



# **West Chester Area School District**

**2023-2024**

## **Discipline & Records Handbook**

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## Enrollment of Students (Policy 200)

The district shall enroll school age students eligible to attend district schools in accordance with applicable laws and regulations, Board policy and administrative guidelines.

### Definitions

**School age** shall be defined as the period from the earliest admission age for the district's kindergarten program until graduation from high school or the end of the school term in which the student reaches the age of twenty-one (21) years, whichever occurs first.

**District of residence** shall be defined as the school district in which a student's parent/legal guardian resides.

**Beginners** are students entering the lowest grade above kindergarten.

### Guidelines

School age resident students and eligible nonresident students shall be entitled to attend the schools of their district of residence.

The district shall not enroll a student until the parent/guardian has submitted proof of student's age, residence, immunizations, and a completed Parental Registration Statement, as required by law and regulations.

The district shall administer a home language survey to all students enrolling in the district's schools for the first time.

The district shall immediately enroll students experiencing homelessness, foster care and other forms of educational instability, even if the student or parent/guardian is unable to produce the required documents, in accordance with Board policy, law and regulation.

The district shall not inquire about the immigration status of a student as part of the enrollment process.

Enrollment requirements and administrative guidelines shall apply to nonresident students approved to attend district schools in accordance with Board policy.

Students with disabilities shall be entitled to attend district schools in accordance with their Individualized Education Program (IEP) and applicable state and federal laws and regulations.

## School Age Requirements

### *Kindergarten –*

Children are eligible for admission to kindergarten if they have attained the age of five (5) years on or before September 1.

The district is not required to admit a child to kindergarten whose age is less than the district's established admission age for kindergarten students.

### *Beginners/First Grade –*

Children are eligible for admission to the district as beginners/the first grade if they have attained the age of six (6) years on or before September 1.

They shall be admitted to school during the first two (2) weeks of the annual school term, and thereafter at the district's discretion, except: (a) children who are six (6) years of age may begin school at any time during the school year; and (b) children who are six (6) years of age and have entered primary school in another public or private school and have transferred to a district public school may be admitted at any time during the school year.

The district may admit as a beginner into the first grade a child who is five (5) years old and demonstrates readiness for entry by the first day of the school term, upon the written request of the parent/guardian, recommendation of the district psychologist, and approval of the Superintendent.

A child moving into the district who is not eligible for admission as a beginner who was already attending first grade may be considered for first grade placement based on the child's previous experience and the program's compatibility with the district's program.

The district is not required to admit as a beginner any child whose age is less than the district's established admission age for beginners.

The Superintendent or designee may make special exceptions for students not meeting the age requirements for admission, who transfer from a program in other school districts, and may promulgate administrative guidelines.

## Enrollment Requirements of Resident Students

The district shall not enroll a student until the parent/guardian has supplied:

1. Proof of child's age

Acceptable documentation includes: birth certificate, notarized copy of a birth certificate, baptismal certificate, copy of the record of baptism – notarized or duly certified and showing the date of birth, notarized or attested statement from the parents or another relative indicating

the date of birth, a valid passport, or a prior school record indicating the date of birth.

2. Immunizations required by law

Acceptable documentation includes: either the child's immunization record, a written statement from the former school district, or from a medical office that the required immunizations have been administered, or that a required series is in progress, or verbal assurances from the former school district, or a medical office that the required immunizations have been completed, with records to follow.

3. Proof of residency

Acceptable documentation includes: a deed, a lease, a multiple occupancy form (200AG3) when the parent/guardian is residing in the home of another district resident, current utility bill, current credit card bill, property tax bill, vehicle registration, driver's license, or DOT identification card. The district may require that more than one (1) form of residency confirmation be provided. In verifying residency, the district shall require only such information as is deemed reasonable in light of a family's circumstances.

4. Parental Registration Statement

A sworn statement or affirmation attesting to whether the student has been or presently is suspended or expelled for offenses involving drugs, alcohol, or weapons; willful infliction of injury to another person; or any act of violence committed on school property must be provided for a student to be admitted to any school entity.

However, the district shall not deny or delay a student's enrollment based upon information contained in the student's certified disciplinary record or Parental Registration Statement, but may provide alternative education services to students who are currently expelled for a weapons offense, in accordance with applicable law.

5. Home Language Survey

The district shall administer a home language survey to all students enrolling in the district's schools for the first time.

Upon enrollment, the district shall contact the student's former school and request a certified copy of the student's education records, and, if applicable, the student's discipline records. The district shall enroll eligible students within five (5) business days of application regardless of receipt of records from previous districts.

Items that may not be requested as part of enrollment are: (a) social security number; (b) the reason for the child's placement if not living with natural parents; (c) child's or parent's visa; (d) agency records; or except for the limited circumstances, permitted by law (e) a court order or records relating to a dependency proceeding.

### Emancipated Minor

Emancipated minors, students under the age of twenty-one (21) who have established a residence apart from parent/guardian, may enroll without any additional assistance from a parent/guardian.

### Custody Agreements

A student may only have one (1) school district of residence. If the parents of a child share joint custody and the child's time is evenly divided between the residences of each parent, the parents may select one (1) of the school districts and enroll the child in that district.

When the parents of a student reside in different school districts, the student may attend the school district of residence of the parent with whom the student lives for a majority of the time, unless a court order or court approved custody agreement specifies otherwise.

If the individual enrolling the child is relying on a court order or custody agreement as the basis for enrolling the child, the district may require submission of the court order or custody agreement. The district shall not require submission of a custody order or agreement as a condition of enrollment under any other circumstance.

### Special Education

District residents who: (a) are eligible for special education in accordance with Chapter 14 of the regulations of the State Board of Education, or any successor regulations thereto; (b) are under the age of twenty-one (21) and have a Graduation Equivalency Diploma (GED) and have not graduated from an accredited public or private high school program, shall remain eligible to receive free public education from the school district through the end of the school term of their twenty-first year.

### Students and Families with Limited English Proficiency

Students and families with limited English proficiency will be provided translation and interpretation services to the extent needed to help the family understand the enrollment process and enroll the students properly.

### Address Confidentiality Program (ACP)

Some families may enroll a student using an ACP card which lists a post office box as their address. This is their legal address and school districts shall not require additional information regarding their residence. School records from the student's former school will be forwarded through the ACP. If there are questions about the family's eligibility for enrollment, contact the ACP at 1-800-563-6399.

### Delegation of Responsibility

The Superintendent or designee shall annually notify students, parents/guardians, and staff about the district's policy on student enrollment and admissions by publishing such policy in the student handbook, parent newsletters, district website, and other efficient methods.



The Superintendent or designee shall develop and disseminate administrative guidelines for the enrollment of eligible students in district schools.

## **Eligibility of Nonresident Students (Policy 202)**

The Board shall operate district schools for the benefit of students residing in this district who are eligible for attendance.

The Board may permit the admission of nonresident students in accordance with Board policy.

The Board shall require that appropriate legal documentation showing dependency or guardianship or a sworn statement of full residential support be filed with the Superintendent or designee before an eligible nonresident student may be accepted as a student in district schools. The district may require a resident to submit additional, reasonable information to substantiate a sworn statement, in accordance with guidelines issued by the PA Department of Education.

The district reserves the right to verify claims of residency, dependency and guardianship and to remove from school attendance a nonresident student whose claim is invalid.

If information contained in the sworn statement of residential support is found to be false, the student shall be removed from school after notice is given of an opportunity to appeal the student's removal, in accordance with Board policy and administrative guidelines.

The district shall not be responsible for transportation to or from school for any student residing outside district boundaries.

Tuition rates shall be determined annually in accordance with statute, if applicable. Tuition shall be charged monthly, in advance of attendance.

### **Guidelines**

Nonresident students may be admitted under the following circumstances:

#### **Nonresident Students Living with Resident Adult Other Than Parent**

When a student is living with a district resident, who is supporting the child without personal compensation (*gratis*), the student may attend the district's schools, provided the resident makes application and supplies required enrollment information.

In addition to the required enrollment documentation, the district resident shall supply one (1) of the following:

1. A sworn statement by the resident consistent with law; or
2. Appropriate legal documentation to show dependency or guardianship.

The district may require other information to be submitted by the resident to substantiate the sworn statement.

Once the documentation is provided, the district will enroll the child and permit the student to begin to attend school without delay, but in no case more than five (5) school days.

A resident's receipt of Supplemental Security Income (SSI), Transitional Assistance for Needy Families (TANF), preadoptive or adoptive support, maintenance on public or private health insurance, support from the United States military or military personnel or child support payments shall not be deemed to be personal compensation or gain.

### Nonresident Children Placed in Resident's Home

Any child placed in the home of a district resident by a court or government agency shall be admitted to district schools and shall receive the same benefits and be subject to the same responsibilities as resident students.

### Residents of Institutions

A child who is living in or assigned to a facility or institution for the care or training of children that is located within the district is not a legal resident of the district by such placement; but the student shall be admitted to district schools, and a charge shall be made for tuition in accordance with law.

### Incarcerated Juveniles

A juvenile who is eligible for educational services and is confined to an adult local correctional institution following conviction for a criminal offense shall receive educational services from the school district in the same manner and extent as an expelled student.

A juvenile who is eligible for educational services and is confined to an adult local correctional institution following a charge for a criminal offense shall receive educational services from the district in the same manner and extent as a student placed in an alternative education program for disruptive students.

Students returning from a delinquency placement are entitled to an informal hearing prior to being placed in an alternative education program. The purpose of the hearing is to determine whether the student is currently fit to return to the regular classroom or meets the definition of a disruptive student.

### Students Experiencing Educational Instability

The district shall immediately admit students experiencing homelessness, foster care and other forms of educational instability, even if the required documents are unavailable, in accordance with Board policy, law and regulation.

### Students Experiencing Homelessness

Please review [board Policy 251](#) for more information regarding the McKinney Vento Homeless Assistance Act eligibility and rights. The Act defines "homeless children and youth" as individuals

who lack a fixed, regular, and adequate nighttime residence. Some of the rights include the ability to remain in the school of origin or enrolling in the school in which you currently reside, transportation to school of origin, receiving free meals and waivers, help connecting to early childhood services, comparable services to those offered to other district students, and assistance with other needs. Please contact your school's Home and School Visitor or the district homeless liaison, Tricia Alston at [palston@wcasd.net](mailto:palston@wcasd.net) or 484-266-1226 for assistance.

### Prospective Residents

A nonresident student whose parent/guardian has executed a contract to buy, build or rent a residence in the district for occupancy may be enrolled without payment of tuition at the beginning of the school year, provided that the anticipated date of residency is not later than November 1 of the same school year.

If the student does not become a resident of the district by November 1, the student shall be withdrawn from school or tuition shall be required until residency is established.

Parents/Guardians of students who claim admission on the basis of future residency shall be required to demonstrate proof of the anticipated residency, which may include documentation of property purchase, construction contract or a lease/rental agreement.

Transportation shall be the responsibility of the student until residency is established within the district.

### Former Residents

A resident student who ceases to live within the boundaries of the district after April 1 shall be allowed to finish the school year without the payment of tuition.

A resident student who ceases to live within the boundaries of the district prior to April 1 may be allowed to finish the school year without the payment of tuition, upon approval of the Superintendent or designee.

Transportation shall be the responsibility of the student.

### Foreign Exchange Students

Foreign exchange students shall be admitted to district schools in accordance with Board policy and law.

### Other Nonresident Students

A nonresident student may be admitted to district schools without payment of tuition where attendance is justified on the grounds that the student lives full-time and not just for the school year with district residents who have assumed legal dependency or guardianship or full residential support of the student.

## Delegation of Responsibility

The Superintendent or designee shall develop administrative guidelines for the enrollment of nonresident students, payment of tuition, verification of claims and disenrollment.

The Superintendent shall report to the Board for its information the enrollment of nonresident students.

## Attendance (Policy 204)

The Board recognizes that attendance is an important factor in educational success, and supports a comprehensive approach to identify and address attendance issues.

The Board requires the attendance of all students during the days and hours that school is in session, except that temporary student absences may be excused by authorized district staff in accordance with applicable laws and regulations, Board policy and administrative guidelines

## Definitions

**Compulsory School Age** shall mean the period of a student's life from the time the student's person in parental relation elects to have the student enter school, which shall be no later than six (6) years of age, until the student reaches eighteen (18) years of age. The term does not include a student who holds a certificate of graduation from a regularly accredited, licensed, registered or approved high school.

**Habitually truant** shall mean six (6) or more school days of unexcused absences during the current school year by a student subject to compulsory school attendance.

**Truant** shall mean having incurred three (3) or more school days of unexcused absences during the current school year by a student subject to compulsory school attendance

**Person in parental relation** shall mean a:

1. Custodial biological or adoptive parent.
2. Noncustodial biological or adoptive parent.
3. Guardian of the person of a student.
4. Person with whom a student lives and who is acting in a parental role of a student.

This term shall not include any county agency or person acting as an agent of the county agency in the jurisdiction of a dependent child as defined by law.

School-based or community-based attendance improvement program shall mean a program designed to improve school attendance by seeking to identify and address the underlying reasons for a student's absences. The term may include an educational assignment in an alternative education

program, provided the program does not include a program for disruptive youth established pursuant to Article XIX-C of the Pennsylvania Public School Code.

### **Delegation of Responsibility**

The Superintendent or designee shall annually notify students, persons in parental-relation, and staff about the district's attendance policy by publishing such policy in the student handbooks and newsletters on the, district website and through other efficient communication methods.

The Superintendent or designee in coordination with the building principal shall be responsible for the implementation and enforcement of policy.

The Superintendent or designee may develop administrative guidelines for the attendance of students which:

1. Govern the maintenance of attendance records in accordance with law.
2. Detail the process for submission of requests and excuses for student absences.
3. Detail the process for written notices, School Attendance Improvement Conferences, School Attendance Improvement Plans, and referrals to a school-based or community-based attendance improvement program, the local children and youth agency, or the appropriate magisterial district judge.
4. Clarify the district's responsibility for collaboration with nonpublic schools in the enforcement of compulsory school attendance requirements
5. Ensure that students legally absent have an opportunity to make up work.

### **Guidelines**

#### **Compulsory School Attendance Requirements**

All students of compulsory school age who reside in the district shall be subject to the compulsory school attendance requirements.

A student shall be considered in attendance if present at any place where school is in session by authority of the Board; the student is receiving approved tutorial instruction, or health or therapeutic services; the student is engaged in an approved and properly supervised independent study, work-study or career education program; the student is receiving approved homebound instruction; or the student's placement is instruction in the home.

The following students shall be excused from the requirements of attendance at district schools, upon request and with the required approval:

1. On certification by a physician or submission of other satisfactory evidence and on approval of

the Department of Education, children who are unable to attend school or apply themselves to study for mental, physical or other reasons that preclude regular attendance.

2. Students enrolled in nonpublic or private schools in which the subjects and activities prescribed by law are taught.
3. Students attending college who are also enrolled part-time in district schools.
4. Students attending a home education program or private tutoring in accordance with law.
5. Students fifteen (15) or sixteen (16) years of age whose enrollment in private trade or business schools has been approved.
6. Students fifteen (15) years of age, as well as students fourteen (14) years of age who have completed the highest elementary grade, engaged in farm work or private domestic service under duly issued permits.
7. Students sixteen (16) years of age regularly engaged in useful and lawful employment during the school session and holding a valid employment certificate. Regularly engaged means thirty-five (35) or more hours per week of employment.

### **Excused/Lawful Absence**

For purposes of this policy, the following conditions or situations constitute reasonable cause for absence from school:

1. Illness, including if a student is dismissed by designated district staff during school hours for health-related reasons.
2. Obtaining professional health care or therapy service rendered by a licensed practitioner of the healing arts in any state, commonwealth or territory.
3. Quarantine
4. Required court attendance.
5. Death in the immediate family.
6. Weather so inclement as to endanger the health of the student or make roads impassable.
7. Participation in a project sponsored by a statewide or countywide 4-H, FFA or combined 4-H and FFA group, upon prior written request.
8. Participation in a musical performance in conjunction with a national veterans' organization or incorporated unit, as defined in law, for an event or funeral.
  - a. The national veterans' organization or incorporated unit must provide the student with a signed excuse, which shall include the date, location, and time of the event or funeral.

- b. The student shall furnish the signed excuse to the district prior to being excused from school.
9. Observance of a religious holiday observed by a bona fide religious group, upon prior written request from the person in parental relation.
10. Nonschool-sponsored educational tours or trips, if the following conditions are met:
  - a. The person in parental relation submits the required documentation for excusal prior to the absence, within the appropriate timeframe.
  - b. The student's participation has been approved by the Superintendent or designee.
  - c. The adult directing and supervising the tour or trip is acceptable to the person in parental relation and the Superintendent.
11. College, postsecondary institution or career visits, with prior approval.
12. Other urgent reasons that may reasonably cause a student's absence, as well as circumstances related to homelessness, foster care and other forms of educational instability.

The district may limit the number and duration of nonschool-sponsored educational tours or trips and college or postsecondary institution visits for which excused absences may be granted to a student during the school year.

#### *Temporary Excusals –*

The following students may be temporarily excused from the requirements of attendance at district schools:

1. Students receiving tutorial instruction in a field not offered in the district's curricula from a properly qualified tutor approved by the Superintendent, when the excusal does not interfere with the student's regular program of studies.
2. Students participating in a religious instruction program, if the following conditions are met:
  - a. The person in parental relation submits a written request for excusal. The request shall identify and describe the instruction, and the dates and hours of instruction.
  - b. The student shall not miss more than thirty-six (36) hours per school year in order to attend classes for religious instruction.
  - c. Following each absence, the person in parental relation shall submit a statement attesting that the student attended the instruction, and the dates and hours of attendance.
3. School age children unable to attend school upon recommendation of the school physician and a psychiatrist or school psychologist, or both, and with approval of the Secretary of Education.

#### *Parental Notice of Absence –*

Absences shall be treated as unexcused until the district receives a written excuse explaining the absence, to be submitted within three (3) school days of the absence.

A maximum of ten (10) days of cumulative lawful absences verified by parental notification shall be

permitted during the school year.

All absences beyond ten (10) cumulative days shall require an excuse from a licensed practitioner of the healing arts.

### **Unexcused/Unlawful Absence**

For purposes of this policy, absences which do not meet the criteria indicated above for excused absences shall be permanently considered unexcused.

An out-of-school suspension may not be considered an unexcused absence.

#### *Parental Notification –*

District staff shall provide prompt notice to the person in parental relation upon each incident of unexcused absence.

### **Enforcement of Compulsory Attendance Requirements**

#### *Student is Truant –*

When a student has been absent for three (3) days during the current school year without a lawful excuse, district staff shall provide notice to the person in parental relation who resides in the same household as the student within ten (10) school days of the student's third unexcused absence.

The notice shall:

1. Be in the mode and language of communication preferred by the person in parental relation;
2. Include a description of the consequences if the student becomes habitually truant; and
3. When transmitted to a person who is not the biological or adoptive parent, also be provided to the student's biological or adoptive parent, if the parent's mailing address is on file with the school and the parent is not precluded from receiving the information by court order.

The notice may include the offer of a School Attendance Improvement Conference.

If the student incurs additional unexcused absences after issuance of the notice and a School Attendance Improvement Conference was not previously held, district staff shall offer a School Attendance Improvement Conference.

#### *School Attendance Improvement Conference (SAIC) –*

District staff shall notify the person in parental relation in writing and by telephone of the date and time of the SAIC.

The purpose of the SAIC is to examine the student's absences and reasons for the absences in an effort to improve attendance with or without additional services.



The following individuals shall be invited to the SAIC:

1. The student.
2. The student's person in parental relation.
3. Other individuals identified by the person in parental relation who may be a resource.
4. Appropriate school personnel.
5. Recommended service providers.

Neither the student nor the person in parental relation shall be required to participate, and the SAIC shall occur even if the person in parental relation declines to participate or fails to attend the scheduled conference.

The outcome of the SAIC shall be documented in a written School Attendance Improvement Plan (SAIP). The SAIP shall be retained in the student's file. A copy of the SAIP shall be provided to the person in parental relation, the student and appropriate district staff.

The district may not take further legal action to address unexcused absences until the scheduled SAIC has been held and the student has incurred six (6) or more days of unexcused absences.

*Student is Habitually Truant –*

When a student under fifteen (15) years of age is habitually truant, district staff:

1. Shall refer the student to:
  - a. A school-based or community-based attendance improvement program; or
  - b. The local children and youth agency.
2. May file a citation in the office of the appropriate magisterial district judge against the person in parental relation who resides in the same household as the student.

When a student fifteen (15) years of age or older is habitually truant, district staff shall:

1. Refer the student to a school-based or community-based attendance improvement program; or
2. File a citation in the office of the appropriate magisterial district judge against the student or the person in parental relation who resides in the same household as the student.

District staff may refer a student who is fifteen (15) years of age or older to the local children and youth agency, if the student continues to incur additional unexcused absences after being referred to a school-based or community-based attendance improvement program, or if the student refuses to participate in such program.

Regardless of age, when district staff refer a habitually truant student to the local children and youth agency or file a citation with the appropriate magisterial district judge, district staff shall provide verification that the school held a SAIC.

#### *Filing a Citation –*

A citation shall be filed in the office of the appropriate magisterial district judge whose jurisdiction includes the school in which the student is or should be enrolled, against the student or person in parental relation to the student.

Additional citations for subsequent violations of the compulsory school attendance requirements may only be filed against a student or person in parental relation in accordance with the specific provisions of the law.

#### Special Needs and Accommodations

If a truant or habitually truant student may qualify as a student with a disability, and require special education services or accommodations, the Director of Pupil Services shall be notified and shall take action to address the student's needs in accordance with applicable law, regulations and Board policy.

For students with disabilities who are truant or habitually truant, the appropriate team shall be notified and shall address the student's needs in accordance with applicable law, regulations and Board policy.

#### Discipline

The district shall not expel or impose out-of-school suspension, disciplinary reassignment or transfer for truant behavior.

#### Charter Schools

Where the district is required by law to prosecute a habitually truant charter school student upon notification by the charter school, the district shall utilize the charter school's attendance policy to determine unlawful absences.

## **Attendance Guidelines (204AG1)**

### **Early Dismissals**

Each school building shall establish procedures to validate requests for early dismissal to assure that students are released only for proper reasons and to proper parties.

No student may be released on the basis of an unvalidated telephone call or email

Children of separated parents/guardians may be released only upon the request of the parent who has custody under the custody agreement on file with the school building. If there is a dispute regarding to which parent the student may be released under the custody agreement or otherwise, the designated administrator will be contacted; but if they are unavailable, then the district's solicitor may be contacted.

