Lower Merion School District

Policy No.: 235
Section: STUDENTS
Title: STUDENT RIGHTS AND RESPONSIBILITIES
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(See end of Policy for History of Revisions)

235 STUDENT RIGHTS AND RESPONSIBILITIES

A. Equal Educational Opportunity

It is the policy of the Lower Merion School District that no student shall be denied access to a free and full public education on account of race, color, ethnicity, national origin, language, immigration status, sex assigned at birth, sexual orientation, gender identity, gender expression, disability, creed, or religion.

B. Student Involvement

1. The school, as a diverse center of learning, invites the open exposure and exchange of ideas and issues to and by students. It is therefore the right of any student to question, examine and debate any issue relating to the world community or the functions and proposals of the school, such as discipline, scheduling and school policy. Because the Board values the input of the District’s students, where practical, high school building administrators shall elicit feedback from their respective student bodies about any revisions to this Policy, except for minor editorial revisions. Any failure to elicit feedback shall not, however, affect the enforceability of the revision.

2. It is the policy of the Lower Merion School District to incorporate into the ongoing curriculum ideas that may transcend traditional curricular topics, and that may raise questions about current social, political, technical, philosophical, and other problems, regardless of the controversial nature of the topic as long as, on divided issues, students should be apprised of the existence and nature of differing views.

3. The advice and opinions of students shall be sought and considered by the professional staff in the planning of the school curriculum. Channels shall be provided in the school for receiving student advice and opinions in determining the courses to be taught, the content of the courses, the evaluation of courses being taught, and the nature and conduct of extra-curricular activities.

C. School Board Rules and Policies and Student Discipline

1. General
a. The Lower Merion School Board (hereinafter referred to as (“the Board”) has the authority to make reasonable and necessary rules governing the conduct of students in school and during school-sponsored activities. The rulemaking power, however, is not unlimited; it must operate within statutory and constitutional restraints. The Board has only those powers which are enumerated in the laws of the state, or which may reasonably be implied or necessary for the orderly operation of the school.

b. The Board may not make rules which are arbitrary, capricious or outside its grant of authority from the General Assembly. Its rules must stand the test of fairness and reasonableness. A rule is generally considered reasonable if it uses rational means of accomplishing some legitimate school purpose.

c. Board policy and administrative rules issued by Board authority are presumed to be reasonable and legal unless waived, altered, or repealed by the Board or held invalid by a court. Students, therefore, in the absence of a waiver, alteration, repealed, or invalidation, should assume that the Board’s policies and administrative rules are in effect and have the responsibility to obey Board policies and administrative rules. This responsibility, however, shall neither infringe nor impair the right of students to work in a manner consistent with these regulations and guidelines to change those policies or rules of which they do not approve, or to challenge those which they believe are unreasonable or invalid.

d. Before making policies affecting students, the Board shall make an effort, to the extent that circumstances permit, to seek the views of the students who would be affected. Students shall have an opportunity to be heard by the Board and to participate as other citizens in an atmosphere of mutual respect to a degree that is appropriate in its deliberations. Students also have the right to petition. Students have the right to be heard on behalf of the student body at large only through a representative who is a student government leader; the Board will, when requested through the student government and the principal, reserve time at Board meetings to hear such a representative.

2. School Rules and Student Discipline

a. Every teacher, assistant principal and principal in the public schools shall have the right to exercise the same authority as to conduct and behavior over the pupils attending his school, during the time they are in attendance, including the time required in going to and from their homes, as the parents, guardians or persons in
parental relation to such pupils may exercise over them. Furthermore, the District may discipline students for conduct occurring off school property (“off-campus”) whenever such conduct is within the scope of the disciplinary jurisdiction given to school officials under the Public School Code. This is not intended to impose a duty on the District to supervise students in off-campus settings, but does reserve in the District the right to discipline students for certain conduct occurring off-campus.

b. An awareness of rules on the part of students minimizes discipline problems. Rules and regulations shall be published and distributed to the students or posted in prominent locations throughout the school. Students shall be involved in the formulation of those rules and regulations, on a periodic basis, annually if possible.

c. All violations of rules and regulations should be considered on an individual basis.

d. School rules and regulations shall be applied on a non-discriminatory basis.

e. Other means of intervention shall be considered before suspension or expulsion from school. Special consideration shall be given to in- or out-of-school counseling as an alternative to or in conjunction with other interventions.

f. Students cannot be required to perform work for the school unless the work is related to the student’s offense.

g. Students shall not be arbitrarily punished as a group or at large for the offenses of known or unknown individuals.

