz or providing specific questions or answers; submitting the same work in two (2) or more courses without permission from the teachers; working with others on a project that was assigned individually; or securing answers in any other dishonest manner.

**B. Bullying** – Is an intentional electronic, written, verbal or physical act or series of acts directed at another student or students which occurs in a school setting, that is severe, persistent or pervasive; and has the effect of doing any of the following: (1) substantially interfering with a student's education; (2) creating a threatening environment; or (3) substantially disrupting the orderly operation of the school.

Example of acts or series of acts that may constitute bullying if it meets the preceding definition include, but are not limited to, physical intimidation or assault; extortion; oral or written threats; teasing; put-

downs; name calling; threatening looks, gestures or actions; cruel rumors; false accusations; and social isolation. Note, mutual “teasing” should not be confused with bullying behavior.

Bullying behavior accomplished through electronic mediums, including but not limited to, computers, Internet, instant messaging, email, and social networking sites shall be subject to this policy.

- C. Disrespect to Peer(s)** – Teasing and name calling – oral or written.
- D. Extortion** – Intentionally obtaining or withholding property of another by threatening to (1) inflict bodily harm on anyone or commit other criminal activities; (2) accuse anyone of criminal offense; (3) expose any secret intending to subject any person to hatred, contempt or ridicule.
- E. Fighting** – An encounter with blows or other physical contact involving two or more students.
- F. Forgery** – Reproducing a parent’s or guardian’s signature, altering school records, other offenses as set forth in the Pennsylvania Crime Code, 18 Pa. C.S. §§ 4104 et.seq. as may be amended, or other similar actions.
- G. Foul and Abusive Language/Gestures** – Use of language or gestures that is vulgar, profane, or lewd.
- H. Harassment** – Harassment is defined in accordance with the definitions found in Policy 103. Harassment is either (1) sexual harassment and/ or (2) harassment based on race, religion, national origin, ancestry, disability, medical condition, marital status, age or sexual orientation.
- I. Hazing** – Any action or situation which recklessly or intentionally endangers the mental or physical health or safety of a student or which willfully destroys or removes public or private property for the purpose of initiation or admission into or affiliation with, or as a condition for continued membership in, any organization operating under the sanction of or recognized as an organization (including, but not limited to, clubs, sports teams, musical groups such as band and orchestra) by the West Chester Area School District. The term shall include, but not be limited to, any brutality of physical nature, such as whipping, beating, branding, forced calisthenics, exposure to the elements, forced consumption of any food, liquor, drug or other substance, or any other forced physical activity which adversely affects physical health and safety for the individual, and shall include any activity which would subject the individual to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct which could result in extreme embarrassment, or any other forced activity which could adversely affect the mental health or dignity of the individual, or any willful destruction or removal of public or private property. For purposes of this definition, any activity as described in

this definition upon which the initiation or admission into or affiliation with or continued membership in an organization is directly or indirectly conditioned shall be presumed to be “forced” activity, the willingness of an individual to participate in such activity notwithstanding.

- J. Insubordination** – Refusing to follow a reasonable directive of either a school district professional employee or administrator acting within the scope of his/her authority.
- K. Intentional Contact** – Intentionally causing contact with another, when such contact is neither invited or provoked and the purpose of such contact is insubordination, harassment, extortion or the threat or suggestion of physical assault. Intentional shoving, hitting, kicking, slapping, bumping, holding, pushing and throwing objects with a wrongful purpose are examples of such conduct. Unintentional or inadvertent conduct, reflexive conduct or conduct taken in the reasonable belief of self-defense or invitational, or conduct by a student with a recognized disability which affects his or her ability to control his or her actions, are not included. Even if provoked, persisting in such contact when a reasonable opportunity to stop is available, shall be included.
- L. Intimidation** – To frighten or make timid another student by threats, bullying, or other aggressive actions or language.
- M. Minor Bus Problems** – Those behaviors that are not chronic or jeopardize the safety of others.
- N. Misuse of the Internet** – Obtaining access to the Internet intentionally and without proper authorization or misuse of the Internet which can be viewed as any message(s) sent or received that indicate or suggest pornography, unethical or illegal solicitation, racism, sexism, inappropriate language or any violation of local, state or federal laws relating to use of the Internet. (Policies 237, 252)
- O. Plagiarism** – Intentionally or unintentionally stealing and using the idea, structure, language, context or writings of another as one’s own without crediting the original author through parenthetical documentation, footnotes or bibliography.
- P. Personal Technology/Electronic Device** – Any device capable of capturing, storing, and/or transmitting information, including text, audio, and/or video data, not owned by the District. These include, but are not limited to, such devices as cellular telephones, smartphones, handheld computers, laptop computers, tablet computers, digital musical players, including without limitation iPods and MP3 players, and digital and video cameras.
- Q. Physical Assault** – (1) Attempting to cause or intentionally, knowingly or recklessly causing bodily injury to another; (2) negligently causes bodily injury to another with a deadly weapon; (3) attempts by physical

menace to put another in fear of imminent serious bodily harm; or (4) any offense prohibited by Chapter 27, "Assault", of the Pennsylvania Crimes Code (18 Pa. C.S.A. § 2701 et seq; and as may hereafter be amended).

- R. **School Personnel** - Any school board member, school employee, agent, volunteer, contractor or other person subject to the supervision and control of the District.
- S. **Sexual Assault** - Sexual offenses as defined in Chapter 31 of the Pennsylvania Crimes Code
- T. **Terroristic Threats** – Threatening to do immediate and/or future personal bodily harm to another or others.
- U. **Theft** – Withholding property of another permanently or for such an extended period as to appropriate the major portion of its economic value, or with intent to restore only upon payment of reward or other compensation; or to dispose of the property so as to make unlikely that the owner will recover it; or any offense prohibited by Chapter 39, "Theft and Related Offenses", of the Pennsylvania Crime Code (18 Pa. C.S.A. § 3901 et seq. and as may hereafter be amended).
- V. **Tobacco Use** – Possessing and/or using tobacco in any form, including but not limited to, in or as a lighted or unlighted cigarette, cigar, pipe, snuff, chewing tobacco and smokeless tobacco; or possessing or using tobacco use paraphernalia, including but not limited to, lighters, matches, or e-cigarettes, or vape when used as a mechanism for nicotine delivery.
- W. **Vandalism** – Damaging tangible and intangible property of another intentionally, recklessly, or by negligence in the employment of fire, explosive, or other means; or recklessly or intentionally tampering with tangible property of another so as to cause or attempt to cause unjustified actual harm to tangible and intangible property of another.
- X. **Verbal Assault** – Verbally addressing a teacher with lewd, vulgar or profane language and in an aggressive or otherwise disrespectful manner.
- Y. **Weapons in the School** – Weapons and replicas of weapons are forbidden on school property. Weapons shall be any animate or inanimate device, instrument, materials or substance which, under the circumstances in which it is used, attempted to be used or threatened to be used is readily capable of causing death or serious physical injury. Weapons shall include, but not be limited to, any knife, cutting instrument, cutting tool, nunchaku, pepper spray, firearm, shotgun, rifle and any tool, instrument or implement capable of inflicting serious bodily injury, including: metal knuckles; straight razors; explosives, noxious, irritating or poisonous gases; poisons; drugs or other items fashioned to use, sell, harm, threaten or harass students, staff

members, parents, patrons or any other person.

### **SPECIAL NOTES:**

- (1) Defacing school property and vandalism represent the same type of deviant behavior. For purposes of response, damages in excess of \$10 will be considered as vandalism while those of less than \$10 will generally be considered as defacing school property. In cases of less than \$10 in damages, discretion may be exercised by the Administrator in classifying the action as vandalism based on extenuating circumstances, e.g. repeated offenses. In all cases, however, restitution will be sought with the application of disciplinary action as stated in the policy.
- (2) Harassment as a Level III offense may be found where there is a repeated course of conduct or a single aggravated incident. The determination of the appropriate level of the offense will be made by the compliance officer and reviewed in accordance with the procedures set forth in the school district's Harassment Policy 103.
- (3) Pursuant to subsection "a" of the statute 1317.2 of the Pennsylvania School Code, a school district or area technical college high school shall expel for a period of not less than one year, any student who is determined to have brought a weapon onto any school property, any school sponsored activity or any public conveyance providing transportation to a school or school sponsored activity. Any loaded or unloaded firearm or dangerous weapon possessed on or about a person while on district property is subject to seizure or forfeiture. Incidence of students possessing weapons will be reported to the student's parents and shall be reported to the police. Appropriate disciplinary and legal action will be taken against students who possess weapons and with students who assist possession in any way. However, weapons under the control of law enforcement personnel are permitted. The superintendent may authorize other persons to possess weapons in school buildings. The superintendent may prescribe special conditions or procedures to be followed before giving such authority.
- (4) Possession/use of personal technology/electronic devices in violation of Policy 237 is a Level II offense where an administrator considers the student's actions sufficiently severe or disruptive to the school environment.

Terms otherwise undefined by this regulation shall be interpreted in the same manner as similar or identical terms in the Pennsylvania Crimes Code.

## **DUE PROCESS(BOARD POLICY 233, 233AG1)**

Due process procedure shall be followed in all cases of exclusion and suspension in accordance with Board Policies 233 and 233AG1-Suspension

## **AFTER-SCHOOL DETENTION**

The administration or any teacher, may, if necessary, detain a student for disciplinary reasons after school hours. Detention on one day is to be for a maximum of 60 minutes.

The following should be observed when detaining a student:

1. Students are to be given 24 hours notice so that they can inform their parents of the detention and arrange for transportation after the detention.
2. If a teacher feels that 60 minutes is not sufficient, then another day of detention can be assigned to the student.
3. Students are never to be left alone during their detention. They must always be supervised by the detaining teacher.
4. Occasionally a pupil requests to be excused from his detention for that particular day. This decision will be made by the teacher who assigned the detention. Sometimes, due to family situations and emergencies, it is best that the student's request be honored. However, it is suggested that the teacher call the pupil's parents, if in doubt.

## **SATURDAY SCHOOL (MIDDLE SCHOOL AND HIGH SCHOOL)**

For disciplinary reasons, the administration may assign a student to Saturday School which shall be conducted in accordance with the following guidelines:

1. Doors for Saturday School will be open at 8:15 a.m. and will close at 8:30 a.m. Students are expected to report on time. It is the student's responsibility to have all necessary materials to complete any work.
2. A Saturday School absence will only be excused with a physician's note. In addition, the student must make up the missed day on the following scheduled Saturday.
3. Students who cut Saturday School for the first time will make up the day the following scheduled Saturday School and will receive one day of external suspension in accordance with Board Policy 233. Additional offenses will be handled in accordance with this Handbook and Board Policy 233.
4. Students who are assigned Saturday School will not participate in nor attend any extracurricular activities on the day assigned.

5. Students who cut Saturday School may be ineligible to participate in extracurricular activities until the originally assigned Saturday School day is served.
6. Students must remain quiet and constructively occupied with work throughout the entire morning (8:30-11:30 a.m.). Suggestions for work include school assignments, other work, silent reading, or assigned reflective writing.
7. Students are not permitted to bring food, candy or drink to Saturday School. Students are not permitted to display or use electronic devices in Saturday School.
8. While in Saturday School, students will be given two (2) warnings prior to being sent to the Administrator.
9. Sleeping or misbehaving will not be tolerated. Students who fail to follow the Saturday School rules will be charged with a Level II offense.
10. If Saturday School is cancelled due to inclement weather, a banner will be posted on the district website and there will be a voice message at 484-266-1000.

