

Lower Merion School District

ADMINISTRATIVE REGULATIONS

No.: 235  
Section: PUPILS  
Title: STUDENT RIGHTS AND RESPONSIBILITIES  
Date Last Revised: 9/12/14; 5/19/14; 11/18/13; 7/23/07

**R235 STUDENT RIGHTS AND RESPONSIBILITIES**

**Regulation Pertaining to Student Discipline**

Definitions

**Bullying**

“*Bullying*” means intentional and repeated hurtful or intimidating words, acts or other behaviors, such as name-calling, threats and/or deliberate ostracism, committed by one or more students against another student.

**Hate Speech**

Speech intended to degrade, intimidate, or incite violence or prejudicial action against a person or group of people based on their race, gender, age, ethnicity, nationality, religion, sexual orientation, disability, language ability, or socioeconomic class.

**Smoking**

“*Smoking*” means all uses of tobacco, including possession of lighted or unlighted cigar, cigarette, pipe or other smoking product or material and smokeless tobacco in any form including electronic smoking products.

“*Electronic Smoking Products*” means electronic products designed to deliver nicotine, flavor and/or other potentially harmful chemicals.

**Staff Member**

“*Staff Member*” means any employee of the school district.

**Suspension**

“*Temporary In-School Suspension*” means that the student is excluded from regular classes but is required to report to a designated location at school.

“*Temporary Suspension*” means exclusion from school by the school administrator for an offense for a period of up to three school days following an Investigatory Hearing (see below).

“*Full Suspension*” means exclusion from school by the school administrator for an offense for a period of up to ten days after an Informal Hearing (see below).

Lower Merion School District

ADMINISTRATIVE REGULATIONS

No.: 235  
Section: PUPILS  
Title: STUDENT RIGHTS AND RESPONSIBILITIES  
Date Last Revised: 9/12/14; 5/19/14; 11/18/13; 7/23/07

**Expulsion**

“*Expulsion*” means exclusion from school by the Board for an offense for a period exceeding ten school days after a Formal Hearing (see below) and may be permanent expulsion from the school rolls.

**Hearings**

“*Investigatory Hearing*” means that the school administrator will investigate the circumstances surrounding the incident for which the student may be temporarily suspended from school, including conferring with members of the staff, other students or other possible witnesses who may have first-hand knowledge of the incident for which the student is being charged. The student will be informed of the specific policy or regulation which has been violated and will be given the opportunity to present reasons why he/she is not guilty of the charge(s) and, therefore, should not be suspended. (Procedures for notifying parents of the decision to suspend a student are specified in “Student Rights and Responsibilities” section of this policy).

“*Informal Hearing*” means that student and parent have been offered the opportunity to meet with the school administrator and have been notified of the time and place for the informal hearing. At the informal hearing, the student and parent shall be notified in writing of the reasons why a full suspension may be imposed and shall be granted the opportunity to cross-examine witnesses, to present their own witnesses, and to speak on their own behalf. A consultant of the student’s choice may be present.

“*Formal Hearing*” means that either a hearing officer or no fewer than three members of the Board will hear the charges and the student’s defense, following written notification by certified mail to student and parent of the charges and the time and place for the hearing. Due process will be observed, including the right to be represented by counsel, the right to cross-examine witnesses, the right to testify and produce witnesses. A record must be kept of the hearing, either by a stenographer or by tape recorder.

Classification of Disciplinary Offenses

Procedures are listed in the probable order of occurrence. Definitions of misbehaviors are contained in Appendix “A.”

**Group One.** Group one includes those actions which interfere with the orderly operation of the classroom or the school. Intervention should be made by an individual staff member. If the misbehavior continues, the staff member may request that disciplinary action be taken by the appropriate administrator.

## Lower Merion School District

### ADMINISTRATIVE REGULATIONS

No.: 235  
Section: PUPILS  
Title: STUDENT RIGHTS AND RESPONSIBILITIES  
Date Last Revised: 9/12/14; 5/19/14; 11/18/13; 7/23/07

#### Types of Misbehavior (examples)

- Abusive language
- Any form of distractive behavior
- Bullying (see Glossary)
- Classroom disturbance
- Classroom tardiness
- Disrespectful speech or action
- Failure to abide by the responsibilities outlined in this policy
- Failure to follow established procedures
- Failure to report to a teacher's detention
- Failure to submit required note
- Horseplay or pushing (no intent to harm)
- Littering
- Unauthorized use of communicated facilities
- Writing in books or on desks

#### Intervention Options

- Behavioral contract
- Parental contact
- Personal conference
- Room detention
- Verbal reprimand
- Withdrawal of privileges within the classroom
- Work detail commensurate with infraction

#### Procedures

1. There shall be intervention by the staff member who is supervising the students and who observes the misbehavior.
2. Repeated misbehavior requires a conference or contact among staff members, student, and parents, perhaps involving administrator or counselor.
3. A record of the offenses and actions should be maintained by the staff member and forwarded to the proper administrator in the event that the problem continues and moves into the Group Two category.