### Absences

Excuse forms shall be completed and turned in to the school by the student within three (3) school days of the absence. The absence of any student failing to comply with this time period will automatically become unlawful or unexcused. Excuse notes may be submitted by e-mail from a registered e-mail address in the district's student information system without an original signature. All other excuse notes shall require an original signature.

Where board policy or guideline requires preapproval of an absence, the required preapproval shall be obtained in advance of the absence. Failure to obtain advance preapproval will automatically render the absence unlawful or unexcused.

Excused or lawful-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 and excused by parent note. **Noncumulative absences** are absences that do not contribute to the specified days students may be absent and excused by parent note.

The following limitations apply for cumulative excused/lawful absences verified by note from a person in parental relation ("parent note"):

1. A maximum of ten (10) days of excused absences for a student verified by a parent note are permitted per school year. All absences beyond the tenth (10<sup>th</sup>) day will require a note from a licensed practitioner of the healing arts.
2. Nonschool sponsored education tours or trip, including family vacations, a maximum of five (5) days per school year may be preapproved by the building principal per school year. The following will be taken into consideration by the building principal in granting permission for the trip:
  - a. The student's academic standing
  - b. The student's attendance record
  - c. The effect the absence will have on the student's educational welfare
  - d. The exceptionality of the request
3. In lieu of family vacation days, parents/guardians may use the five (5) designated days as parent notes for illness or other urgent reasons previously listed. No more than fifteen (15) total days may be excused via a parental note.

4. When a single absence extends more than five (5) consecutive days in length, a licensed practitioner of the healing arts note is required by the sixth (6th) day of absence, even if parent notes are not exhausted

The following excused or lawful absences are designated as “noncumulative” only when the student and person in parental relation comply with board policy and guidelines; all other excused or lawful absences are considered to be “cumulative” and are counted toward the limitation of absences permitted to be excused by parent notes:

1. Suspensions from school.
2. Illness verified by a note from a licensed practitioner of the healing arts submitted within three (3) school days of a student's return. Please note: A note from a licensed practitioner of the healing arts must include the general reason for the absence. (i.e.: appointment, illness, hospitalization, etc.) and the specific dates for the identified reason for the absence for which the practitioner is providing an excusal note.
3. Death in the family when accompanied by a note within three (3) school days of a student's return. Up to (5) five days will be approved for an immediate family member. If services are occurring outside of the country, any additional days will need to be approved by the building administrator.
4. Religious holidays when accompanied by a note within three (3) school days of a student's return.
5. Pre-approved college, postsecondary institution or career visits only when College and Career Visit Permission/ Verification Form 204AG2 is: (1) submitted to the building principal or designee in advance of the visit for approval; (2) the building principal or designee approves the visit in their sole discretion; (3) the form is signed by a representative of the college, postsecondary institute or business; and (4) the form is submitted to the school within three (3) school days of the student's return. Failure to comply with all steps will result in an unlawful or unexcused absence.
6. Court hearings when accompanied by a note within three (3) school days of a student's return. Participation in a musical performance in conjunction with a national veterans' organization or incorporated unit for an event or funeral, provided the required verification is submitted prior to the date of the absence.
7. Participation in a project sponsored by a statewide or countywide 4-H or FFA or combined 4-H and FFA group, provided written approval is obtained prior to the date of the absence.

Unlawful or unexcused absences: Any absence which does not meet the definition of an excused or lawful absence, including but not limited to the following:

1. 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.
2. Any cumulative absence not excused by a note from a licensed practitioner of the healing arts after ten (10) days of absences verified by receipt of a parent note.
3. Any absence due to a non-school-sponsored education tour or trip, including a family vacation, after the fifth of the five (5) day maximum per school year.
4. Any absence requiring preapproval or verification where preapproval or verification was not obtained.
5. Any other absence not meeting the criteria for an excused or lawful absence.

For students who are 18 or older and not of compulsory age, unlawful absences shall be unexcused absences.

All unlawful/unexcused absences shall be considered to be cumulative absences.

### **Additional Guidelines**

1. Ten (10) consecutive days of absence. Unless the district has been provided with evidence that the absence may be legally excused or the district is pursuing compulsory attendance prosecution, a student will be dropped from the district's active attendance roll after ten (10) consecutive school days of absence. Where the district is notified in advance the family is utilizing ten (10) parent notes and five (5) preapproved non-school sponsored trip notes consecutively, the student will be dropped from the district's active attendance roll after fifteen (15) school days of absences. Removal from the district's active attendance roll does not remove the person in parental relations' compulsory attendance obligations for a student of compulsory attendance age. The disenrollment procedure is not applicable to students with an IEP. The district will comply with state and federal law when disenrolling a student with an IEP.
2. Fifteen (15) or more days of absences, excused by a licensed practitioner of the healing arts: The school nurse will call the licensed practitioner of the healing arts to seek more information regarding the absences to ensure that the appropriate supports can be put in place for the students.
3. Attendance Process:
  - Parents/guardians will receive notification after the 1st, 2nd, and 3rd unlawful absence.
  - Following the 4th unlawful absence, parents/guardians will be contacted with a request to

attend a Student Attendance Improvement Conference (SAIC) where a Student Attendance Improvement Plan (SAIP) will be developed. A SAIC meeting will take place and can include the student, family, school team and outside supports.

- Following the 6th unlawful absence the school team will make a determination regarding referrals and/or the filing of citations for the habitual truancy.
- School teams, including principal, grade level administrator, counselor, caseworker, nurse, and other staff deemed necessary, may meet to review, discuss, and determine supports needed for the student

## Student Rights

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.

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 they please within certain limits.

## Student Expression/Dissemination of Materials ([Policy 220](#))

The right of public school students to freedom of speech is guaranteed by the Constitution of the United States and the constitution of the Commonwealth. The Board respects the right of students to express themselves in word or symbol, and to disseminate nonschool materials to others as a part of that expression. The Board also recognizes that the exercise of that right is not unlimited and must be balanced with the district's responsibility to maintain a safe and orderly school environment and to

protect the rights of all members of the school community.

This policy addresses student expression in general as well as of expressive materials that are not part of district-sponsored activities (nonschool materials).

This policy does not apply to materials sought to be disseminated as part of the curricular, athletic or extracurricular programs of the district, which shall be regulated separately as part of the school district's educational program. Materials sought to be disseminated by non-students are regulated by other Board policy.

### Definitions

For the purposes of this policy, **dissemination** shall mean students distributing or publicly displaying nonschool materials to others:

1. On school property, on school district provided transportation or during school-sponsored activities by placing such materials upon desks, tables, on or in lockers, walls, doors, bulletin boards, or easels; by handing out such materials to other persons; or by any other manner of delivery to others; or
2. At any time or location when creating or sending information using email, websites, online platforms, social media or other means that are owned, provided or sponsored by the school district.

**Expression** means verbal, written or symbolic representation or communication.

**Nonschool materials** means any printed, technological or written materials, regardless of form, source or authorship, that are not prepared as part of the curricular or approved, athletic, or extracurricular programs of the district. This includes, but is not limited to, fliers, invitations, announcements, pamphlets, posters, online discussion areas and digital bulletin boards, personal websites, and the like.

### Limitations on Student Expression

Students have the right to express themselves unless such expression is likely to or does materially and substantially disrupt or interfere with the educational process, including school activities, school work, discipline, safety and order on school property, district-provided transportation, or at school functions; threatens serious harm to the school or community; encourages unlawful activity; or interferes with another's rights. Student expression is prohibited to the extent that it:

1. Violates federal, state or local laws, Board policy, administrative regulations/guidelines or district rules or procedures;
2. Is defamatory, obscene, lewd, vulgar or profane;
3. Advocates the use or advertises availability of any substance or material that may reasonably be believed to constitute a direct and serious danger to the health or welfare of students, such as tobacco/nicotine/vaping products, alcohol or illegal drugs;

4. Incites violence, advocates use of force or threatens serious harm to the school or community;
5. Materially and substantially disrupts or interferes with the educational process, such as school activities, school work, discipline, safety and order on school property, on district-provided transportation or at school functions;
6. Interferes with, or advocates interference with, the rights of any individual or the safe and orderly operation of the schools and their programs; or
7. Violates written district procedures on time, place and manner for dissemination of otherwise protected expression.

Student expression that occurs on school property, on district provided transportation or at school-sponsored events, or occurs at any time or place when created or communicated using district-provided equipment, email, websites or other technological resources, is subject to this policy. The limitations, prohibitions and requirements of this policy shall apply to expression that occurs outside the foregoing circumstances only when and to the extent that the out-of-school expression:

1. Incites violence, advocates use of force or otherwise threatens serious harm directed at students, staff or the school environment;
2. Materially and substantially disrupts or interferes with the educational process, such as school activities, school work, discipline, safety and order on school property, on district provided transportation or at school functions; or
3. Interferes with, or advocates interference with, the rights of any individual or the safe and orderly operation of the schools and their programs.

#### Dissemination of Nonschool Materials

The Board requires that dissemination of nonschool materials shall occur only at the places and during the times set forth in written procedures. Such procedures shall be written to permit the safe and orderly operation of schools, while recognizing the rights of students to engage in protected expression.

The Board requires that students who wish to disseminate nonschool materials on school property shall obtain approval by submitting them at least two (2) school days in advance to the building principal or designee, who shall forward a copy to the Superintendent.

If the nonschool materials include matters prohibited this policy, the building principal or designee shall promptly notify the students of the nature of the violation and that they may not disseminate the materials until the violation is corrected and the materials are resubmitted for approval. If notice of disapproval is not given during the period between submission and the time for the planned dissemination students may consider the request approved and proceed with dissemination as requested, subject to all other established procedures and requirements relating to time, place and manner of dissemination. Students may nonetheless be directed to cease or suspend dissemination if it is later determined that the materials or the dissemination of them are in violation of this policy or implementing rules and procedures.



Students who disseminate printed non-school materials shall be responsible for clearing any litter that results from their activity and shall schedule the event so that they do not miss instructional time themselves.

Printed non-school materials displayed in a fixed location of a school building shall bear the date when placed in each location. The district may remove the materials within ten (10) days of the posting or other reasonable time as stated in applicable procedures.

#### Review of Student Expression

Review of nonschool materials proposed for dissemination shall be conducted promptly so as to avoid unreasonable delay in dissemination.

School officials shall not censor or restrict nonschool materials or other student expression for the sole reason that it is critical of the school or its administration, or because the views espoused are unpopular or may make people uncomfortable.

Student-initiated religious expression is permissible, and apart from regarding time, place and manner, shall not be restricted unless the expression violates some other aspect of this policy, e.g., because it is independently determined to be in violation of this policy for reasons other than the religious nature of the content.

Appeal of the reviewer's decision may be made to the Superintendent and then to the Board, in accordance with Board policy and district procedures.

#### Delegation of Responsibility

The Superintendent shall assist the building principal in determining the designation of the places and times nonschool materials may be disseminated in each school building. Such designations may take into account, maintenance of the flow of student traffic throughout the school and shall limit dissemination of nonschool materials to noninstructional times.

When student dissemination of nonschool materials or other student expression violates this policy, the building principal may determine what if any disciplinary or other consequences should be imposed. Disciplinary actions shall be in accordance with applicable Board policy and the Code of Student Conduct.

This Board policy and any procedures written to implement this policy shall be referenced in student handbooks so that students can access them for further information.

By adopting this policy, the Board does not intend to create an open public forum, as defined by law. The provisions of this policy and its administrative guidelines/regulations specifically prohibit such

creation.

Permission to disseminate materials does not signify endorsement by the district. All materials shall contain a disclaimer.

## **Student Expression/Dissemination of Materials (220AG1)**

These procedures address the dissemination by students of nonschool materials that are not part of the curricular, athletic or extracurricular program of the district. Materials sought to be disseminated as part of the curricular, athletic or extracurricular program of the district will be regulated as part of the district's educational program and are not subject to the time, place and manner provisions set forth herein.

Students may disseminate nonschool materials, provided that the form of expression and/or the use of public school facilities and equipment is/are in accordance with Board Policy 220 (Student Expression/Dissemination of Materials), the Code of Student Conduct, these procedures and the school dress code, if applicable. It is the responsibility of students intending to disseminate nonschool materials to become familiar with the provisions of Board Policy 220 and pertinent provisions of the Code of Student Conduct.

The district has no responsibility to assist students in or to provide facilities for the dissemination of nonschool materials.

### **Dissemination of Nonschool Materials**

In conjunction with the procedures set forth in Policy 220, the dissemination by students of all nonschool materials will be governed by the following procedures:

1. All nonschool materials, together with a copy of the plan of dissemination, must be submitted to the building principal by 9 AM no later than two (2) school days prior to the requested dissemination. The building principal will forward such information to the Superintendent or designee for approval. The plan will set forth in detail the desired time, place and manner of dissemination, as well as the individuals involved.
2. Identification of the individual student or at least one (1) responsible person in a student group will be required upon submission for approval. The person wishing to disseminate such material must provide in writing their name, address, telephone number and organization, if any. This information will be filed in the building principal's office.
3. The Superintendent or designee will review the material, determine if it constitutes expression that is prohibited by Board policy, and inform the building principal or designee of the decision. The building principal or designee will notify the student(s) planning to disseminate nonschool materials of the decision to grant or deny permission. If the decision is to not permit the

dissemination, the building principal or designee will specify the reasons for the decision as well as the changes in the content of the material or in the plan of dissemination which must be made, if any, in order to secure such permission. If the student(s) desiring to disseminate such material make(s) such changes in a manner satisfactory to the Superintendent or designee prior to the planned dissemination, the building principal or designee may then grant permission to disseminate.

*Time* - When permission has been granted, students may disseminate approved nonschool materials only at the following times 30 minutes before the official start of school; during regularly scheduled lunch periods; 15 minutes after the official end of school; and at school-sponsored activities.

*Place* - Dissemination of approved nonschool materials on school property will be permitted only in locations that allow for the normal flow of traffic within the school and its exterior doors, including on sidewalks located on school property paralleling school driveways. Building entrance walkways and building lobbies will not be utilized for such dissemination.

Dissemination of approved nonschool materials will be permitted in the locations designated by the building principal for the school. No school building is required to provide a designated area for display of non-school materials.

Nonschool materials may not be disseminated during any regularly scheduled class unless specifically authorized by the Superintendent or designee.

*Manner* - Materials approved to be disseminated shall be required to display the appropriate district disclaimer, as directed by the building principal or designee.

All nonschool materials must bear the district disclaimer.

**DISCLAIMER: THE WEST CHESTER AREA SCHOOL DISTRICT IS NOT RESPONSIBLE FOR, AND DOES NOT ENDORSE, ANY STATEMENT, SENTIMENT OR OPINION PUBLISHED OR EXPRESSED IN THIS DOCUMENT. THIS DOCUMENT IS NOT PART OF, AND HAS NOT BEEN DISTRIBUTED AS PART OF, THE DISTRICT'S CURRICULAR, ATHLETIC OR EXTRACURRICULAR PROGRAMS.**

All approved nonschool materials displayed in a fixed location shall be officially dated and the district shall remove the materials within ten (10) school days.

Any student who disseminates materials will be responsible for cleaning any resulting litter including any discarded pamphlets, fliers or other documents.

No student will harass or otherwise interfere with the dissemination of approved nonschool materials by student(s), nor may a student in any way compel or coerce a student to accept any materials.

## Disciplinary Consequences

Any student who violates any provision of Board Policy 220 or these procedures will be subject to disciplinary action, in accordance with Board policy and the Code of Student Conduct, which may in appropriate cases include suspension and/or expulsion from school.

## Student Integrity (Policy 218.3)

The district supports students' learning and academic achievement by encouraging them to produce academic work that is their own best effort, 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 of this policy shall subject students to disciplinary action. This policy covers all school-related tests, quizzes, and in and out of class assignments and projects.

**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/quiz and submitting it as their own; allowing someone to copy an assignment or test/quiz and submit it as their 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 or sharing answers in any other dishonest manner.

**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.

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 secondary level, it shall be reported by the teacher to the building principal.

## Secondary Action Schedule for Plagiarism and Academic Dishonesty

**1st Offense** - Zero on the assignment/project/test/quiz, and parent/guardian notification

**2nd Offense** - Zero on the assignment/project/test/quiz, parent/guardian notification, and Saturday School. The offense shall be categorized as a Level II offense under 218AG1.

**3rd Offense** - Zero on the assignment/ project/test/quiz, parent/ guardian notification, and a five to ten-day external suspension. The offense shall be categorized as a Level II offense under 218AG1.

**Subsequent Offenses** - Zero on the assignment/project/test, parent/guardian notification, and a five to ten day external suspension. The offense shall be categorized as a Level II offense under 218AG1.

The building principal may, if they consider 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 a zero on the assignment/project/test/quiz and discipline for Level III offenses as set forth in the secondary administrative action schedule in Policy 218AG1.

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

## **Student Discipline (Policy 218)**

The Board recognizes that student conduct is closely related to learning. An effective educational program requires a safe and orderly school environment.

The Board shall establish fair, reasonable and nondiscriminatory rules and regulations regarding the conduct of all students in the district.

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, age, sex, color, religion, creed, sexual orientation, gender identity, national origin, ancestry, marital status, pregnancy or handicap/disability. Each student must adhere to Board policies, administrative guidelines-and the Code of Student Conduct/Disciplinary Action Schedule governing student discipline.

The Board prohibits the use of corporal punishment by district staff to discipline students for violations of Board policies, the Code of Student Conduct/Disciplinary Action Schedule and district rules and administrative guidelines.

Any student disciplined by a district employee shall have the right to be informed of the nature of the infraction and the applicable rule or rules violated.

When suspensions and expulsions are imposed, they shall be carried out in accordance with Board policy.

In the case of a student with a disability, including a student for whom an evaluation is pending, the district shall take all steps required to comply with state and federal laws and regulations, the procedures set forth in the memorandum of understanding with local law enforcement, and Board policies and administrative guidelines.

### **On and Off-Campus Activities**

This policy and the Code of Student Conduct/Disciplinary Action Schedule apply to the behavior of students at all times during the time they are under the supervision of the school, which specifically includes while under the supervision of the district as part of a cyber program or other virtual program, or at any time while on school property, while present at school-sponsored activities, and while traveling to or from school and school-sponsored activities or at other times while riding in school-provided means of transportation (“on-campus”).

This policy and the Code of Student Conduct also apply to student behavior that occurs at other times and places (“off-campus”) when:

1. The conduct involves, threatens or makes more likely violence, use of force or other serious harm directed at students, staff or the school environment;
2. The conduct materially and substantially disrupts or interferes with the school environment or the educational process, such as school activities, school work, discipline, safety and order on school property or at school functions;
3. The conduct interferes with or threatens to interfere with the rights of students or school staff or the safe and orderly operation of the schools and their programs;
4. The conduct involves the theft or vandalism of school property; or
5. The proximity, timing or motive for the conduct in question or other factors pertaining to the conduct otherwise establish a direct connection to attendance at school, to the school community, or to a school-sponsored activity. This would include, for example, but not be limited to, conduct that would violate the Code of Student Conduct if it occurred in school that is committed in furtherance of a plan made or agreed to in school, or acts of vandalism directed at the property of school staff because of their status as school staff.

### **Delegation of Responsibility**

The Superintendent or designee shall ensure that reasonable and necessary rules and regulations are developed to implement Board policy governing student conduct.

The Superintendent or designee shall publish and distribute to all staff, students and

parents/guardians the rules and regulations for student behavior contained in the Code of Student Conduct/Disciplinary Action Schedule, the sanctions that may be imposed for violations of those rules, and a listing of students' rights and responsibilities. A copy of the Code of Student Conduct/Disciplinary Action Schedule shall be available in each school library and school office, and may be included in student handbooks and on the district website.

The building principal shall have the authority to assign discipline to students, subject to Board policies, administrative guidelines, the Code of Student Conduct/Disciplinary Action Schedule and school rules and to the student's due process right to notice, hearing, and appeal, when such due process rights exist.

Teaching staff and other district employees responsible for students shall have the authority to take reasonable actions, including the assignment of disciplinary action, necessary to control the conduct of students in all situations and in all places where students are within the jurisdiction of this Board, and when such conduct interferes with the educational program of the schools or threatens the health and safety of others, in accordance with Board policy, administrative guidelines, the Code of Student Conduct/Disciplinary Action Schedule and school rules.

Reasonable force may be used by teachers and school authorities under any of the following circumstances: to quell a disturbance, obtain possession of weapons or other dangerous objects, for the purpose of self-defense, and for the protection of persons or property.

### **Referral to Law Enforcement and Reporting Requirements**

For reporting purposes, the term incident shall mean an instance involving an act of violence; the possession of a weapon; the possession, use, or sale of a controlled substance or drug paraphernalia as defined in the Pennsylvania Controlled Substance, Drug, Device and Cosmetic Act; the possession, use, or sale of alcohol or tobacco; or conduct that constitutes an offense listed under the Safe Schools Act.

The Superintendent or designee shall immediately report required incidents and may report discretionary incidents committed by students on school property, at any school-sponsored activity or on a conveyance providing transportation to or from a school or school-sponsored activity to the local police department that has jurisdiction over the school's property, in accordance with state law and regulations, the procedures set forth in the memorandum of understanding with local law enforcement and Board policies and administrative guidelines.

The Superintendent or designee shall notify the parent/guardian of any student directly involved in an incident as a victim or suspect immediately, as soon as practicable. The Superintendent or designee shall inform the parent/guardian whether or not the local police department that has jurisdiction over the school property has been or may be notified of the incident. The Superintendent or designee shall document attempts made to reach the parent/guardian.

In accordance with state law, the Superintendent shall annually, by July 31, report all new incidents to the Office for Safe Schools on the required form.

When a student's behavior indicates a threat to the safety of the student, other students, school employees, school facilities, the community or others, district staff shall report the student to the threat assessment team, in accordance with applicable law and Board policy and administrative guidelines.

The Superintendent shall report to the Board the methods of discipline imposed by administrators, and incidences of student misconduct, in the degree of specificity required by the Board.

## **Student Conduct/Disciplinary Action Schedule (218AG1)**

### **Student Discipline-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, age, sex, color, religion, creed, sexual orientation, gender identity, national origin, ancestry, marital status, pregnancy, or handicap/disability. Each student must adhere to Board policies and the Code of Student Conduct/Disciplinary Action Schedule governing student discipline.

The West Chester Area School Board has the authority to make reasonable and necessary rules governing the conduct of students in school. As provided by Section 1317 of the Pennsylvania School Code of 1949, as amended; 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 students as their parents, guardians or person in parental relation with the student when: (a) attending school in person, including technical college high schools, or remotely through a cyber program or other virtual programs; (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.

- The 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 as well as online. Copies shall be available in each school library and also to students and parents/guardians upon request.



- The principal shall be responsible for informing both parents/guardians 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 and administrative guidelines 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.

The provisions of this policy apply to all district schools, programs and platforms, unless specifically noted herein.