## **IN-SCHOOL SUSPENSION (ELEMENTARY)**

In order to maintain greater control and provide more guidance for students whose disruptive behaviors force their temporary removal from the regular classroom, in-school suspension shall be conducted in the middle and elementary schools in conformance with the following guidelines:

1. Students will be assigned to in-school suspension by school administrators.
2. The administration will inform staff members of the names of those students assigned to in-school suspension. This will include notifying the student's counselor and the school social caseworker.
3. The administration will notify the parents in writing that a student has been assigned to in-school suspension, giving the reasons for such assignment, and a conference may be held prior to the student's readmittance to regular classes.
4. Each student assigned to the in-school suspension room will report with textbooks and assignments.
5. Credit may be given for all assigned class work completed during the period of suspension. This material is to be turned in the first day that student returns to regular class. The student may also make up any test or quiz given during his/her suspension. Evaluation of the class work and test/quiz shall be done by classroom teachers.
6. The in-school suspension teacher shall arrange appointments with

guidance counselors, social workers, psychologist, or other appropriate persons for all students who are suspended a third time.

7. The school social worker will make a home contact with the parents of each student suspended for a second time.
8. The administration will request, in writing, a conference with the parents of those students who are suspended for a third time.
9. Students will not be readmitted to class until their assignment to the in-school suspension room has been fulfilled.
10. Students may not attend or participate in extracurricular activities while under in-school suspension.

#### I. IN-SCHOOL SUSPENSION TEACHER RESPONSIBILITIES

The teacher in charge of the in-school suspension room at each school shall:

- A. Supervise the students assigned to the room and have the task of accounting for all such students under his/her charge.
- B. Maintain daily records of students assigned and written reasons for being assigned, and be responsible for seeing that these assignments are completed.
- C. Assist students in proper completion of classroom assignments and/or learning packets.
- D. Make referrals to the counselor and caseworkers regarding students who need special help.
- E. Compile a summary disciplinary report at the end of each report period and forward it to the office of the Superintendent. In the event that the in-school suspension teacher is not a permanently assigned position, the administration will be responsible for all reports.
- F. Be in daily contact with the administrator delegated by the building principal to be responsible for the coordination of the program.

When no students are assigned to in-school suspension, the teacher will perform duties as assigned by the administrator responsible for in-school suspension.

## **ATTENDANCE (POLICY 204, 204AG1)**

With certain exceptions, children from the ages of eight (8) to sixteen (16), inclusive, must be in attendance at a school in which the subjects required by law and the State Board of Education are taught in the English language.

Excuse forms, shall be completed and turned in by the student, within three (3) days, after his/her return from an absence. The absence of any student failing to comply with this time period, will automatically become unlawful and relevant school laws shall be applied.

These procedures shall be followed in administering the West Chester Area School District attendance policies:

**I. ELEMENTARY AND MIDDLE SCHOOL GUIDELINES**

- A.** The parents/guardians of all students who miss ten (10) days shall be notified in writing of the student's absence record.
- B.** A parent/guardian conference may be requested by the administration when a student has missed a total of fifteen (15) days or more.
- C.** After twenty (20) or more days of absence, an informal review of the student's records, including days of absence, discipline, and academic, shall be made by the administration and recommendations, if any, shall be made in writing to the director regarding retention in grade.

**II. HIGH SCHOOL GUIDELINES**

- A.** Credit may be denied for those students who accrue more than twenty (20) cumulative absences in a year-long course. Credit may also be denied for those students who accrue more than ten (10) cumulative absences in a semester course. Those students who miss more than the allotted days will receive the grade for the course but not the credit.
- B.** Unlawful class absences due to truancy or cutting of class will result in a "45" F grade for all class work missed that day.

**IV. HIGH SCHOOL ADMINISTRATIVE PROCEDURE**

- A.** Whenever a student misses seven (7) days (4 for a semester course) of cumulative absence or has been habitually late to school and has missed the same class seven (7) times, the student's counselor and grade level administrator shall meet with the student and review the attendance record. As a result of the meeting, the parent/guardian shall be notified in writing of the student's absence record. Parents/guardians may be notified that all absences beyond the seventh (7) absence will require a note from a licensed practitioner of the healing arts.
- B.** An Attendance Review Team (ART), consisting of the grade level administrator, counselor and other staff deemed necessary by the administrator, may review the student's absence record when a student has missed a total of ten (10) days (5 for a semester

course) of cumulative absence or has been habitually late to school and has missed the same class ten (10) times. The team shall hold a parent/guardian conference with the student to discuss the absence record. The administrator shall make the request for the conference in writing if the parent/guardian does not respond to a phone call.

- C. The team shall continue to monitor the student's absence record. When the student has missed a total of fifteen (15) days (8 for a semester course) of cumulative absence or has been habitually late to school or has missed the same class fifteen (15) times, the team shall review the record again and notify the parent/guardian in writing of the record and possible consequences.
- D. When a student has missed a total of twenty (20) days (10 for a semester course) of cumulative absence or has been habitually late to school or has missed the same class twenty (20) times, the ART may reconvene to review the student's absence record. The team shall determine if a RECOMMENDATION FOR NO COURSE CREDIT will be made to the principal.
- E. The principal shall review the recommendation by the team and make a final determination for NO COURSE CREDIT. If the principal supports the recommendation, the parent/guardian shall be notified in writing of the consequence. The decision of the principal shall be final.

## V. EARLY DISMISSALS

- A. Each school shall establish procedures to validate requests for early dismissal to assure that students are released only for proper reasons and into proper hands.
- B. No student may be released on the basis of an unvalidated telephone call or email address.
- C. Children of estranged parents may be released only upon the request of the parent who has actual or de facto custody. If there is a dispute concerning which parent has actual or de facto custody, the designated administrator should be contacted; but if s/he is unavailable, then the district's solicitor may be contacted.

## VI. ABSENCES

Absences will generally be recognized as cumulative or noncumulative. Cumulative absences refer to days that contribute to the allotted number of days a student may be absent. Noncumulative absences are absences that do not contribute to the specified days students may be absent.

### A. CUMULATIVE ABSENCES

1. **EXCUSED ABSENCES** - Those absences where any licensed practitioner of the healing arts or upon any other satisfactory evidence furnished, shows that a student is unable to attend school and/or classes, or is prevented from study because of illness or other urgent reasons including but not limited to the following:
  - (a) A maximum of seven (7) days absence for students verified by a parent note. All absences beyond the seventh day of absence will require a note from a licensed practitioner of the healing arts.
  - (b) Family vacation, pre-approved by the principal, at his/her sole discretion while school is in session, up to a maximum of five (5) days per school year. The following will be taken into consideration by the principal in granting permission for the trip:
    - The student's academic standing
    - The student's attendance record
    - The effect the absence will have on the student's educational welfare
    - The exceptionality of the request
  
2. **UNEXCUSED/UNLAWFUL ABSENCES** - Any absence which does not meet the definition of an excused absence including, but not limited to the following:
  - (a) Any day for which a written excuse is not submitted within three (3) school days of a student's return from an absence, including notes from a licensed practitioner of the healing arts.
  - (b) Any absence not excused by a note from a licensed practitioner of the healing arts after seven (7) absences verified by receipt of parent excuses.
  - (c) Truancy - frequent or prolonged absence without satisfactory reason, or willful violation of the compulsory attendance laws, which are subject to the penalties provided for in the school laws of Pennsylvania.
  - (d) Class cut
  - (e) Unlawful tardies as set forth in 204AG1.
  - (f) Any absence due to a family vacation while school is in session after the fifth (5th) of the five (5) day maximum per school year.

For students who are seventeen (17) or older and not of compulsory age, unlawful absences shall be unexcused absences.

## **B. NONCUMULATIVE ABSENCES**

1. Suspensions from school
2. Illness verified by a note from a licensed practitioner of the healing arts submitted within three (3) days of a student's return
3. Death in the family when accompanied by a note within three (3) days of a student's return.
4. Religious holidays when accompanied by a note within three (3) days of a student's return.
5. Pre-approved college visits when College Visit Permission/ Verification Form 204AG2 is submitted.
6. Court hearings involving Children, Youth & Family or Juvenile Probation Officer.

The Board will recognize other justifiable absences for part of the school day. These shall include medical or dental appointments, court appearance, or family emergency. Please review Policy 204AG1 for additional absence guidelines.

## **TRUANCY**

Frequent or prolonged absence, without satisfactory reason, or willful violation of the compulsory attendance laws, shall be handled in conformity with the procedures applicable under federal, state and local law, as well as any applicable Board Policy.

## **PERSONAL TECHNOLOGY DEVICES (POLICY 237)**

Personal Technology Devices shall only be permitted and utilized in accordance with this Handbook and Board Policy 237. Violations of Policy 237 may result in disciplinary action and may result in confiscation of the personal technology device by school personnel and/or transfer of personal technology to law enforcement agencies.

Personal Technology/Electronic Devices are defined as any device capable of capturing, storing, and/or transmitting information, including text, audio, and/or video data, not owned by the District. These include, but are not limited to, such devices as:

- ▶ cellular telephones and smartphones
- ▶ handheld, tablet, and laptop computers
- ▶ digital music players, including without limitation iPods and MP3 players
- ▶ digital and video cameras.

Network shall be defined as the group of interconnected computer systems, both wired and wireless, owned and used by the District in order to share analog and digital information, both voice and data, and access technology and the Internet.

The District will monitor the use of all personal technology and, if connected to the Network, monitor and log Network utilization which may include packet inspection. The District reserves the right, in its sole discretion, to inspect, copy, remove, or otherwise alter any data, file, or system resources, encrypted or unencrypted, which may undermine authorized use of the Network or the Internet.

In addition, the use of personal technology shall not violate local, state, or federal law, District policies including Acceptable Use of Internet, Computer and Network -237 or the District Discipline Policy 218. The student may not bring personal technology if the student or student's parents have opted out of the Acceptable Use Policy.

1. **Cellular Telephones** - Use of cellular telephones and smartphones shall follow all District policies and shall not be used in a manner that causes a disruption of school activities. Cellular telephones that have the capability to take photographs or to record audio or video shall not be used for such purposes while on District property or while a student is engaged in District-sponsored activities unless expressly authorized in advance by the building Principal or designee.
2. **Handheld, Tablet, and Laptop Computers, Digital Music Players and Digital and Video Cameras** - Use of these devices shall be restricted to classroom or instructional-related activities. Personal technology can be connected to the Network, including access to the Internet, under the following conditions:
  - a. The student must follow the process defined by the Department of Technology for connecting personal technology to the District Network.
  - b. A Bring Your Own Technology Agreement must be filled out annually and returned to the Office of Technology prior to accessing the Network or Internet. Personal technology discovered on the District Network without a completed form may be confiscated by building administration or the Office of Technology.
  - c. The District retains the right to determine where and when personal technology may access the Network. The District has preferred access to the Network and all Network devices.
  - d. As applicable, all personal technology should be running up-to-date virus detection software and operating system critical updates prior to accessing the Network.

- e. Software residing on Personal technology must be personally owned. The student must be able to provide evidence of proper licensing for all software installed on the Personal Technology Device when requested.
- f. District-owned software may not be installed on personal technology without written permission from the District.
- g. Any software or application that degrades Network performance that consumes resources and/or bandwidth, or that is prohibited by District technology guidelines must not be used while connected to the Network. This may include instant messaging, an ISP client, file sharing, streaming applications, and any software identified as a threat to District computer security.
- h. Installation of a Network device such as a personal wireless access point, router, hub or switch is prohibited.
- i. Users may not create, implement, or host their own servers or services while using personal technology at any time.
- j. Users may not run software or take any actions that evade or interfere with the District's ability to monitor Network use, scanning or reconnaissance or have the ability to "hack" into or in any way access private and/or confidential WCASD or other third party resources or information.
- k. File storage on the Network is limited to schoolwork only.
- l. The District is not responsible for any equipment, cabling, or software needed to connect to the Network or technology resources. The District will provide no technical support for the personal technology.
- m. The Director of Information Technology, Superintendent, or designee has the right to deny the connection of personal technology to the Network. Personal technology may be removed from the District Network at any time or for any reason on the recommendation of personnel listed above.