3. Code of Student Conduct

a. Student conduct does not occur in a vacuum. It is influenced by the actions and attitudes of others and by the many pressures that are part of growing up. Students need a supportive and encouraging environment so that they can mature into self-confident and responsible adults. This code affirms both the need for a positive learning environment and the mutual responsibility of students, school staff, and parents/guardians to provide it.

b. The purpose of a code of student conduct is to establish standards for desired or expected behavior, to foster appropriate behavior, to define undesirable or disruptive conduct, and to specify reasonable procedures and disciplinary options for correcting
misbehavior. Most students behave well and should be able to expect responsible behavior both from their peers and from adults with authority over them. This code affirms the right of all students to a free and full education in an orderly and secure school environment.

c. Despite differences in the degree of self-discipline to be expected from students in elementary schools, middle schools and senior high schools, the broad standards set by a code can apply in all grades and in all schools. For a particular age group, more detailed rules and regulations can be established by each school to supplement and implement the code.

d. Provisions of the code apply on school property, at school-sponsored events, while students are en route to or from school, and while students are being transported on a school bus.

4. Misbehavior/Responses/Procedures

a. The equitable administration of school-based discipline at all District schools based on a model of restorative practices rather than punitive measures, when appropriate, is critical to the District’s equity efforts and goal of reducing disproportionality in discipline. When possible and appropriate under the circumstances, students will be afforded the opportunity to participate in restorative practices as an alternative to, or in addition to, more traditional forms of discipline. Examples of restorative practices include, but are not limited to, peer mediation, conferences with counselors, mindfulness exercises, youth court (if available), community building activities, community service, support from appropriate community organizations, etc.

b. Most students need no further clarification of proper conduct than the guidelines set forth above. There are some students, however, who need to be informed as to what unacceptable behavior in school is and what the consequences of misconduct are likely to be. The next section of the code, therefore, addresses itself to misbehavior, appropriate responses to it, and procedures to ensure consistent and equitable interpretations of the code.

c. Misbehavior includes both minor and major infractions of school rules, conduct that is socially unacceptable and criminal acts. Because of this broad range, the code is divided into four categories of misconduct. Examples of misbehavior for each category are listed, together with disciplinary options for correcting that kind of misbehavior.
More than one option may be applied to a single incident of misbehavior. The most appropriate action would be the minimum measure necessary to resolve the disciplinary problem.

d. Types or examples of misbehavior and the disciplinary options shall be set forth in Administrative Regulation and must include all behaviors prohibited by federal and state law.

D. Student Responsibilities

1. Student responsibilities include regular school attendance, conscientious effort in classroom work, and conformance to school rules and regulations. Most of all, students share with the administration and faculty a responsibility to develop a climate within the school that is conducive to wholesome learning and living.

2. No student has the right to interfere with the education of other students. It is the responsibility of each student to respect the rights of teachers, students, administrators, supportive staff, and all others who are involved in the educational process.

3. Students should express their ideas and opinions in a respectful manner.

4. In fulfilling the student responsibilities set forth above and in addition thereto, it is the responsibility of the students to:

   a. Be aware of all rules and regulations for student behavior and conduct themselves in accord with them;

   b. Be willing to 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 themselves in accordance with community norms of decency so as to meet fair standards of safety and health, so as not to damage property, and so as not to cause substantial disruption to the educational process;

   d. Assume that until a rule is waived, altered or repealed, it is in full effect;

   e. Assist the school staff in operating a safe school for all students enrolled therein;
f. Be aware of and comply with state and local laws;

g. Exercise proper care when using public facilities and equipment;

h. Attend school daily, except when excused, and be on time at all classes and other school functions;

i. Make all necessary arrangements for making up work when absent from school;

j. Pursue and attempt to complete satisfactorily the courses of study prescribed by state and local school authorities; and

k. Avoid obscene and/or inflammatory language, comments, or discriminatory behavior based upon race, color, ethnicity, national origin, language, immigration status, sex assigned at birth, sexual orientation, gender identity, gender expression, disability, creed, or religion.

E. Corporal Punishment

1. Corporal punishment, namely, physically punishing a student for an offense, may not be administered by teachers and school officials to discipline students.

2. However, though corporal punishment is prohibited, reasonable force may be used by teachers and school authorities:

   a. to quell a disturbance, or
   b. to obtain possession of weapons or other dangerous objects; or
   c. for the purposes of self-defense; or
   d. for the protection of persons or property

F. Exclusions from School (Suspensions and Expulsions)

1. Students exhibiting the following behavior while in school or engaged in school related activities may be excluded from school in accordance with the remaining paragraphs of this section.

   a. Behavior which threatens the safety or welfare of themselves or another person;
b. Behavior which is substantially disruptive to the orderly operation of the school or the educational program; or

c. Repeated failure to abide by the rules established by the school building or school district governing pupil behavior as well as class and school attendance.