#### Why Discipline?

Discipline should, as a minimum, have three (3) 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 eighteen (18), whether in the formal educational setting or in a setting outside that environment.

#### **Student Expectations**

##### 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.

Students have the responsibility to conduct themselves according to the Code listed above and to follow the Responsibilities of Students listed below. Students who fail to do so will be subject to follow the schedule of disciplinary action.

### **Responsibilities of Students**

These responsibilities and expectations are to be an integral part of student behavior enroute to and from school, during all extracurricular activities, day and field excursions, as well as within the typical school day and setting.

1. Student responsibilities include regular school attendance, conscientious effort in classroom work and homework, and conformance to district and school rules and regulations.
2. Students, in conjunction with the administration and faculty, share a responsibility to develop a climate within the school that is conducive to wholesome learning and living.
3. No student has the right to interfere with the education of fellow students. It is the responsibility of each student to respect the rights of teachers, students, administrators and all others who are involved in the educational process.
4. Students should express their ideas and opinions in a respectful manner.
5. Student should:
  - a. Be aware of all rules and regulations for student behavior and conduct themselves in accordance with them. Students should assume that, until a rule is waived, altered or repealed in writing, it is in effect.
  - b. Volunteer information in matters relating to the health, safety and welfare of the school community and the protection of school property.
  - c. Dress and groom to meet standards of safety and health, and not to cause substantial disruption to the educational processes.
  - d. Assist the school staff in operating a safe school for the students enrolled therein.
  - e. Comply with applicable laws.
  - f. Exercise proper care when using public facilities and equipment.
  - g. Attend school daily and be on time at all classes and other school functions.
  - h. Make up work when absent from school.

- i. Pursue and attempt to complete satisfactorily the courses of study prescribed by the district.
- j. Report accurately in student media.
- k. Not use obscene language in student media or on school premises.

### **Administrative Action Elementary and Secondary**

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 the resources and shall keep records and documentation as evidence of other efforts. The resources shall include among others:

- Parents/guardians.
- Teachers.
- Guidance counselor.
- Social worker/counselor.
- Community resource personnel.
- Social agencies.
- Psychologist.

The breach of discipline within the schools will probably fall into two (2) 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 infractions calls for dual corrective action of a school administered response as well as a community administered response. The school action would be considered a Level III infraction. 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 their 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 they remain current with course subject matter and that they arrange with the administration for the taking of any examinations missed due to absence from school.

Parents/guardians of said student shall be notified immediately as soon as practicable, by phone, if possible, and in writing when a student has been suspended internally or externally from class.

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

A student who is on suspension shall not participate in, or attend any extracurricular school activity during the period of 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. Further, a student will be subject to the terms of the Extracurricular Code of Conduct.

### **Elementary Disciplinary Action Schedule**

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

#### **Level I**

1. Use of personal and district technology devices in violation of Policy 237 (including misuse of the internet)
2. Disrespect to peer(s)
3. Student Integrity (Policy 218.3)
4. Other minor infractions of unacceptable behavior in or on school property, or while under school supervision or jurisdiction

#### **Level II**

1. Cutting class
2. Smoking, Tobacco and Vaping Products; Non-tobacco products (Policy 222)
3. Insubordination
4. Fighting
5. Defacing school property
6. Violation of Student Acceptable Use of Internet, Computers and Network Resources (Policy 252) (including misuse of the internet)
7. Verbal assault
8. Intimidation
9. Foul and abusive language/gestures
10. Theft
11. Peer conflict/disrespect/disturbance
12. Use of personal and district technology devices in violation of Policy 237 (including misuse of the internet)
13. Student Integrity (Policy 218.3)
14. Other more serious infractions of unacceptable behavior in or on school property, or while under school supervision or jurisdiction

#### **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. Discrimination/Title IX Sexual Harassment-affecting Students (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. False Safe2Say report
15. Commission of any act punishable under the Pennsylvania Crimes Code
16. Other most serious infractions of unacceptable behavior in or on school property, or while under school supervision or jurisdiction

### **Elementary Administrative Action Schedule**

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.

#### **Level I**

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

1. Verbal reprimand
2. Detention
3. Restrictions
4. Parent/guardian notification and/or conference
5. Internal suspension

#### **Level II**

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

1. External suspension
2. Notification of local law enforcement agency (who may take action in addition to the penalties set forth herein).

#### **Level III**

The offenses in this class are of a nature that their commission may represent 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 of all Level III offenses and may take action in addition to the penalties set forth herein. In addition, the following action may be taken:

1. A first offense may result in a ten (10)-day external suspension from school or other Level II disciplinary option, where appropriate.
2. A second offense may result in a ten (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 they consider 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.

### **Secondary Disciplinary Action Schedule**

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

#### **Level I**

1. Unexcused lateness to school (HIGH SCHOOL ONLY)
2. Unexcused lateness to class
3. Not reporting to detention
4. Failure to sign in at attendance
5. Student Integrity (Policy 218.3)
6. Not reporting to Saturday School (1st offense)
7. Other minor infractions of unacceptable behavior in or on school property, or while under school supervision or jurisdiction

#### **Level II**

1. Cutting class
2. Leaving school or class without permission
3. Smoking, Tobacco and Vaping Products; Non-tobacco products (Policy 222)
4. Insubordination
5. Fighting
6. Defacing school property
7. Violation of Student Acceptable Use Policy 252 and related policies (including misuse of the internet)
8. Verbal assault
9. Intimidation
10. Forgery
11. Foul and abusive language/gestures
12. Failure to give name
13. Not reporting to Saturday School (2nd or more offense)
14. Peer conflict/disrespect/disturbance
15. Student Integrity (Policy 218.3)
16. Use of personal and district technology devices in violation of Policy 237 (including misuse of the internet)
17. Seventh Level I Offense
18. Other more serious infractions of unacceptable behavior in or on school property, or while

under school supervision or jurisdiction

### 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. Discrimination/Title IX Sexual Harassment affecting Students (Policy 103)
10. Intentional contact
11. Terroristic threats (Policy 218.2)
12. Bullying/Cyberbullying (Policy 249)
13. Student Integrity (Policy 218.3)
14. Hazing (Policy 247)
15. Sexual Assault
16. False Safe2Say Report
17. Commission of any act punishable under the Pennsylvania Crimes Code
18. Other most serious infractions of unacceptable behavior in or on school property, or while under school supervision or jurisdiction

### Secondary Administrative Action Schedule

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.

For students attending the cyber program or other virtual platform, depending on the nature and severity of the infraction, the Cyber Administrator may limit access to the internet or the network at any level of offense.

### Level I

1. Unexcused lateness to school (*High School ONLY*):
  - a. Each of the first four (4) 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 for students attending in person programs. For students in the cyber program or other virtual platform, the fifth, sixth, seventh and eighth offenses in a semester will result in a parent conference with teachers and cyber administration.
  - 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 (1) day of after school detention will be assigned for each offense for students attending in person programs. For students in the cyber program or other virtual platform, each offense will result in a parent conference with teachers and cyber administration.
- b. Upon recording of the ninth or more lateness in a year, the student will be assigned one day of Saturday School.
3. Not reporting to detention/late room:
  - a. One (1) day of Saturday School.
4. Failure to sign in at attendance:
  - a. One (1) day of after school detention will be assigned for each offense for students attending in person programs. For students in the cyber program or other virtual platform, each offense will result in a parent conference with teachers and cyber administration.
  - b. Upon recording of the ninth or more failure to sign in at attendance, the student will be assigned one day of Saturday School.
5. Student Integrity (see Policy 218.3).
6. Not Reporting to Saturday School (1st offense):
  - a. One-day external suspension and the student must repeat the Saturday School.
7. Other minor infractions of unacceptable behavior in or on school property, or while under school supervision or jurisdiction:
  - a. First, second, third and fourth offenses will result in a detention for students attending in person programs. For students in the cyber program or other virtual platform, first, second, third and fourth offenses will result in a parent conference with teaching and cyber administration.
  - b. Upon recording of the fifth or more Level I offense, the student will receive a day of Saturday School.

**NOTE:** The accumulation of seven (7) Level I offenses shall result in a student being credited with one (1) Level II offense. Thereafter, subsequent accumulations of seven (7) Level I offenses shall likewise result in additional crediting of Level II offenses.

## Level II

1. With the exception of smoking/tobacco and vaping products/non-tobacco products use, fighting, verbal assault, and cutting Saturday School, these offenses, being of more serious nature, will result in the following actions:

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

- a. The first, second, third, and fourth offense will result in one (1) day of Saturday School for each offense.
- b. The fifth offense will result in a three-day external suspension and a mandatory principal conference with the parent/guardian and student.
- c. A sixth offense will result in a five-day external suspension. An informal hearing shall be held with the parent/guardian and the student.



- d. A seventh offense will result in a ten-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. Smoking/tobacco and vaping products/non-tobacco products use and verbal assault will result in the following action:
    - a. Each offense will result in a three-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) (d) 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)(c) 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 forth herein.
  4. Not reporting to Saturday School will result in the following action:
    - a. A first offense will result in a one-day external suspension and the student must repeat the Saturday School.
    - b. A second or subsequent offense will result in a one-day external suspension and the student must, repeat 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 (see Policy 218.3).

The administrator may, if they consider 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.

### **Level III**

The offenses in this class are of a nature that their commission may represent a violation of law and 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 may be taken:

1. A first offense will result in a 10-day external suspension from school or other Level II disciplinary option, where appropriate.

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 they consider 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.

### Definitions & Special Notes

1. **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 and/or outside 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. Bullying includes cyberbullying. (See Policy 249).
2. **Discrimination** – Discrimination is defined in accordance with the definitions found in Policy 103.
3. **Disrespect to Peer(s)** – Teasing and name calling, oral or written that does not rise to the level of bullying.
4. **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.
5. **False Safe2Say Report** - knowingly or intentionally making a false Safe2Say report.
6. **Fighting** – An encounter with blows or other physical contact involving two or more students.
7. **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.,
8. **Foul and Abusive Language/Gestures** – Use of language or gestures that is vulgar, profane, or lewd.
9. **Hazing** – Hazing is defined in accordance with the definitions found in Policy 247.
10. **Insubordination** – Refusing to follow a reasonable directive of either a school district professional employee or administrator acting within the scope of their authority.
11. **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 their ability to control h their actions, are not included. Even if provoked, persisting in such contact when a reasonable opportunity to stop is available shall be included.
12. **Intimidation** – To frighten or make timid another student by threats, or other aggressive actions or language.

13. **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, discrimination, harassment, inappropriate language, violation of Board policy or administrative guidelines or any violation of local, state or federal laws relating to use of the Internet. (Policies 237, 252)
14. **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).
15. **School Personnel** - Any school board member, school employee, agent, volunteer, contractor or other person subject to the supervision and control of the District.
16. **Sexual Assault** - Sexual offenses as defined in Chapter 31 of the Pennsylvania Crimes Code.
17. **Student Integrity** – a violation of the student integrity policy (Board Policy 218.3), which includes, academic dishonesty and plagiarism in accordance with the definitions in Policy 218.3.
18. **Technology**
  - a. **Personal Technology Devices** (personal technology) - shall be defined as – any device capable of capturing, storing, and/or transmitting information, including text, audio, picture, 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 still and video cameras and wearable technologies including without limitation smart watches, smart glasses, or earbuds.
  - b. **District Technology Devices** (district technology) shall be defined as any device capable of capturing, storing, and/or transmitting information, including text, audio, picture, and/or video data, that is owned by the district and loaned to students for academic purposes. These include, but are not limited to, such devices as handheld computers, tablet computers, and laptop computers, still and video cameras.
19. **Terroristic Threats** – A threat communicated either directly or indirectly to commit any crime of violence with the intent to: terrorize another; cause evacuation of a building, place of assembly, or facility of public transportation; or to otherwise cause serious public inconvenience, or cause terror, or serious public inconvenience with reckless disregard of the risk of causing such terror or inconvenience. (Policy 218.2).
20. **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).

21. **Title IX Sexual Harassment** - Title IX Sexual Harassment is defined in accordance with the definitions in Policy 103.
22. **Tobacco, Smoking and Vaping products; Non-tobacco products**– State law defines the term tobacco product to broadly encompass not only tobacco but also vaping products including Juuls and other electronic cigarettes (ecigarettes). Tobacco products, for purposes of this policy and in accordance with state law, shall be defined to include the following:

Any product containing, made or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed or ingested by any other means, including, but not limited to, a cigarette, cigar, little cigar, chewing tobacco, pipe tobacco, snuff and snus.

Any electronic device that delivers nicotine or another substance to a person inhaling from the device, including, but not limited to, electronic nicotine delivery systems, an electronic cigarette, a cigar, a pipe and a hookah.

Any product containing, made or derived from either:

- Tobacco, whether in its natural or synthetic form; or
- Nicotine, whether in its natural or synthetic form, which is regulated by the United States Food and Drug Administration as a deemed tobacco product.

Any component, part or accessory of the product or electronic device listed in this definition, whether or not sold separately.

Student smoking of any non-tobacco products or the possession of nontobacco products in a form in which they may be smoked, including but not limited to non-tobacco cigarettes, cigars and little cigars (collectively “nontobacco products”) is prohibited.

23. **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.
24. **Verbal Assault** – Verbally addressing a teacher with lewd, vulgar or profane language and in an aggressive or otherwise disrespectful manner.
25. **Weapons**– Weapons shall include but is not limited to any knife, cutting instrument, cutting tool, nunchaku, firearm, shotgun, rifle, replica of a weapon, and any other tool, instrument or implement capable of inflicting serious bodily injury. Students are prohibited from possessing and bringing weapons and replicas of weapons into any school district buildings, onto school property, to any school-sponsored activity, and onto any public vehicle providing transportation to or from school or a school-sponsored activity or while the student is coming to or from school. (See Board Policy 218.1)

## SPECIAL NOTES:

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.

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/guardians 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.

Use of personal or district technology 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.

## **Suspension and Expulsion (Policy 233)**

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

The Board may, after a proper hearing, suspend or expel a student for such time as it deems necessary, or may permanently expel a student.

### **Exclusion from School - Suspension**

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

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

When a suspension exceeds three (3) school days, the student and parent/guardian shall be given the opportunity for an informal hearing with the designated school official within the first five (5) school days of the suspension.

Informal hearings under this provision shall be conducted by the building principal or designee.

### **Purpose of Informal Hearing**

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

### **Due Process Requirements for Informal Hearing**

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

### **Exclusion from Class - In-School Suspension**

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

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

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

## Expulsion

Expulsion is exclusion from school by the Board for a period exceeding ten (10) consecutive school days. The Board may permanently expel from the district rolls any student whose misconduct or disobedience warrants this sanction. No student shall be expelled without an opportunity for a formal hearing before the Board, a duly authorized committee of the Board, or a qualified hearing examiner appointed by the Board, and upon action taken by the Board after the hearing.

## Expulsion Hearings

A formal hearing shall be required in all expulsion actions.

The formal hearing shall observe the due process requirements of:

1. Notification of the charges in writing by certified mail to the student's parent/guardian.
2. At least three (3) days' notice of the time and place of the hearing, which shall include a copy of this policy, hearing procedures, and notice of the right to representation by legal counsel. A student may request the rescheduling of the hearing when the student demonstrates good cause for an extension.
3. The hearing shall be private unless the student or parent/guardian requests a public hearing.
4. Representation by counsel at the parent's/guardian's expense and parent/guardian may attend the hearing.
5. Disclosure of the names of witnesses against the student and copies of their written statements or affidavits.
6. The right to request that witnesses against the student appear in person and answer questions or be cross-examined.
7. The right to testify and present witnesses on the student's behalf.
8. A written or audio record shall be kept of the hearing and a copy made available to the student at the student's expense, or at no charge if the student is indigent.
9. The hearing shall be held within fifteen (15) school days of the notice of charges, unless a delay is mutually agreed to by both parties or is delayed by:
  - a. The need for laboratory reports from law enforcement agencies.
  - b. Evaluations or other court or administrative proceedings are pending due to a student's invoking their rights under the Individuals with Disabilities Education Act (IDEA).
  - c. Delay is necessary due to the condition or best interests of the victim in cases of juvenile or criminal court involving sexual assault or serious bodily injury.
10. Notice of a right to appeal the results of the hearing shall be provided to the student with the expulsion decision.

## Adjudication

A written adjudication shall be issued after the Board has acted to expel a student. The adjudication

may include additional conditions or sanctions.

### **Attendance/School Work During Suspension and Prior to Expulsion**

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

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

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

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

### **Attendance/School Work After Expulsion**

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

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

The Board may provide an educational program to the student immediately upon expulsion and may waive the 30-day period, at its discretion.

### **Students with Disabilities**

A student with a disability shall be provided educational services as required by state and federal laws and regulations and Board policies.

### **Alternative School**

Assignment to an alternative school or other alternative education program shall be in accordance with Board policy.



## Delegation of Responsibility

The Superintendent or designee may develop administrative guidelines to implement this policy which include:

1. Publication of a Code of Student Conduct/Disciplinary Action Schedule, in accordance with Board policy on student discipline.
2. Procedures that ensure due process when a student is being deprived of the right to attend school.
3. Regulations regarding student records which require that records of disciplinary suspension be maintained in accordance with Board policy on student records.
4. The name of a student who has been disciplined shall not become part of the agenda or minutes of a public meeting, nor part of any public record of the Board. Such students may be designated by code.
5. Any student who has been expelled may apply for readmission to school upon such conditions as may be imposed by the Board.
6. Procedures for lesser levels of discipline including after-school detention, Saturday School and in-school suspension.

## Suspension and Expulsion Guidelines (233AG1)

### After-School Detention

The administration or any teacher, may, if necessary, detain a student for disciplinary reasons after school hours. Detention on one (1) day is to be for a maximum of sixty (60) minutes.

The following should be observed when detaining students:

1. Students are to be given twenty-four (24) hours' notice so that they can inform their parents/guardians of the detention and arrange for transportation after the detention.
  - If a teacher feels that sixty (60) minutes is not sufficient, then another day of detention can be assigned to the student.
2. Students are never to be left alone during their detention. They must always be supervised by the detaining teacher.
3. Occasionally a pupil may request to be excused from their detention for the assigned 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/guardians, if in doubt.

### Saturday School

The administration may assign a student to Saturday School in order to minimize the amount of out of classroom time during an in-school suspension. Saturday School is considered by the district to be a form of in-school suspension.

Saturday School 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 (1) day of external suspension in accordance with Board policy and administrative guidelines on student discipline; additional offenses will be handled in accordance with Board policy, administrative guidelines and the Discipline & Records Handbook.
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 Saturday School 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**

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 elementary and secondary 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/guardians 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 re-admittance 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 their suspension. Evaluation of the class work and test/quiz shall be done by classroom teachers.
6. The school social worker will make a home contact with the parents/guardians of each student

suspended for a second time.

7. 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. The administration will request, in writing, a conference with the parents/guardians of those students suspended for a third time.
8. Students will not be readmitted to class until their assignment to the in-school suspension room has been fulfilled.
9. Students may not attend or participate in extracurricular activities while under in-school suspension.

## **Use of Personal and District Technology Devices (Policy 237)**

In consideration of the recent proliferation and extensive utilization of both personal and district technology devices, the district recognizes the need to establish guidelines for the use of such so as not to disrupt the primary function of the schools.

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

1. cellular telephones and smartphones
2. handheld, tablet, and laptop computers
3. digital music players, including without limitation iPods and MP3 players
4. still and video cameras
5. Wearable technologies including without limitation smart watches, smart glasses, or earbuds

District technology devices (district technology) shall be defined as any device capable of capturing, storing, and/or transmitting information, including text, audio, picture, and/or video data, that is owned by the district and loaned to students for academic purposes. These include, but are not limited to, such devices as:

1. handheld, tablet, and laptop computers
2. still 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 Board prohibits use of personal technology by students during the school day in district buildings; on district property; on district buses and vehicles, and during the time students are under the supervision of the district; unless use is permitted under the guidelines of this policy. Further, the Board prohibits use of personal and district technology and in locker rooms, athletic training rooms, bathrooms, health suites, and other changing areas at any time, unless use is permitted under the

guidelines of this policy.

The Board prohibits possession of laser pointers and attachments and telephone paging devices/beepers by students in district buildings; on district property; on district buses and vehicles during the time students are under the supervision of the district; and at school-sponsored activities.

### **Electronic Images and Photographs/Recordings**

The Board prohibits the taking, storing, disseminating, transferring, viewing, or sharing of embarrassing, bullying, obscene, pornographic, lewd, or otherwise illegal videos, images, or photographs, whether by electronic data transfer or other means, including but not limited to texting and emailing on both personal and district technology.

Personal and district technology devices/electronic devices that have the capability to take photographs or to record audio or video shall not be used for such purposes while in district buildings, on district property, on district buses and vehicles while under district supervision, or while a student is engaged in district-sponsored activities unless expressly authorized in advance by the building principal or designee.

Because such violations may constitute a crime under state and/or federal law, the district may report such conduct to state and/or federal law enforcement agencies.

### **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:

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.

Student expression or conduct materially and substantially disrupts the 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.

The conduct has a direct nexus to attendance at school or a school-sponsored activity, for example, a transaction conducted outside of school pursuant to an agreement made in school, that would violate the Code of Student Conduct/Disciplinary Action Schedule if conducted in school.

The conduct involves the theft or vandalism of school property.

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.

The district may monitor the use of all personal and district technology during the school day in district buildings; on district property; on district buses and vehicles; during the time students are under the supervision of the district and a school-sponsored activities and, if connected to the network, monitor user conduct and log network utilization which may include deep packet inspection. The district reserves the right, in its sole discretion, to inspect, copy, store, 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 and district technology shall not violate local, state, or federal law, or district policies, including but not limited to policies regarding Internet safety and acceptable use or discipline.

### **Devices with Cellular or Satellite Connectivity**

Students shall not use cellular or satellite connectivity except when permission is granted by the building administrator for the following reasons:

1. Health, safety, or emergency reasons.
2. An individualized education program (IEP).
3. Classroom or instructional-related activities, as outlined in this policy.
4. Other reasons determined appropriate by the building principal.

### **Devices Without Cellular or Satellite Connectivity Including but Not Limited to Tablet and Mobile Computers, Digital Music Players and Still and Video Cameras**

Personal technology, such as laptop, tablet, and mobile computers, digital music players and still and video cameras brought to school shall be restricted to classroom or instructional-related activities and its use shall follow all district policies and shall not be used in a manner that causes a disruption of school activities.

