

EAST STROUDSBURG AREA SCHOOL DISTRICT

SECTION: PUPILS
TITLE: STUDENT DISCIPLINE
ADOPTED: August 19, 2002
REVISED: July 17, 2006
November 20, 2006
August 19, 2013

| 218. STUDENT DISCIPLINE | |
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| <p>1. Purpose</p> | <p>The Board finds<u>recognizes</u> that student conduct is closely related to learning. An effective educational program requires a safe and orderly school environment.</p> |
| <p>3. Authority SC 510 Title 22 Sec. 12.3, 12.4 Pol. 103, 103.1</p> | <p>The Board shall establish fair, reasonable and nondiscriminatory rules and regulations regarding the conduct of all students in the school district. during the time they are under the supervision of the school 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.</p> |
| <p>Title 22 Sec. 12.2, 12.3, 12.4 Pol. 103, 103.1, <u>113.1, 235, 832</u> <u>Pol. 235, 832</u></p> | <p>The Board shall adopt a Code of Student Conduct to govern student discipline, and students shall not be subject to disciplinary action based upon race, gender, color, religion, sexual orientation, national origin or handicap/disability. Each student must adhere to Board policies and the Code of Student Conduct governing student discipline.</p> <p><u>The Board shall approve the inclusion of restorative practices in the Code of Student Conduct to address violations where applicable.</u></p> |
| <p><u>Title 22</u> <u>Sec. 12.5</u></p> | <p><u>The Board prohibits the use of corporal punishment by district staff to discipline students for violations of Board policies, the Code of Student Conduct and district rules and regulations.</u></p> |
| <p><u>Pol. 233</u></p> | <p><u>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.</u></p> |
| <p><u>Pol. 113.1, 233</u></p> | <p><u>When suspensions and expulsions are imposed, they shall be carried out in accordance with Board policy</u></p> |
| <p>Title 22 Sec. 10.23 20 U.S.C. Sec. 1400 et seq Pol. 103.1, 113.1, 113.2, 805.1</p> | <p>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.</p> |

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| <p>2. Definition — Title 22 — Sec. 12.16</p> <p><u>SC 510</u></p> <p>— Pol. 122, 123</p> | <p>Corporal punishment—a form of physical discipline intended to cause pain and fear, in which a student is spanked, paddled or hit on any part of the body with a hand or instrument.</p> <p>Off-Campus Activities</p> <p>This policy shall also <u>and the Code of Student Conduct</u> apply to <u>the behavior of students while under the supervision of school personnel or at any time while on conduct that occurs off 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”).</u></p> <p><u>This policy and the Code of Student Conduct also apply to student behavior that occurs at other times and places (“off campus”) when: and would otherwise violate the Code of Student Conduct if any of the following circumstances exist:</u></p> <ol style="list-style-type: none"> 1. The conduct occurs during the time the student is traveling to and from school or traveling to and from school sponsored activities, whether or not via school district furnished transportation. 2. 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. 3. The student is a member of an extracurricular activity and has been notified that particular off-campus conduct could result in exclusion from such activities. 4. 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. 5. The conduct has a direct nexus to attendance at school or a school sponsored activity, such as an agreement made on school property to complete a transaction outside of school that would violate the Code of Student Conduct. 6. The conduct involves the theft or vandalism of school property. <ol style="list-style-type: none"> <u>1. The conduct involves, threatens or makes more likely violence, use of force or other serious harm directed at students, staff or the school or the school environment;</u> <u>2. The conduct materially and substantially disrupts or interferes with the school environment or the educational process, such as school activities, school</u> |
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| <p>4. Guidelines — Pol. 233 — Pol. 233 Title 22 — Sec. 12.5 5. Delegation of Responsibility</p> | <p><u>work, discipline, safety and order on school property or at school functions:</u></p> <p>3. <u>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;</u></p> <p>4. <u>The conduct involves the theft or vandalism of school property; or</u></p> <p>5. <u>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.</u></p> <p>Any student disciplined by a school district employee shall have the right to notice of the infraction.</p> <p>Suspensions and expulsions shall be carried out in accordance with Board Policy No. 233.</p> <p>Corporal Punishment</p> <p>The Board prohibits the use of corporal punishment to discipline students for violations of school district policies, rules or regulations.</p> <p>The Superintendent or designee shall ensure that reasonable and necessary rules and regulations are developed to implement Board policy governing student conduct, and which:</p> <ol style="list-style-type: none"> 1. Are not arbitrary, but bear a reasonable relationship to the need to maintain a school environment conducive to learning. 2. Do not discriminate among students. 3. Do not demean students. 4. Do not violate any individual rights guaranteed to students. - <p>Sanctions for infractions of rules and regulations shall:</p> <ol style="list-style-type: none"> 1. Relate in kind and degree to the infractions. 2. Help the student learn to accept responsibility for actions. 3. Help to ameliorate harm caused by the student's misconduct. 4. Hold parents and guardians accountable for the actions of their students. |
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| <p>Title 22 Sec. 12.3 Pol. 235</p> | <p>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, and 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 shall be available in each school library, and in the main school office of each school <u>and on the district website.</u></p> <p><u>Rules governing student conduct shall require students to:</u></p> <ol style="list-style-type: none"> 1. Conform to reasonable standards of socially acceptable behavior. 2. Respect the rights, person, and property of other. 3. Preserve the degree of order necessary to the educational program in which they are engaged. 4. Obey constituted authority and respond to those who hold that authority. |
| <p>SC 1317, 1318 <u>Pol.113.1, 233</u></p> | <p>The building principal or designee shall have the authority to assign discipline to students, subject to theBoard policies, rules and administrative regulations, <u>the Code of Student Conduct of the school district</u> and to the student's due process right to notice, hearing and appeal.</p> |
| <p>SC 1317</p> | <p>Teaching staff and other school district employees responsible for students shall have the authority to take reasonable actions 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, <u>in accordance with Board policy, administrative regulations, and the Code of Student Conduct.</u></p> <p>Students, with the help of their parents/guardians, are responsible for reading all information on student rules and for learning them so they will know what to expect in the event they behave inappropriately. In addition, parents/guardians shall be informed of student misbehavior with the intent of establishing a home and school relationship that will impact in positive ways on student behavior.</p> <p>Listing of disciplinary offenses is not all-inclusive. Therefore, the administration reserves the right to act as it sees fit regarding misbehavior not specifically covered in policy. Further, the administration may feel the need, based upon the seriousness of an infraction and/or the age of the student involved, to deviate from the set of rules presented herein and/or in any Board-approved policy and/or Code of Student Conduct with regard to consequences.</p> |
| <p>Title 22</p> | <p>Reasonable force may be used by teachers and school authorities under any of the</p> |