The District shall not be liable for the loss, damage or misuse of any personal technology brought to school by a student or to the inadvertent loss of data or interference with files for any reason. The user of the personal technology shall bear the costs of ensuring compliance with District Policy 237. Responsibility for the maintenance and repair of personal technology rest solely with the student.

## **BULLYING (POLICY 249)**

The West Chester Area School District recognizes that bullying and

intimidation have a negative effect on the learning environment. Students who are intimidated and fearful cannot give their education the single-minded attention needed for success. Bullying can also lead to more serious violence. Every student has the right to an education and to be safe in and around school.

It is the Board's belief that in order to foster an ideal learning environment, bullying of any student shall not be tolerated.

I. SCHOOL PERSONNEL INTERVENTION

The District expects school personnel who observe or become aware of an act or series of acts that s/he believes to constitute bullying to take immediate, appropriate steps to intervene, unless such intervention would be a threat to the school personnel's safety. If the school personnel are unable to intervene, believe that his/her intervention has not resolved the matter, or the objectionable action persists, s/he shall report the bullying to the school principal or his/her designee for further investigation.

II. REPORTING BY STUDENTS OR PARENTS

The District expects students and parents who observe or become aware of an act or series of acts that they believe to constitute bullying to report it to the school principal or his/her designee for further investigation.

III. INVESTIGATION PROCEDURES

Upon learning of a bullying incident, the principal or his/her designee shall contact the parents of both the alleged aggressor and the alleged subject of the aggression, interview both students and thoroughly investigate. This investigation may include, but is not limited to, interviews with students, parents and school personnel; review of school records; and identification of parent and family issues. All employees shall cooperate with any investigation conducted under this policy or by any local, state or federal agency.

IV. CONSEQUENCES/INTERVENTION

Students found to have bullied others shall be subject to the consequences set forth in Board Policy 218, Student Discipline. Further, students may be subject to counseling.

Depending on the severity of the incident, the principal or his/her designee may also take appropriate steps to ensure student safety. These may include, but are not limited to, implementing a safety plan; separating and supervising the students involved; providing staff support for students as necessary; reporting incidents to law enforcement, if appropriate; and developing a supervision plan with

parents.

The District may elect to develop and implement bullying prevention, intervention or educational programs.

## V. RETALIATION & FALSE CHARGES

Retaliation against students, school personnel or other persons who report bullying pursuant to this policy or who participate in any related proceeding is prohibited. The Board deems retaliatory acts as harmful as bullying acts and shall take appropriate action against students who retaliate against any student, school personnel or other person who reports alleged bullying or participates in related proceedings. Such action may include discipline up to and including expulsion. *Students who knowingly make false charges of bullying or retaliation shall be subject to disciplinary action up to and including expulsion.*

## VI. DEFINITIONS

**A. Bullying** - an intentional electronic, written, verbal or physical act or series of acts directed at another student or students which occurs in a school setting, that is severe, persistent or pervasive; and has the effect of doing any of the following: (1) substantially interfering with a student's education; (2) creating a threatening environment; or (3) substantially disrupting the orderly operation of the school.

Examples of acts or series of acts that may constitute bullying if it meets the preceding definition include, but are not limited to, physical intimidation or assault; extortion; oral or written threats; teasing; putdowns; name calling; threatening looks, gestures or actions; cruel rumors; false accusations; and social isolation. Note: mutual "teasing" should not be confused with bullying behavior.

Bullying behavior accomplished through electronic mediums, including but not limited to, computers, Internet, instant messaging, email, and social networking sites shall be subject to this policy.

**B. School Setting** - in the school, on school grounds, in school vehicles, at a designated bus stop or at any activity sponsored, supervised or sanctioned by the school.

## HARASSMENT (POLICY 103)

The School Board is committed to maintaining a learning/working environment free from sexual harassment and harassment based on race, religion, national origin, ancestry, disability, medical condition, marital status,

age or sexual orientation (hereinafter the term “protected characteristics” shall refer to race, religion, national origin, ancestry, disability, medical condition, marital status, age and sexual orientation. The term “protected characteristic” shall refer to any one of the protected characteristics.) Therefore, the purpose of this policy is to prohibit sexual harassment and harassment based on any of the protected characteristics at school or any school sponsored event/activity.

It shall be a violation of this policy for any student while on District property, or during a District event/activity, to sexually harass a student, school personnel or other person, or harass a student, school personnel or other person based on any of the protected characteristics. Further, it shall be a violation of this policy for any student while on District property, or during a District event/activity, to assist or encourage sexual harassment or harassment based on a protected characteristic of a student, school personnel or other person.

## **I. COMPLAINT PROCEDURE**

### **A. FORMAL COMPLAINT:**

#### **1. Reporting a Complaint:**

Any student, or other person who believes he or she has been the victim of sexual harassment or harassment based on a protected characteristic by a student or school personnel should report the alleged harassment as soon as possible. Further, any student who has knowledge of conduct which may constitute prohibited harassment should report any such conduct to one of the compliance officers designated in this policy or to any school personnel. Any school personnel who has knowledge of conduct which may constitute prohibited harassment shall immediately report the alleged harassment to one of the compliance officers designated in this policy.

The reported complaint of harassment should be made orally or in writing with either the building principal or one of the compliance officers designated in this policy. The principal shall immediately forward any report of alleged prohibited harassment to the compliance officer. Any complaint that involves the compliance officer or principal shall be reported to the Superintendent.

The complaint, the identity of the complainant and the identity of the person accused of harassment will be disclosed only to the extent necessary to fully investigate the complaint and only when such disclosure is permitted by law. Additionally, a complainant who wishes to remain anonymous shall be advised that such confidentiality may limit the District’s ability to fully respond to the complaint.

## **2. Investigation:**

Upon receipt of a report of alleged harassment, the compliance officer shall promptly authorize or undertake an investigation. The investigation may be conducted by school personnel or a third party designated by the District to perform that function. The investigation shall be completed as soon as practicable, which generally should be not later than 14 calendar days after receipt of the report to the compliance officer. Upon receiving the complaint, the compliance officer shall acknowledge receipt of the complaint by giving written notice to the complainant that the complaint has been received. Also upon receiving the complaint, the compliance officer shall determine whether interim measures should be taken pending the outcome of the investigation. Such interim measures may include, but are not limited to, taking measures to reduce or intimate contact between the alleged harasser and the complainant and, in cases involving potential criminal conduct, determining whether law enforcement officials should be notified. If the compliance officer determines that more than 14 days will be required to investigate the complaint, the complainant and the accused shall be notified of the reason for the extended investigation and of the date by which the investigation will be concluded.

The investigation may consist of interviews with the complainant, the alleged harasser, and any others who may have knowledge of the alleged harassment or the circumstances giving rise to the complaint. The investigation may also consist of the inspection of any documents or other information deemed relevant by the investigator.

In determining whether alleged conduct constitutes a violation of this policy, the compliance officer, and any investigator appointed by the compliance officer, shall consider, at a minimum: (i) the surrounding circumstances; (ii) the nature of the behavior; (iii) incidents of past or continuing patterns of behavior; (iv) how often the conduct occurred; (v) the relationship of the alleged perpetrator to the alleged victim (e.g. whether the alleged perpetrator was in a position of authority over the alleged victim; (vi) the location of the alleged harassment; (vii) the ages of the parties and (viii) the context in which any alleged incident(s) occurred. Whether a particular action or incident constitutes a violation of this policy requires a case by case determination based on all the facts and circumstances revealed after a complete and thorough investigation.

The compliance officer shall issue a written report to the Superintendent upon completion of the investigation. If the complaint involves the Superintendent, then the report shall be sent to the School Board. The report shall include the compliance officer's determination of whether and how this policy was violated and recommendations for disciplinary and/or corrective action, if any.

All employees shall cooperate with any investigation of alleged harassment conducted under this policy or by any investigating local, state or federal agency.

**3. Action by the Superintendent:**

Within 5 calendar days of receiving the compliance officer's report, the Superintendent or his/her designee shall issue a decision regarding whether and how this policy was violated. This decision must be provided in writing to the complainant and the person accused of harassment. If the Superintendent or his/her designee determines that prohibited harassment occurred, prompt, appropriate action shall be taken to address and remedy the violation as well as to prevent any recurrence. Such action may include discipline up to and including expulsion or discharge. Whether or not the Superintendent or his/her designee determines that prohibited harassment occurred, the Superintendent or his/her designee may determine that school-wide, group or individual training be conducted or that the complainant be invited to receive counseling.

**4. Appeal:**

If the Superintendent or his/her designee determines that no prohibited harassment occurred, the complainant may appeal this finding to the School Board within 5 calendar days of receiving the decision. Any such appeal must be in writing and filed with the Superintendent who shall forward the appeal and investigation record to the School Board. The School Board shall make a good faith effort to make a decision within 30 calendar days of receiving the record. The School Board may ask for oral or written argument from the complainant, the Superintendent, the person accused of harassment, and/or other person(s).

If the Superintendent or his/her designee determines that prohibited harassment occurred and discipline is imposed, the disciplined person may appeal the disciplinary sanction in the same manner as any other such sanction would be appealed.

**5. Compliance officer and alternate compliance officer:**

The School Board has designated the Director of Human Resources, as the compliance officer described within this policy. Complaints of harassment may also be made to the alternate compliance officer, the Superintendent. The mailing address for both officers is: Spellman Building, 829 Paoli Pike, West Chester, PA 19380 (Phone: 484-266-1000). The alternate compliance officer shall act as the compliance officer for any complaint received by him/her.

The responsibilities of the compliance officer shall include the following:

- (a) receive reports or complaints of harassment;
- (b) oversee the investigation of any alleged harassment;
- (c) assess the training needs of the District in connection with this policy;
- (d) arrange necessary training to achieve compliance with this policy;
- (e) ensure that any harassment investigation is conducted by an impartial and appropriately trained investigator;
- (f) take all reasonable measures to protect the alleged victim and others during the investigation.

**B. INFORMAL PROCEDURE**

If the complainant and the person accused of harassment agree, they may arrange with the compliance officer to attempt to resolve the complaint informally with the help of a counselor, teacher, or administrator. In that event, they shall each be informed by the compliance officer that they have the right to abandon the informal procedure at any time in favor of the initiation or continuation of the formal complaint procedure set forth above. If the complainant and the person accused of harassment are successful in resolving the complaint informally, the compliance officer shall keep a written record of the agreement between the parties.

**II. MISCELLANEOUS**

**A. RETALIATION**

Retaliation against students, school personnel or other persons who report harassment pursuant to this policy or who participates in any related proceeding is prohibited. The School Board deems retaliatory acts as harmful as harassing acts and shall take appropriate action against students or school personnel who retaliate against any student, school personnel or other person who reports alleged harassment or participates in related proceedings.

Such action may include discipline up to and including expulsion or discharge.

#### **B. RIGHT TO ALTERNATIVE COMPLAINT PROCEDURE**

Nothing in this policy shall deny the right of any individual to pursue other avenues of recourse to address concerns relating to prohibited harassment including initiating civil action, filing a complaint with outside agencies or seeking redress under state or federal law.

#### **C. DISSEMINATION OF POLICY**

All employees and administrators shall receive a copy of this Policy when they are hired and annually thereafter. In addition, this Policy shall be posted in every District building housing student classrooms or school personnel offices.