## Lower Merion School District

### ADMINISTRATIVE REGULATIONS

No.: 235  
Section: PUPILS  
Title: STUDENT RIGHTS AND RESPONSIBILITIES  
Date Last Revised: 9/12/14; 5/19/14; 11/18/13; 7/23/07

4. In the event of an injury, parents or guardians of all involved shall be notified. The injured student(s) must be seen by the school nurse or available medical personnel.

#### Cheating and/or Plagiarism

A grade penalty is applied for cheating and/or plagiarism (the appropriation and putting forth as one's own ideas, language, or designs of another).

In addition to the grade penalty, disciplinary options may be applied as appropriate to the particular offense and the school level.

**Group Two.** Group Two includes those offenses whose frequency or seriousness disrupt the orderly operation of the classroom or school. Disciplinary action will be taken by the appropriate administrator.

#### Types of Misbehavior (examples)

- Continuation of unmodified Group One misbehavior
- Cutting class or study hall
- Disruptive behavior at social functions, athletic contests or extra-curricular activities
- Disruptive behavior on school property, the properties bordering the school, on the school bus, or at a bus stop
- Failure to identify oneself correctly
- Fighting
- Harassment of other persons, including sexual harassment or harassment based on race, gender, religion, or disability
- Hate Speech (see Glossary)
- Insubordination
- Leaving school or an assigned area without permission
- Obscene language and/or gestures
- School tardiness
- Throwing objects
- Trespassing
- Truancy
- Using and/or supplying forged notes or illegal excuses
- Vandalism (minor): willful or malicious damage to school property or the property of others

## Lower Merion School District

### ADMINISTRATIVE REGULATIONS

No.: 235  
Section: PUPILS  
Title: STUDENT RIGHTS AND RESPONSIBILITIES  
Date Last Revised: 9/12/14; 5/19/14; 11/18/13; 7/23/07

#### Intervention Options

- Any appropriate disciplinary option from Group One
- Conference with personnel from outside agency
- Parental conference
- Referral to an outside agency
- Schedule adjustment
- School detention
- Social probation (conditional participation in school activities)
- Suspension from student activities
- Temporary in-school suspension (see Glossary)
- Temporary removal from class into custody of school administrator
- Temporary suspension (see Glossary)
- Withdrawal of privileges

#### Procedures

1. The student shall be referred to the administrator for appropriate intervention.
2. The staff member shall submit a written record (including dates) of offenses and interventions.
3. The administrator shall meet with the student and, if appropriate, with the referring staff member, parent or counselor before determining the appropriate response.
4. Parents or guardians shall be notified of the misbehavior and any intervention.
5. The referring staff member shall be informed of the administrator's action.
6. A proper and accurate record of the offense and action, including the race of the student and referring staff member, shall be maintained by the administrator.

In the event of an injury, the parents or guardians of all involved shall be notified. The injured student shall be seen by the school nurse or available medical personnel.

**Group Three.** Group Three includes offenses against persons or property or offenses whose consequences may endanger the health or safety of others in the school. Although serious, these offenses can usually be handled through the intervention procedures of the school. On occasion, these offenses may result in the intervention of law enforcement officers.

## Lower Merion School District

### ADMINISTRATIVE REGULATIONS

No.: 235  
Section: PUPILS  
Title: STUDENT RIGHTS AND RESPONSIBILITIES  
Date Last Revised: 9/12/14; 5/19/14; 11/18/13; 7/23/07

#### Types of Misbehavior

- Continuation of unmodified Group Two misbehavior
- Obscene and/or threatening calls or messages on electronic bulletin boards
- Petty theft
- Possession of firecrackers, smoke bombs, etc.
- Smoking (see Glossary)
- Student to student assault/battery or physical attack (no injury incurred - intent to harm)
- Tampering with fire extinguisher
- Threat to others
- Turning in false alarms
- Use or possession of tobacco in school buildings, on school property, or on school buses, vans or other school vehicles
- Vandalism (major): willful or malicious destruction of school property or the property of others

#### Intervention Options

- Any appropriate intervention from preceding groups
- Full suspension (see Glossary)
- Implementation of Appendix B, Drug Free Schools Regulations
- Implementation of Smoking Policy

#### Procedures

1. The administrator shall begin action by investigating the alleged infraction and conferring with appropriate staff, parents or agencies.
2. In the event of an assault/battery, the victim must be seen by the school nurse or other available medical personnel. Parents of all involved students must be informed.
3. The administrator shall meet with the student and confers with the parents or guardians about the student's misconduct. A proper and accurate record of the offense and disciplinary action shall be maintained by the administrator.
4. There shall be restitution of property and cost of damages, when appropriate.

**Group Four.** Group Four includes acts resulting in violence to another's person or property or posing a direct threat to the safety of others in the school. These acts are clearly criminal and are so serious that they always require administrative action which may result in the immediate

**Lower Merion School District**

**ADMINISTRATIVE REGULATIONS**

No.: 235  
Section: PUPILS  
Title: STUDENT RIGHTS AND RESPONSIBILITIES  
Date Last Revised: 9/12/14; 5/19/14; 11/18/13; 7/23/07

removal of the student from school and/or action by the Board of School Directors. Group Four misbehavior shall be reported to law enforcement officials.