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| <p>Sec. 12.5</p> | <p>following circumstance: 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.</p> <p>Examples of the use of reasonable physical force to quell a disturbance and for protection of person and/or property would include, when reasonably necessary, among others:</p> <p>1. For direct defiance of a reasonable request.</p> <p>2. To cease obscenities or abusive language directed at another person.</p> <p><u>Referral To Law Enforcement And Reporting Requirements</u></p> |
| <p>SC 1303-A Title 22 Sec. 10.2 35 P.S. Sec. 780-102</p> | <p>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.</p> |
| <p>SC 1302.1-A, 1303-A Title 22 Sec. 10.2, 10.21, 10.22 Pol. 805.1</p> | <p>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.</p> |
| <p><u>Title 22</u> <u>Sec. 10.2, 10.25</u> <u>Pol. 805.1</u></p> | <p><u>The Superintendent or designee shall notify the parent/guardian of any student directly involved in an incident as a victim or suspect, as soon as practicable. The Superintendent or designee shall inform the parent/guardian whether 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.</u></p> |
| <p>SC 1303-A Pol. 218.1, 218.2, 222, 227, 805.1</p> | <p>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.</p> |
| <p><u>SC 1302-E</u> <u>Pol 236.1</u></p> | <p><u>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 laws and Board policy.</u></p> |

References:

School Code – 24 P.S. Sec. 510, [1302-E](#), 1302.1-A, 1303-A, 1317, 1318

PA Controlled Substance, Drug, Device and Cosmetic Act – 35 P.S.
Sec. 780-102

State Board of Education Regulations – 22 PA Code Sec. 10.2, 10.21, 10.22, 10.23,
10.25, 12.1 et seq., [12.2](#), [12.3](#), [12.4](#), [12.5](#), 403.1

Individuals With Disabilities Education Act – 20 U.S.C. Sec. 1400 et seq.

No Child Left Behind Act – 20 U.S.C. Sec. 7114

Individuals With Disabilities Education Act, Title 34, Code of Federal
Regulations – 34 CFR Part 300

Board Policy – 103, 103.1, 113.1, 113.2, 122, 123, [146.1](#), 218.1, 218.2, 222, 227,
233, 235, [236.1](#), 805, 805.1, [832](#)

NOTES:

~~Act 116 of 2002 defines graffiti as it relates to criminal mischief offenses and
defines defiant trespassers—Title 18, Sec. 3304 (3503)~~

~~PSBA Revision 4/13~~