#### **D. FALSE CHARGES**

Students who knowingly make false charges of harassment or retaliation shall be subject to disciplinary action up to and including expulsion or discipline.

### **CONTROLLED SUBSTANCE/PARAPHERNALIA (POLICY 227)**

The School Board finds that the possession, use, distribution or delivery of controlled substances by students while engaged in activities subject to control by the West Chester Area School District is a matter of concern and injurious to the health, safety and welfare of students.

Through curriculum, the Child Study Team, community support and resources, strong and consistent administrative and faculty commitment, rehabilitative efforts, and disciplinary procedures, the District will strive to educate, prevent, and intervene in the use and abuse of all controlled substance by students.

The Board prohibits any student from knowingly possessing, using, transmitting, manufacturing, selling, distributing or being under the influence of any controlled substance during travel to and from school; on school property; in school buses, vans or other vehicles used by, owned by, leased by or under the control of the District; while participating in a school activity/event held away from the school; or who conspires, aides, or abets the use, abuse, active possession, or constructive possession, of controlled substances.

The following rules, regulation and guidelines shall be used by all District personnel when situations involve students' unlawful possession, use, transmission, manufacturing, sale, distributing and/or abuse of controlled substance or paraphernalia.

Appropriate disciplinary action will be taken by the Board as outlined herein and in Policy 218.

Off Campus Activities:

This policy shall also apply to student conduct that occurs off school property, and would otherwise violate the Code of Student Conduct/Disciplinary Action Schedule if any of the following circumstances exist:

1. The conduct occurs during the time the student is traveling to and from school, or traveling to and from school-sponsored activities, whether or not via school district furnished transportation.
2. The student is a member of an extracurricular activity and has been notified that particular off-campus conduct could result in exclusion from such activities.
3. Student expression or conduct materially and substantially disrupts operations of the school or the administration reasonably anticipates that the expression or conduct is likely to materially and substantially disrupt the operations of the school.
4. The conduct has direct nexus to attendance at school or a school sponsored activity (a transaction conducted outside of school pursuant to an agreement made in school that would violate the Code of Student Conduct/Discipline Action Schedule if conducted in school).
5. The conduct involves the theft or vandalism of school property.
6. There is otherwise a nexus between the proximity or timing of the conduct in relation to the student's attendance at school or school-sponsored activities.

I. LIMITATIONS

None of the provisions of this policy shall be construed to prohibit or regulate a student's use, possession, or transportation of medication prescribed for that student by a licensed physician according to that student's needs.

II. MEDICATION

The administration of all medication shall be in accordance with Medication Administration Policy 210.

III. RESPONSIBILITY

All personnel of the school district shall report to their immediate supervisor any student, employee or other person who violates the Board's controlled substance prohibition.

The supervisors shall report such information to the Superintendent immediately and confirm the same in writing as soon as possible relating to the specific sequence of events in each case.

The supervisor or the Superintendent will immediately notify the appropriate law enforcement agency in any case involving persons not related to the District.

Incidents of possession, use, sale of controlled substances by any person on school property shall be reported to the Office of Safe Schools on the required form at least once each year.

#### IV. SEARCH AND SEIZURE

The principal or his/her designee is authorized to conduct appropriate searches and to seize contraband on school premises in compliance with the Policy 226, Search Procedures by Staff. Student searches must be justified at their inception by reasonable suspicion that policy or law has been violated or is being violated and that evidence of the violation will be disclosed by the search. The search actually conducted must be reasonably related in scope to the circumstances which justified the search at its inception.

Student lockers are District property. Therefore, students shall have no expectation of privacy in their lockers. If school personnel have reasonable grounds to suspect or believe that a locker contains items that are illegal or violate school policy or federal, state, or local law, he/she is permitted to conduct a search.

School parking lots are owned by the District and the District exercises exclusive control over its parking lots. Use of the parking lots is a privilege, not a right. Students have no expectation of privacy regarding items placed in their vehicles in the parking lot. The parking lot may be subject to routine patrols and inspections of the exterior of vehicles and visual inspection of those items within the vehicles which are in plain view and visible through the windows of the vehicle while on the school property. Interiors of vehicles may be searched whenever a school official has reasonable suspicion to believe that items that are illegal or violate school policy or federal, state or local law are contained therein.

A student's person and/or personal effects (e.g. purse, book bag, etc.) may be searched whenever school personnel have reasonable suspicion to believe that a student is in possession of items that are illegal or violate school policy or federal, state or local law.

It shall be the policy of the District to permit school personnel to conduct blanket searches of the school property with professionally trained handlers and dogs for the purposes of detecting illegal materials.

## V. VIOLATION OF POLICY FOR POSSESSION AND/OR USE

A student who violates this Policy shall be subject to the following disciplinary, rehabilitative and punitive actions. The Board reserves the right to use any other lawful measures deemed necessary to control and eliminate the use of controlled substances even if the same is not provided for specifically in any rule or regulation enumerated herein.

An infraction occurs when a student manufactures, uses, abuses, possesses, actively or constructively, is under the influences of controlled substances or drug paraphernalia during travel to and from school, on school property; in school buses, vans or other vehicles, used by or owned by, leased by, or under control of the District, or while participating in a school activity/event held away from school premises, or at any school sponsored activity anywhere, or who conspires, aides, or abets the use, abuse, active possession, or constructive possession, of controlled substances.

### A. FIRST OFFENSE

1. The principal will be immediately notified of any violation of this policy. The principal shall initiate appropriate disciplinary action in accordance with the District's Policies.
2. The principal or designee will meet with the student to ascertain the circumstances related to a possible policy violation.
3. The principal or designee will promptly notify the student's parent(s) or guardian(s) concerning the incident and will seek additional information that could guide disposition of the possible policy violation.
4. The student may be sent home or removed from the school to receive medical attention if required. When parent(s) or guardian(s) cannot be reached, the principal or other school authority will decide to obtain medical treatment for the student or to temporarily isolate the student.
5. The principal will notify the appropriate legal authorities for investigation and disposition in accordance with state law and regulations, the procedures set forth in the memorandum of understanding with local law enforcement and Board policies.
6. The principal or designee will schedule a hearing in accordance with the District's Policy.
7. Should it be determined the offense was committed by the student, the student will be externally suspended from school for ten (10) days.

### B. SECOND OFFENSE

Any person who violates this policy a second time commits a second offense. All requirements, procedures, due process and penalties that govern first offense under this policy will apply under the second offense. In addition, the following disciplinary action and requirements apply:

1. The student will obtain a drug and alcohol assessment and will comply with all assessment recommendations as a condition for readmission to school after the suspension or required rehabilitation. Any student who receives a second offense and who refuses to obtain a drug and alcohol assessment or who obtains the assessment and does not comply with the assessment recommendations will be recommended for expulsion. Expulsion is exclusion from school by the Board of School Directors for a period that exceeds ten (10) school days and may be permanent.

### **C. ADDITIONAL REQUIREMENTS**

Any student who violates this policy (regardless of the number of offenses) will:

1. Be assessed by a licensed drug and alcohol designated facility or similar type alternative program approved by the administration, and comply with any recommendations from the evaluation and any recommendations that follow until the date of discharge from the provider, not to exceed one calendar year. If the recommendations are not followed, the student will be recommended for expulsion.
2. Parent(s) or guardian(s) may select similar type alternative programs for students to attend as specified in paragraph (1) above. However, parent(s) and guardian(s) must have the principal's written approval prior to any student's participation in an alternative program. Prior to receiving the principal's written approval for a student to attend an alternative program, parent(s) and guardian(s) must give written consent to the principal or designee to obtain all complete records when the student attends an alternative program. The District will not pay any expense incurred by the student, parent(s) or guardian(s) when the student participates in an alternative program.
3. While a student is suspended out-of-school and attending the alternate education program he/she shall not participate in or attend as a spectator any school sponsored activity. School related and/or school sponsored activities include, but are not limited to, clubs, musical groups, publications, athletics and other activities such as National Honor Society, student

council and class activities (spirit week, homecoming, class trips, fund-raisers, dances, proms and commencement). Further, the student must successfully complete the assessment within seven days of the informal hearing, by a drug and alcohol facility or District approved program.

4. Eligibility for participation in school extracurricular activities (including athletics, clubs and organizations) shall be further limited in accordance with the Extra-Curricular Code of Conduct.
5. If the student refuses to participate in or does not successfully complete the programs mentioned herein, as scheduled by the District, the student will be recommended for expulsion.

## VI. VIOLATION OF THE POLICY FOR DISTRIBUTION

A student who violates this Policy shall be subject to the following disciplinary, rehabilitative and punitive actions. The Board reserves the right to use any other lawful measures deemed necessary to control and eliminate the use and distribution of controlled substances even if the same is not provided for specifically in any rule or regulation enumerated herein. An infraction occurs when a student attempts to or succeeds in delivering, distributing or transmitting controlled substances or possesses with the intent to distribute, deliver or transmit.

### **A. FIRST OFFENSE**

1. The principal will be immediately notified of any violation of this Policy. The principal shall initiate appropriate disciplinary action in accordance with the District's Policies.
2. The principal or designee will meet with the student who will explain the circumstances related to a possible policy violation.
3. The principal or designee will promptly notify the student's parent(s) or guardian(s) concerning the incident and will seek additional information that could guide disposition of the possible policy violation.
4. The principal will notify the appropriate legal authorities for appropriate investigation and disposition in accordance with state law and regulations, the procedures set forth in the memorandum of understanding with local law enforcement and Board policies.
5. The principal or designee will schedule a hearing in accordance with the District's Policy.

6. Should it be determined the offense was committed by the student, the student will be externally suspended from school for ten (10) days and a Board hearing shall be held with administration recommendation for expulsion of the student from school for period to be determined by the Board.
7. Refer the student to an appropriate agency for counseling and treatment.
8. While a student is suspended out-of-school and attending the alternate education program, he/she shall not participate in or attend as a spectator any school sponsored activity. School related and/or school sponsored activities, include but are not limited to, clubs, musical groups, publications, athletics and other activities such as National Honor Society, student council and class activities (spirit week, homecoming, class trips, fund-raisers, dances, proms and commencement).
9. Eligibility for participation in school extracurricular activities (including athletics, clubs and organizations) shall be further limited in accordance with the Extra-Curricular Code of Conduct.

## **VII. ANABOLIC STEROIDS**

In addition to consequence in Sections 5 and 6 of this Policy, anabolic steroid use bears additional consequences in regard to extracurricular participation.

The use of steroids by a student involved in extracurricular activities is prohibited. In addition the prohibition of use, the Board directs the administration to develop educational plans regarding the use of anabolic steroids.

The Superintendent shall prescribe, implement and enforce rules and regulation to prohibit the use of anabolic steroids, except for valid medical purposes, by any student involved in school-related activities. Body building and muscle enhancement of athletic ability are not valid medical purposes. Human Growth Hormone (HGH) shall not be included as an anabolic steroid under the provisions of the law.

Education regarding the dangers of anabolic steroids shall be provided in other District controlled substance (drug and alcohol) programs.

Eligibility for participation in school extracurricular activities shall be limited. The following minimum penalties are prescribed for any student found in violation of the anabolic steroid regulations required above, in addition to those consequences found in Sections 5 and 6. Violation of those rules and regulations include:

### **A. FIRST OFFENSE**

The student shall be suspended from school activities and extracurricular activities for the remainder of the season.

#### **B. SECOND OFFENSE**

The student shall be suspended from school activities and extracurricular activities for the remainder of the season and the following season.

#### **C. THIRD OFFENSE**

The student shall be permanently suspended from school activities and extracurricular activities.