Personal technology may be connected to the network, including access to the Internet, under the following conditions:

1. The student shall follow the process defined by the Department of Technology for connecting personal technology to the district network and will not transfer or loan the technology for use by other students.
2. The district retains the right to determine where and when personal technology may access the network.
3. The district and district devices have preferred access to the network and all network devices.
4. As applicable, all personal technology should be running up-to-date virus detection software and operating system critical updates prior to accessing the network. The district at its sole discretion may deny network access to any device that it deems an unacceptable risk to network security.
5. Software residing on personal technology must be personally owned or currently licensed. The student must be able to provide evidence of proper licensing for all software installed on the personal technology when requested.
6. District-owned software or resources may not be installed on personal technology unless designated by the Office of Technology or other written permission from the district.
7. 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.
8. Installation of a network device such as a personal wireless access point, router, hub or switch is prohibited.
  9. Users may not create, implement or host their own servers or services while using personal or district technology at any time.
  10. 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 district or other third party resources or information.
  11. File storage on the network or a district-provided Internet resource is limited to schoolwork only.
  12. The district is not responsible for providing or loaning any equipment, cabling, or software needed to connect a personal device to the network or technology resources. The district will provide no technical support for personal technology.
  13. The Director of Information Technology, Superintendent, or designee has the right to deny the connection of personal technology to the network for any reason. Personal technology may be removed from the district network at any time and for any reason on the recommendation of personnel listed above.

Students shall be responsible for following district rules pertaining to electronic images, videos, and photographs, as outlined in this policy.

The district shall not be liable for the loss, damage, or misuse of any personal technology brought to school by a student or the inadvertent loss of data or interference with files for any reason.

The user of personal technology shall, at the discretion of the district, bear the costs of ensuring compliance with this policy.

Responsibility for the maintenance and repair of personal technology rests solely with the student.

Violations of this policy by a student may result in disciplinary action, up to and including expulsion and confiscation and analysis of personal or district technology by school personnel or designee and/or transfer of personal and district technology to law enforcement agencies.

The Office of Technology will promulgate procedures regarding the implementation of this policy. The district and school personnel will support the expectations and responsibilities outlined in this policy and will work cooperatively with the Office of Technology to ensure network and data security.

The Superintendent or designee shall annually notify students, parents/guardians, and employees about the Board's personal technology device policy.

## **Student Acceptable Use of Internet, Computers and Network Resources (Policy 252)**

The district provides students with access to the district's computers, electronic communication systems and network, which includes Internet access, whether wired or wireless, or by any other means.

For all users, the district-provided computers, Internet and other network resources including accounts and technology licensed by the district must be used for district business or academic purposes. All students must comply with this policy and all other applicable district policies, procedures and rules contained in this policy, as well as Internet Service Provider (ISP) terms, local, state and federal laws

## **Electronic Data Storage and Guidelines (Policy 830 and 830AG1)**

The District is committed to the secure management of the district's electronic data.

## **Bullying/Cyberbullying (Policy 249)**

The 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.

### **Definitions**

**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 and/or outside 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.

**Bullying**, as defined in this policy, includes cyberbullying.

**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.

The Board prohibits all forms of bullying by district students.

The Board encourages students who believe they or other students have been bullied are encouraged to promptly report such incidents to the building principal or designee.

Students are encouraged to use the district's report form (249AG1), available from the building

principal, or to put the complaint in writing; however, oral complaints shall be accepted and documented. The person accepting the complaint shall handle the report objectively, neutrally and professionally, setting aside personal biases that might favor or disfavor the student filing the complaint or those accused of a violation of this policy.

The Board directs that verbal and written complaints of bullying shall be investigated promptly, and appropriate corrective or preventative action shall be taken when allegations are substantiated. Any complaint of bullying brought pursuant to this policy shall also be reviewed for conduct which may not be proven to be bullying under this policy but merits review and possible action under other Board policies.

When a student's behavior indicates a threat to the safety of the student, other students, school employees, school facilities, the community or others, district staff shall report the student to the threat assessment team, in accordance with applicable law and Board policy.

### **Title IX Sexual Harassment and Other Discrimination**

Every report of alleged bullying that can be interpreted at the outset to fall within the provisions of policies addressing potential violations of laws against discrimination shall be handled as a joint, concurrent investigation into all allegations and coordinated with the full participation of the Compliance Officer and Title IX Coordinator. If, in the course of a bullying investigation, potential issues of discrimination are identified, the Title IX Coordinator shall be promptly notified, and the investigation shall be conducted jointly and concurrently to address the issues of alleged discrimination as well as the incidents of alleged bullying.

### **Confidentiality**

Confidentiality of all parties, witnesses, the allegations, the filing of a complaint and the investigation shall be handled in accordance with applicable law, regulations, this policy and the district's legal and investigative obligations.

### **Retaliation**

Reprisal or retaliation relating to reports of bullying or participation in an investigation of allegations of bullying is prohibited and shall be subject to disciplinary action up to and including expulsion.

### **Delegation of Responsibility**

Each student shall be responsible to respect the rights of others and to ensure an atmosphere free from bullying.

The Superintendent or designee, in cooperation with other appropriate administrators, shall review this policy every three (3) years and recommend necessary revisions to the Board.

The Superintendent or designee, in cooperation with other appropriate administrators, shall review this policy every three (3) years and recommend necessary revisions to the Board.



District administration shall annually provide the information required by law on the Safe School Report, or the current required documentation.

### **Guidelines**

The Code of Student Conduct, which shall contain this policy, shall be disseminated annually to students.

This policy shall be accessible in every classroom. The policy shall be posted in a prominent location within each school building and on the district website. It shall be reviewed with students at least once every school year.

### **Education**

The district may develop, implement and evaluate bullying prevention and intervention programs and activities. Programs and activities shall provide district staff and students with appropriate training for effectively responding to, intervening in and reporting incidents of bullying.

### **Consequences for Violations**

Students found to have violated this policy shall be subject to the appropriate consequences set forth in applicable Board Policy, consistent with the Code of Student Conduct/Disciplinary Action Schedule. Students may be subject to counseling.

Depending on the severity of the incident, the principal or 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/guardians.

## **Smoking, Tobacco and Vaping Products-Students (Policy 222)**

The Board recognizes that tobacco and vaping products, including the product marketed as Juul and other electronic cigarettes, present a health and safety hazard that can have serious consequences for both users and nonusers, and the safety and environment of the schools. The purpose of this policy is to prohibit student possession, use, purchase and sale of tobacco and vaping products, including Juuls and other electronic cigarettes.

The Board further prohibits student smoking of any non-tobacco products or the possession of non-tobacco products in a form in which they may be smoked, including but not limited to non-tobacco cigarettes, cigars and little cigars (collectively “**non-tobacco products**”).

### **Definitions**

State law defines the term **tobacco product** to broadly encompass not only tobacco but also vaping products including Juuls and other electronic cigarettes (e-cigarettes). Tobacco products, for purposes of this policy and in accordance with state law, shall be defined to include the following:

1. Any product containing, made or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed or ingested by any other means, including, but not limited to, a cigarette, cigar, little cigar, chewing tobacco, pipe tobacco, snuff and snus.
2. Any electronic device that delivers nicotine or another substance to a person inhaling from the device, including, but not limited to, electronic nicotine delivery systems, an electronic cigarette, a cigar, a pipe and a hookah.
3. Any product containing, made or derived from either:
  - a. Tobacco, whether in its natural or synthetic form; or
  - b. Nicotine, whether in its natural or synthetic form, which is regulated by the United States Food and Drug Administration as a deemed tobacco product.
4. Any component, part or accessory of the product or electronic device listed in this definition, whether or not sold separately.

### **Authority**

The Board prohibits possession, use, purchase or sale of tobacco and vaping products including the product marketed as Juul and other e-cigarettes by or to students regardless of whether such products contain tobacco or nicotine at any time in a school building; on any property, buses, vans, and vehicles that are owned, leased or controlled by the school district, and at school-sponsored activities that are held off school property.

The Board prohibits student possession or use of products marketed and sold as tobacco cessation products or for other therapeutic purposes, except as authorized in the Board's Medication policy.

The Board prohibits the smoking or possession of non-tobacco products at any time in a school building, on any property, buses, vans, or vehicles that are owned, leased or controlled by the school district, or at school-sponsored activities that are held off of school property.

### **Delegation of Responsibility**

The Superintendent or designee shall annually notify students, parents/guardians, and staff about the Board's tobacco and vaping products policy by publishing information in student handbook(s), Code of Student Conduct/Disciplinary Action Schedule, parental newsletters, posters, and by other efficient methods such as posted notices, signs and on the district website.

The Superintendent or designee may develop administrative guidelines to implement this policy.

### **Parental Report**

The Superintendent or designee shall notify the parent/guardian of any student directly involved in an incident involving possession, use, purchase or sale of a tobacco or vaping product, including the product marketed as Juul and other electronic cigarettes, immediately, as soon as practicable. The Superintendent or designee shall inform the parent/guardian whether or not the local police department that has jurisdiction over the school property has been or may be notified of the incident. The Superintendent or designee shall document attempts made to reach the parent/guardian.

### **Office for Safe Schools Report**

The Superintendent shall annually, by July 31, report all incidents of possession, use or sale of tobacco and vaping products by students to the Office for Safe Schools on the required form.

### **Law Enforcement Incident Report**

The Superintendent or designee may report incidents of possession, use or sale of tobacco and vaping products, including Juuls or other e-cigarettes, by students on school property, at any school-sponsored activity or on a conveyance providing transportation to or from a school or school-sponsored activity to the school police, school resource officer (SRO) or to the local police department that has jurisdiction over the school's property, in accordance with state law and regulations, the procedures set forth in the memorandum of understanding with local law enforcement and Board policies.

### **Guidelines**

Students found in violation of this policy shall be subject to appropriate disciplinary action.

If a student is found to be in violation of this policy due to the possession or smoking of any non-tobacco product, and the non-tobacco product constitutes a controlled substance under District policy, the violation shall be addressed under the District's Controlled Substances/Paraphernalia policy.

A student convicted of possessing or using tobacco in violation of this policy may be fined up to fifty dollars (\$50) plus court costs, and attorney's fees, or admitted by the court to alternative adjudication in lieu of imposition of a fine.

Tampering with devices installed to detect use of tobacco or vaping products shall be deemed a violation of this policy and subject to disciplinary action.

### **Students with Disabilities**

In the case of a student with a disability, including a student for whom an evaluation is pending, the district shall take all steps required to comply with state and federal laws and regulations, the procedures set forth in the memorandum of understanding with local law enforcement and Board policies.

## **Controlled Substance/Paraphernalia (Policy 227)**

The 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 Multi-tiered System of Supports Team (MTTS), 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.

### Definitions

**Multi-Tiered Systems of Supports (MTSS)** - a multidisciplinary team that includes teachers, administrators, nurse, and counselors. This team is trained to understand and work with adolescent controlled substance use, abuse, and dependency. The team's primary role is to identify, refer and intervene when student controlled substance use, abuse, possession, and/or distribution is suspected.

**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, any other mood-altering substance, and all regulated and controlled substances identified and prohibited by federal and state laws.

**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.

**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 controlled substance 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 a 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 they 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.

**Look-alike drugs** - substances that are designed or intended to resemble (in appearance or odor) a controlled substance prohibited by this policy, or used in a manner likely to induce others to believe the material is a controlled substance.

**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 their administration, or dispensing such substance or article in the course of their 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.

**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.

**Narcotic** - means 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).

**Possession, active** - to possess or hold without attempt to distribute any controlled substance.

**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.

**Prescription medication** - consists of medication prescribed by a licensed physician and requiring administration during school hours in accordance with the procedures set forth in Board policy.

**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 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 discrete person to conclude that a student has illegal material on school property or on their person, this is a reasonable suspicion, but there must be a fair and conscientious consideration of only the facts that are known.

**Under the influence** – shall include any consumption or ingestion of controlled substances by a student.

### **Authority**

The Board prohibits any student from knowingly possessing, using, distributing or being under the influence of any controlled substance, which specifically includes drug paraphernalia, 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 while under the supervision of the District as part of a cyber program or other virtual platform, or who conspires, aides, or abets in the use, abuse, active possession, or constructive possession, or distribution of controlled substances.

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

Appropriate disciplinary action will be taken by the Board as outlined in applicable Board policy.

In the case of a student with a disability, including a student for whom an evaluation is pending, the district shall take all steps required to comply with state and federal laws and regulations, the procedures set forth in the memorandum of understanding with local law enforcement and Board policies.

### **Off-Campus Activities**

This policy shall also apply to student conduct that occurs off school property or during non-school hours to the same extent as provided for in Board Policy 218.

### **Delegation of Responsibility**

The Superintendent or designee may develop administrative guidelines to identify and control substance abuse in the schools which:

1. Establish procedures to appropriately manage situations involving students suspected of using, possessing, being under the influence, or distributing controlled substances.
2. Disseminate to students, parents/guardians, and staff the Board policy and administrative guidelines governing student use of controlled substances.

## Guidelines

### Medication

The administration of all medication shall be in accordance with applicable Board policy.

### 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 policies.

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.

In accordance with state law, the Superintendent shall annually, by July 31, report all incidents of possession, use or sale of controlled substances to the Office for Safe Schools.

### Search and Seizure

Appropriate searches for and seizures of controlled substances on school premises shall be conducted in compliance with Board policy. 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 reasonable related in scope to the circumstances which justified the search at its inception.

### Violation of Policy for Possession and/or Use

A student who violates this policy shall be subject to the consequences set forth herein and in other Board policy and administrative guidelines. The Board reserves the right to use any other lawful measures deemed necessary to control and eliminate the use and/or possession 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, uses, possesses, actively or constructively, or is under the influence 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, while under the supervision of the district as part of a cyber program or other virtual platform, or who conspires, aides, or abets the use, or active possession or constructive possession of controlled substances.



*First Offense –*

1. The principal will be immediately notified of any alleged 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)/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)/guardian(s) cannot be reached, the principal or designee will decide to obtain medical treatment for the student or to temporarily isolate the student.
5. The principal or designee 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. Should it be determined the offense was committed by the student, the student will be externally suspended from school for ten (10) school days.

*Second Offense –*

1. Any person who violates this policy a second time commits a second offense. All requirements, procedures, due process, and penalties that govern a first offense under this policy will apply under the second offense. In addition, the following disciplinary action and requirements apply:
  - a. The student may be recommended for expulsion. **Expulsion** is exclusion from school by the Board for a period that exceeds ten (10) school days and may be permanent.

*Additional Requirements –*

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

1. Be referred to the appropriate agency for counseling and treatment.
2. While a student is suspended out-of-school they 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 school or class activities (including but not limited to spirit week, Homecoming, class trips, fundraisers, dances, proms, or

commencement).

3. Eligibility for participation in school extracurricular activities (including athletics, clubs, and organizations) shall be further limited in accordance with the Extracurricular Code of Conduct.

### **Violation for Distribution**

A student who violates this policy for distribution shall be subject to the following consequences. 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 distributing controlled substances or possesses controlled substances with the intent to distribute,

1. The principal will be immediately notified of any alleged 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)/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. Should it be determined the offense was committed by the student, the student will be externally suspended from school for ten (10) school 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.
6. The student will be referred to an appropriate agency for counseling and treatment.
7. While a student is suspended out-of-school and attending the alternate education program, they 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 school or class activities (including but limited to spirit week, Homecoming, class trips, fundraisers, dances, proms, and commencement).
8. Eligibility for participation in school extracurricular activities (including athletics, clubs, and

organizations) shall be further limited in accordance with the Extracurricular Code of Conduct.

### **Anabolic Steroids**

In addition to the consequences in this policy, anabolic steroid use bears additional consequences in regard to extracurricular participation.

The Board prohibits the use of anabolic steroids, except for valid medical purposes, by any student involved in school-related athletics or extracurricular activities. Body building and muscle enhancement, increasing muscle bulk or strength, or the 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.

The following minimum penalties are prescribed for any student found in violation of the anabolic steroid regulations required above, in addition to the consequences outlined in this policy. Violation of those rules and regulations include:

1. **First Offense** – the student shall be suspended from school athletics and extracurricular activities for the remainder of the season.
2. **Second Offense** – the student shall be suspended from school athletics and extracurricular activities for the remainder of the season and the following season.
3. **Third Offense** – the student shall be permanently suspended from school athletics and extracurricular activities.

No student shall be eligible to resume participation in school athletics or 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 or extracurricular activities program.

### **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 controlled substance is not subject to the provisions of this policy as outlined for first offenses

School personnel to whom a student reports, and from whom they seek help may refer the student to a faculty member designated by the principal (e.g., counselor, Intervention Specialist, Multi-Tiered Systems of Supports Team, nurse, etc.).

## **Multi-Tiered Systems of Supports Team**

### *Referral Phase –*

Referrals may come from a multitude of sources. Staff, students, parents/guardians, etc., may inform the Multi-Tiered Systems of Supports Team of any suspicions, issues, behaviors, or concerns that appear to be controlled substance or mental health related. Community concerns also will be noted and these will be investigated if they seem appropriate.

### *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 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 a controlled substance or mental health concern, the team may have the Intervention Specialist complete a screening. Once fully satisfied that the student's profile reflects a controlled substance or mental health concern an intervention will be planned.

### *Intervention Phase –*

During this phase the Intervention Specialist will be actively involved in determining the appropriate modality of treatment and proper placement (in-patient or out-patient).

This may require meetings with the student, or student and parent/guardian where information that has been gathered is discussed and options are explored.

## **Suspected Visitors**

Visitors suspected of using, possessing, transmitting, manufacturing, selling, transporting, distributing or being under the influence of 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 building 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.

## **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 is not limited to the analysis of blood, urine, saliva, or the administration of a Breathalyzer test.

## **Use of Passive, Non-Invasive Breath Tests**

At the discretion of the district, at certain non-compulsory district-sponsored or related events, including events conducted on or away from district property, all students may be subjected to a

passive, non-invasive breath test as a condition of attendance.

Refusal to submit to a passive non-invasive breath test will be considered to be a positive test and the student will be disciplined in accordance with Board policy.

## **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.

It is prohibited for any student while at school, to possess on their person, in their personal effects, in their locker or their 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).

Parents/guardians and students shall be notified at least annually or more often, if deemed appropriate, of the contents of the search policy.

All school personnel shall cooperate in every manner possible in carrying out Policy 226.

**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 discrete person to conclude that a student has illegal material on school property or on their person, this is a reasonable suspicion, but there must be a fair and conscientious consideration of only the facts that are known.

### **Guidelines**

#### **General Search Procedures**

Any building administrator, teacher, or other district employee who reasonably suspects that a student has in their possession on the school property or sells or uses on school property any illegal material, shall proceed as follows:

1. 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.
2. The principal or their 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 their person, personal effects,

locker, and/or automobile.

3. Students who do not cooperate with the principal or their designee, who has reasonable suspicion to search, shall immediately be subject to disciplinary action.
4. Any search conducted shall be reasonably related in scope to the circumstances which justified the search at its inception.
5. When a search is made of a student's person, personal effects, locker, and/or automobile, at least one other teacher or school official shall be present in addition to the principal or their designee. Except in emergency situations, reasonable steps should be taken to ensure the student is given an opportunity to be present during the search.
6. 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.
7. The principal or their designee shall be responsible for the safe keeping and proper disposal of any illegal material found.
8. The principal or their 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.
9. Confiscated illegal materials may be used against the student in school disciplinary proceedings.
10. If illegal material is found, the appropriate law enforcement agency shall be contacted.
11. 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.

### **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 Policy 226, 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.

### **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 their 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 their designee may open the locker as soon as is necessary to properly discharge their 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 their 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.

### **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 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.

### **Use of 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/guardians and students are hereby notified of this policy through its inclusion in the Student Discipline & Records 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.

### **Use of Passive, Non-Invasive Breath Tests**

At the discretion of the district, at certain non-compulsory district-sponsored or related events, including events conducted on or away from district property, all students may be subjected to a passive, non-invasive breath test as a condition of attendance.

Refusal to submit to a passive, non-invasive breath test will be considered to be a positive test and the student will be disciplined in accordance with Board policy

## **Medications (Policy 210)**

The administration of prescribed medication to a student during school hours in accordance with the direction of a parent/guardian and licensed prescriber will be permitted only when failure to take such medicine would jeopardize the health of the student or the student would not be able to attend school if the medicine were not available during school hours. All medication shall be brought to the nurse's office, or the main office if the nurse is in another building, by the parent/guardian or by another adult designated by the parent/guardian. Parents/guardians seeking to have medication administered by the school nurse should contact the school nurse for additional information. Parents/guardians of students who may require self-administration of emergency medication should contact the school nurse.

## **Possession/Use of Asthma Inhaler/Epinephrine Auto-Injectors (Policy 210.1)**

The Board shall permit students in district schools to possess asthma inhalers and epinephrine auto-injectors and to self-administer the prescribed medication in compliance with state law and Board policy.

### **Definitions**

**Anaphylaxis:** A sudden, severe allergic reaction that involves various areas of the body simultaneously. In extreme cases, anaphylaxis can cause death.



**Asthma inhaler** shall mean a prescribed device used for self-administration of short-acting, metered doses of prescribed medication to treat an acute asthma attack.

**Epinephrine auto-injector** shall mean a prescribed disposable drug delivery system designed for the self-administration of epinephrine to provide rapid first aid for persons suffering the effects of anaphylaxis.

**Self-administration** shall mean a student's use of medication in accordance with a prescription or written instructions from a licensed physician, certified registered nurse practitioner or physician assistant.

### **Guidelines**

Administration of asthma inhalers and epinephrine auto-injectors shall comply with Board policy, district procedures and individualized student plans such as an Individualized Education Program (IEP), Section 504 Service Agreement Plan, Individualized Healthcare Plan (IHP), or Emergency Care Plan (ECP).

Before a student may possess or use an asthma inhaler or epinephrine auto-injector in the school setting, the Board shall require the following:

1. A written request from the parent/guardian that the school complies with the order of the licensed physician, certified registered nurse practitioner or physician assistant.
2. A written statement from the parent/guardian acknowledging that the school is not responsible for ensuring the medication is taken and relieving the district and its employees of responsibility for the benefits or consequences of the prescribed medication.
3. A written statement from the licensed physician, certified registered nurse practitioner or physician assistant that states:
  - a. Name of the drug.
  - b. Prescribed dosage.
  - c. Times medication is to be taken.
  - d. Length of time medication is prescribed.
  - e. Diagnosis or reason medication is needed, unless confidential.
  - f. Potential serious reaction or side effects of medication.
  - g. Emergency response.
  - h. If child is qualified and able to self-administer the medication.

The student shall notify the school nurse immediately following each use of an asthma inhaler or

epinephrine auto-injector.

The district reserves the right to require a statement from the licensed physician, certified registered nurse practitioner or physician assistant for the continued use of a medication beyond the specified time period.

A written request for student use of an asthma inhaler and/or epinephrine auto-injector shall be submitted annually, along with required written statements from the parent/guardian and an updated prescription.

Student health records shall be confidential and maintained in accordance with state and federal laws and regulations.