Types of Misbehavior

- Arson
- Assault/battery or physical attack on any staff member
- Student to student assault/battery or physical attack (injury incurred)
- Bomb threat
- Continuation of unmodified Group Three misbehavior
- Extortion
- Furnishing/selling/possession of “drugs”
- Possession/use/transfer of weapons
- Terroristic threats
- Theft/possession/sale of stolen property
- Use of firecrackers, smoke bombs, etc.

Any other criminal acts committed at school or school-related events.

Disciplinary Options

- Any appropriate disciplinary option or response from preceding groups
- Expulsion (see Glossary)
- Other Board action resulting in appropriate placement of the student

Procedures

1. The administrator shall verify the offense, confer with appropriate staff or agency and meet with the student. A complete statement from the person who learned about the offense shall be immediately given to the administrator.
2. Students who have been the victims of an assault/battery must be seen by the school nurse or other available medical personnel.
3. Parents/guardians of all of the students involved shall be notified.
4. Students who have been victims of level four behaviors, when appropriate, should be referred for a mental health evaluation.
5. Law enforcement officials shall be contacted immediately except in cases of tobacco possession and use. This requirement shall also not apply for student use of alcohol if the

**Lower Merion School District**

**ADMINISTRATIVE REGULATIONS**

No.: 235  
Section: PUPILS  
Title: STUDENT RIGHTS AND RESPONSIBILITIES  
Date Last Revised: 9/12/14; 5/19/14; 11/18/13; 7/23/07

Principal or designee determines that the student (1) is cooperative; (2) is not in possession of drugs or alcohol, and (3) the student's parents can be contacted and respond without unreasonable delay in removing the student from the premises.

6. The accused student shall be removed from class and detained in a supervised area. Upon completion of the investigation, the student may leave the school with a parent/guardian, authorized emergency contact, or law enforcement official.
7. A complete and accurate written report shall be submitted to the Superintendent within 24 hours.
8. If appropriate, the Superintendent shall recommend action to the Board of School Directors.
9. The student shall be entitled to a due process hearing before the Board if expulsion is recommended.
10. When pertinent, the provisions of the Public School Code 24 P.S. 13-1317.2 (Possession of Weapons) shall be followed.

Disciplinary Procedures

Building Level

1. Under these district wide guidelines, basic standards of behavior shall be developed and then reviewed annually within each building of the District.
2. Appropriate and consistent action shall be taken not only in the classroom, but throughout the entire building to maintain these standards. Punishment should be adapted to the severity of the infraction with consideration of academic consequences associated with discipline.
3. Building administrators shall be responsible for maintaining such standards building-wide.
4. The individuality of each student and each incident shall be taken into consideration in any disciplinary action.



**Lower Merion School District**

**ADMINISTRATIVE REGULATIONS**

No.: 235  
Section: PUPILS  
Title: STUDENT RIGHTS AND RESPONSIBILITIES  
Date Last Revised: 9/12/14; 5/19/14; 11/18/13; 7/23/07

5. If a student is suspended from school, a building administrator shall contact the parents or guardian by telephone or face-to-face prior to re-admittance of the student.

District Level: Extended suspension or expulsion

1. Recommendation for suspension or expulsion when made to the Superintendent for action shall include:
  - a. A chronology of the incident(s).
  - b. Statement(s) by those involved in crucial incident(s).
  - c. Statement(s) of student status from educators currently involved with student(s).
  - d. A review and recommendation by the principal and Director of Individualized Student Services.
2. As soon as extended suspension or expulsion is considered as a possible course of action, the principal shall consult with the Superintendent and request legal guidance on the matter.
3. The Superintendent or designee shall review such information, including the student's file, and recommend to the Board the setting of a hearing to consider possible expulsion from school.

Rules against Drug, Alcohol and Tobacco Activity by Participants in Interscholastic Athletics and Other Performance Activities

See Appendix C

Protocol for Risk Assessment of Threatening Behaviors

1. Building administrator or designee conducts initial investigation to verify incident and probability of student involvement; Office of Individualized Student Services is notified.
2. Building administrator or designee contacts parent/guardian to review these steps in the protocol:

**Lower Merion School District**

**ADMINISTRATIVE REGULATIONS**

No.: 235  
Section: PUPILS  
Title: STUDENT RIGHTS AND RESPONSIBILITIES  
Date Last Revised: 9/12/14; 5/19/14; 11/18/13; 7/23/07

