

Title

Student Discipline -

Code

218

Status

Recommendation for 1st READ

Adopted

August 19, 2002

Last Revised

May 16, 2022

Prior Revised Dates

July 17, 2006; November 20, 2006; August 19, 2013

## **Purpose**

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

## **Authority**

The Board shall establish fair, reasonable and nondiscriminatory rules and regulations regarding the conduct of all students in the district.[\[1\]](#)[\[2\]](#)[\[3\]](#)[\[4\]](#)[\[5\]](#)

The Board shall adopt a Code of Student Conduct to govern student discipline, and students shall not be subject to disciplinary action because of race, sex, color, religion, sexual orientation, national origin or handicap/disability. Each student must adhere to Board policies and the Code of Student Conduct governing student discipline.[\[1\]](#)[\[2\]](#)[\[4\]](#)[\[5\]](#)[\[6\]](#)[\[7\]](#)[\[8\]](#)

The Board ~~shall~~ **may** approve the inclusion of restorative practices in the Code of Student Conduct to address violations where applicable.[\[9\]](#)

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.[\[10\]](#)

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.[\[11\]](#)

When suspensions and expulsions are imposed, they shall be carried out in accordance with Board policy.[\[7\]](#)[\[11\]](#)

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.[\[5\]](#)[\[7\]](#)[\[12\]](#)[\[13\]](#)[\[14\]](#)[\[15\]](#)

### On and Off-Campus Activities

This policy and the Code of Student Conduct apply to the behavior of students at all times while under the supervision of school personnel 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: [\[3\]](#)

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, 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, school office and on the district website. [\[1\]](#)[\[8\]](#)

The building principal or designee shall have the authority to assign discipline to students, subject to Board policies, administrative regulations, the Code of Student Conduct and to the student's due process right to notice, hearing and appeal. [\[7\]](#)[\[11\]](#)[\[16\]](#)[\[17\]](#)

Teaching staff and other 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, in accordance with Board policy, administrative regulations, the Code of Student Conduct.[\[16\]](#)

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/or for the protection of persons or property.[\[10\]](#)

#### 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 products; or conduct that constitutes an offense listed under the Safe Schools Act in the school safety and security provision of School Code.[\[18\]](#)[\[19\]](#)[\[20\]](#)

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~~ law enforcement agency 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.[\[15\]](#)[\[18\]](#)[\[20\]](#)[\[21\]](#)[\[22\]](#)[\[23\]](#)

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 or not the ~~local police department~~ law enforcement agency 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.[\[15\]](#)[\[18\]](#)[\[24\]](#)

In accordance with state law, the Superintendent shall annually, by July 31, report all new incidents to the ~~Office of Safe Schools~~ PA Department of Education on the required form.[\[15\]](#)[\[20\]](#)[\[23\]](#)[\[25\]](#)[\[26\]](#)[\[27\]](#)[\[28\]](#)

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.[\[29\]](#)[\[30\]](#)

#### Legal

1. 22 PA Code 12.3

2. 22 PA Code 12.4

3. 24 P.S. 510

4. Pol. 103

5. Pol. 103.1

6. 22 PA Code 12.2

7. Pol. 113.1

8. Pol. 235

9. Pol. 146.1

10. 22 PA Code 12.5

11. Pol. 233

12. 22 PA Code 10.23

13. 20 U.S.C. 1400 et seq

14. Pol. 113.2

15. Pol. 805.1

16. 24 P.S. 1317

17. 24 P.S. 1318

18. 22 PA Code 10.2

19. 35 P.S. 780-102

20. 24 P.S. 1319-B

21. 22 PA Code 10.21

22. 22 PA Code 10.22

23. 24 P.S. 1306.2-B

24. 22 PA Code 10.25

25. Pol. 218.1

26. Pol. 218.2

27. Pol. 222

28. Pol. 227

29. 24 P.S. 1302-E

30. Pol. 236.1

22 PA Code 12.1 et seq

22 PA Code 403.1

20 U.S.C. 7114

34 CFR Part 300

Mahanoy Area School District v. B.L., 594 U.S. \_\_\_\_ (2021)

Pol. 122

Pol. 123

Pol. 218.3

Pol. 805