2. Exclusion from school may be affected in the manner permitted by state law.

3. In cases where exclusionary discipline is required, the District will require that students returning to school from a suspension or expulsion meet with a designated school official to discuss academic and behavioral expectations upon return to school, individuals and resources available to support students, the consequences of future noncompliance with Board Policy and/or school rules, and the number of hours, if any, of counseling required prior to the student’s return to their regular class schedule. When a student has been issued an out-of-school suspension, the student’s parent/guardian will be required to attend the re-entry conference with the appropriate school official(s).

G. Flag Salute and the Pledge of Allegiance

It is the responsibility of every citizen to show proper respect for his/her country and its flag. However, students may decline to recite the Pledge of Allegiance and may refrain from saluting the Flag on the basis of personal belief and religious convictions. Students who choose to refrain from such participation shall respect the rights and interests of classmates who do wish to participate in a meaningful ceremony. A student who chooses not to participate may either stand or sit and remain respectfully silent.

H. Freedom of Expression

1. Policy Statements on Freedom of Expression

   a. Freedom of expression is a right guaranteed by the United States Constitution and the Constitution of the Commonwealth of Pennsylvania. Public school students generally have the right to express themselves.

   b. Student-initiated religious expression is permissible and shall not be prohibited expect as to time, place, and manner of distribution, or if the expression involved violates some other part of this Policy or related Administrative Regulation, e.g. because it is
c. The Board respects the right of its students to express themselves in word or symbol and to distribute and post materials in areas designed for posting as part of that expression. The Board also recognizes that exercise of that right must be limited by the Lower Merion School District’s responsibility to maintain an orderly school environment and to protect the right of all members of the school community.

d. Therefore, expression that is likely to or does materially and substantially interfere with the educational process, threatens serious harm to the school or community, encourages unlawful activity, or interferes with another individual’s rights is prohibited by the Lower Merion School District, in accordance with State regulations.

e. Students may use publications, handbills, announcements, assemblies, group meetings, buttons, armbands, and any other means of common communication, provided that the use of public school communications facilities shall be in accordance with the regulations of the authority in charge of those facilities. Students have the responsibility to obey laws governing libel and obscenity, and to be aware of the full meaning of their expression. Students have the responsibility to be aware of the feelings and opinions of others and to give others a fair opportunity to express their views.

f. The Board reserves the right to prohibit the posting or distribution of non-school materials containing unprotected expression and to prohibit students from engaging in other unprotected student expression, as well as to stop unprotected student expression when it occurs. The Board reserves the right to discipline students for engaging in unprotected expression. Where such expression occurs off campus and away from school functions, a nexus between the unprotected expression and a substantial and material disruption of the school program must be established.

I. Access to School Facilities

See Policy No. 713 “Access to School Facilities”

J. Hair or Dress

1. The Board recognizes that each student's mode of dress and appearance is a
manifestation of personal style and individual preference. The Board will not interfere with the right of students and their parents/guardians to make decisions regarding their dress and/or appearance, except when their choices disrupt the educational program or jeopardize the health and safety of others.

2. The Board has the authority to impose limitations on students' dress in school to the extent that such limitations do not violate the students’ right to freedom of expression. These limitations apply to regular school days and any school-sponsored activities.

3. Students may be required to wear certain types of clothing while participating in physical education classes, technical education classes, extracurricular activities, or other situations where special attire may be required to ensure the health or safety of the student.

4. The Board authorizes the Superintendent or designee to monitor student dress and appearance and enforce school rules and regulations prohibiting student dress or appearance practices which:
   
a. Present a hazard to the health or safety of the student or to others.
b. Materially interfere with school work, create disorder, or disrupt the educational program.
   c. Cause excessive wear or damage to school property.
   d. Prevent the student from achieving educational objectives because of blocked vision or restricted movement.

5. The Superintendent or designee shall ensure that all rules and regulations implementing this Policy impose only the minimum necessary restrictions on the exercise of the student's style and individuality.

6. Each school’s dress code shall be gender-neutral. Schools cannot enforce specific attire based on gender. Students have the right to dress in accordance with their gender identity within the constraints of the dress codes adopted by the school.

7. Exceptions to the dress code may be made by the Superintendent or designee for medical or religious reasons when required by law.