A student whose parent/guardian completes the written requirements for the student to possess an asthma inhaler or epinephrine auto-injector and to self-administer the prescribed medication in the school setting shall demonstrate to the school nurse the competency for self-administration and responsible behavior in use of the medication. Determination of competency for self-administration shall be based on the student's age, cognitive function, maturity and demonstration of responsible behavior.

Students shall be prohibited from sharing, giving, selling, and using an asthma inhaler or epinephrine auto-injector in any manner other than which it is prescribed during school hours, at any time while on school property, at any school-sponsored activity, and during the time spent traveling to and from school and school-sponsored activities. Violations of this policy shall result in loss of privilege to self-carry the asthma inhaler or epinephrine auto-injector and disciplinary action in accordance with Board policy.

If the district denies a student's request to self-carry an asthma inhaler or epinephrine auto-injector or the student has lost the privilege of self-carrying an asthma inhaler or epinephrine auto-injector, the student's prescribed medication shall be appropriately stored at a location in close proximity to the student. The student's classroom teachers shall be informed where the medication is stored and the means to access the medication.

The district shall annually distribute to students and parents/guardians this policy along with the Code of Student Conduct/Disciplinary Action Schedule.

The district shall post this policy on the district website, if available.

### **Delegation of Responsibility**

The Superintendent or designee, in conjunction with the school nurse(s), may develop administrative regulations for student possession of asthma inhalers or epinephrine auto-injectors and self-administration of prescribed medication.

## **Corporal Punishment (Policy 218, 806)**

The Board prohibits the use of corporal punishment by district staff to discipline students for violations

of Board policies, the Code of Student Conduct/Disciplinary Action Schedule and district rules and administrative guidelines.

Corporal punishment is defined as physically punishing a student for an infraction of the discipline policy. Use of corporal punishment is prohibited. Teachers and school authorities may use reasonable force under the following circumstances:

1. To quell a disturbance or to remove a student from a scene of a disturbance that threatens property damage or injury to persons.
2. To obtain possession of weapons, controlled substances or other dangerous objects that are on the person of the student or in the student's control.
3. For the purpose of self-defense or defense of another.
4. To prevent a student from self-inflicted physical harm.

## **Terroristic Threats (Policy 218.2)**

The Board recognizes the danger that terroristic threats by students present to the safety and welfare of district students, staff, and community. The Board acknowledges the need for an immediate and effective response to a situation involving such a threat.

### **Definitions**

**Communicate** - shall mean to convey in person or by written or electronic means, including telephone, electronic mail, Internet, facsimile, telex, and similar transmissions.

**Terroristic threat** - shall mean a threat communicated either directly or indirectly to commit any crime of violence with the intent to: terrorize another; cause evacuation of a building, place of assembly, or facility of public transportation; or to otherwise cause serious public inconvenience, or cause terror, or serious public inconvenience with reckless disregard of the risk of causing such terror or inconvenience.

### **Authority**

The Board prohibits any district student from communicating terroristic threats directed at any student, employee, Board member, community member, or property owned, leased, or being used by the district.

### **Delegation of Responsibility**

The Superintendent or designee, in coordination with the threat assessment team, shall react promptly to information and knowledge concerning a possible or actual terroristic threat. Such action shall be in compliance with state law and regulations, Board policy and administrative guidelines, the procedures set forth in the memorandum of understanding with local law enforcement officials, and the district's emergency preparedness plan.

### **Guidelines**

In all cases of terroristic threats, where a student's behavior indicates a threat to the safety of the student, other students, school employees, school facilities, the community or others, district staff shall report the student to the threat assessment team, in accordance with applicable law and Board policy.

Staff members and students shall be made aware of their responsibility for informing the threat assessment team regarding any information or knowledge relevant to a possible or actual terroristic threat.

The threat assessment team shall immediately inform the Superintendent or designee, School Safety and Security Coordinator and building principal of a terroristic threat, in accordance with Board policy and administrative guidelines.

The Superintendent or designee may report incidents involving terroristic threats on school property, at any school-sponsored activity or on a conveyance providing transportation to or from a school or school-sponsored activity to the local police department that has jurisdiction over the school's property, in accordance with state law and regulations, the procedures set forth in the memorandum of understanding with local law enforcement and Board policies.

The Superintendent or designee shall notify the parent/guardian of any student directly involved in an incident involving a terroristic threat as a victim or suspect immediately, as soon as practicable. The Superintendent or designee shall inform the parent/guardian whether or not the local police department that has jurisdiction over the school property has been or may be notified of the incident. The Superintendent or designee shall document attempts made to reach the parent/guardian.

In accordance with state law, the Superintendent shall annually, by July 31, report all incidents of terroristic threats to the Office for Safe Schools on the required form.

In the case of a student with a disability, including a student for whom an evaluation is pending, the district shall take all steps required to comply with state and federal laws and regulations, the procedures set forth in the memorandum of understanding with local law enforcement and Board policies.

If a student is expelled for making terroristic threats, the Board may require, prior to readmission, that the student provide competent and credible evidence from a behavioral service provider that the student does not pose a risk of harm to others.

## **Weapons (Policy 218.1)**

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

### **Definitions**

**Weapon** - the term shall include but is not limited to any knife, cutting instrument, cutting tool,

nunchaku, firearm, shotgun, rifle, replica of a weapon, and any other tool, instrument or implement capable of inflicting serious bodily injury.

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

### **Authority**

The Board prohibits students from possessing and bringing weapons and replicas of weapons into any school district buildings, onto school property, to any school-sponsored activity, and onto any public vehicle providing transportation to or from school or a school-sponsored activity or while the student is coming to or from school.

The Board shall expel for a period of not less than one (1) year any student who violates this weapons policy. Such expulsion shall be given in conformance with formal due process proceedings required by law and Board policy. The Superintendent may recommend modifications of such expulsion requirement on a case-by-case basis.

In the case of a student with a disability, including a student for whom an evaluation is pending, the district shall take all steps required to comply with state and federal laws and regulations, the procedures set forth in the memorandum of understanding with local law enforcement and Board policies.

### **Delegation of Responsibility**

The Superintendent or designee shall react promptly to information and knowledge concerning possession of a weapon. Such action shall be in compliance with state law and regulations and with the procedures set forth in the memorandum of understanding with local law enforcement officials and the district's emergency preparedness plan.

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

### **Guidelines**

The Superintendent or designee shall immediately report incidents involving weapons on school property, at any school-sponsored activity or on a conveyance providing transportation to or from a school or school-sponsored activity to the local police department that has jurisdiction over the school's property, in accordance with state law and regulations, the procedures set forth in the memorandum of understanding with local law enforcement and Board policies.

In accordance with state law, the Superintendent shall annually, by July 31, report all incidents involving possession of a weapon to the Office for Safe Schools on the required form.

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

An exception to this policy may be made by the Superintendent, who shall prescribe special conditions or administrative regulations to be followed.

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

## Transfer Students

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

## **Student Transportation (Policy 810, 810.3, 810.3AG1)**

### **Student Transportation (Policy 810)**

Transportation for students shall be provided in accordance with law and Board policy.

The Board shall provide transportation for resident students in grades kindergarten through 12 to the district's public schools and charter, regional charter and nonpublic schools located in the district or within the district's transportation boundary or other placements as required by law or agreements. The district's transportation boundary is a distance not exceeding ten (10) miles by the nearest public highway outside the school district's border.

The Board shall provide transportation for students living within the prescribed limits when walking conditions to the school are found to be hazardous by the Pennsylvania Department of Transportation.

The Board shall provide transportation for students with disabilities, without regard to distance or hazardous walking conditions, when required by the student's individualized education program (IEP) or Section 504 Service Agreement.

The Board shall provide transportation for children in foster care in accordance with federal and state laws and regulations, and the local transportation plan.

The Board shall provide transportation for homeless children and youths in accordance with federal and state laws and regulations.

The Board shall provide transportation for home education students as required by law.

The Board shall contract for school bus services for transportation of students to and from school at regularly scheduled hours and for field trips and extracurricular activities.

### **Bus Conduct (Policy 810.3)**

Bus conduct shall be in accordance with applicable law, state regulations, and Board policy to ensure the safety of all students using school transportation.

The Board has the authority to make reasonable 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 bus or vehicle. The 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.

### **Guidelines**

For purposes of this policy, the term 'bus' shall include, but not be limited to, all district buses, vehicles or other conveyances.

Bus transportation is a privilege extended only to students who display good conduct while preparing to ride, riding, and 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.

Consistent with Board policy and administrative guidelines, all students are considered to be under the jurisdiction of the district while going to, remaining at and returning from school, or at any school-sponsored activity.

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

In accordance with the transportation rules and consequences which apply to district students, the district may refuse to provide transportation or to provide reimbursement for any such transportation or in any other way comply with law for a nonpublic, charter or home education student who violates the district's policies and administrative guidelines.

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

Parents/Guardians are responsible for transporting their student to and from school if the student has been excluded from bus transportation for disciplinary reasons.

The Superintendent or designee may promulgate administrative guidelines to implement this policy.

### **Student Bus Conduct (810.3AG1)**

The schools are responsible for the safety of all students using school transportation. Therefore, no student can be permitted to behave in such a manner that could endanger their own safety or the safety of others. The following Rules of Bus Conduct shall be observed on all district provided transportation.

For purposes of this administrative guideline, the term 'bus' shall include, but not be limited to, all district buses, vehicles or other conveyances.

### **Bus Stop – Rules of Conduct**

#### **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 Level 1 offenses as set for in the Student Code of Conduct/Disciplinary Action Schedule (218AG1)
7. Not possess or utilize personal and district technology devices in violation of Policy 237.

## **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 Level 2 offenses as set for in the Student Code of Conduct/Disciplinary Action Schedule (218AG1)

## **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 commit Level 3 offenses as set for in the Student Code of Conduct/Disciplinary Action Schedule (218AG1)

## **On the Bus – Rules of Conduct**

### **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. 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 Level 1 offenses as set for in the Student Code of Conduct/Disciplinary Action Schedule (218AG1)

**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 or vaping products, matches or any open flame on the bus.
4. Not carry hazardous materials, nuisance items, or 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 Level 2 offenses as set for in the Student Code of Conduct/Disciplinary Action Schedule (218AG1).

**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 commit Level 3 offenses as set for in the Student Code of Conduct/Disciplinary Action Schedule (218AG1)

**Bus Conduct Disciplinary Schedule**

Student misbehavior will necessitate disciplinary action by the building principal or their designee. The disciplinary 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 may also use disciplinary actions listed in policies 218 & 218AG1, Student Discipline, 233, Suspension and Expulsion; and 233AG1, Disciplinary Action Schedule as they deem appropriate. Where the offenses may also be a violation of law referral to law enforcement may be made.

**Level I - Elementary****1st Offense:**

-Verbal warning and/or reassigned seat

**2nd Offense:**

-Assigned seat  
-Parent/Guardian call

**3rd Offense:**

-Parent/Guardian call and/or meeting  
-1 day suspension from bus

**4th Offense:**

-Automatic Level II, 2nd offense consequences as set forth in Policy 218AG1

**Level I - Secondary (Middle & High School)****1st Offense:**

-Verbal warning and/or assigned seat

**2nd Offense:**

-Assigned seat

-Parent/Guardian call

**3rd Offense:**

-Parent/Guardian call and/or meeting

-1-3 day suspension from bus

**4th Offense:**

-Automatic Level II, 2nd offense consequences as set forth in Policy 218AG1

**Level II - Elementary****1st Offense:**

-Assigned seat

-Parent/Guardian call

**2nd Offense:**

-Parent/Guardian call and/or meeting

- 2-3 day suspension from bus

**3rd Offense:**

-Automatic Level III consequences as set forth in Policy 218AG1

**Level II – Secondary (Middle & High School)****1st Offense:**

-Parent/Guardian call and/or meeting

- 1-3 day suspension from bus

**2nd Offense:**

-Parent/Guardian call and/or meeting

-3-5 day suspension from bus

**3rd Offense:**

-Automatic Level III consequences as set forth in Policy 218AG1

**Level III - Elementary\*****1st Offense:**

- Meeting with parent/guardian
- Up to 5 day suspension from bus

**2<sup>nd</sup> Offense:**

- Automatic Level III consequences as set forth in Policy 218AG1
- 10 day suspension from bus

**Level III - Secondary\* (Middle & High School)****1st Offense:**

- Meeting with parent/guardian
- Up to 10 day suspension from bus

**2<sup>nd</sup> Offense:**

- Automatic Level III consequences as set forth in Policy 218AG1
- 10 day suspension from bus

**\*NOTE:** If the administrator considers the committing of an Level 3 offense a serious threat to the health, safety or welfare of others, they 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 use of video and audio equipment supports efforts to maintain discipline and to ensure the safety and security of all students, staff, contractors, and others being transported on District-owned, operated, or contracted school buses and school vehicles.

### **Definitions**

**School bus** means a motor vehicle that is designed to carry eleven (11) passengers or more, including the driver, and is used for the transportation of preprimary, primary, or secondary school students to or from public, private, or parochial schools or events related to such schools or school-related activities.

**School vehicle** means a motor vehicle, except a motorcycle, designed for carrying no more than ten (10) passengers, including the driver, and used for the transportation of preprimary, primary, or secondary school students while registered by or under contract to the school district. The term includes vehicles having chartered, group, and party rights under the Pennsylvania Public Utility Commission and used for the transportation of school children.

The Board authorizes the use of video and audio recording on school buses and school vehicles for disciplinary and security purposes.

The Board prohibits the use of audio-recording on any school bus or vehicle that is not being used for a school related purpose.

### **Delegation of Responsibility**

The Board directs the Superintendent or their designee to ensure that:

1. Each school bus and school vehicle that is equipped with video and audio recording equipment contains a clearly posted notice informing drivers and passengers of the potential for video and audio recording.
2. This policy is posted on the district's publicly accessible website.
3. Each school year, this policy is included in the student handbook and in any other district publication that sets forth the comprehensive rules, procedures and standards of conduct.

### **Guidelines**

The District shall comply with the provisions of federal and state law and regulations regarding student record requirements as applicable to the District's use and disclosure of recordings.

### **Use of Recorded Documentation**

Review of video and/or audio recordings shall be limited to the building principal, Transportation Manager, and the Superintendent or their designee. However, the video and/or audio recordings may be used in expulsion or other disciplinary hearings if the video and/or audio recording provides evidence in the case.

A request for review of a video and/or audio recording may be made by a student's parent/guardian if the student has been video and/or audio recorded and disciplinary action has been recommended. All requests shall be in writing and addressed to the building principal. Parents/Guardians may only view the portion of the recording that documents the alleged misbehavior of their student on the school bus or vehicle. The building principal or their designee shall be present during the viewing to ensure that such viewing shall be in accordance with the Family Educational Rights and Privacy Act.

### **Record Retention**

Video and/or audio recordings shall be preserved only until disposition in any disciplinary action is reached. Other video and/or audio recordings shall be retained in accordance with the district's Record Retention Schedule or required litigation hold.

## **Discrimination/Title IX Sexual Harassment (Policy 103, 103AG1, 103AG2, 103AG3)**

The Board declares it to be the policy of this district to provide an equal opportunity for all students to achieve their maximum potential through the programs and activities offered in the schools without discrimination on the basis of race, color, age, creed, religion, sex, sexual orientation, gender identity, ancestry, national origin, marital status, pregnancy or handicap/disability.

The Board also declares it to be the policy of this district to comply with federal law and regulations under Title IX prohibiting sexual harassment, which is a form of unlawful discrimination on the basis of sex. Such discrimination shall be referred to throughout this policy as Title IX sexual harassment. Inquiries regarding the application of Title IX to the district may be referred to the Title IX Coordinator, to the Assistant Secretary for Civil Rights of the U.S. Department of Education, or both.

The district is committed to the maintenance of a safe, positive learning environment for all students that is free from discrimination. Discrimination is inconsistent with the rights of students and the educational and programmatic goals of the district and is prohibited on school property, and at or, in the course of, district-sponsored programs or activities, including on any conveyance providing transportation to or from school or school-sponsored activities.

Violations of this policy, including acts of retaliation as described in this policy, or knowingly providing false information, may result in disciplinary consequences under applicable Board policy and procedures.

The Board directs that the foregoing statement of Board policy be included in each student and staff handbook, and that this policy and related administrative guidelines be posted to the district's website.

The Board requires a notice stating that the district does not discriminate in any manner, including Title IX sexual harassment, in any district education program or activity, to be issued to all students, parents/guardians, employment applicants, employees and all unions or professional organizations holding collective bargaining or professional agreements with the district. All discrimination notices and information shall include the title, office address, telephone number and email address of the individual(s) designated as the Compliance Officer and Title IX Coordinator.

### **Reports of Title IX Sexual Harassment and Other Discrimination and Retaliation**

The Board encourages students and third parties who believe they or others have been subject to Title IX sexual harassment, other discrimination or retaliation to promptly report such incidents to the building principal. A person who is not an intended victim or target of discrimination but is adversely affected by the offensive conduct may file a report of discrimination.

The student's parents/guardians or any other person with knowledge of conduct that may violate this policy is encouraged to immediately report the matter to the building principal.

A school employee who suspects or is notified that a student has been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the building principal, as well as properly making any mandatory police or child protective services reports required by law.

If the building principal is the subject of a complaint, the student, third party or a reporting employee shall report the incident directly to the Title IX Coordinator.

The complainant or the individual making the report may use the [Discrimination/Sexual Harassment/Retaliation Report Form \(103AG1\)](#) for purposes of reporting an incident or incidents in writing; however, verbal reports of an incident or incidents shall be accepted, documented and the procedures of this policy and the relevant administrative guidelines followed.

The building principal shall promptly notify the Title IX Coordinator of all reports of discrimination, Title IX sexual harassment or retaliation. The Title IX Coordinator shall promptly contact the complainant regarding the report to gather additional information as necessary, and to discuss the availability of supportive measures. The Title IX Coordinator shall consider the complainant's wishes with respect to supportive measures.

The Title IX Coordinator shall conduct an assessment to determine whether the reported circumstances are most appropriately addressed through the Discrimination Complaint Procedures prescribed in Administrative Guideline 103AG2, or if the reported circumstances meet the definition of Title IX sexual harassment and are most appropriately addressed through the Title IX Sexual Harassment Procedures and Grievance Process for Formal Complaints in Administrative Guideline 103AG3, or other Board policies.

### **Disciplinary Procedures When Reports Allege Title IX Sexual Harassment**

When a report alleges Title IX sexual harassment, disciplinary sanctions may not be imposed until the completion of the grievance process for formal complaints outlined in 103AG3. The district shall presume that the respondent is not responsible for the alleged conduct until a determination has been made at the completion of the grievance process for formal complaints.

When an emergency removal, as described in 103AG3, is warranted to address an immediate threat to the physical health or safety of an individual, and it is not feasible to continue educational services remotely or in an alternative setting, the normal procedures for suspension and expulsion shall be conducted to accomplish the removal, including specific provisions to address a student with a disability where applicable.

When an emergency removal is not required, disciplinary sanctions shall be considered in the course of the Title IX grievance process for formal complaints. Following the issuance of the written

determination and any applicable appeal, any disciplinary action specified in the written determination or appeal decision shall be implemented in accordance with the normal procedures for suspensions, expulsions or other disciplinary actions, including specific provisions to address a student with a disability where applicable.

### **Discipline/Placement of Student Convicted or Adjudicated of Sexual Assault**

Upon notification of a conviction or adjudication of a student in this district for sexual assault against another student enrolled in this district, the district shall comply with the disciplinary or placement requirements established by state law and Board policy.

### **Confidentiality**

Confidentiality of all parties, witnesses, the allegations, the filing of a report and the investigation related to any form of discrimination or retaliation, including Title IX sexual harassment, shall be handled in accordance with applicable law, regulations, this policy, administrative guidelines, and the district's legal and investigative obligations.

### **Retaliation**

The Board prohibits retaliation by the district or any other person against any person for:

1. Reporting or making a formal complaint of any form of discrimination or retaliation, including Title IX sexual harassment.
2. Testifying, assisting, participating or refusing to participate in a related investigation process or other proceeding or hearing.
3. Acting in opposition to practices the person reasonably believes to be discriminatory.

The district, its employees and others are prohibited from intimidating, threatening, coercing, or discriminating against anyone for actions described above. Individuals are encouraged to contact the Title IX Coordinator immediately if retaliation is believed to have occurred.

### **Definitions relating to Discrimination**

**Complainant** shall mean an individual who is alleged to be the victim.

**Respondent** shall mean an individual alleged to be the perpetrator of the discriminatory or harassing conduct.

**Discrimination** shall mean to treat individuals differently, or to harass or victimize based on a protected classification including race, color, age, creed, religion, sex, sexual orientation, gender identity, ancestry, national origin, marital status, pregnancy, or handicap/disability.

**Harassment** is a form of discrimination based on protected classification listed in this policy, consisting of unwelcome conduct such as graphic, written, electronic, verbal or nonverbal acts



including offensive jokes, slurs, epithets and name-calling, ridicule or mockery, insults or put-downs, offensive objects or pictures, physical assaults or threats, intimidation, or other conduct that may be harmful or humiliating or interfere with a person's school or school-related performance and when such conduct is:

1. Sufficiently severe, persistent or pervasive; and
2. A reasonable person in the complainant's position would find that it creates an intimidating, threatening or abusive educational environment such that it deprives or adversely interferes with or limits an individual or group of the ability to participate in or benefit from the services, activities or opportunities offered by a school.

### **Definitions Related to Title IX Sexual Harassment**

**Formal complaint** shall mean a document filed by a complainant or signed by the Title IX Coordinator alleging Title IX sexual harassment and requesting that the district investigate the allegation under the grievance process for formal complaints. The authority for the Title IX Coordinator to sign a formal complaint does not make the Title IX Coordinator a party in the grievance process for formal complaints. The phrase "document filed by a complainant" refers to a document or electronic submission that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.

**Supportive measures** shall mean nondisciplinary, nonpunitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed.

**Supportive measures** shall be designed to restore or preserve equal access to the educational program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the educational environment, or to deter sexual harassment.

Supportive measures may include, but are not limited to:

1. Counseling.
2. Extensions of deadlines or other course-related adjustments.
3. Modifications of class schedules.
4. Campus escort services.
5. Mutual restrictions on contact between the parties.
6. Increased security.
7. Monitoring of certain areas of the campus.
8. Assistance from domestic violence or rape crisis programs.
9. Assistance from community health resources including counseling resources.

**Supportive measures** may also include, when in accordance with applicable law, regulation or Board policy, assessments or evaluations to determine eligibility for special education or related services, or the need to review an Individualized Education Program (IEP) or Section 504 Service

Agreement based on a student's behavior.