No student shall be eligible to resume participation in school athletics and extracurricular activities unless there has been a medical determination that no residual evidence of steroids exists. The Board may require participation in any drug counseling, rehabilitation, testing or other programs, beyond those already detailed herein, as a condition of reinstatement into a school athletic program.

### **VIII. STUDENT SEEKING HELP**

Any student who is self-referred, or who is voluntarily referred by anyone else and who seeks help with a controlled substance use/abuse and/or dependency, and who is not under the immediate influence of a chemical substance is not subject to this policy's provisions as outlined for FIRST OFFENSE VIOLATIONS.

- A.** School personnel to whom a student reports and from whom he seeks help may consult with the student or may refer the student to a faculty member designated by the principal (e.g., counselor, Intervention Specialist, Child Study Team, nurse, etc.).
- B.** If help is required, the faculty designate may advise and assist the student in seeking appropriate psychological, medical or other types of help.
- C.** If medical treatment appears necessary, the parent/guardian(s) shall be notified.
- D.** Follow-up by the Intervention Specialist or Child Study Team case manager with the student and the referral agency shall be imperative.

### **IX. MULTI-TIER SYSTEM OF SUPPORTS**

#### **A. REFERRAL PHASE**

Referrals may come from a multitude of sources. Staff, students, parents, etc., may inform the Child Study Team of any suspicions, issues, behaviors or concerns that appear to be drug/alcohol/mental health related. Community concerns also will be noted and these will be investigated if they seem appropriate.

## **B. ASSESSMENT PHASE**

Once a referral has been received and considered, appropriate members of the team will be assigned to start the tracking by collecting data from attendance, discipline, counselors and the nurse. These records will be reviewed by the whole team and a decision will be made to get further information from the appropriate teachers or to make an alternate assignment immediately. All data collected from teachers on observable behavior, academic performance and physical appearance will be confidential. If the data strongly suggests D/A or M/H concerns, the team may have the Intervention Specialist complete a screening. Once fully satisfied that the student's profile reflects D/A or M/H concerns, an intervention will be planned.

## **C. INTERVENTION PHASE**

During this phase, the Intervention Specialist will be actively involved in determining the appropriate modality of treatment and proper placement (inpatient or outpatient). This may require meetings with the student or student and parent where information has been gathered, is discussed, and options are explored.

## **X. SUSPECTED VISITORS**

Visitors suspected of using, possessing, transmitting, manufacturing, selling, transporting or distributing controlled substances or of encouraging or promoting such activity while on school property or during the course of school sponsored activities shall be reported to the school principal who shall report the visitors to local law enforcement officials. In accordance with state law and regulations, the procedures set forth in the memorandum of understanding with local law enforcement and Board policies.

## **XI. REASONABLE SUSPICION/TESTING**

If based on the student's behavior, medical symptoms, vital signs or other observable factors, the building principal has reasonable suspicion that the student is under the influence of a controlled substance, the student may be required to submit to drug or alcohol testing. The testing may include but not limited to the analysis of blood, urine, saliva, or the administration of a Breathalyzer test.

## **XII. USE OF BREATHALYZER**

All students, whether during the school day, prior to or during an extra-curricular, interscholastic, or other school related or school sponsored function, whether conducted on or away from school property, may be required to submit to a breathalyzer as a condition of participation in

the extra-curricular, interscholastic, or other school related or school sponsored function.

It is not the intent of the policy to randomly test students. It is the intent to have the breathalyzer procedure used to serve as a deterrent to students attending District functions after consuming alcohol.

Refusal to submit to a breathalyzer procedure will be considered to be a positive test and the student will be disciplined in accordance with Board Policy.

### XIII. DEFINITIONS

- A. Multi-Tier System of Supports (MTTS)** - A multidisciplinary team that includes teachers, administrators, nurse and counselors. This team is trained to understand and work with adolescent chemical use, abuse and dependency. The team's primary role is to identify, refer and intervene when student chemical substance use, abuse, possession and/or distribution is suspected.
- B. Controlled Substance** - Controlled substances include, but are not limited to: alcohol, drugs, narcotics and/or other health endangering compounds such as anabolic steroids and other performance enhancing substances, tranquilizers, amphetamines, synthetic opiates, marijuana, LSD and other hallucinogens, glue solvent-containing substances, "look-alike" drugs, any prescription or patent drug, except those for which permission to use in school has been granted, any other mood-altering substance, and will also include all regulated and controlled substances identified in the following laws: Public Law 91-513 Comprehensive Drug Abuse Prevention and Control Act of 1970 (Federal Law The Controlled Substance Drug, Device and Cosmetic Act of April 14, 1972 (P.L. 233, No. 65 and Amendments) and 35 P.S. §§ 780-104, 780-110.
- C. Cooperative Behavior** - Is the student's willingness to reasonably and helpfully work with staff and school personnel and to comply with Multi-Tier System of Supports requests and recommendations.
- D. Distribution** - To attempt to or to succeed in delivering, selling, passing, sharing or giving to another person, or to assist in distributing any controlled substance as defined by this policy.
- E. Drug Paraphernalia** - Includes all equipment, products and materials of any kind which are used, intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance.

Paraphernalia includes, but is not limited to:

1. Isomerization devices used, intended for use or designed for use in increasing the potency of any species of plant which is a controlled substance.
2. Testing equipment used, intended for use or designed for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances.
3. Scales and balances used, intended for use or designed for use in weighing or measuring controlled substances.
4. Diluents and adulterants, such as quinine hydrochloride, mannite, dextrose and lactose, used, intended for use or designed for use in cutting controlled substances.
5. Separation gins and sifters used, intended for use or designed for use in removing twigs and seeds from or in otherwise cleaning or refining marijuana.
6. Blenders, bowls, containers, spoons and mixing devices used, intended for use or designed for use in compounding controlled substances.
7. Capsules, balloons, envelopes and other containers used, intended for use or designed for use in packaging small quantities of controlled substances.
8. Containers and other objects used, intended for use or designed for use in storing or concealing controlled substances.
9. Hypodermic syringes, needles and other objects used, intended for use or designed for use in injecting controlled substances into the human body.
10. Objects used, intended for use or designed for use in ingesting, inhaling or otherwise introducing alcohol, marijuana, cocaine, hashish, hashish oil or any other drug into the human body, including, but not limited to:
  - (a) Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls
  - (b) Water pipes
  - (c) Carburetion tubes and devices
  - (d) Smoking and carburetion masks
  - (e) Roach clips; meaning objects used to hold burning material such as marijuana cigarette, that has become too small or too short to be held in the hand
  - (f) Miniature cocaine spoons and cocaine vials

- (g) Chamber pipes
- (h) Carburetor pipes
- (i) Electric pipes
- (j) Air-driven pipes
- (k) Chillums
- (l) Bongs
- (m) Ice pipes or chillers
- (n) Vaporizers
- (o) E-cigarettes when used as a delivery device for controlled substances

In determining whether an object is drug paraphernalia, school authorities shall consider, in addition to all other logically relevant factors: statements by an owner or by anyone in control of the object concerning its use; the proximity of the object, in time and space, to a direct violation of this policy; the proximity of the object to controlled substances; the existence of any residue or controlled substances on the object; direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object; to deliver it to persons whom he knows, or should reasonably know; intend to use the object to facilitate a violation of this policy; the innocence of an owner or of anyone in control of the object, as to a direct violation of this policy should not prevent a finding that the object is intended for use or designed for use as drug paraphernalia; instructions, oral or written, provided with the object concerning its use; descriptive materials accompanying the object which explain or depict its use; national and local advertising concerning its use; the manner in which the object is displayed for sale; whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products; direct or circumstantial evidence of the ratio of sales of the objects to the total sales of the business enterprise; the existence and scope of legitimate uses for the object in the community; and expert testimony concerning its use.

- F. Immediate Precursor** - A substance which is designated as being a principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance.
- G. Look-alike Drugs** - Substances that are designed or intended to resemble controlled substance prohibited by this policy, or used in a manner likely to induce others to believe the material is a controlled substance..

- H. Manufacture** - The production, preparation, propagation, compounding, conversion or processing of a controlled substance, other drug or device or the packaging or repackaging of such substance or articles, but does not include the activities of a practitioner who, as an incident to his administration or dispensing such substance or article in the course of his professional practice, prepares, compounds, packages or labels such substance or article. The term “manufacturer” means a person who manufactures a controlled substance, other drug or device.
- I. Marijuana** - Consists of all forms, species and/or varieties of the genus *cannabis sativa* L., whether growing or not; the seeds therefore, the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture or preparation of such plant, its seeds or resin.
- J. Narcotic** - Any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis: (i) opium, (ii) any opiate having an addiction-forming or addiction-sustaining capacity similar to morphine, but not including the isoquinoline alkaloids or opium, (iii) any compound, manufacture, salt, derivative or preparation of opium or any opiate, and (iv) any substance, compound, manufacture, salt, derivative or preparation thereof, which is chemically identical with any of the substances referred to in (i), (ii) or (iii).
- K. Possession, Active** - To possess or hold without attempt to distribute, any controlled substance.
- L. Possession, Constructive** - A person’s ability and intent to exercise control over, individually or with other persons, any controlled substance. Ability and intent to control a prohibited substance may be inferred from all the circumstances.
- M. Prescription Medication** - Consists of medication prescribed by a licensed physician and requiring administration during school hours in accordance with the procedures set forth in the District Medication Policy 210 and 210.1.
- N. Reasonable Suspicion** - Generally is defined as a conclusion arrived at by a reasonable, prudent and conscientious mind, from facts at hand; it is not caused by such improper motives as a dislike for the student or malice, but only from the facts which are known. If they logically, rationally and in the exercise of good common sense, lead a reasonable, prudent and discreet person to conclude that a student has illegal material on school property

or on his person, this is a reasonable suspicion, but there must be a fair and conscientious consideration of only the facts that are known.

- O. **Uncooperative Behavior** - Is the student's resistance or refusal, either oral, physical or passive, to comply with reasonable school personnel requests or recommendations. Defiance, assault, deceit and flight are examples of uncooperative student behavior. Uncooperative behavior includes refusal to comply with Multi-Tier System of Supports requests and recommendations.
- P. Under the influence - Includes any consumption or ingestion of controlled substances by a student.

## SEARCH PROCEDURES BY STAFF (POLICY 226)

To maintain order and discipline in schools and to protect the safety and welfare of students and school personnel, the Board reserves the right to authorize school officials to search students, lockers, automobiles, and/or school property in certain circumstances and may seize any illegal or unauthorized materials discovered during the search.

1. It is prohibited for any student while at school, to possess on his/her person, in his/her locker or his/her automobile or to use in any manner, or to sell any substance, item, or device, the use, possession, or sale of which is a violation of federal, state or local law or District policy or constitutes a threat to the health, safety, welfare or good order of the occupants of the school building, the school building itself, or the District ("illegal materials").
2. Parents and students shall be notified at least annually or more often, if deemed appropriate, of the contents of the search policy.
3. All school personnel shall cooperate in every manner possible in carrying out this policy.
4. Reasonable suspicion is generally defined as a conclusion arrived at by a reasonable, prudent and conscientious mind, from facts at hand; it is not caused by such improper motives as a dislike for a student or malice, but only from the facts which are known. If they logically, rationally and in the exercise of good common sense, lead to a reasonable, prudent, and discreet person to conclude that a student has illegal material on school property or on his/her person, this is a reasonable suspicion, but there must be a fair and conscientious consideration of only the facts that are known.