- a. Student will be suspended out of school pending further investigation and results of mental health assessment conducted by a certified child and adolescent psychiatrist to determine if student poses a threat to self or others and what supports and services may be required to assist student.
  - b. Office of Individualized Student Services or designee will contact family to discuss arrangements for assessment. Signed parent/guardian permission will be required.
  - c. If suspension exceeds three days, family has the right to an informal hearing.
  - d. Police must be notified in the event of a weapons or drug offense.
  - e. Police may be notified at the discretion of building administration such as in situations involving assault resulting in serious bodily injury.
3. Office of Individualized Student Services or designee prepares permission for building administrator to secure parent signature.
  4. Office of Individualized Student Services arranges assessment and contacts parent/guardian and building administrator.
  5. Building administrator prepares summary of incident for Superintendent.
  6. Upon receipt of parental permission, building administrator or designee contacts mental health professional to provide information about the incident and records containing pertinent background information. The administrator or designee makes arrangements with the mental health professional to contact the building administrator or designee immediately following the assessment as to whether the student is safe to return to school.
  7. Following the risk assessment, the mental health professional contacts the building administrator or designee as per previous agreement. The administrator or designee contacts the family.
  8. The mental health professional sends a written report to the Office of Individualized Student Services, which, in turn, disseminates this to the building administrator and to the parent/guardian.

## Lower Merion School District

### ADMINISTRATIVE REGULATIONS

No.: 235  
Section: PUPILS  
Title: STUDENT RIGHTS AND RESPONSIBILITIES  
Date Last Revised: 9/12/14; 5/19/14; 11/18/13; 7/23/07

9. Disciplinary action is determined within the context of the mental health assessment. If student is not considered a threat to self or others, then student returns to school following a term of suspension determined by building administration. Supports and services are determined by appropriate building based team (Student Assistance, IEP, IST).
10. Building and District personnel work with family to discuss and implement recommendations.

#### Suspensions of Students with Disabilities

Typically, students with disabilities and students determined to be handicapped under Chapter 15, may not be suspended beyond ten (10) consecutive school days and fifteen (15) cumulative school days ("the 10/15 day limits") allowed by State Board of Education Regulations, 22 Pa. Code §14.143. The exception to this general rule is where the IEP team determines that the student's conduct was not a manifestation of the student's disability. No later than the day on which the decision to take disciplinary action is made, the district shall notify the parents of the decision and of all procedural safeguards under the IDEA.

When discipline is to be imposed upon a student with disabilities, school personnel have the authority to (1) remove the child from his or her current placement to an appropriate interim alternative educational setting or suspension for a period of not more than the 10/15 day limits to the extent such discipline would be applied to students without disabilities; (2) assign the student to an alternative educational setting for the same period as such discipline would be imposed upon children without disabilities if there has been a determination that the conduct at issue was not a manifestation of the child's disability or (3) assign the student to an interim alternative educational setting for not more than forty-five (45) school days without regard to whether the conduct at issue was a manifestation of the child's disability if the special circumstances for emergency placement described on page 6 apply.

When a student with a disability has committed an act that would result in a suspension from school all regular disciplinary procedures must be followed. If the proposed suspension is longer than 10 school days, or longer than 15 school days when added to prior suspensions in the school year, or involves the exclusion of a student with mental retardation, it is considered a change of educational placement as defined in 22 Pa. Code 14.143. Any recurring, part-day removals may constitute a change of placement just as recurring full day removals of the student from the class constitute a change in placement.

**Lower Merion School District**

**ADMINISTRATIVE REGULATIONS**

No.: 235  
Section: PUPILS  
Title: STUDENT RIGHTS AND RESPONSIBILITIES  
Date Last Revised: 9/12/14; 5/19/14; 11/18/13; 7/23/07

If proposed discipline would result in a change in placement, then in addition to other applicable procedures, within ten (10) school days of any decision to change the placement of a student with a disability, the relevant members of the IEP team must conduct a manifestation determination as set forth below.

Emergency Exclusions for Students with Mental Retardation

The protection afforded students with mental retardation in the Commonwealth concerning suspension is greater than the protection afforded other students with disabilities. For students with mental retardation, any suspension is a change in placement; however, the regulations provide a mechanism for emergency exclusions of students with mental retardation, where necessary.

If a discipline problem with a student with mental retardation is so immediate or severe as to warrant immediate action, the school district via the Director of Special Education with the approval of the Secretary of Education or a designee, may implement an interim change in educational placement, including exclusion from school, as long as notice is provided to the parents and a due process hearing is scheduled as soon as possible. The Secretary approval process is available only for an exclusion of a student with mental retardation for 10 days or less. A school district proposing to exclude a student with mental retardation must first notify the student's parent/guardian in writing requesting approval. If the approval is not given, the parents and/or school district have the right to a due process hearing to determine whether a change in placement is appropriate.

In the event of a weapons incident, the appropriate procedures are followed including police notification, documentation for state reporting and recommendation to the Superintendent by administration for discretionary action if warranted.

IEP/Multidisciplinary Team Consideration

Within 10 school days after the decision to change the placement, the relevant members of the IEP team as determined by the parent(s) and the Administration, must consider whether the student's behavior is attributable to the student's disability. In making this determination (hereafter called the manifestation determination), the IEP team must review all relevant information in the student's file, including the IEP, any teacher observations and any relevant information provided by the parents to determine: (a) whether the conduct in question was caused by or had a direct and substantial relationship to the student's disability and (b) whether if the conduct in question was the direct result of the district's failure to implement the IEP. If the team determines that the answer to either of these questions is "yes", then the conduct shall be deemed a manifestation of the student's disability.