**Title IX sexual harassment** means conduct on the basis of sex that satisfies one or more of the following:

1. A district employee conditioning the provision of an aid, benefit, or district service on an individual's participation in unwelcome sexual conduct, commonly referred to as *quid pro quo sexual harassment*.
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to a district education program or activity.
3. Sexual assault, dating violence, domestic violence or stalking.
  - a. **Dating violence** means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship is determined by the following factors:
    - i. Length of relationship.
    - ii. Type of relationship.
    - iii. Frequency of interaction between the persons involved in the relationship.
  - b. **Domestic violence** includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving federal funding, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
  - c. **Sexual assault** means a sexual offense under state or federal law that is classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.
  - d. **Stalking**, under Title IX means stalking on the basis of sex, for example when the stalker desires to date a victim. Stalking means to engage in a course of conduct directed at a specific person that would cause a reasonable person to either:
    - i. Fear for their safety or the safety of others.
    - ii. Suffer substantial emotional distress.

Such conduct must have taken place during a district education program or activity and against a person in the United States to qualify as sexual harassment under Title IX. An **education program or**

**activity** includes the locations, events or circumstances over which the district exercises substantial control over both the respondent and the context in which the harassment occurs. Title IX applies to all of a district's education programs or activities, whether such programs or activities occur on-campus or off-campus.

### **Delegation of Responsibility**

In order to maintain a program of nondiscrimination practices that is in compliance with applicable laws and regulations, the Board designates the Director of Human Resources or designee as the district's Compliance Officer and the Director of Equity and Assessment or designee as the district's Title IX Coordinator.

The **Compliance Officer** can be contacted at:

Address: 782 Springdale Drive, Exton PA 19341

Email: [complianceofficer@wcasd.net](mailto:complianceofficer@wcasd.net)

Phone: 484-266-1006

The **Title IX Coordinator** can be contacted at:

Address: 782 Springdale Drive, Exton PA 19341

Email: [titleIXcoordinator@wcasd.net](mailto:titleIXcoordinator@wcasd.net)

Phone: 484-266-1000

The Compliance Officer and Title IX Coordinator shall fulfill designated responsibilities to ensure adequate nondiscrimination procedures are in place, to recommend new procedures or modifications to procedures and to monitor the implementation of the district's nondiscrimination procedures in the following areas as appropriate:

1. Curriculum and Materials - Review of curriculum guides, textbooks and supplemental materials for discriminatory bias.
2. Training - Provide training for students and staff to prevent, identify and alleviate problems of discrimination.
3. Resources - Maintain and provide information to staff on resources available to complainants in addition to the school complaint procedure or Title IX procedures, such as making reports to the police, available supportive measures such as assistance from domestic violence or rape crisis programs and community health resources including counseling resources.
4. Student Access - Review of programs, activities and practices to ensure that all students have equal access and are not segregated except when permissible by law or regulation.
5. District Support - Assure that like aspects of the school programs and activities receive like

support as to staffing and compensation, facilities, equipment, and related areas.

6. Student Evaluation - Review of assessments, procedures, and guidance and counseling materials for stereotyping and discrimination.
7. Reports/Formal Complaints - Monitor and provide technical assistance to individuals involved in managing informal reports and formal complaints.

### **Title IX Sexual Harassment Training Requirements**

The Compliance Officer and Title IX Coordinator, investigator(s), decision-maker(s), or any individual designated to facilitate an informal resolution process related to Title IX sexual harassment shall receive training, as required or appropriate to their specific role.

All training materials shall promote impartial investigations and adjudications of formal complaints of Title IX sexual harassment without relying on sex stereotypes.

All training materials shall be posted on the district's website.

### **Disciplinary Consequences**

A student who is determined to be responsible for violation of this policy shall be subject to appropriate disciplinary action consistent with the Code of Student Conduct, which may include but is not limited to:

1. Loss of school privileges.
2. Permanent transfer to another school building, classroom or school bus.
3. Exclusion from school-sponsored activities.
4. Detention.
5. Suspension.
6. Expulsion.
7. Referral to law enforcement officials.

An employee who violates this policy shall be subject to appropriate disciplinary action consistent with the applicable Board policy, collective bargaining agreement and individual contract, up to and including dismissal and/or referral to law enforcement officials.

### **Reports of Discrimination**

Any reports of discrimination that are reviewed by the Title IX Coordinator and do not meet the definition of Title IX sexual harassment but are based on race, color, age, creed, religion, sex, sexual orientation, gender identity, ancestry, national origin, marital status, pregnancy or handicap/disability shall follow the Discrimination Complaint Procedures in Administrative Guideline 103AG2.

### **Reports of Title IX Sexual Harassment**

Any reports deemed by the Title IX Coordinator to meet the definition of sexual harassment under

Title IX shall follow the Title IX Sexual Harassment Procedures and Grievance Process for Formal Complaints in Administrative Guideline 103AG3.

### **Other Reports**

Any reports reviewed by the Title IX Coordinator which do not meet the definition of Title IX sexual harassment or discrimination of a protected class will be processed under the relevant Board policy.

### **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.

### **Discrimination Complaint Procedures (103AG2)**

All reports of discrimination and retaliation brought pursuant to the district's discrimination policy shall also be reviewed for conduct which may not be proven discriminatory under Policy 103 but merits review and possible action under the Code of Student Conduct and other Board policies.

**Complainant** shall mean an individual who is alleged to be the victim.

**Respondent** shall mean an individual who has been reported to be the perpetrator of the alleged conduct.

**Discrimination** shall mean to treat individuals differently, or to harass or victimize based on a protected classification including race, color, age, creed, religion, sex, sexual orientation, gender identity, ancestry, national origin, marital status, pregnancy, or handicap/disability.

**Harassment** is a form of discrimination based on the protected classifications listed in this policy consisting of unwelcome conduct such as graphic, written, electronic, verbal or nonverbal acts including offensive jokes, slurs, epithets and name-calling, ridicule or mockery, insults or put-downs, offensive objects or pictures, physical assaults or threats, intimidation, or other conduct that may be harmful or humiliating or interfere with a person's school or school-related performance when such conduct is:

1. Sufficiently severe, persistent or pervasive; and
2. A reasonable person in the complainant's position would find that it creates an intimidating, threatening or abusive educational environment such that it deprives or adversely interferes with or limits an individual or group of the ability to participate in or benefit from the services, activities or opportunities offered by a school.

**Retaliation** shall mean actions including, but not limited to, intimidation, threats, coercion, or discrimination against a victim or other person because they report discrimination or harassment, participate in an investigation or other process addressing discrimination or harassment, or act in opposition to discriminatory practices.

### *Reasonable Accommodations*

Throughout the discrimination complaint procedures, the district shall make reasonable accommodations for identified physical and intellectual impairments that constitute disabilities for all parties, and address barriers being experienced by disadvantaged students such as English learners and homeless students, consistent with the requirements of federal and state laws and regulations and Board policy.

### *Required Reporting Under Other Policies*

In addition to implementing the disciplinary complaint procedures, the building principal or Compliance Officer/Title IX Coordinator shall ensure that reported conduct which meets the definition of other laws, regulations or Board policies, is also appropriately addressed in accordance with the applicable laws, regulations or Board policies, including but not limited to, incidents under the Safe Schools Act, reports of educator misconduct, threats, or reports of suspected child abuse.

### *Timeframes*

Reasonably prompt timeframes shall be established for completing each step of the discrimination complaint procedures, including timeframes for filing and resolving appeals.

The established timeframes included in these procedures may be adjusted to allow for a temporary delay or a limited extension of time for good cause. Written notice of the delay or extension and the reason for such action shall be provided to the complainant and the respondent, and documented with the records of the complaint. Good cause may include, but is not limited to, considerations such as:

1. The absence of a party or a witness.
2. Concurrent law enforcement activity.
3. Need for language assistance or accommodation of disabilities.

## **PROCEDURES FOR COMPLAINTS OF DISCRIMINATION**

### **Step 1 – Reporting**

A student or individual who believes they have been subject to discrimination by any student, employee or third party is encouraged to immediately report the incident to the building principal using the Discrimination/Sexual Harassment/ Retaliation Report Form or by making a general report verbally or in writing to the building principal.

Any person with knowledge of discrimination in violation of Board policy or this procedure is encouraged to immediately report the matter to the building principal.

A school employee who suspects or is notified that a student has been subject to discrimination shall immediately report the incident to the building principal. Additionally, employees who have reasonable cause to suspect that a child is the victim of child abuse, shall immediately report the suspected abuse, in accordance with applicable law, regulations and Board policy.

The building principal shall immediately notify the Compliance Officer/Title IX Coordinator of the reported discrimination.

If the building principal is the subject of a complaint, the student, third party or employee shall report the incident directly to the Compliance Officer/Title IX Coordinator.

The complainant or reporting individual shall be encouraged to use the Discrimination/Sexual Harassment/Retaliation Report Form, however, complaints shall be accepted in person, by telephone, by mail or email, or by any other means that results in the appropriate individual receiving the individual's verbal or written report. Verbal reports shall be documented using the Discrimination/Sexual Harassment/ Retaliation Report Form, and these procedures shall be implemented.

The Compliance Officer/Title IX Coordinator shall review reports and complaints, and may gather additional information from the individual submitting the report and other parties identified in the report using the Discrimination/Sexual Harassment/ Retaliation Report Form. The Compliance Officer/Title IX Coordinator shall promptly contact the complainant regarding the report to gather additional information as necessary.

The Compliance Officer/Title IX Coordinator shall conduct an assessment to determine whether the reported circumstances are most appropriately addressed through the Discrimination Complaint Procedures prescribed in this administrative guideline, or if the reported circumstances meet the definition and parameters of Title IX sexual harassment, or other applicable Board policies.

If the Compliance Officer/Title IX Coordinator determines that the report should be addressed through the discrimination complaint procedures, the Compliance Officer/Title IX Coordinator shall be notified and the complaint procedures in this administrative guideline implemented.

When any party is an identified student with a disability, or thought to be a student with a disability, the Compliance Officer/Title IX Coordinator shall notify the **Director of Special Education** and coordinate to determine whether additional steps must be taken for the party, while the discrimination complaint procedures are implemented.

## **Step 2 – Initial Communications**

The complainant shall be informed about the Board's policy on discrimination, including the right to an investigation of both verbal and written reports of discrimination.

The building principal or designee, in consultation with the Compliance Officer/Title IX Coordinator, where appropriate may implement appropriate measures to protect the complainant and others if necessary during the course of the investigation.

The building principal or designee may provide to the complainant factual information on the

complaint and the investigative process, the impact of choosing to seek confidentiality and the right to file criminal charges. The person accepting the complaint shall handle the report objectively, neutrally and professionally.

The building principal or designee shall seek to obtain consent from parents/guardians to initiate an investigation where the complainant or alleged victim is under age eighteen (18), and inform parents/guardians of the complainant that the complainant may be accompanied by a parent/guardian during all steps of the complaint procedure. When a parent/guardian requests confidentiality and will not consent to the alleged victim's participation in an investigation, the building principal or designee shall explain that the school shall take all reasonable steps to investigate and respond to the complaint consistent with that request for confidentiality as long as doing so does not preclude the school from responding effectively to the discrimination and preventing discrimination that affects other students, or where it does not impact other legal obligations of the district.

The building principal or Compliance Officer/Title IX Coordinator shall provide relevant information on resources available in addition to the discrimination complaint procedure, such as making reports to the police, available assistance from domestic violence or rape crisis programs and community health resources, including counseling resources.

#### *Informal Remedies -*

At any time after a complaint has been reported, if the Compliance Officer/Title IX Coordinator believes the circumstances are appropriate, the Compliance Officer/Title IX Coordinator may, but is not required to, offer the parties involved in the complaint the opportunity to participate in informal remedies to address the reported conduct. Informal remedies can take many forms, depending on the particular case. Examples include, but are not limited to, mediation, facilitated discussions between the parties, restorative practices, acknowledgment of responsibility by a respondent, apologies, a requirement to engage in specific services, or other measures to support the parties.

If the matter is resolved to the satisfaction of the parties, the district employee facilitating the informal remedies shall document the nature of the complaint and the proposed resolution of the matter, have both parties sign the documentation to indicate agreement with the resolution and receive a copy, and forward it to the Compliance Officer/Title IX Coordinator.

The Compliance Officer/Title IX Coordinator shall contact the complainant to determine if the resolution was effective and to monitor the agreed upon remedies, and shall document all appropriate actions.

\*If the informal remedies result in the final resolution of the complaint, the following steps are not applicable.

### **Step 3 – Investigation**

The Compliance Officer/Title IX Coordinator shall assess whether the investigation should be conducted by the building principal, another district employee, the Compliance Officer/Title IX Coordinator or an attorney and shall promptly assign the investigation to that individual.



The investigator shall assess the anticipated scope of the investigation, who needs to be interviewed and what records or evidence may be relevant to the investigation.

The investigator shall conduct an adequate, reliable and impartial investigation. The complainant and the respondent may suggest additional witnesses and provide other evidence during the course of the investigation.

The investigation may consist of individual interviews with the complainant, the respondent, and others with knowledge relative to the allegations. The investigator may also evaluate any other information and materials relevant to the investigation. The person making the report, parties, parents/guardians and witnesses shall be informed of the prohibition against retaliation for anyone's participation in the process and that conduct believed to be retaliatory should be reported. All individuals providing statements or other information or participating in the investigation shall be instructed to keep the matter confidential and to report any concerns about confidentiality to the investigator.

If the investigation reveals that the conduct being investigated may involve a violation of criminal law, the investigator shall promptly notify the law enforcement authorities about the allegations in accordance with existing procedures.

The obligation to conduct this investigation shall not be negated by the fact that a criminal or child protective services investigation of the allegations is pending or has been concluded. The investigator should coordinate with any other ongoing investigations of the allegations, including agreeing to requests for a delay in fulfilling the district's investigative responsibilities during the fact-finding portion of a criminal or child protective services investigation. Such delays shall not extend beyond the time necessary to prevent interference with or disruption of the criminal or child protective services investigation, and the reason for such delay shall be documented by the investigator.

#### **Step 4 – Investigative Report**

The investigator shall prepare and submit a written report to the Compliance Officer/Title IX Coordinator within thirty (30) school days of the initial report of alleged discrimination, unless the nature of the allegations, anticipated extent of the investigation or the availability of witnesses requires the investigator and the Compliance Officer/Title IX Coordinator to establish a different due date. The parties shall be notified of the anticipated date the investigative report will be completed and of any changes to the anticipated due date during the course of the investigation.

The investigative report shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual, the information and evaluation that formed the basis for this determination, whether the conduct violated Board Policy 103 and of any other violations of law or Board policy which may warrant further district action, and a recommended disposition of the complaint. An investigation into discrimination shall consider the record as a whole and the totality of

circumstances in determining whether a violation of Board policy has occurred, recognizing that persistent and pervasive conduct, when taken together, may be a violation even when the separate incidents are not severe.

The complainant and the respondent shall be informed of the outcome of the investigation, including the recommended disposition, within a reasonable time of the submission of the written investigative report, to the extent authorized by the Family Educational Rights and Privacy Act (FERPA) and other applicable laws.

### **Step 5 – District Action**

If the investigation results in a finding that some or all of the allegations of the discrimination complaint are founded and constitute a violation of Board policy, the district shall take prompt, corrective action designed to ensure that such conduct ceases and that no retaliation occurs. The district shall promptly take appropriate steps to prevent the recurrence of the prohibited conduct and to address the discriminatory effect the prohibited conduct had on the complainant and the district education program or activity. District staff shall document the corrective action taken and, where not prohibited by law, inform the complainant. The Compliance Officer/Title IX Coordinator shall follow up by assessing the effectiveness of the corrective action at reasonable intervals.

If an investigation results in a finding that a different policy was violated separately from or in addition to violations of Policy 103 or these procedures, or that there are circumstances warranting further action, such matters shall be addressed at the conclusion of this investigation or through disciplinary or other appropriate referrals where further evaluation or investigation is necessary.

Disciplinary actions shall be consistent with the Code of Student Conduct, Board policies and administrative regulations, district procedures, applicable collective bargaining agreements, and state and federal laws and regulations.

### **Appeal Procedure**

If the complainant or the respondent is not satisfied with a finding made pursuant to these procedures or with recommended corrective action, they may submit a written appeal to the Compliance Officer/Title IX Coordinator within fifteen (15) school days of receiving notification of the outcome of the investigation. If the Compliance Officer/Title IX Coordinator investigated the complaint, such appeal shall be made to the Superintendent.

The individual receiving the appeal shall review the investigation and the investigative report and may also conduct or designate another person to conduct a reasonable supplemental investigation to assess the sufficiency and propriety of the prior investigation.

The person handling the appeal shall prepare a written response to the appeal within twenty (20) school days.

Copies of the response shall be provided to the complainant, the respondent and the investigator who conducted the initial investigation.

## **Title IX Sexual Harassment Procedures and Grievance Process for Formal Complaints (103AG3)**

### **Definitions**

**Actual knowledge** means notice of sexual harassment or allegations of sexual harassment to the district's Title IX Coordinator or any district official who has the authority to institute corrective measures on behalf of the district, or to any employee of an elementary and secondary school, other than the respondent.

**Exculpatory evidence** means evidence tending to exonerate the accused or helps to establish their innocence.

**Inculpatory evidence** means evidence tending to incriminate the accused or indicate their guilt.

**Formal complaint** means a document filed by a complainant or signed by the Title IX Coordinator alleging Title IX sexual harassment and requesting that the district investigate the allegation. The authority for the Title IX Coordinator to sign a formal complaint does not make the Title IX Coordinator the complainant or other party during the grievance process. The phrase "**document filed by a complainant**" refers to a document or electronic submission that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.

**Retaliation** shall mean actions including, but not limited to, intimidation, threats, coercion, or discrimination against a victim or other person because they report conduct that may constitute Title IX sexual harassment in accordance with Board policy and procedures, participate in an investigation or other process addressing Title IX sexual harassment, or act in opposition to discriminatory practices.

The following actions shall **not** constitute retaliation:

1. An individual exercising free speech under the rights protected by the First Amendment.
2. The assignment of consequences consistent with Board policy and the Code of Student Conduct when an individual knowingly makes a materially false statement in bad faith in an investigation. The fact that the charges of discrimination were unfounded or unsubstantiated shall not be the sole reason to conclude that any party made a materially false statement in bad faith.

**Supportive measures** mean nondisciplinary, nonpunitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent

before or after the filing of a formal complaint or where no formal complaint has been filed.

Supportive measures shall be designed to restore or preserve equal access to the education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the educational environment, or to deter sexual harassment. Supportive measures may include, but are not limited to:

1. Counseling
2. Extensions of deadlines or other course-related adjustments
3. Modifications of class schedules
4. Campus escort services
5. Mutual restrictions on contact between the parties
6. Increased security
7. Monitoring of certain areas of the campus
8. Assistance from domestic violence or rape crisis programs
9. Assistance from community health resources including counseling resources

**Supportive measures** may also include, when in accordance with applicable law, regulation or Board policy assessments or evaluations to determine eligibility for special education or related services, or the need to review an Individualized Education Program (IEP) or Section 504 Service Agreement based on a student's behavior.

**Title IX sexual harassment** means conduct on the basis of sex that satisfies one or more of the following:

1. A district employee conditioning the provision of an aid, benefit, or district service on an individual's participation in unwelcome sexual conduct, commonly referred to as *quid pro quo sexual harassment*.
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to a district education program or activity.
3. Sexual assault, dating violence, domestic violence or stalking.
  - a. **Dating Violence** means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship is determined by the following factors:
    - i. Length of relationship.
    - ii. Type of relationship.
    - iii. Frequency of interaction between the persons involved in the relationship.
  - b. **Domestic violence** includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving federal funding, or by any other person against an adult or youth victim who is protected from that

person's acts under the domestic or family violence laws of the jurisdiction.

- c. **Sexual assault** means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.
- d. **Stalking**, under Title IX means stalking on the basis of sex, for example when the stalker desires to date a victim. Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to either:
  - i. Fear for their safety or the safety of others.
  - ii. Suffer substantial emotional distress.

Such conduct must have taken place during a district education program or activity and against a person in the United States to qualify as sexual harassment subject to Title IX regulations. An **education program or activity** includes the locations, events or circumstances over which the district exercises substantial control over both the respondent and the context in which the harassment occurs.

## TITLE IX SEXUAL HARASSMENT PROCEDURES

### **General Response – (with or without a formal complaint)**

Any person, whether the alleged victim or not, may report Title IX sexual harassment using the Discrimination/Sexual Harassment/ Retaliation Report Form or by making a general report verbally or in writing to the building principal, or by using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Upon receipt of a report, school staff shall immediately notify the building principal.

A report may be made at any time, including during nonbusiness hours. Verbal reports shall be documented by the Title IX Coordinator or employee receiving the report using the Discrimination/Sexual Harassment/ Retaliation Report Form, and these procedures shall be implemented appropriately.

District staff who become aware of harassment affecting a student or staff member shall promptly report it to the building principal.

When the district has actual knowledge of Title IX sexual harassment, the district is required to respond promptly and in a manner that is not deliberately indifferent, meaning not clearly unreasonable in light of the known circumstances.

All sexual harassment reports and complaints received by the building principal shall be promptly directed to the Title IX Coordinator, in accordance with Board policy. The Title IX Coordinator shall use the Discrimination/Sexual Harassment/ Retaliation Report Form to gather additional information

from the reporter and/or other parties identified in the report, to determine if the allegations meet the definition and parameters for Title IX sexual harassment.

The Title IX Coordinator shall promptly contact the complainant regarding the report to gather additional information as necessary, and to discuss the availability of supportive measures. The Title IX Coordinator shall consider the complainant's wishes with respect to supportive measures.

The Title IX Coordinator shall initially assess whether the reported conduct:

1. Meets the definition of Title IX sexual harassment.
2. Occurred in a district program or activity under the control of the district and against a person in the United States.
3. Involves other Board policies or the Code of Student Conduct.
4. Indicates, based on an individualized safety and risk analysis, that there is an immediate threat to the physical health or safety of an individual.
5. Involves a student identified as a student with a disability under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act.

If the result of this initial assessment determines that none of the allegations fall within the scope of Title IX sexual harassment, but the matter merits review and possible action under the Code of Student Conduct and other Board policies or 103AG2 addressing Discrimination Complaints, then the Title IX Coordinator shall redirect the report to the appropriate administrator to address the allegations.

If the result of the initial assessment determines that the allegations may constitute Title IX sexual harassment, the Title IX Coordinator shall promptly explain to the complainant the process for filing a formal complaint and inform the complainant of the continued availability of supportive measures with or without the filing of a formal complaint.

The Title IX Coordinator shall contact the parents/guardians and provide them with information regarding the report and Title IX sexual harassment procedures and grievance process for formal complaints.