### I. GENERAL SEARCH PROCEDURES

Any building administrator, teacher, or other district employee who

reasonably suspects that a student has in his/her possession on the school property or sells or uses on school property any illegal material, shall proceed as follows:

- A. The matter or incident should be referred immediately to the building principal with an explanation of what facts led to the conclusions that the student possesses, uses or sells illegal material.
- B. The principal or his/her designee shall then discuss with the student privately the facts as related to the principal and ask the student to consent to a search of his/her person, locker, and/or automobile.
- C. Students who do not cooperate with the principal or his/her designee, who has reasonable suspicion to search, shall immediately be subject to disciplinary action.
- D. Any search conducted shall be reasonably related in scope to the circumstances which justified the search at its inception.
- E. When a search is made of a student's person, locker, and/or automobile, at least one other teacher or school official should be present in addition to the principal or his/her designee. Except in emergency situations, reasonable steps should be taken to ensure the student is given an opportunity to be present during the search.
- F. If illegal material is found, it should be confiscated, marked in some identifying manner in the presence of the student, if possible, and that of at least one other teacher and/or administrator and then held in a secure place.
- G. The principal or his/her designee shall be responsible for the safe keeping and proper disposal of any illegal material found.
- H. The principal or his/her designee shall be responsible for the prompt recording, in writing, of each search; such record shall include the reasons for the search, persons present, objects found and the disposition of illegal materials found.
- I. Confiscated illegal materials may be used against the student in school disciplinary proceedings.
- J. If illegal material is found, the appropriate law enforcement agency shall be contacted.
- K. Illegal material shall be turned over to the appropriate law enforcement agency for further investigation and proceedings.

School officials may conduct periodic blanket searches of school property, without individualized suspicion of any particular student, where school officials are able to articulate evidence of a substantial problem threatening the welfare or safety of the school as a whole and

that blanket searches may help eliminate that problem.

## II. PERSONAL SEARCHES

A student's person and/or personal effects (e.g. purse, book bag, etc.) may be searched whenever a school official has reasonable suspicion to believe that a student is in possession of illegal materials.

Consistent with this policy, the Board authorizes district personnel to conduct a personal search at any time for the purpose of determining whether the student is in possession of illegal materials.

If a pat down search of student's person is conducted, it will be conducted privately by a school official of the same sex and with an adult witness of the same sex present.

## III. LOCKER SEARCHES

All lockers are and shall remain the property of the District. Students shall have no expectations of privacy in their lockers.

In order to have use of a school locker, students shall be required to sign a waiver authorizing the principal or his/her designee to search the interior of the student's locker.

Students are encouraged to keep their assigned lockers closed and locked against incursion by other students; but no student may use a locker as depository for illegal materials.

The Board authorizes District personnel to inspect a student's locker at any time for the purpose of determining whether the locker is being improperly used for the storage of illegal materials.

Whenever the search of a student's locker is prompted by the reasonable suspicion that the contents of student's locker create an emergency, the principal or his/her designee may open the locker as soon as is necessary to properly discharge his/her duty to protect the persons and property within the school building.

Other than as provided as to dog and blanket searches, all requests for the search of a student's locker coming from law enforcement personnel shall be directed to the building principal or his/her designee, who shall open a student's locker on the request of a law enforcement officer only on presentation of a duly authorized search warrant or on the intelligent and voluntary consent of the student.

## IV. AUTOMOBILE SEARCH

School parking lots are owned by the District and the District exercises exclusive control over its parking lots. Use of the parking lots is privilege, not a right.

Students have no expectation of privacy regarding items placed in their vehicles in the parking lot.

The parking lot may be subject to routine patrols and inspections of the exterior of vehicles and visual inspection of those items within the vehicles which are in plain view and visible through the windows of the vehicle while on school property. Routine patrols may be conducted by District personnel or drug detecting dogs.

Interiors of vehicles may be searched whenever a school authority has reasonable suspicion to believe that illegal materials are contained therein.

Patrols and inspections may be conducted without notice, without student consent and without a search warrant.

## V. USE OF DRUG DETECTING DOGS FOR SEARCHES

It shall be the policy of the District to permit District personnel to conduct blanket searches of the school property with professionally trained handlers and dogs for the purposes of detecting illegal materials.

Parents and students are hereby notified of this policy through its inclusion in the Student Discipline & Records Policy Handbook. Once this notification has been given, the district has met its obligation to advertise the searches. Additional notice need not be given and actual times or dates of planned searches need not be released in advance.

District personnel shall authorize the search and have a designee on hand while the search is taking place.

All school property, including, but not limited to lockers, classrooms, storage areas, and parking lots, may be searched. Individual(s) will not be subjected to a search by dogs.

## **CORPORAL PUNISHMENT**

It is not consistent with the philosophy of the West Chester Area School District to inflict corporal punishment. The Board prohibits the use of corporal punishment. Corporal punishment is defined as physically punishing a student for an infraction of the discipline policy.

Reasonable force may be used by teachers and school authorities (1) to quell a disturbance; (2) to obtain possession of weapons or other dangerous objects; (3) for the purpose of self-defense; or (4) for the protection of persons or property.

## **BOMB THREATS**

The Board is extremely concerned about the problems connected with

threats, or warnings, of bombs being placed in any of the buildings of the school district. This concern arises from the potential danger to the life and safety of pupils and school personnel, and disruption to classes which results from threats.

In order to protect the lives and safety of persons, the Board directs the Administration to evacuate the building in which a bomb is reported except for those persons directly involved in searching for the bomb. Persons evacuated are not to return to the building until it has been determined by authorities conducting the search that no danger exists.

## **WEAPONS(BOARD POLICY 218.1)**

Weapons and replicas of weapons are forbidden on school property. Weapons shall be defined as any animate or inanimate device, instrument, materials or substance which, under the circumstances in which it is used, attempted to be used or threatened to be used is readily capable of causing death or serious physical injury. Weapons shall include, but not be limited to: any knife, cutting instrument, cutting tool, nunchaku, firearm, shotgun, rifle, pepper spray, and any tool, instrument or implement capable of inflicting serious bodily injury, including: metal knuckles; straight razors; explosives; noxious, irritating or poisonous gases; poisons; drugs or other items fashioned to use, sell, harm, threaten or harass students, staff members, parents, patrons or any other person.

The District or area vocational school shall expel for a period of not less than one year, any student who is determined to have brought a weapon onto school property, any school sponsored activity or any public conveyance providing transportation to a school or school sponsored activity.

Any loaded or unloaded firearm or dangerous weapon possessed on or about a person while on district property is subject to seizure or forfeiture. Incidence of students possessing weapons will be reported to the student's parents and shall be reported to the police. Appropriate disciplinary and legal action will be taken against students who possess weapons and with students who assist possession in any way. However, weapons under the control of law enforcement personnel are permitted. The superintendent may authorize other persons to possess weapons in school buildings. The superintendent may prescribe special conditions and procedures to be followed before giving such authority.

Students and parents shall refer to Policies 218 and 233 for additional information regarding weapons violations.

## STUDENT TRANSPORTATION (POLICY 810, 810.3)

The West Chester Area School District has the authority to make responsible and necessary rules governing the conduct of students in school. All students are considered under the jurisdiction of the bus conduct regulations if being transported via a District sponsored vehicle. The school board is responsible for the adoption of policies and establishment of criteria and procedures governing discipline related to transportation for both public and nonpublic school students.

Bus transportation is a privilege extended only to students who display good conduct while preparing to ride, riding, or leaving the bus. Failure to follow the rules can create an unsafe environment on or around the bus, which increases the risk of injury or accident for all the other riders and drivers.

Public school students who fail to comply with the rules may be suspended and/or removed indefinitely from his/her bus if the violation warrants. More serious incidents may involve suspension from school and possible police action.

In accordance with the identical transportation rules and consequences which apply to public school students, the District may refuse to provide transportation or to provide reimbursement for any such transportation or to in any other way comply with Act 372 for a nonpublic school student who violates the District's discipline regulations.

Bus conduct for special education students shall be in compliance with special education regulations.

Parents are responsible for transporting their child to and from school if the child has been excluded from bus transportation.

### I. BUS STOP - RULES OF CONDUCT

#### A. LEVEL I

##### **Students shall...**

1. Arrive at the bus stop at least five (5) minutes before the scheduled bus arrival.
2. Wait in a safe place, clear of traffic and away from where the bus stops.
3. Wait in an orderly line and avoid horseplay.
4. Cross the road or street in front of the bus only after the bus has come to a complete stop and the student has look in both directions to make sure all traffic has stopped.
5. Cross the road or street in front of the bus after exiting the bus, stopping in front of the bus and checking that traffic has

stopped in all directions.

6. Not commit minor infractions of unacceptable behavior.
7. Not disrespect their peers.
8. Not possess or utilize personal technology/electronic devices in violation of Policy 237.

## **B. LEVEL II**

### **Students shall...**

1. Not run after a moving bus or through traffic.
2. Not play on or litter on private property.
3. Not commit other more serious infractions of unacceptable behavior (see Policy 218).
4. Not commit acts of insubordination.
5. Not fight with others.
6. Not use foul or abusive language.
7. Not verbally assault or intimidate others.
8. Not bully or harass (isolated incidents) Policy 103, 249
9. Not possess or utilize personal technology/electronic devices in violation of Policy 237.

## **C. LEVEL III**

### **Students shall...**

1. Not damage private property at a bus stop.
2. Not push others toward a moving vehicle.
3. Not commit any act punishable under the Pennsylvania Crimes Code or other most serious infractions of unacceptable behavior. (See Policy 218).
4. Not physically assault others.
5. Not possess weapons.
6. Not commit false alarms of 911 calls
  
7. Not commit arson, bomb threats, or other terrorist related activities.
8. Not use controlled substances
9. Not extort, harass, bully or engage in intentional contact with others.
10. Not commit acts of theft.

## **II. ON THE BUS - RULES OF CONDUCT**

### **A. LEVEL I**

#### **Students shall...**

1. Follow directions of the driver the first time given.

2. Not distract the driver's attention by engaging in loud talking or disorderly behavior while the bus is in motion.
3. Go directly to an available seat or assigned seat when entering the bus.
4. Not save seats for a friend which unduly limits bus seating capacity.
5. Remain seated and keep aisles and exits clear.
6. Be permitted to carry only objects that can be held on their laps.
7. Not eat, drink or chew gum on the bus.
8. Wear seat belts if they are installed on vehicle.
9. Not litter on the bus.
10. Not commit minor infractions of unacceptable behavior (see Policy 218).
11. Not disrespect their peers.
12. Not possess or utilize personal technology/electronic devices in violation of Policy 237.

## **B. LEVEL II**

### **Students shall...**

1. Not tamper with the bus or any of its equipment
2. Not throw or pass objects on, from or into buses.
3. Not use tobacco, matches or any open flame on the bus.
4. Not carry hazardous materials, nuisance items and animals on the bus.
5. Not leave or board the bus at locations other than the assigned stops at home or school.
6. Not extend any part of their body or objects out of the bus windows.
7. Not commit other more serious infractions of unacceptable behavior (Policy 218).
8. Not commit acts of insubordination.
9. Not fight with others.
10. Not use foul or abusive language.
11. Not verbally assault or intimidate others.
12. Not bully or harass others.(Policy 103, 249)
13. Not possess or utilize personal technology/electronic devices in violation of Policy 237.

## **C. LEVEL III:**

### **Students shall...**

1. Not hitch rides via the rear bumper or other parts of the bus.
2. Not vandalize a bus or bus equipment.

3. Not commit any act punishable under the Pennsylvania Crimes Code or other most serious infractions of unacceptable behavior. (See Policy 218).
4. Not physically assault others.
5. Not possess weapons.
6. Not commit false alarms of 911 calls.
7. Not commit arson, bomb threats, or other terrorist related activities.
8. Not use controlled substances
9. Not extort, harass, bully or engage in intentional contact with others.
10. Not commit acts of theft.