**Lower Merion School District**

**ADMINISTRATIVE REGULATIONS**

No.: 235  
Section: PUPILS  
Title: STUDENT RIGHTS AND RESPONSIBILITIES  
Date Last Revised: 9/12/14; 5/19/14; 11/18/13; 7/23/07

Conduct Deemed a Manifestation of Disability

If the conduct is deemed a manifestation, then the IEP team must (a) conduct a functional behavioral assessment of the student unless such an assessment was previously conducted and develop and implement a behavior intervention plan, unless such a plan has already been developed; or (b) if a behavior intervention plan was previously developed, then the IEP team must review the plan and modify it as necessary to address the behavior.

The behavioral intervention plan will provide the vehicle in the determination of what constitutes a change in educational placement for each student's program. If the IEP team has included certain school responses to student behavior in the behavior intervention plan, the application of the agreed upon procedures will not constitute a change in educational placement.

Additionally, if the conduct is deemed a manifestation of the student's disability, then the student must be returned to placement from which the student was removed unless (a) the parent(s) and the district agree to a change in placement as part of a behavioral intervention plan or (b) the special circumstances for emergency placements set forth on page 6 apply. If the conduct in question involved any of these special circumstances, then the district may assign the student to an alternative educational setting for not more than forty-five (45) school days, regardless of whether the conduct was a manifestation of the student's disability.

If the conduct is deemed a manifestation, but the district believes that maintaining the current placement is substantially likely to result in injury to the child or others, then the district may request an expedited due process hearing which must be scheduled within 20 school days of the request. The student must remain in the current placement pending the hearing officer's decision, unless the district and the parent(s) agree to an alternative placement.

Conduct Not A Manifestation of Disability

If the conduct is not deemed a manifestation of the student's disability, then the district may proceed with the disciplinary measures applicable to students without disabilities in the same manner and for the same duration as they would apply to students without disabilities. The district is still required to provide a free appropriate public education to the student, but it may provide the education in an alternative setting. If a hearing before the School Board is necessary, then the School Board must receive the complete special education and disciplinary record of the child.

**Lower Merion School District**

**ADMINISTRATIVE REGULATIONS**

No.: 235  
Section: PUPILS  
Title: STUDENT RIGHTS AND RESPONSIBILITIES  
Date Last Revised: 9/12/14; 5/19/14; 11/18/13; 7/23/07

If the parents disagree with determination that the behavior was not a manifestation of the student’s disability, then the parents have the right to an expedited hearing to challenge the determination. During the appeal, the student must remain in the interim alternative educational setting until the disposition of the appeal or until the expiration of the period of exclusion, whichever occurs first, unless the district and the parent agree otherwise.

If the conduct is not deemed a manifestation, then the district must, as appropriate, provide a functional behavioral assessment, behavior intervention services and modifications that are designed to address the behavior violation so that it does not recur.

Special Circumstances for Emergency Placements

The Administration can remove a student with disabilities to an interim alternative educational setting for a period of forty-five days regardless of whether the conduct in question was a manifestation of the student’s disability under the following circumstances:

Weapons

A student with a disability who carries or possesses a dangerous weapon to or at school, on school premises or to or at a school function can be placed in an interim alternative educational setting for a maximum of 45 calendar days (the IEP team determines the setting and the student returns to regular education on the 46th day unless a mutually agreed upon new placement has been identified). Procedures described above related to the manifestation determination and development of a functional behavioral assessment and implementation or modification of a behavioral intervention plan still apply.

Controlled Substances

A student with a disability who knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises or at a school function can be placed in an interim alternative educational setting for a maximum of 45 calendar days (the IEP team determines the setting and the student returns to regular education on the 46th day unless a mutually agreed upon new placement has been identified). The term “illegal drug” means a controlled substance but does not include a substance that is legally possessed or used under the supervision of a licensed health-care professional. This does not include a legally-prescribed drug. A “controlled substance” is a substance as defined in the Controlled Substances Act (21 U.S.C. § 812(c).) Procedures described above related to the manifestation determination and development of a functional behavioral assessment and implementation or modification of a behavioral intervention plan still apply.

## Lower Merion School District

### ADMINISTRATIVE REGULATIONS

No.: 235  
Section: PUPILS  
Title: STUDENT RIGHTS AND RESPONSIBILITIES  
Date Last Revised: 9/12/14; 5/19/14; 11/18/13; 7/23/07

#### Serious Bodily Injury

A student with a disability who has inflicted serious bodily injury upon another person while at school, on school premises or at a school function can be placed in an interim alternative educational setting for a maximum of 45 calendar days (the IEP team determines the setting and the student returns to regular education on the 46th day unless a mutually agreed upon new placement has been identified). Serious bodily injury is defined as “bodily injury which involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.” Procedures described above related to the manifestation determination and development of a functional behavioral assessment and implementation or modification of a behavioral intervention plan still apply.