K. Drug-Free Schools
1. In recognition of the need to protect all members of the school community from exposure to and harm from the use of drugs, it is the policy of the Board of School Directors to prohibit the use of drugs by students, to inform all students about the risks and consequences associated with the use of drugs, and to intervene in the use of drugs by students. Through the use of curriculum, classroom activities, community resources, administrative, faculty and staff effort, and rehabilitative and disciplinary procedures, it is the intent of the Board of School Directors to provide a safe and healthy learning environment for all students.

2. For purpose of this policy, “drugs” shall mean:
   a. all dangerous controlled substances prohibited by law;
   b. all “look alike” drugs; defined as any non-controlled substance that in its overall finished dosage or other intended appearance is substantially similar in size, shape, color, marking, or packaging to a specific controlled substance or is otherwise being passed off as a controlled substance (i.e. oregano for marijuana).
   c. all alcoholic beverages;
   d. tobacco and tobacco products, including “electronic cigarettes” defined as battery-operated products designed to deliver nicotine, flavor, and other chemicals by turning the substance into a vapor that is inhaled by the user;
   e. any drug paraphernalia; and
   f. any prescription, generic, or patent drug, except those for which permission to use in school has been granted pursuant to Board policy.

3. The Board prohibits the use, possession, or distribution of any drug:
   a. during school hours;
   b. on school property; and/or
   c. at any school-sponsored event

4. The Superintendent shall have the responsibility of implementing an educational program which educates students about the risks and consequences associated with the use of drugs.

5. The Superintendent shall prepare administrative regulations for the identification, amelioration and control of drug abuse in the schools which shall:
   a. discourage drug abuse;
b. establish administrative regulations for dealing with students suspected of drug abuse;

c. establish administrative regulations dealing with students suspected of the possession or distribution of drugs in school or at school-sponsored activities, up to and including expulsion and referral for prosecution;

d. limit or prohibit participation in interscholastic activities or designated extracurricular activities for use, possession or distribution of alcohol, tobacco and/or other illegal drugs or substances whether or not the conduct occurs on school property or during a school-sponsored activity;

e. establish procedures for the instruction and re-admission to school of students convicted of drug offenses; and

f. establish at each school a multidisciplinary student support team, trained to understand and work on the issues of K-12 drug use and dependency. The student support team will play a primary role in the identification and referral process of students, with due consideration for students’ legal rights and responsibilities.

6. This policy is only one component in a District effort to provide a safe and healthy environment and is intended to provide a consistent minimum disciplinary means to respond to the use of drugs. The Board will use all appropriate measures to control the use of drugs even not provided for specifically in this policy.

L. Prohibition of Anabolic Steroids

1. It is the policy of the Board of School Directors to prohibit the use of steroids by students involved in athletics.

2. All anabolic steroids, except those for which permission to use has been granted pursuant to Board policy.

3. Human Growth Hormone (HGH) shall not be included as an anabolic steroid under the provisions of the law.
4. The Board prohibits the use of anabolic steroids by students to enhance body building or athletic ability.

5. The Superintendent shall incorporate in the District’s drug and alcohol program educational plans regarding the dangers inherent in the use of anabolic steroids.

6. The Superintendent shall prepare administrative regulations to identify, ameliorate and control the use of steroids by students.

7. Students should be made aware that anabolic steroids are classified as controlled substances and that the use, unauthorized possession, purchasing, or selling could subject them to suspension, expulsion and/or criminal prosecution.

M. **Search and Seizure**

1. General

The District is aware of and respects the rights of students to be free of unreasonable searches of their persons and their possessions. However, in certain circumstances, the safe and orderly operation of the schools sometimes requires the investigation of possible violations of school rules. This policy defines the rights of the District administration to investigate possible student misconduct by means of searches of students and their possessions.

“Reasonable suspicion” for a search pursuant to this Policy should be supported by 1) an identification of specific observations or knowledge, 2) the rational inferences that were drawn from all available observations and facts considered as a whole, and 3) an explanation of how the available facts and rational inferences provided a particular and objective basis for the suspicion when they were combined with the special background, training and experiences the school official has.

2. Searches of Students

A student may be searched by District officials when there is reasonable suspicion of possession of any item or items in violation of School district policies, rules or regulations or of local, state or federal laws. Such searches could include administration of a breathalyzer in the event a student is reasonably suspected of being in possession of or under the influence of alcohol on school property or at a school-sponsored activity.
3. Locker Searches

It is the policy of the board that all lockers are and will remain the property of the School District. As such, students shall be made aware that Principals and Assistant Principals or their designees are authorized to conduct searches of students’ lockers any time there is reasonable suspicion that their lockers may contain any item or items, the possession of which constitutes violation of policies or laws.

The search should not proceed unless the student user of the locker is present during the search, except in emergency situations, or after a reasonable attempt has been made to notify the student to be present or notice has been given and the student is not present.