### III. BUS CONDUCT DISCIPLINARY ACTION SCHEDULE

Student misbehavior will necessitate disciplinary action by the building principal or his/her designee. The discipline action shall be based on the level (Level I, II, III) of the infraction listed in the Rules of Bus Conduct and shall be consistent with the Bus Conduct Disciplinary Action Schedule. The Building's principal (or designee) shall use discipline actions listed in policies 218, Student Discipline, 233, 218AG1, Suspension and Expulsion; and 233AG1, Suspension and Expulsion, as amended, in conjunction with the Bus Conduct Disciplinary Action Schedule as he/she deems appropriate.

#### **A. LEVEL I - ELEMENTARY**

1st Offense:

- Verbal warning and/or assigned seat

2nd Offense:

- Assigned seat
- Parent call

3rd Offense:

- Meeting with driver
- Parent call and/or meeting
- 1 day suspension from bus

4th Offense:

- Automatic Level II, 2nd offense

#### **B. LEVEL I - SECONDARY**

1st Offense:

- Verbal warning and/or assigned seat

2nd Offense:

- Assigned seat
- Parent call

3rd Offense:

- Meeting with driver
- Parent call and/or meeting
- 1-3 day suspension from bus

4th Offense:

- Automatic Level II, 2nd offense

### **C. LEVEL II - ELEMENTARY**

1st Offense:

- Assigned seat
- Parent call

2nd Offense:

- Contact driver
- Parent call and/or meeting
- Possible 2-3 day suspension from bus

3rd Offense:

- Automatic Level III

### **D. LEVEL II - SECONDARY**

1st Offense:

- Contact driver
- Parent call and/or meeting
- Possible 1-3 day suspension from bus

2nd Offense:

- Contact driver
- Parent call and/or meeting
- 3-5 day suspension from bus

3rd Offense:

- Automatic Level III

### **E. LEVEL III - ELEMENTARY\***

1st Offense:

- Meeting with driver and parent
- Possible 5 day suspension from bus

### **F. LEVEL III - SECONDARY\***

1st Offense:

- Meeting with driver and parent

- Possible 10 day suspension from bus

**\*NOTE:** If the administrator considers the committing of an offense in this category (Level III) a serious threat to the health, safety or welfare of others, s/he may extend the suspension from the bus beyond the normal suspension period as long as the suspension does not exceed the remainder of the school year.

## **TRANSPORTATION VIDEO/AUDIO RECORDING (POLICY 810.2)**

The Board recognizes that misconduct on board a bus jeopardizes the safety of all passengers and that the limited use of video/audio monitoring will help ensure safety by serving as a deterrent to misbehavior.

### **I. AUTHORITY**

The Board has the authority to make reasonable and necessary rules governing the conduct of students in school, including traveling to and from school.

The responsibility for maintaining reasonable discipline on board the District's school buses begins with the individual driver. Bus incident reports will continue to be the primary tool for use by the driver to report misconduct which he/she observes that cannot be corrected by less formal means, such as reassigning seats or giving verbal warnings. These reports are forwarded to the responsible building principal for corrective disciplinary action as per existing District guidelines or procedures.

To assist with discipline control, the School District Administration is authorized to purchase, maintain and equip school buses with video/audio cameras and housings capable of holding and utilizing a video/audio camera for rider surveillance. District Administrators and officials shall determine when buses will contain cameras. In particular, cameras shall be placed in buses on a random basis as well as in response to specific requests. However, bus drivers and riders will not be provided with any knowledge of the actual presence or absence of cameras. It will appear as though a camera is present on board and taping at all times and on all days.

### **II. NOTIFICATION**

On each bus where a video/audio camera housing has been placed, a warning shall be posted informing the riders that a video/audio monitoring system may be used at any time. In addition, at the beginning of each school year notification shall be sent informing parents that buses shall have video/audio monitoring systems which

may be used at any time. However, failure of a parent to receive such a notification does not preclude the use of a video/audiotape in any subsequent student disciplinary or other legal proceedings.

### III. USE OF RECORDED DOCUMENTATION

Reviews of video/audiotapes shall be limited to the Principal, Supervisor of Transportation, the Superintendent's Designee and the Superintendent. However, video/audiotapes may be used in expulsion hearings if the video/audiotape provides evidence in the case or in cooperation with law enforcement when in compliance with FERPA. Otherwise, video/audio recordings shall be routinely erased/eliminated when the video/audio tape equipment automatically resets.

### IV. DESTRUCTION OF RECORDS

Video/audio taped documentation of misbehavior will be preserved only until any disciplinary action/disposition is reached. Thereafter, all recorded evidence of the misbehavior will be erased.

### V. PARENT SCREEN RIGHTS

A request for viewing a video/audiotape may be made by a student's parents or guardians if the students have been video/audio taped and disciplinary action has been recommended. All requests shall be in writing and addressed to the Principal of the student's school. Parents may only view the portion of the tape that documents the alleged misbehavior of their child on the bus. All viewings shall be in accordance with FERPA.

## **GUIDELINES FOR SPECIAL EDUCATION STUDENTS (BOARD POLICY 113, 113.4)**

Special Education guidelines address the often-confusing subject of discipline for students with disabilities. Should questions arise regarding disciplining of these students, they should be directed to the Supervisor of Special Education for clarification.

The ability of school districts to exclude students with disabilities for disciplinary violations depends upon three factors: (1) whether the exclusion constitutes a "change of placement;" (2) whether the conduct was a "manifestation of the disability;" and (3) whether the conduct is the result of an "inappropriate placement."

Please keep in mind the following guidelines:

1. Individuals with disabilities may not be excluded from school without parental agreement, or unless an injunction is obtained.

2. Other special education students should not be excluded from school for behavior that is a manifestation of his or her disability or which is the result of an inappropriate placement.
3. Special education students whose conduct is not related to a disability and whose conduct is not the result of an inappropriate placement may be subject to normal discipline rules and excluded from school for up to ten (10) consecutive days.
4. No special education student may be subject to disciplinary exclusion for more than ten (10) consecutive days without initiating due process procedures applicable to a change of educational assignment.
5. No special education student may be excluded for more than fifteen (15) days in a school year.
6. If a student with a disability brings a firearm to school, the District may place the student in an interim alternative educational setting for up to 45 calendar days. During this interim period, an IEP team will convene to determine an educational placement which would be appropriate for the student. In the event that the student's disability is mental retardation, the District is to issue a Notice of Recommended Assignment (NORA) requesting a change in placement. If the parent disagrees, than a court order is needed.
7. Even if an exclusion from school is agreed to or approved, both the IDEA (Individuals with Disabilities Education Act) and Pennsylvania regulations governing expulsion indicate that expelled students still have a right to special education and related services.
8. In situations where the student's inappropriate conduct is related to the disability, is the result of an inappropriate placement, or where the administration's recommendation is to exclude the student from school beyond ten (10) days so that a change of educational assignment must take place, or if there are any questions regarding the implementation of any of these guidelines, the Supervisor of Special Education shall be contacted for guidance.
9. The provisions of this Discipline and Records Policy regarding possession of weapons shall apply to special education students. However, in applying these weapon possession provisions to special education students, the Superintendent or other chief administrative officer shall take all steps necessary to comply with the Individuals With Disabilities Education Act (20 U.S.C. §1400 et seq.).

Each case represents unique circumstances that must be analyzed individually to ensure that proper procedures are followed.

## BEHAVIOR MANAGEMENT FOR SPECIAL EDUCATION STUDENTS (POLICY 113 113.2)

Parents and students shall refer to Board Policies 113, 113.2 as may be amended, for the District's policy on behavioral management for special education students.

## STUDENT RECORDS (POLICY 216)

### NOTICE OF IMPORTANT RIGHTS CONCERNING THE MAINTENANCE, ACCESS TO, AND AMENDMENT AND DISCLOSURE OF EDUCATION RECORDS BY THE WEST CHESTER AREA SCHOOL DISTRICT

**Designation of certain records containing personally identifiable information as “directory information.”** In the Definition section, under Directory Information, of this policy, the District designates certain kinds of information as “directory information.” The District will provide this information to any interested person, including armed forces recruiters who request it, without seeking consent from the parents of the student or the student. If you do not want the District to disclose such information, you must so notify the District in writing on or before the first day of the school term. Your written notice must identify the specific types of directory information that you do not want the District to disclose without consent. If you fail to notify us in writing by the first day of the school term, we may release directory information upon request and without consent.

**Disclosure of records containing personally identifiable information to other schools and institutions.** The Access and Disclosure Section of this policy allows the District to disclose personally identifiable information concerning a student to an educational agency or institution at which the student seeks to enroll, intends to enroll, or is enrolled, or from which the student receives services, when that agency or institution requests such records.

**Access to records by school officials with a “legitimate educational interest.”** The Access and Disclosure Section of this policy allows school officials with a legitimate educational interest to have access to personally identifiable information without parent or student consent. In the Definition Section, under “Parent”, of this policy, the District designates those person who have a “legitimate educational interest” that would allow such access to education records.

**Amendment of education records.** Under the Amendment of Records and Due Process Section of this policy describes how a parent or a student who has attained the age of 18 can request that records be amended. This Section also describes in detail the right of the parent or eligible student to request a hearing to challenge a decision by the District not to amend records that the parent or student believes are inaccurate, misleading, or in violation of the student's right to privacy.

**Complaints to the United States Department of Education.** Complaints concerning alleged failure of the District to comply with the requirements of the Family Educational Rights and Privacy Act (FERPA) may be addressed to the United States Department of Education as follows: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, DC 20202.

RESIDENTS OF THE WEST CHESTER AREA SCHOOL DISTRICT WITH CHILDREN IN PUBLIC SCHOOL OR WHO ATTENDED PUBLIC SCHOOL IN THE DISTRICT IN THE PAST SHOULD READ THE FOLLOWING POLICY CAREFULLY FOR A FULL EXPLANATION OF THEIR PRIVACY RIGHTS AS A PARENTS OR STUDENTS

**Any disclosure of personally identifiable information.** School professionals within the district who have a current legitimate educational interest with the student, i.e., administrative staff, the teachers, counselors or nurses who work directly with the student, and those Board Officials whose specific role may give them legitimate interest in the records or a student.

I. COLLECTION, MAINTENANCE AND DESTRUCTION OF EDUCATION RECORDS

The collection, maintenance, destruction, access, disclosure, public notice and due process regarding student records shall adhere to the Family Educational Rights and Privacy Act (FERPA), Individuals with Disabilities Education Act (IDEA), Protection of Pupil Rights Amendment, Pennsylvania Public School Code, Regulations of Pennsylvania State Board of Education and Basic Education Pa. Code Part 22 and other applicable law.

**COLLECTION**

1. The District shall collect and maintain education records in accordance with the Record Management policy, rules, procedures and schedules promulgated thereunder, and federal and state laws and regulations.
2. By adoption of this policy, the District's Board of School Directors gives consent for the collection of educational records provided that when a survey, analysis or evaluation is used, it is consistent with Board policy.(a)

political affiliations or beliefs of the student or the student's family;

## **MAINTENANCE - TRANSFER, CONVERSION AND DESTRUCTION**

1. Education records shall be transferred, converted, and destroyed in accordance with the Records Management policy, rules, procedures and schedules promulgated thereunder and federal and state laws and regulations.
2. When the district determines that any portion of the education record of a student with disabilities is scheduled for destruction, it shall notify, in writing, the parents/guardians or eligible student of this determination. The written notice shall be in the native language of the parents/guardians or the eligible student, shall be mailed to the last known address of the parents/guardians or the eligible student shall:
  - (a) The identity the specific records or categories of records scheduled for destruction.
  - (b) Explain that the district shall destroy the identified records at a certain date.
  - (c) Contain the name and number of a contact person whom the parents/guardians or eligible student can contact to obtain additional information about or seek clarification concerning the records.
3. The district shall not destroy any record that is the subject of a request for access from a parent/guardian or eligible student, a litigation hold, or a Right to Know Law request.