If the complainant, school staff or others with professional knowledge relating to the complainant's health and well-being indicate that notifying the parents/guardians could cause serious harm to the health or well-being of the complainant or other person(s), the Title IX Coordinator will determine, in consultation with such individuals and upon advice of legal counsel, whether to withhold or delay notification of the report from the complainant's parents/guardians.

The Title IX Coordinator shall also determine what supportive measures may be offered to the respondent.

If either party is an identified student with a disability, or thought to be disabled, the Title IX

Coordinator shall contact the Director of Special Education to coordinate the required actions in accordance with Board policy.

Confidentiality regarding the supportive measures offered and the identity of the following individuals shall be maintained, except as may be permitted by law or regulations relating to the conduct of any investigation:

1. Individuals making a report or formal complaint
2. Complainant(s)
3. Respondent(s)
4. Witnesses

The district shall treat complainants and respondents equitably by:

1. Offering supportive measures to the complainant and may offer such measures to the respondent.
2. Following the grievance process for formal complaints before imposing disciplinary sanctions or other actions that are not supportive measures on the respondent.

*Disciplinary Procedures When Reports Allege Title IX Sexual Harassment -*

When reports allege Title IX sexual harassment, disciplinary sanctions may not be imposed until the completion of the grievance process for formal complaints. The district shall presume that the respondent is not responsible for the alleged conduct until a determination has been made at the completion of the grievance process for formal complaints.

When an emergency removal, as described below, is warranted to address an immediate threat to the physical health or safety of an individual, and it is not feasible to continue educational services remotely or in an alternative setting, the normal procedures for suspension and expulsion shall be conducted to accomplish the removal, including specific provisions to address a student with a disability where applicable.

When an emergency removal is not required, disciplinary sanctions will be considered in the course of the Title IX grievance process for formal complaints. Following the issuance of the written determination and any applicable appeal, any disciplinary action specified in the written determination or appeal decision shall be implemented in accordance with the normal procedures for suspensions, expulsions or other disciplinary actions, including specific provisions to address a student with a disability where applicable.

*Supportive Measures -*

All supportive measures provided by the district shall remain confidential, to the extent that maintaining such confidentiality would not impair the ability of the district to provide the supportive measures.

When any party is an identified student with a disability, or thought to be a student with a disability, the Title IX Coordinator shall notify the Director of Special Education and coordinate to determine whether additional steps must be taken as supportive measures for the party while the Title IX procedures are implemented.

*Reasonable Accommodations –*

Throughout the Title IX sexual harassment procedures, the district shall make reasonable accommodations for identified physical and intellectual impairments that constitute disabilities for any party, and address barriers being experienced by disadvantaged students such as English learners and homeless students, consistent with the requirements of federal and state laws and regulations and Board policy.

*Emergency Removal –*

If the district has determined, based on an individualized safety and risk analysis, that there is an immediate threat to the physical health or safety of any student or other individual due to the allegations of Title IX sexual harassment, the respondent may be removed from the district's education program or activity or moved to an alternative setting, consistent with all rights under federal and state laws and regulations, and Board policy, including but not limited to the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act and the Americans with Disabilities Act. If the respondent is an identified student with a disability, or thought to be disabled, the Title IX Coordinator shall contact the Director of Special Education to coordinate the required actions in accordance with Board policy. The respondent shall be provided with notice and provided an opportunity for due process, in accordance with law, regulations and Board policy. When expulsion is necessary because continuation of educational services is not feasible, the Board's written adjudication of expulsion shall address the pending Title IX process and the impact of the outcome of the Title IX process on a student's emergency removal status.

*Administrative Leave -*

When an employee, based on an individualized safety and risk analysis, poses an immediate threat to the health or safety of any student or other individual, the employee may be removed on an emergency basis.

An accused nonstudent district employee may be placed on administrative leave during the pendency of the grievance process for formal complaints, consistent with all rights under Section 504 of the Rehabilitation Act and the Americans with Disabilities Act, and in accordance with state law and regulations, Board policy and an applicable collective bargaining agreement or individual contract.

*Required Reporting Under Other Policies -*

In addition to implementing the Title IX sexual harassment procedures, the Title IX Coordinator shall ensure that reported conduct which meets the definition of other laws, regulations or Board policies, is also appropriately addressed in accordance with the applicable laws, regulations or Board policies, including but not limited to, incidents under the Safe Schools Act, reports of educator misconduct,



threats, or reports of suspected child abuse.

### **Timeframes**

Reasonably prompt timeframes shall be established for the conclusion of the grievance process for formal complaints, including timeframes for the informal resolution process and timeframes for filing and resolving appeals.

The established timeframes included in these procedures may be adjusted to allow for a temporary delay or a limited extension of time for good cause. Written notice of the delay or extension and the reason for such action shall be provided to the complainant and the respondent, and documented with the records of the complaint. Good cause may include, but is not limited to, considerations such as:

1. The absence of a party, a party's advisor or a witness.
2. Concurrent law enforcement activity.
3. Need for language assistance or accommodation of disabilities.

### **Redirection or Dismissal of Title IX Formal Complaints**

Formal complaints may be dismissed, if at any time during the investigation or written determination steps described below:

1. A complainant provides written notification of withdrawal of any allegations or of the formal complaint.
2. The respondent is no longer enrolled or employed by the district in a district program or activity.
3. Specific circumstances prevent the district from gathering evidence sufficient to reach a determination as to the formal complaint or allegations.

Only alleged conduct that occurred in the district's education program or activity, and against a person in the United States, may qualify as Title IX sexual harassment within the district's jurisdiction. If it is determined during the investigation or written determination steps below that none of the allegations, if true, would meet the definition and parameters of Title IX sexual harassment within the district's jurisdiction, the Title IX Coordinator shall dismiss the formal complaint under Title IX. If the matter merits review and possible action under the Code of Student Conduct and other Board policies or 103AG2 addressing Discrimination Complaints, then the Title IX Coordinator shall redirect the report to the appropriate administrator to address the allegations.

Written notification shall be promptly issued to the parties simultaneously of any allegations found not to qualify or that are dismissed in compliance with Title IX. Written notification shall state whether the allegations will continue to be addressed pursuant to the Code of Student Conduct and other Board policies or 103AG2 addressing Discrimination Complaints.

A dismissal may be appealed via the appeal procedures set forth in this administrative guideline.

**Consolidation of Title IX Formal Complaints**

The district may consolidate formal complaints against more than one (1) respondent, or by more than one (1) complainant against one or more respondents, or by one (1) individual against another individual, where the allegations of sexual harassment arise out of the same facts or circumstances.

**GRIEVANCE PROCESS FOR FORMAL COMPLAINTS****Step 1 – Formal Complaint**

The district is required to initiate the grievance process for formal complaints when a complainant or the complainant's parent/guardian files a formal complaint. The Title IX Coordinator is also authorized to initiate this process despite a complainant's wishes when actions limited to supportive measures are **not** a sufficient response to alleged behavior, or when a formal complaint process is necessary to investigate and address the situation adequately. For example, if disciplinary action would be warranted if allegations are true, if the respondent is an employee, or if further investigation is needed to assess the extent of the behavior and impact on others, it may be clearly unreasonable not to initiate the formal complaint process. Only the Title IX Coordinator is authorized to initiate the formal complaint process despite a complainant's wishes, but the Title IX Coordinator may consult with the school solicitor and other district officials in making this decision.

The complainant or the Title IX Coordinator shall use the designated section of the Discrimination/Sexual Harassment/ Retaliation Report Form to file or sign a formal complaint.

The Title IX Coordinator shall assess whether the investigation should be conducted by the building principal, another district employee, the Title IX Coordinator or an attorney and shall promptly assign the investigation to that individual.

The Title IX Coordinator, investigator, decision-maker, or any individual designated to facilitate the informal resolution process, each must have completed the required training for such roles as designated in Board policy and shall not have a conflict of interest or bias for or against an individual complainant or respondent, or for or against complainants or respondents in general.

The respondent shall be presumed not responsible for the alleged conduct until a written determination regarding responsibility has been made at the conclusion of the grievance process for formal complaints.

***Notice Requirements -***

Upon receipt of a formal complaint, or when the Title IX Coordinator signs a formal complaint to initiate the grievance process for formal complaints, the Title IX Coordinator shall provide written notice to all known parties, and the parents/guardians of known parties where applicable, providing the following information:

1. Notice of the district's grievance process for formal complaints and any informal resolution process that may be available.

2. Notice of the allegations potentially constituting Title IX sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include:
  - a. The identity of the parties involved, if known.
  - b. The conduct allegedly constituting sexual harassment.
  - c. The date and location of the alleged incident(s), if known.
3. A statement that a written determination regarding responsibility shall be made at the conclusion of the grievance process for formal complaints and, until that time, the respondent is presumed not responsible for the alleged conduct.
4. Notice that parties may have an advisor of their choice, who may be, but is not required to be, an attorney. The advisor may inspect and review evidence.
5. Notice that Board policy and the district's Code of Student Conduct prohibits knowingly making false statements or knowingly submitting false information to school officials in connection with reports of misconduct or discrimination complaints.
6. Notice to all known parties of any additional allegations that the district decides to investigate during the course of the investigation.

## **Step 2 – Informal Resolution Process**

**The informal resolution process shall not be offered or used to facilitate a resolution for any formal complaint where the allegations state that an employee sexually harassed a student.**

At any time after a formal complaint has been filed, but prior to reaching a determination of responsibility, if the Title IX Coordinator believes the circumstances are appropriate, the Title IX Coordinator may offer the parties the opportunity to participate in an informal resolution process, which does not involve a full investigation and adjudication of the Title IX sexual harassment complaint.

The district may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal Title IX sexual harassment complaints. Similarly, a district may not require the parties to participate in an informal resolution process.

Informal resolutions can take many forms, depending on the particular case. Examples include, but are not limited to, mediation, facilitated discussions between the parties, restorative practices, acknowledgment of responsibility by a respondent, apologies, a requirement to engage in specific services, or supportive measures.

When offering an informal resolution process, the Title IX Coordinator shall:

1. Provide the parties a written notice disclosing the following:
  - a. The allegations.
  - b. The requirements of the informal resolution process, including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same

allegations; provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process for formal complaints.

- c. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.
2. Obtain the parties' voluntary, written consent to the informal resolution process. As part of the consent process, all parties shall be informed of the rights being waived by agreeing to the informal resolution process, and shall acknowledge such agreement in writing.
3. The informal resolution process shall be conducted within ten (10) school days of the parties' signed agreement for the informal resolution process.

If the matter is resolved to the satisfaction of the parties, the district employee facilitating the informal resolution process shall document the nature of the complaint and the proposed resolution of the matter, have both parties sign the documentation and receive a copy, and forward it to the Title IX Coordinator. Within twenty (20) school days after the complaint is resolved in this manner, the Title IX Coordinator shall contact the complainant to determine if the resolution was effective and to monitor the agreed upon remedies. The Title IX Coordinator shall document the informal resolution process, responses from all parties, and an explanation of why the district's response was not deliberately indifferent to the reported complaint of sexual harassment.

**\*If Step 2 Informal Resolution Process results in the final resolution of the complaint, the following steps are not applicable.**

### **Step 3 – Investigation**

The designated investigator, if other than the Title IX Coordinator, shall work with the Title IX Coordinator to assess the scope of the investigation, who needs to be interviewed and what records or evidence may be relevant to the investigation. The investigation stage shall be concluded within thirty (30) school days.

When investigating a formal complaint, the investigator shall:

1. Bear the burden of proof and gather evidence and conduct interviews sufficient to reach a written determination. During the process of gathering evidence, unless the district obtains the voluntary, written consent of the party, or the party's parent/guardian when legally required, the district cannot access, consider, disclose or otherwise use a party's records which are protected by legal privilege, such as those records made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with providing treatment to the party.
2. Objectively evaluate all available evidence, including inculpatory and exculpatory evidence.
3. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.
4. Not restrict the ability of either party to discuss the allegations under investigation or to gather

and present relevant evidence.

However, the district may request a nondisclosure agreement be signed by the parties and their advisor(s), if any, stating that they will not disseminate or disclose evidence and documents exchanged in the investigation.

5. Provide the parties with the same opportunities to have others present during any interview or other meeting, including an advisor of the party's choice. The district may establish restrictions, applicable to both parties, regarding the extent to which the advisor may participate.
6. Provide written notice to any party whose participation is invited or expected during the investigation process with the following information, in sufficient time for the party to prepare to participate:
  - a. Date.
  - b. Time.
  - c. Location.
  - d. Participants.
  - e. Purpose of all investigative interviews or other meetings.
7. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations, including evidence the district does not intend to rely on to reach a determination regarding responsibility and any inculpatory and exculpatory evidence, whether obtained from a party or other source.

If at any point the investigation expands to include additional allegations that were **not** included in the initial notice provided upon initiation of the grievance process for formal complaints, the investigator shall alert the Title IX Coordinator. The Title IX Coordinator shall provide written notice of the new allegations to the known parties.

Prior to the completion of the investigative report, the investigator shall:

1. Send to each party and the party's advisor, if any, the evidence subject to inspection and review in electronic or hard copy format.
2. Provide the parties **at least** ten (10) school days following receipt of the evidence to submit a written response.
3. Consider the written response prior to drafting the investigative report.

The investigator shall draft an investigative report that fairly summarizes relevant evidence and shall provide the investigative report to all parties and to the designated decision-maker.

If the investigation reveals that the conduct being investigated may involve a violation of criminal law, the investigator shall promptly inform law enforcement authorities about the allegations and make any additional required reports, in accordance with law, regulations and Board policy.

The obligation to conduct this investigation shall not be negated by the fact that a criminal or child protective services investigation of the allegations is pending or has been concluded. The investigator should coordinate with any other ongoing investigations of the allegations, including agreeing to

request for a delay in fulfilling the district's investigative responsibilities during the fact-finding portion of a criminal or child protective services investigation. Such delays shall not extend beyond the time necessary to prevent interference with or disruption of the criminal or child protective services investigation and the reason for such delay shall be documented by the investigator.

In the course of an investigation, it is possible that conduct other than, or in addition to, Title IX sexual harassment may be identified as part of the same incident or set of circumstances, the fact that there may be Title IX sexual harassment involved does not preclude the district from addressing other identified violations of the Code of Student Conduct or Board policy. If such other conduct is being investigated and addressed together with Title IX sexual harassment as part of the Title IX grievance process for formal complaints, disciplinary action normally should not be imposed until the completion of the Title IX grievance process for formal complaints. A decision whether and when to take such action should be made in consultation with the school solicitor.

#### **Step 4 – Written Determination and District Action**

##### *Designation of Decision-Maker -*

To avoid any conflict of interest or bias, the decision-maker cannot be the same person as the Title IX Coordinator or the investigator. The responsibility as the decision-maker for complaints of Title IX sexual harassment shall generally be designated to the Assistant Superintendent.

If the Assistant Superintendent has a conflict of interest or is a party in the formal complaint process, they shall disclose the conflict and the Title IX Coordinator shall designate another individual to serve as the decision-maker.

##### *Written Determination Submissions -*

A written determination of responsibility (written determination) must not be finalized less than ten (10) days after the investigator completes the investigative report and provides it to all parties. Before the decision-maker reaches a determination regarding responsibility, the decision-maker shall afford each party the opportunity to submit written, relevant questions that a party wants to be asked of any party or witness, shall provide each party with the answers, and shall allow for additional, limited follow-up questions from each party.

Relevant questions for a party or witness must be submitted by each party within three (3) school days following receipt of the investigative report. Follow-up questions must be submitted by each party within three (3) school days of being provided the answers to the initial questions.

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant as part of the follow-up questions and responses, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

The decision-maker shall explain to the party proposing the questions about any decision to exclude a question as not relevant.

*Written Determination -*

The decision-maker must issue a written determination for the conduct alleged in formal complaints. To reach this determination, the decision-maker shall apply the preponderance of the evidence standard, meaning that the party bearing the burden of proof must present evidence which is more credible and convincing than that presented by the other party or which shows that the fact to be proven is more probable than not. In considering evidence, the decision-maker shall ensure credibility determinations are not based on an individual's status as a complainant, respondent or witness.

After considering all relevant evidence, the decision-maker shall issue a written determination that includes:

1. Identification of the allegations potentially constituting Title IX sexual harassment.
2. A description of the procedural steps taken from the receipt or signing of the formal complaint through the written determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence.
3. Findings of fact supporting the determination.
4. Conclusions regarding the application of the district's Code of Student Conduct or Board policies to the facts.
5. A statement of, and rationale for, the result as to each allegation, including:
  - a. Determination regarding responsibility.
  - b. Disciplinary sanctions.
  - c. Remedies designed to restore or preserve equal access to the district's education program or activity that will be provided by the district to the complainant. Such remedies may be punitive or disciplinary and need not avoid burdening the respondent.
6. The procedures, deadline and permissible bases for the complainant and respondent to appeal.

The written determination shall be provided to the parties simultaneously. The determination becomes final either:

1. On the date that the district provides the parties with the written decision of the result of the appeal, if an appeal is filed;
2. Or, if an appeal is not filed, on the date on which an appeal would no longer be considered timely, in accordance with the timeframe established for appeals in this Attachment.

The Title IX Coordinator shall be responsible to ensure that any remedies are implemented by the appropriate district officials and for following up as needed to assess the effectiveness of such remedies. Disciplinary actions shall be consistent with the Code of Student Conduct, Board policies and administrative regulations, district procedures, applicable collective bargaining agreements, and state and federal laws and regulations, including specific requirements and provisions for students with disabilities.

**Appeal Process**

Districts must offer both parties the right to appeal a determination of responsibility and the right to appeal the district's dismissal of a Title IX formal complaint or any allegation in the Title IX formal complaint. The scope of appeals related to Title IX sexual harassment are limited to the following reasons for appeal as stated in the Title IX regulations:

1. A procedural irregularity that affected the outcome of the matter.
2. New evidence that that could affect the outcome was not reasonably available at the time the decision to dismiss or determination of responsibility was made.
3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against the individual complainant or respondent or for or against complainants or respondents generally that affected the outcome of the matter.

Written notice of a party's appeal shall be submitted to the Title IX Coordinator within five (5) school days after the date of the written determination. Notice of appeal shall include a brief statement describing the basis for the appeal.

The Title IX Coordinator shall ensure that the designated appeal authority is not the same person as the decision-maker that reached the determination, the investigator, or the Title IX Coordinator. The designated appeal authority shall be the Superintendent.

For all appeals, the designated appeal authority shall:

1. Provide written notice to the other party when notice of an appeal is filed and implement appeal procedures equally for both parties.
2. Provide both parties a reasonable, equal opportunity to submit a written statement in support of or challenging the stated basis for the appeal. Supporting statements shall describe in detail as applicable the procedural irregularities asserted to have affected the outcome of the determination, the nature of any new evidence asserted to have affected the outcome, and the nature of any bias asserted to have affected the outcome, with an explanation of how the outcome was affected by such factors. If evidence exists supporting the basis for appeal, it shall accompany the supporting statement, or it shall identify where such evidence may be found.

Supporting statements must be submitted to the appeal authority and provided to the other party within five (5) school days of the written notice of appeal.

Statements in opposition to the appeal shall be submitted within five (5) school days of the submission of supporting statements. If a statement in opposition to an appeal refers to any evidence beyond what is described in a supporting statement, it shall accompany the statement in opposition, or it shall identify where such evidence may be found.



The appeal authority may accept and consider evidence in support of or in opposition to an appeal in making any conclusions necessary to deciding the appeal. Alternatively, when the appeal authority determines that factors exist making it necessary for the decision-maker to further develop the evidentiary record relevant to the basis for appeal, the appeal authority may return the matter to the decision-maker for that limited purpose.

3. Determine whether the appeal meets the grounds for permitted reasons for appeal and justifies modifying the written determination.
4. Issue a written decision setting forth the respects, if any, in which the written determination is modified and the rationale for the result within twenty (20) school days.
5. Provide the written decision simultaneously to both parties. A copy of the written decision shall also be provided to the Title IX Coordinator.

### **Recordkeeping**

The district shall maintain the following records for a minimum of seven (7) years after conclusion of procedures and implementation of disciplinary sanctions and/or remedies, or in the case of a complainant or respondent who is a minor, until the expiration of the longest statute of limitations for filing a civil suit applicable to any allegation:

1. Each Title IX sexual harassment investigation, including any written determination and any audio or audiovisual recording or transcript, and disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the district's education program or activity.
2. Any appeal and the result.
3. Any informal resolution and the result.
4. All materials used to train the Title IX Coordinator, investigators, decision-makers, and any person who facilitates an informal resolution process.
5. Records of any district actions, including any supportive measures, taken in response to a report or formal complaint of Title IX sexual harassment. In each instance, the district shall document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the district's education program or activity. If a district does not provide a complainant with supportive measures, then the district must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the district in the future from providing additional explanations or detailing additional measures taken.

## **Nondiscrimination – Qualified Students with Disabilities (Policy 103.1)**

The Board declares it to be the policy of this district to ensure that all district programs and practices are free from discrimination against all qualified students with disabilities. The Board recognizes its responsibility to provide academic and nonacademic services and programs equally to students with

and without disabilities.

The district shall provide to each qualified student with a disability enrolled in the district, without cost to the student or parent/guardian, a free and appropriate public education (FAPE). This includes provision of education and related aids, services, or accommodations which are needed to afford each qualified student with a disability equal opportunity to participate in and obtain the benefits from educational programs and extracurricular activities without discrimination, to the same extent as each student without a disability, consistent with federal and state laws and regulations.

The Board encourages students and parents/guardians who believe they have been subjected to discrimination or harassment to promptly report such incidents to designated employees.

The Board directs that complaints of discrimination or harassment shall be investigated promptly, and corrective or preventative action be taken for substantiated allegations.

### Confidentiality

Confidentiality shall be maintained for all: witnesses; the allegations; the filing of the complaint; and the investigation. Confidentiality will be consistent with the district's legal and investigative obligations.

### Retaliation

The district shall not intimidate, threaten, coerce, discriminate, or retaliate against any individual for the purpose of interfering with any right or privilege secured by this policy.

## Definitions

**Qualified student with a disability** - a student who has a physical or mental disability which substantially limits or prohibits participation in or access to an aspect of the district's educational programs, nonacademic services, or extracurricular activities.

**Section 504 Team** - a group of individuals who are knowledgeable about the student, the meaning of the evaluation data and the placement options for the student. This could include, as appropriate, documentation or input from classroom teachers, counselors, psychologists, school nurses, outside care providers, and the student's parents/guardians.

**Section 504 Service Agreement (Service Agreement)** - an individualized plan for a qualified student with a disability which sets forth the specific related aids, services, or accommodations needed by the student, which shall be implemented in school, in transit to and from school, and in all programs and procedures, so that the student has equal access to the benefits of the school's educational programs, nonacademic services, and extracurricular activities.