For any of these special circumstances for emergency placements, if a student’s conduct is deemed not to be a manifestation of the student’s disability, then the district can impose discipline beyond the 45 school days to the extent and for the duration that it would impose such discipline on students without disabilities. If the district proposes such a placement beyond the 45 school day alternative placement, then the district must offer a School Board hearing as it would for students without disabilities.

#### Procedures for Suspensions of Students with Disabilities

For suspensions of 1 to 3 school days and 4 to 10 school days for all students with disabilities, except those who have mental retardation, follow procedures used for regular education students set forth above. In addition the principal should notify the appropriate special education supervisor of the suspension and the readmission date.

For special education students who are being suspended for periods of time longer than 10 consecutive school days or more than 15 cumulative school days (i.e., student commits a serious violation of school rules) the following procedures apply:

1. Prior to the student actually serving any suspension in excess of ten consecutive or fifteen cumulative school days, the relevant members of the IEP team must conduct a manifestation determination.
2. If the IEP team determines the conduct was a manifestation of the student's disability, then the IEP Team must conduct a functional behavioral assessment, unless one was already conducted and develop/modify a behavior intervention plan. Additionally, the student may not be suspended in excess of the 10/15 school day limits unless the special circumstances for emergency placement set forth on pages 9-10 apply (dangerous

## Lower Merion School District

### ADMINISTRATIVE REGULATIONS

No.: 235  
Section: PUPILS  
Title: STUDENT RIGHTS AND RESPONSIBILITIES  
Date Last Revised: 9/12/14; 5/19/14; 11/18/13; 7/23/07

weapon, illegal drugs/controlled substance, inflicted serious bodily injury on another). If special circumstances do not apply and district believes that maintaining the current placement is substantially likely to result in injury to the student or others, then the district can request an expedited due process hearing.

3. If the IEP team determines the conduct was not a manifestation of the student's disability, then the student may be suspended in excess of the 10/15 school day limits. The decision of the Team need not be unanimous and can be made over the parents' objections subject to the parents' right to contest the determination.
4. If the conduct is deemed not a manifestation, then the district issues a NOREP with a copy of the Parents' Rights letter indicating the alternative educational placement as the placement and (under "Reasons for the Recommendations") indicating that the IEP team determined that the conduct was not a manifestation of the student's disability.
5. If the student's parents do not reject the NOREP or otherwise request a hearing, the suspension or expulsion and alternative placement may be implemented as if the student were in regular education. If the suspension is in excess of ten consecutive school days, the district must offer a hearing before the Board of School Directors in the same manner as it would for any regular education student. This hearing may be waived by parental consent. If the conduct involved special circumstances for emergency placement, then a School Board hearing would only be necessary if and to the extent that the alternative placement would exceed 45 school days.
6. If parents reject the NOREP, then the student can be assigned to the interim alternative educational placement and an expedited due process hearing on the manifestation determination must take place within 20 school days of the date of the request and must result in a determination within ten school days after the hearing. If the removal exceeds 10 school days, and the conduct involved does not involve the special circumstances for emergency placements, then a hearing before the Board of School Directors must be offered as it would be for students without disabilities. If the conduct involved the special circumstances for emergency placement, then the School Board hearing would only be necessary if and to the extent that the alternative placement would exceed 45 school days.
7. If the district prevails in the due process proceedings, then it can continue to implement the alternative placement for the duration of the exclusion as if the student were in regular education (subject to the Board hearing requirement, if applicable).



**Lower Merion School District**

**ADMINISTRATIVE REGULATIONS**

No.: 235  
Section: PUPILS  
Title: STUDENT RIGHTS AND RESPONSIBILITIES  
Date Last Revised: 9/12/14; 5/19/14; 11/18/13; 7/23/07

Suspension of a Student Who Has NOT Been Determined to be Eligible for Special Education

1. The school may expel the child for more than ten school days to the same extent that it would expel a nondisabled child for the same offense, provided, however, that
  - a. the school did not have knowledge that the child was a child with a disability before the violation occurred; and
  - b. if an evaluation is requested after the violation occurs, the school conducts the evaluation in an “expedited manner”.

The school will be deemed to have knowledge of a disability if, prior to the violation,

- A. the parent expressed a concern, in writing, to supervisory or administrative personnel or a teacher of the child that the child requires special education and related services; or
- B. the teacher of a child has expressed specific concerns about a pattern of behavior demonstrated by the child directly to the Director of Special Education or other supervisory personnel; or
- C. the parent has requested an evaluation.

The school will not be deemed to have knowledge of a disability if:

- A. the parent of the child has not allowed an evaluation; or
- B. the parent of the child has refused services; or
- C. the child has been evaluated and it was determined that the child was not a child with a disability under the IDEA.