## **II. AMENDMENT OF RECORDS**

1. A parent or eligible student may request in writing that the District amend any portion of an education record that he or she believes is inaccurate, misleading, or in violation of the student's right to privacy. If a parent or eligible student makes an oral request, the parent or eligible student shall be directed to make the request in writing.
2. Within thirty (30) school days of the receipt of the written request to amend the education record, the administrator who is primarily responsible for maintenance of the challenged record shall notify the parent or eligible student in writing whether the district will amend the record. If the district determines that it will grant the request to amend, the record, the notice to the parent or eligible student shall either describe or provide a copy of the amended record. If the district determines that it will not amend the record,

the notice shall inform the parent or eligible student and explain the right to request a hearing in writing.

3. Within ten (10) school days of receipt of a request for a hearing, the district shall notify the parents or eligible student of the date, time, and location of the hearing. The notice shall be sent by verifiable means.
4. The hearing shall be held before the Superintendent or his or her designee or, if the Superintendent or the designee has a direct interest in the outcome of the hearing, before the principal of the building to which the student is currently assigned or his or her designee
5. 5. The hearing shall be informal, unrecorded, and not subject to formal rules of evidence or procedure other than those required to maintain order. The parent or eligible student shall have a full and fair opportunity to present evidence in support of his or her position and may be represented at his or her expense by an adviser, including an attorney.
6. Within thirty (30) days of the completion of the hearing, the district shall issue to the parent or eligible student a written decision concerning the amendment of the record. The written decision shall be based solely on the evidence presented at the hearing and shall include a summary of the evidence and reasons for the decision.
7. In the event the district does not grant the parent or eligible student's request, the parent or eligible student may choose to submit a statement to be placed in the education record of the student commenting on the contested information in the record or explaining why he or she disagrees with the decision not to amend, the district shall—
  - (a) Maintain the statement as part of the record for as long as the district maintains the contested record or information; and
  - (b) Disclose the statement whenever it discloses that portion of the record to which the statement pertains.

### **III. ACCESS AND DISCLOSURE**

#### **ACCESS**

1. The district shall allow the parents or eligible student to inspect and review the education record of the student within forty-five (45) calendar days of receipt of an oral or written request for access..
2. The district shall respond to all reasonable requests from the parents or eligible student for an explanation or interpretation of

the education record.

3. If circumstances effectively preclude the parents or eligible student from inspecting and reviewing the education record, or any portion thereof, the district shall provide the parents or the eligible student with a copy of the record subject to the request. When copies are not required to ensure that the parents or the eligible student has the opportunity to inspect and review the education record, the district may charge a fee in accordance with Policy 801, Public's Right-to-Know, to copy requested portions of the education record, unless the parents or the eligible student can establish that they are unable to pay the amount thus charged.
4. When the district receives a request to inspect and review the education record of a student with disabilities in anticipation of a meeting of the IEP or multi-disciplinary team or a due process hearing, the District shall respond to such request within a reasonable time prior to the meeting or hearing, the time allowed in the Access and Disclosure Section of this policy notwithstanding.
5. When parents or an eligible student seek to inspect and review a record that contains personally identifiable information concerning another student, the district shall provide access only to that portion of the record that pertains to the requesting student.
6. School officials with a legitimate educational interest may at any time inspect and review, and obtain copies of, the education record.

## **DISCLOSURE**

1. Any disclosure of personally identifiable information from an education record, other than set forth herein shall require the prior written consent of the parent or the eligible student. Any document providing such consent shall:
  - (a) Specify the records that may be disclosed.
  - (b) identify the person or agency to whom or to which disclosure will be made; and
  - (c) contain the signature of at least one parent or the eligible student.
2. Prior written consent from the parent or the eligible student is not required when the disclosure of personally identifiable information from education records is permitted by the Family Educational Rights and Privacy Act and its implementing regulation or other applicable law. Examples of such circumstances include, but are not limited to:

- (a) A school official with a legitimate educational interest.
  - (b) An educational agency or institution at which the student seeks or intends to enroll, or is enrolled, or from which the student receives services, when that agency or institution requests such records, as long as:
    - 1. The district makes a reasonable attempt to notify the parent or eligible student.
    - 2. The parent or eligible student is provided, upon request, a hearing as described in this policy.
    - 3. The parent or eligible student is afforded, upon request, a hearing as described in this policy.
  - (c) Appropriate parties in connection with a health or safety emergency, subject to certain conditions, when such disclosure is necessary to protect the health or safety of the student or others;
  - (d) State and federal educational and other agencies for purposes of investigation and auditing, when those agencies are bound by the provisions of the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g;
  - (e) Persons seeking directory information when the district has provided parents and eligible students with proper notice of the district's directory information without consent and the parent or eligible student has not notified the district, in writing, on or before the first day of the school term that they object to the disclosure or some or all of the information designated as directory information.
  - (f) The parents of a student who is not an eligible student or to the student.
  - (g) The parents of an eligible student who remains a "dependent student" as defined in the Internal Revenue Code.
  - (h) Accrediting organizations to carry out their accrediting functions;
    - (i) Comply with the terms of a judicial order or lawfully-issued subpoena, when the district has made reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance, unless the terms of a judicial order bar such notification.
3. When required by law, third parties will be obligated to comply with resisclosure requirements.

#### **IV. MISCELLANEOUS PROVISIONS**

- 1. The policy of the District is to comply in full with the requirement of state and federal law governing the maintenance of records and other personally identifiable information and the privacy rights

of students and their families. To the extent that any provision of this policy is construed as or found to be inconsistent with federal or state law, the district will treat that provision as null and void.

2. The district shall send or deliver all notices and requests for consent required under this policy to the address identified as the residence of the child in the registration information maintained by the district. Unless it receives specific written information to the contrary, the district shall presume that all persons with authority to make educational decisions for the student have received or had the opportunity to review and respond to notices and requests sent or delivered to such address. The district will send notices and requests to separate addresses only when—
  - (a) A person with joint authority to make educational decisions for the student, such as a divorced or separated natural parent or guardian, resides at that separate address

## V. DEFINITIONS

The terms used in this policy shall have the following meanings:

- A. Directory Information** - Information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy, if disclosed. It includes, but is not limited to, the student's name, address, telephone number, email address, photograph, date and place of birth, grade level, participation in district-recognized extracurricular activities, weights and heights of members of interscholastic athletic teams, dates of attendance, degrees, honors and awards received, schools attended within the district and whether the student graduated and date of graduation.
- B. Disclosure** - Permit access to or release, transfer, or other communications of personally identifiable information contained in the education record of the student to any party by any means, including oral, written or electronic means.
- C. Education Record** -
  1. Those records that are directly related to the student and are maintained in any office or school building of the district, the Chester County Intermediate Unit, or a vocational technical school, or any private school or facility that the district is using to provide free elementary or secondary education to the student in place of a public school.
  2. The term does not include:
    - (a) Records kept in the sole possession of the maker thereof, used only as a personal memory aid, and the

record and the contents of which are not accessible or revealed to any other individual except a substitute. For the purpose of this definition, a “substitute” means an individual who performs on a temporary basis the duties of the individual who made the record, and does not refer to an individual who permanently succeeds the maker of the record in his or her position.

- (b) Records that contain information concerning the student only after he or she is no longer a student in the district or receiving District-supported education.
  - (c) Other records specifically excluded from the definition of “education record” under the Family of Educational Rights and Privacy Act, 20 U.S.C. § 1232g, and its implementing regulation, 34 C.F.R. Part 99.
- D. Eligible Student** - A student who has attained eighteen years of age or is attending an institution of post secondary education.
- E. Emancipated Minor** - A student below the age of twenty-one who has chosen to establish a domicile apart from the continued control and support of parents and guardians. The term includes a minor living with a spouse.
- F. IEP** - Individual Education Program
- G. Parent** - The natural or adoptive parents of a student; the legal guardian or guardians of a student; or an individual acting as a parent in the absence of a natural parent or guardian.
- H. Personally Identifiable Information** - Any one or more of the following:
- 1. The student’s name;
  - 2. The name of any member of the student’s family;
  - 3. The address of the student or any member of the student’s family;
  - 4. A personal identifier such as a social security number or student number;
  - 5. A description of one or more personal characteristics that would render the student’s identity easily traceable; or
  - 6. Other information that would render the student’s identity easily traceable
- I. Record** - Any information recorded in any way, including but not limited to handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche.
- J. School Official with a Legitimate Educational Interest** - Any employee or contractor of:

1. The District;
2. The Chester County Intermediate Unit;
3. A vocational technical school; or
4. Any public or private school or facility that the District is using or is proposing to use to provide elementary or secondary education to the student in place of a public school who is or will be responsible for providing or supervising the provision of education, education-related services, or extracurricular activities or experiences to or for the student, when:
  - (i) particular information concerning that student is presently or potentially relevant to the provision of such education, education-related services, or extracurricular activities or experiences, or
  - (ii) such information is necessary to protect the health, safety, or welfare of other students with whom the student might have contact.

The phrase also applies to clerical staff of the agencies enumerated above who are responsible for the maintenance and security of education records and to attorneys, consultants, and school board members when school board action concerning the student is required by law or when the education or treatment of the student is the subject of present or potential litigation or legal dispute.

- K. Students with Disabilities** - A student age three through twenty-one who has or is thought to have one or more of the disabilities described in the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et. seq., and/or any preceding or succeeding legislation, for which he or she is eligible or thought to be eligible for special education and related services.

## FAMILY EDUCATIONAL RECORDS PRIVACY ACT (FERPA) FREQUENTLY ASKED QUESTIONS

The purpose of FERPA is to protect the privacy of student records. The law assures that educational records which are vital to the appropriate education of a child are accessible to the school professionals working with that child. Detailed information on this policy may be found in the Student Records portion of this manual.

*FERPA states that the school district can release "directory information" without parental consent. Why would the district release my child's name, address, or other*

***information and who would this information be released to?***

The school district is not in the practice of releasing information easily or to anyone who asks. At times, however, the district may be asked for lists of student names, birthdates or other information by athletic leagues or companies publishing directories such as *Who's Who Among American High School Students*. District schools also publish student school directories or yearbooks. District staff members and/or local media representatives may capture images of students involved in school activities. These images may be used in district publications, district web sites, or in local media publications where the students may be identified by name and school.

***If I decide to notify my child's school that I "do not" want directory information on my child released, how will my child be impacted?***

If you indicate in writing to your child's school principal that you "do not" grant permission for "directory information" to be released in any format, your child's name and/or image will NOT appear in the school's yearbook or any published school or classroom directory. By choosing this option, should your child be involved in athletics, theatrical or musical productions, or other school-related activities that receive media coverage, his/her name and picture may not be published.

***If I want to change my child's permission status, what do I do?***

If you decide to change your decision, you must notify your child's school principal in writing.

***If I fail to inform the district of my preference, what direction will the district take?***

According to FERPA, it is the parent's or guardian's responsibility to send written notification to the school of their wish to withhold directory information. In the event no written notice is received, the district will assume that permission has been given to release your child's "directory information."

## **SCHOOL VISITORS (POLICY 907)**

All visitors to the school shall comply with Board Policy 907. All visitors shall be required to submit to a Raptor (or other such building level security program that may exist) scan to proceed beyond the school building office.