**Disability harassment** - intimidation or abusive behavior toward a student based on disability that creates a hostile environment by interfering with or denying a student's participation in or receipt of benefits, services, or opportunities in the school's educational programs, nonacademic services, or extracurricular activities.

## Delegation of Responsibility

In order to maintain a program of nondiscrimination practices that is in compliance with applicable law and regulations, the Board designates the Superintendent or designee as the district's Section 504 Coordinator.

In addition, each school within the district shall have a Section 504 building administrator.

The district shall publish and disseminate this policy and complaint procedure on or before the first day of each school year by posting it on the district's website, if available, and in the student handbook. The district shall notify parents/guardians of students residing in the district of the district's responsibilities under applicable law and regulations, and that the district does not discriminate against qualified individuals with disabilities.

## **Nondiscrimination - Qualified Students with Disabilities Guidelines** **(103.1AG1)**

### Identification and Evaluation

The district shall conduct an annual child find campaign to locate and identify every district student with a disability thought to be eligible for Section 504 services and protections. The district may combine this search with the district's IDEA child find efforts, in order to not duplicate efforts.

If a parent/guardian or the district has reason to believe that a student should be identified as a qualified student with a disability, should no longer be identified as a qualified student with a disability, or requires a change in or modification of the student's current Service Agreement, the parent/guardian or the district shall provide the other party with written notice.

The district shall establish standards and procedures for initial evaluations and periodic re-evaluations of students who need or are believed to need related services because of a disability.

The district shall specifically identify the procedures and types of tests used to evaluate a student, and provide the parent/guardian the opportunity to give or withhold consent to the proposed evaluation(s) in writing.

The district shall establish procedures for evaluation and placement that assure tests and other evaluation materials:

1. Have been validated and are administered by trained personnel.
2. Are tailored to assess educational need and are not based solely on IQ scores.
3. Reflect aptitude or achievement or anything else the tests purport to measure and do not reflect the student's impaired sensory, manual or speaking skills (except where those skills are what is being measured).

## **Service Agreement**

If a student is determined to be a qualified student with a disability, the district shall develop a written Service Agreement for the delivery of all appropriate aids, services, or accommodations necessary to provide the student with FAPE.

The district shall not implement a Service Agreement until the written agreement is executed by a representative of the district and a parent/guardian.

The district shall not modify or terminate a student's current Service Agreement without the parent's/guardian's written consent.

## **Educational Programs/Nonacademic Services/Extracurricular Activities**

The district shall educate a qualified student with a disability with students who are not disabled to the maximum extent appropriate to the needs of the student with a disability. A qualified student with a disability shall be removed from the regular educational environment only when the district determines that educating the student in the regular educational environment with the use of related aids, services, or accommodations cannot be achieved satisfactorily. Placement in a setting other than the regular educational environment shall take into account the proximity of the alternative setting to the student's home.

The district shall not discriminate against any qualified student with a disability in its provision of nonacademic services and extracurricular activities, including but not limited to, counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs, and referrals to agencies which provide assistance to individuals with disabilities.

## **Parental Involvement**

Parents/Guardians have the right to inspect and review all relevant school records of the student, meet with the appropriate school officials to discuss any and all issues relevant to the evaluation and accommodations of their child, and give or withhold their written consent to the evaluation and/or the provision of services.

## **Confidentiality of Student Records**

All personally identifiable information regarding a qualified student with a disability shall be treated as confidential and disclosed only as permitted by the Family Educational Rights and Privacy Act (FERPA) and its implementing regulations, state regulations, and Board policy.

## **Discipline**

When necessary, the district shall discipline qualified students with disabilities in accordance with state and federal laws and regulations and Board policies.

## **Referral to Law Enforcement and Reporting Requirements**

For reporting purposes, the term **incident** shall mean an instance involving an act of violence; the

possession of a weapon; the possession, use, or sale of a controlled substance or drug paraphernalia as defined in the Pennsylvania Controlled Substance, Drug, Device and Cosmetic Act; the possession, use, or sale of alcohol or tobacco; or conduct that constitutes an offense listed under the Safe Schools Act.

The Superintendent or designee shall immediately report required incidents and may report discretionary incidents committed on school property, at any school-sponsored activity or on a conveyance providing transportation to or from a school or school-sponsored activity by a qualified student with a disability, including a student for whom an evaluation is pending, to the local police department that has jurisdiction over the school's property, in accordance with state and federal laws and regulations, the procedures set forth in the memorandum of understanding with local law enforcement, and Board policies. The Superintendent or designee shall respond in a manner that is consistent with the student's Service Agreement and Behavior Support Plan, if applicable.

In making a determination of whether to notify the local police department of a discretionary incident committed by a qualified student with a disability, including a student for whom an evaluation is pending, the Superintendent or designee shall use the same criteria used for students who do not have a disability.

For a qualified student with a disability who does not have a Behavior Support Plan as part of the student's Service Agreement, subsequent to notification to law enforcement, the district, in consultation with the student's parent/guardian, shall consider whether a Behavior Support Plan should be developed as part of the Service Agreement to address the student's behavior.

In accordance with state law, the Superintendent shall annually, by July 31, report to the Office for Safe Schools on the required form all new incidents committed by qualified students with disabilities, including students for whom an evaluation is pending, which occurred on school property, at any school-sponsored activity or on a conveyance providing transportation to or from a school or school-sponsored activity.

## **PROCEDURAL SAFEGUARDS**

The district shall establish and implement a system of procedural safeguards that includes notice of rights to the parent/guardian of a student suspected of being a qualified student with a disability, an opportunity for the parent/guardian to review relevant records, an impartial hearing with an opportunity for participation by the student's parent/guardian, and a review procedure.

A student or parent/guardian filing a claim of discrimination need not exhaust these procedures prior to initiating court action under Section 504.

### **Parental Request for Assistance**

Parents/Guardians may file a written request for assistance with the Pennsylvania Department of Education (PDE) if one (1) or both of the following apply:

1. The district is not providing the related aids, services and accommodations specified in the student's Service Agreement.

2. The district has failed to comply with the procedures and state regulations.

PDE shall investigate and respond to requests for assistance and, unless exceptional circumstances exist, shall, within sixty (60) calendar days of receipt of the request, send to the parents/guardians and district a written response to the request. The response to the parents'/guardians' request shall be in the parents'/guardians' native language or mode of communication.

### **Informal Conference**

At any time, parents/guardians may file a written request with the district for an informal conference with respect to the identification or evaluation of a student, or the student's need for related aids, services or accommodations. Within ten (10) school days of receipt of the request, the district shall convene an informal conference. At the conference, every effort shall be made to reach an amicable agreement.

### **Formal Due Process Hearing**

If the matters raised by the district or parents/guardians are not resolved at the informal conference, the district or parents/guardians may submit a written request for an impartial due process hearing. The hearing shall be held before an impartial hearing officer and shall be conducted in accordance with state regulations.

### **Judicial Appeals**

The decision of the impartial hearing officer may be appealed to a court of competent jurisdiction.

## **COMPLAINT PROCEDURE**

This complaint procedure is in addition to and does not prevent parents/guardians from using any option in the procedural safeguards system.

### **Step 1 – Reporting**

A student or parent/guardian who believes s/he has been subject to conduct by any student, employee or third party that constitutes a violation of this policy is encouraged to immediately report the incident to the Section 504 building administrator. Any person with knowledge of conduct that may violate this policy, is encouraged to immediately report the matter to the Section 504 building administrator.

A school employee who suspects or is notified that a student has been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the Section 504 building administrator, as well as properly making any mandatory police or child protective services reports required by law.

If the Section 504 building administrator is the subject of a complaint, the student, parent/guardian or employee shall report the incident directly to the district's Section 504 Coordinator.

The complainant or reporting employee may be encouraged to use the district's report form, available

from the Section 504 building administrator or Section 504 Coordinator, or to put the complaint in writing; however, oral complaints shall be accepted, documented and the procedures of this policy implemented. The person accepting the verbal or written complaint may provide factual information on the complaint and the investigative process, the impact of choosing to seek confidentiality and the right to file criminal charges. In all other respects, the person accepting the complaint shall handle the report objectively, neutrally and professionally, setting aside personal biases that might favor or disfavor the complainant or those accused of a violation of this policy.

## **Step 2 – Investigation**

The Section 504 Coordinator shall ensure that the individual assigned to investigate the complaint has an appropriate understanding of the relevant laws pertaining to discrimination issues and this policy and how to conduct investigations.

The investigator shall work with the Section 504 Coordinator to assess the anticipated scope of the investigation, who needs to be interviewed and what records may be relevant to the investigation.

The investigator shall conduct an adequate, reliable and impartial investigation. The complainant and the accused may suggest additional witnesses and provide other evidence during the course of the investigation. When the initial complaint involves allegations relating to conduct which took place away from school property, school-sponsored activities or school conveyances, the investigation may include inquiries related to these allegations to determine whether they resulted in continuing effects such as harassment in school settings.

The investigation may consist of individual interviews with the complainant, the accused, and others with knowledge relative to the allegations. The investigator may also evaluate any other information and materials relevant to the investigation. The person making the report, parties, parents/guardians and witnesses shall be informed of the prohibition against retaliation for anyone's participation in the process and that conduct believed to be retaliatory should be reported. All individuals providing statements or other information or participating in the investigation shall be instructed to keep the matter confidential and to report any concerns about confidentiality to the investigator.

If the investigation reveals that the conduct being investigated may involve a violation of criminal law, the investigator shall promptly notify the Section 504 Coordinator, who shall promptly inform law enforcement authorities about the allegations.

The obligation to conduct this investigation shall not be negated by the fact that a criminal or child protective services investigation of the allegations is pending or has been concluded. The investigator should coordinate with any other ongoing investigations of the allegations, including agreeing to requests for a short delay in fulfilling the district's investigative responsibilities during the fact-finding portion of a criminal or child protective services investigation. Such delays shall not extend beyond the time necessary to prevent interference with or disruption of the criminal or child protective services investigation.

## **Step 3 – Investigative Report**

The investigator shall prepare and submit a written report to the Section 504 Coordinator within twenty (20) days of the initial report of alleged discrimination, unless the nature of the allegations,

anticipated extent of the investigation or the availability of witnesses requires the investigator and the Section 504 Coordinator to establish a different due date. The parties shall be notified of the anticipated date the investigative report will be completed and of any changes to the anticipated due date during the course of the investigation.

The report shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual, the information and evaluation that formed the basis for this determination, whether the conduct violated this policy and of any other violations of law or Board policy which may warrant further district action, and a recommended disposition of the complaint. An investigation into disability harassment shall consider the record as a whole and the totality of circumstances in determining whether a violation of this policy has occurred, recognizing that persistent and pervasive conduct, when taken together, may be a violation even when the separate incidents are not severe.

The complainant and the accused shall be informed of the outcome of the investigation, for example, whether the investigator believes the allegations to be founded or unfounded, within a reasonable time of the submission of the written report to the extent authorized by the Family Educational Rights and Privacy Act (FERPA) and other applicable laws. The accused shall not be notified of the individual remedies offered or provided to the complainant.

#### **Step 4 – District Action**

If the investigation results in a finding that some or all of the allegations of the complaint are established and constitute a violation of this policy, the district shall take prompt, corrective action designed to ensure that such conduct ceases and that no retaliation occurs. The district shall promptly take appropriate steps to prevent the recurrence of the prohibited conduct and to address the discriminatory effect the prohibited conduct had on the complainant and the school or school program environment. District staff shall document the corrective action taken and, where not prohibited by law, inform the complainant. The Section 504 Coordinator shall follow up by assessing the effectiveness of the corrective action at reasonable intervals.

If the investigation results in a finding that a different policy was violated separately from or in addition to violations of this policy, or that there are circumstances warranting further action, such matters shall be addressed at the conclusion of this investigation or through disciplinary or other appropriate referrals where further evaluation or investigation is necessary.

Disciplinary actions shall be consistent with the Code of Student Conduct, Board policies and administrative regulations, district procedures, applicable collective bargaining agreements, and state and federal laws.

#### **Appeal Procedure**

1. If the complainant or the accused is not satisfied with a finding made pursuant to the policy or with recommended corrective action, s/he may submit a written appeal to the district's Section 504 Coordinator within fifteen (15) days.
2. The Section 504 Coordinator shall review the investigation and the investigative report and may also conduct a reasonable supplemental investigation to assess the sufficiency and propriety of the prior investigation.



3. The Section 504 Coordinator shall prepare a written response to the appeal within twenty (20) days. Copies of the response shall be provided to the complainant, the accused and the investigator who conducted the initial investigation.

## 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.**

The Board recognizes its responsibility for the collection, retention, disclosure, and protection of student records. The Board also recognizes the legal requirement to maintain the confidentiality of student records and prohibits the unauthorized access, reproduction, and/or disclosure of student education records and personally identifiable information from such records.

The Board shall adopt a comprehensive student records plan for the collection, maintenance, and dissemination of student education records, which complies with federal and state laws and regulations, and state guidelines. Copies of the adopted student records plan shall be maintained by the district and revised as required by changes in federal or state law and regulations.

Copies of the student records plan shall be submitted to the Pennsylvania Department of Education upon request.

### **Definitions**

**Attendance** - includes, but is not limited to, attendance in person or by paper correspondence, video conference, satellite, Internet, or other electronic information and telecommunications technologies for students who are not physically present in the classroom; and the period during which a person is working under a work-study program.

**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. Directory information includes, but is not limited to, the student's name; address; telephone listing; electronic mail address; parent phone number and electronic mail address; photograph; date and place of birth; major field of study; grade level; enrollment status; dates of attendance; participation in officially recognized school activities and sports; weight and height of members of athletic teams; degrees, honors and awards received; and the most recent educational agency or institution attended.

**Directory information** does not include a student's Social Security Number; or student identification (ID) number, except that directory information may include a student ID number, user ID, or other unique personal identifier displayed on a student ID card/badge or used by the student for purposes

of accessing or communicating in electronic systems, but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a personal identification number (PIN), password, or other factor known or possessed only by the authorized user.

**Disclosure** - permitting access to or the release, transfer or other communication of personally identifiable information contained in education records by any means, including oral, written, or electronic means, to any party, except the party that provided or created the record.

**Education records** - records that are directly related to a student and are maintained by the school district or by a party acting for the school district.

The term does not include:

1. Records kept in the sole possession of the maker, which are used only as a personal memory aid, and are not accessible or revealed to another individual except a temporary substitute for the maker of the record;
2. Records created or received by the district after an individual is no longer a student in attendance, and that are not directly related to the individual's attendance as a student;
3. Grades on peer-graded papers before they are collected and recorded by a teacher; or
4. Other records specifically excluded from the definition of education records under the Family Educational Rights and Privacy Act (FERPA) and its implementing regulations.

**Eligible student** - a student who has attained eighteen (18) years of age.

**Emancipated minor** - a student below the age of twenty-one (21) who has chosen to establish a domicile apart from the continued control and support of parents/guardians. The term includes a minor living with a spouse.

**IEP** - Individualized Education Program.

**Parent** - means a parent of a student and includes a natural parent, a guardian or an individual acting as a parent of a student in the absence of a parent/guardian. The district shall give full rights to either parent unless the district has been provided with evidence that there is a state law, court order, or a legally binding document governing such matters as divorce, separation, or custody that specifically revokes these rights.

**Personally identifiable information** - includes, but is not limited to:

The name of a student, the student's parents, or other family members.

1. The address of the student or student's family.
2. A personal identifier, such as the student's Social Security Number, student number, or biometric record.
3. Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name.

4. Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.
5. Information requested by a person who the district reasonably believes knows the identity of the student to whom the education record relates.

**School official with a legitimate educational interest** - a person employed by the district as an administrator, supervisor, teacher, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the Board; a person or company with whom the school has outsourced services or functions it would otherwise use its own employees to perform (such as an attorney, auditor, medical consultant, or therapist); a parent or student serving on an official committee, such as a disciplinary or grievance committee; or a parent, student, or other volunteer assisting another school official in performing tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill their professional responsibility. Criteria for determining whether the official has a legitimate interest include, but are not limited to, whether particular information concerning the student is:

1. Presently or potentially relevant to the provision of education, education-related services, or extracurricular activities or experiences, or
2. Necessary to protect the health, safety, or welfare of school officials and/or other students with whom the student might have contact.

The phrase also applies to district officials and clerical staff who are responsible for the maintenance and security of education records or auditing the district's record keeping procedures and to attorneys, consultants, and Board members when 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.

**Student** - includes any individual who is or has been in attendance at the district, and regarding whom the district maintains education records.

**Students with disabilities** - a school-aged student within the jurisdiction of the district who has been evaluated and found to have one or more disabilities as defined by law and who requires, because of such disabilities, special education and related services.

### **Delegation of Responsibility**

The Superintendent or designee shall be responsible for developing, implementing, and monitoring the student records plan.

All district personnel having access to student education records shall receive training in the requirements of Board policy, student records plan, and applicable federal and state laws and regulations, as directed by the Superintendent.

Each district teacher shall prepare and maintain a record of the work and progress of each student, including, but not limited to, the final grade, and a recommendation for promotion or retention.

### **Guidelines**

The district's plan for the collection, retention, disclosure and protection of student records shall provide for the following:

1. Safeguards to protect the student records when collecting, retaining, and disclosing personally identifiable information.
2. Ensuring that parents and eligible students, including those who are disabled or have a primary language other than English, are effectively notified of their rights and the procedures to implement those rights, annually and upon enrollment.
3. Procedures for the inspection, review, and copying of a student's education records by parents and eligible students.
4. Procedures for requesting the amendment of a student's education records that the parent or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights.
5. Procedures for requesting and conducting hearings to challenge the content of the student's education records.
6. Determining the types of personally identifiable information designated as directory information.
7. Establishing guidelines for the disclosure and redisclosure of student education records and personally identifiable information from student records.
8. Reasonable methods to ensure that school district officials obtain access to only those education records in which they have a legitimate educational interest
9. Maintaining required records of requests for access and each disclosure of personally identifiable information from each student's education records.
10. Ensuring appropriate review, retention, disposal and protection of student records.
11. Transferring education records and appropriate disciplinary records to other school districts.

### **Missing Child Registration**

In the event the district receives a request for information from the school records of a missing child, the district shall:

1. Attempt to obtain information on the identity of the requester.
2. Contact the appropriate law enforcement agency to coordinate a response.

No information in the records shall be released to the requester without first contacting the appropriate law enforcement agency.

## Student Record Procedures

### 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), the 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.

#### *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 there under 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; and
  - 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.

## Amendment of Records

### *Amendment of Records*

1. A parent or eligible student may request in writing that the District amend any portion of an education record that they believe 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/guardians 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 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. 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 position and may be represented at 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 they disagree 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.

## Access and Disclosure

### *Access*

1. The district shall allow the parents/guardians 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/guardians or eligible student for an explanation or interpretation of the education record.
3. If circumstances effectively preclude the parents/guardians or eligible student from inspecting and reviewing the education record, or any portion thereof, the district shall provide the parents/ guardians or the eligible student with a copy of the record subject to the request. When copies are not required to ensure that the parents/guardians 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.
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.
5. When parents/guardians 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. State the purpose of the disclosure.
  - c. identify the person or agency to whom or to which disclosure will be made; and
  - d. 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 FERPA 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, as long

as

- i. The district makes a reasonable attempt to notify the parent or eligible student;
  - ii. The parent or eligible student is provided, upon request, a hearing as described in this policy; and
  - iii. 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 FERPA.
  - e. Persons seeking directory information when the district has provided parents/guardians and eligible students with proper notice of the district's policy to disclose 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 of some or all of the information designated as directory information;
  - f. The parents/guardians of a student who is not an eligible student or to the student;
  - g. The parents/guardians 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; and
  - i. To 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;

When required by law, third parties will be obligated to comply with redisclosure requirements.

### **Miscellaneous Provisions**

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.

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—

1. 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.



## **Family Educational Records Privacy Act (FERPA) Directory Information (216AG1)**

The purpose of the Family Educational Rights and Privacy Act (“FERPA”) is to protect the privacy of student records. The law also assures that educational records which are vital to the appropriate education of a student are accessible to the school professionals working with that student. Detailed information on FERPA may be found in the Student Records portion of the district's Discipline & Records Policy distributed to parents via the Back to School portal at the start of each school year.

FERPA requires the District, with certain exceptions, to obtain your written consent prior to the disclosure of personally identifiable information from your student’s education records. However, the District may disclose “directory information” without written consent, unless you have advised the District to the contrary in accordance with District procedures. The primary purpose of directory information is to allow the District to include information from your student’s education records in certain school publications. Examples include but are not limited to: playbills or programs for an activity or sport; the yearbook; honor roll or other recognition lists; graduation programs; sports activity sheets or programs, showing weight and height of team members; school directories; and images of students involved in school activities in District publications, web sites, and social media.

Directory information can also be disclosed to outside organizations without a parent’s prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings, publish yearbooks or publishing directories such as the Who’s Who in American High School Students; PTO/HSA directories; athletic leagues and local media representatives for student involved in school activities.

The District has designated the following information as directory information: Student's name, address, telephone listing, electronic mail address, parent telephone number, parent electronic mail address, photograph, date and place of birth, major field of study, dates of attendance, grade level, enrollment status, participation in officially recognized school activities and sports, weight and height of members of athletic teams, degrees, honors, and awards received, the most recent educational agency or institution attended, and student ID number, user ID, or other unique personal identifier used to communicate in electronic systems or displayed on a student ID badge, but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user’s identity, such as a PIN, password, or other factor known or possessed only by the authorized user.

If you do not want the District to disclose directory information, you must inform your student’s principal in writing. Please be aware, if you indicate that you "do not" grant permission for directory information to be released, your student's name and/or image will not appear in the school's yearbook or any published school or classroom directory. Should your student be involved in athletics, theatrical or musical productions, or other school-related activities that receive media coverage, your student’s name and picture will not be published.

In the event no written notice is received, the District will assume that you have given permission to release your student's directory information. If during the course of the school year you desire to change your election regarding directory information, you must notify your student's building principal in writing.

### **Threat Assessment (Policy 236.1)**

The Board is committed to protecting the health, safety and welfare of its students and the school community and providing the resources and support to address identified student needs. The Board has adopted a policy to address student behavior that may indicate a threat to the safety of the student, other students, school employees, school facilities, the community and others.

The Board has directed the Superintendent or designee, in consultation with the Public Safety Supervisor, to establish a threat assessment team and develop procedures for assessing and intervening with students whose behavior may indicate a threat to the safety of the student, other students, school employees, school facilities, the community and other.

### **Other Board Policies**

All students are responsible for compliance with all District policies, regardless of their inclusion in this Handbook. District policies are available on the District's publicly accessible website. [www.wcasd.net](http://www.wcasd.net) and hard copies are available upon request.

***Please see the [online board policy manual](#) for the most up to date information:  
[www.wcasd.net](http://www.wcasd.net)***