**Lower Merion School District**

**ADMINISTRATIVE REGULATIONS**

No.: 235  
Section: PUPILS  
Title: STUDENT RIGHTS AND RESPONSIBILITIES  
Date Last Revised: 9/12/14; 5/19/14; 11/18/13; 7/23/07

**Regulations Pertaining to Freedom of Expression**

1. Bulletin Boards

- a. School authorities may restrict the use of certain bulletin boards to school announcements. Bulletin board space shall be provided for the use of students and student organizations.
- b. The following general limitations on posting apply:
  - i. Material which is obscene according to current legal definitions, which is libelous, or which inflames or incites students so as to create a clear and present danger of the commission of unlawful acts or of physical disruption of the orderly operation of the school is prohibited.
  - ii. Identification on any posted notice of the student or student group, including the name of at least one person of the group posting such notice, is required.
  - iii. Notices or other communications shall be dated by a school official before posting, and such material shall be removed after the prescribed reasonable time to assure full access to the bulletin boards.

2. School Newspapers and Publications

- a. Students have the right and the freedom to report the news and to editorialize and are limited only by their responsibility to observe the rules and standards of responsible journalism and to refrain from libel and obscenity and substantial disruption or material interference with school activities.
- b. In the publication of student run newspapers and other publications within the school program, school officials shall limit their editorial supervision to the educational function of stimulating high qualities and high standards of responsible journalism and, if necessary, to the editing and the removal of obscene and libelous material as well as of material that would cause a substantial disruption or material interference with school activities.
- c. The above is subject to the following:

## Lower Merion School District

### ADMINISTRATIVE REGULATIONS

No.: 235  
Section: PUPILS  
Title: STUDENT RIGHTS AND RESPONSIBILITIES  
Date Last Revised: 9/12/14; 5/19/14; 11/18/13; 7/23/07

- i. School officials may not censor or restrict material simply because it is critical of the school or its administration.
  - ii. Rules of the school for prior submission for review of obscene, libelous material; and material advocating illegal actions should be reasonable and not calculated to delay distribution.
  - iii. If prior approval procedures are established, they should identify to whom the material is to be submitted, the criteria by which the material is to be evaluated, and a limitation on the time within which a decision must be made. If the prescribed time for approval elapses without a decision, the literature shall be considered as authorized for distribution.
- d. Students who are not members of the newspaper staff and other members of the school community shall have access to the pages of the newspaper. The criteria for submission of material by non-staff members shall be published and distributed to all students.
- e. Student staff members shall be held responsible for materials which are libelous or obscene or which substantially interfere with or disrupt school activities and such publications may be prohibited.

#### 3. Unofficial Publications

The constitutional right of freedom of speech guarantees the freedom of public school students to publish on their own materials other than those sanctioned by the school. The school has no responsibility to assist students or to provide facilities in the publishing of such materials nor may the school be held responsible for any statements published in them. The newspaper staff members themselves have sole responsibility for any statements published. Unofficial publications have moral and legal obligations to observe the rules of responsible journalism.

- a. School authorities may prohibit the distribution or dissemination of student-originated material on school grounds only when such material is likely to or does materially and substantially interrupt the educational process or intrude upon the rights of others.
- b. Students have the right to distribute leaflets, newspapers and other printed materials adjacent to school property without any restriction by school authorities. Students

## Lower Merion School District

### ADMINISTRATIVE REGULATIONS

No.: 235  
Section: PUPILS  
Title: STUDENT RIGHTS AND RESPONSIBILITIES  
Date Last Revised: 9/12/14; 5/19/14; 11/18/13; 7/23/07

have the right to distribute leaflets, newspapers and other printed material on school property in accordance with the following regulations:

- i. All printed material shall be submitted to the principal for approval prior to distribution in the school.
  - ii. Distribution shall be approved unless the principal determines that such distribution is likely to result in substantial disruption or material interference with school activities. Approval by the principal must be granted or denied within a reasonable time.
  - iii. Students shall be protected from threats or any other infringement by others in exercising the right to distribute printed materials in a peaceful and lawful manner and in accordance with this regulation. Other students shall also be protected from coercion in responding to the exercise of these rights.
- c. The time for distribution of printed material shall be limited to periods before school begins, after dismissal, during lunch time, and at such other times when the principal may determine such distribution would not materially or substantially interfere with the operation of the school. The manner in which printed materials are distributed shall be restricted to prevent undue levels of noise. The place for distribution of printed material shall be restricted by the principal to permit the normal flow of traffic within the school and at exterior doors. Students engaged in distributing printed material shall be responsible for the clean-up of litter immediately and directly resulting from their activities.
- d. All printed matter and petitions distributed on school property shall bear the name of sponsoring organization and the name of one individual of such organization.

#### 4. Buttons and Badges

The wearing of buttons, badges, or armbands bearing slogans and sayings shall be permitted as another form of expression, unless the message thereof is comprised of material which is obscene according to current legal definitions, which is libelous, or which inflames or incites students so as to create a clear and present danger of the commission of unlawful acts or of physical disruption of the orderly operation of the school. No teacher or administrator shall attempt to interfere with this practice on the ground that the message may be unpopular with the students or faculty.