4. Motor Vehicle Searches

A motor vehicle may be searched when present on school property, or parked off school property pursuant to a District-issued parking permit, and there is a reasonable suspicion it contains materials that are in violation of School District policies, rules or regulations, and otherwise to the extent permissible by law.

5. Systematic Suspicionless Testing at School Dances, Proms and Other School-Sponsored Student Activities

Systematic suspicionless testing may be performed on students and their guests at school dances, proms, and other school-sponsored student activities as determined by the High School Principal upon consultation with the Superintendent and pursuant to regulations promulgated by the Superintendent. For purposes of this Regulation, “systematic” means either testing of all students or a predetermined random selection of students. Testing refers to breathalyzers or other similar non-invasive testing.

6. General Searches

The Superintendent may, in certain circumstances, authorize general searches of lockers and hallways of district school buildings and parking lots, where, in the judgment of the Superintendent and in consultation with the District Solicitor, the Superintendent determines that such a search is warranted.

7. Notice to Staff, Students, and Parents/Guardians
Lower Merion School District

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(See end of Policy for History of Revisions)

Staff, students, and parents/guardians will be notified annually, or more often, if deemed appropriate by the administration, concerning the contents of this policy.

N. Student Government

1. Students are free to establish and are encouraged to participate in student government that provides all students a voice in school affairs through a representative system or otherwise. If the government has elective representatives or officers, the officers and elections must be open to all students on a non-discriminatory basis. Student government is intended to represent the interests of the students.

2. Students have the primary responsibility for the conception and development of the charter for their student government subject to administration and Board approval. The charter must be available to all students and to the administration.

O. Student Organizations

Students have the right to form and participate in student organizations of their choice and these organizations have the right to peaceable assembly and to conduct programs on school property, provided the principal is given reasonable notice, and such assembly and programs do not endanger health or safety, damage property, or seriously disrupt the activities of others. Such assembly and programs shall also adhere to the provisions of this policy. Participants in student organizations have the responsibility to give timely notice to the principal of plans to assemble and to conduct programs and, in so doing, to refrain from endangering health or safety, damaging property, or seriously and immediately disrupting the activities of others.

P. Procedures for the Resolution of Student Concerns

A student appeal based upon (1) a dispute about the interpretation or application of provisions of this policy other than Section I, or (2) a claim of discrimination on the basis of handicap/disability, race, color, creed, religion, sexual orientation, ethnicity or national origin may be made by means of a written communication to the Superintendent of Schools, if not resolved at the building level, within fifteen (15) calendar days of the time of the action which is complained of or disputed. The Superintendent shall render a decision with all practical dispatch after they receive the appeal from the principal’s decision.
Q. **School Board Authority**

Nothing contained in this policy statement shall be construed to abrogate the authority vested by law in the Board or to delegate that authority to others.

Any changes to any Administrative Regulation issued pursuant to this Policy, except for minor editorial revisions, shall be approved by the Board. Minor editorial revisions shall be submitted to the Board prior to enactment or implementation but do not require Board approval. The Board shall review the Administrative Regulations issued pursuant to this Policy on a periodic basis to be determined by the Board, which shall be no less frequent than every three years. Because the Board values the input of the District’s students, where practical, high school building administrators shall elicit feedback from their respective student bodies about any revisions to any Administrative Regulation issued pursuant to this Policy, except for minor editorial revisions. Any failure to elicit feedback shall not, however, affect the enforceability of the revision.

R. **School Environment**

The School District intends to provide sound educational programs and services in a school environment that fosters learning. Responsibility for maintaining such a positive learning environment is shared by students, school staff, and parents/guardians.

1. A good school environment is friendly but orderly, with students, school staff, and parents/guardians cooperating to achieve educational goals.

2. A good school environment is free from distractions and disruptions that interfere with the educational efforts of the student, the class and/or the school.

Sources: 24 P.S. 13-1301
History of Revisions:

5/19/14 – Updated Section I. “Freedom of Expression” based on recent case law; revised Section L. “Drug-Free Schools” to prohibit electronic cigarettes and clarify definition of “look-alike” drugs.

6/11/12 - Revised Section L. “Drug-Free Schools” to add the word "generic" to subsection f.

2/17/09 - Changed Section N.6. “Searches and Seizures” to require general searches of lockers when certain conditions met.

7/23/07 – Comprehensive update of Policy and comprehensive formatting changes.

12/19/05 – Relocated language from Section J “Access to School Facilities” to Policy 713. Relocated language from Section M “Search and Seizures” to Policy 236.

1/22/01 – Comprehensive update of Policy