## APPENDIX A

### Lower Merion School District Offense Codes

Code	Description	Group	Definitions
AL	Abusive Language	1	To wrong in speech, reproach coarsely, disparage, revile and malign
BU	Bullying	1	Intentional and repeated hurtful or intimidating
CD	Classroom Disturbance	1	Conduct that interrupts or interferes with classroom order and/or progress
CP	Cheating and/or Plagiarism	1	The appropriation and putting forth as one's own ideas, language, or designs of another
CT	Classroom Tardiness	1	Late in arriving to scheduled classroom
DB	Any Form of Distractive Behavior	1	Any behavior that inappropriately draws or diverts attention
DS	Disrespectful Speech or Action	1	Lack of respect; discourtesy, rudeness
FA	Failure to Abide by the Responsibilities Outlined in Student Rights & Responsibilities	1	Not following responsibilities as outlined in School Board Policy #235
FN	Failure to Submit Required Note	1	Not providing parental note by the time specified by school staff members
FP	Failure to Follow Established Procedures	1	Not following building rules and procedures or classroom rules and procedures
FR	Failure to Report to Detention	1	Not attending detention for the entire duration as assigned
LI	Littering	1	Dumping, throwing, placing or leaving objects of any kind which tend to pollute, clutter or dirty school property
UC	Unauthorized Use of Communication Facilities	1	Using any communication device without permission or during unauthorized time including, but not limited to, the telephone, computers and paging devices
WB	Writing in Books or on Desks	1	Unnecessary, inappropriate & intentional marking of a desk or school books
CC	Cutting Class or Study Hall	2	Unless with permission to the contrary, not reporting to or remaining for the duration of an assigned class or study hall
DE	Disruptive Behavior on School Property, the Properties Bordering the School, on the School Bus, or at Bus Stop	2	To cause disorder or commotion at places or during times so noted in the <b>Description</b>
DP	Disruptive Behavior at Social Functions, Athletic Events or Extracurricular Activities	2	To cause disorder or commotion at places or during times so noted in the <b>Description</b>
FG	Fighting	2	Two or more students willfully engaging in a physical confrontation with the intent to cause harm
FI	Failure to Identify Oneself Correctly	2	Refusing to identify oneself or providing a false identity
HA	Harassment of Other Persons	2	Words, gestures & actions which annoy, alarm or abuse (verbally) another person
HP	Horseplay/Pushing/Wrestling (no intent to harm)	2	Rough or boisterous physical play or pranks where there is no intent to harm
IN	Insubordination	2	Disobedience to staff member directives/instructions (willful & intentional disregard)
LS	Leaving School or an Assigned Area Without Permission	2	Not remaining in school or within the area scheduled for the duration of the time assigned

## APPENDIX A

### Lower Merion School District Offense Codes

Code	Description	Group	Definitions
LY	Lying	2	Deliberately communicating false information
OL	Obscene Language, Gestures, Writing and/or Graphics	2	That which is objectionable or offensive to accepted standards of decency
ST	School Tardiness	2	Late in arriving to school
TB	Possession of Tobacco	2	Domain or control over tobacco
TS	Trespassing	2	Unauthorized or direct breach of school boundaries
TU	Truancy	2	Illegal absence from school as defined by State Law & School Board Policy
UA	In an Unauthorized Area	2	Being in an area of the school building or school property where students are not permitted
US	Forgery	2	Using and/or supplying forged notes or illegal excuses
VA	Vandalism (minor)	2	Willful or malicious damage to school property or to the property of others
AS	Student on Student Assault/Battery or Physical Attack	3	Any willful attempt or threat from one individual to inflict injury or the unlawful application of force on another individual (no injury incurred-intent to harm)
FF	False Fire Alarms	3	Falsely reporting a fire or setting off a fire alarm
GB	Gambling	3	The dealing, operating or conducting for pay of any game
HZ	Hazing	3	To subject to abusive or humiliating tricks & ridicule. To harass with unnecessary or disagreeable tasks
OC	Obscene and/or Threatening Calls or Messages on Electronic Bulletin Boards	3	Those communications that are objectionable or offensive to accepted standards of decency
PS	Possession Fireworks	3	Domain or control over firecrackers, smoke bombs or other combustible items
PT	Petty Theft	3	The wrongful taking of property, without consent, valued below \$100 (no force or weapon)
SC	Sexual Misconduct	3	Inappropriate sexual behavior on school property or at school sponsored functions
SM	Use of Tobacco or Tobacco Products	3	Smoking, chewing, or otherwise using tobacco or tobacco products
TF	Tampering with Extinguishers or other Emergency Equipment	3	Unnecessarily touching, altering, damaging, or misusing fire extinguishers or other equipment used in emergency situations
TR	Threatening Another Student	3	A communicated intent to inflict physical or other harm
VM	Vandalism (major)	3	Willful or malicious destruction of school property or the property of others
AB	Assault/Battery or Physical Attack on Any Staff Member	4	Any willful attempt or threat to inflict injury, or the unlawful application of force
AI	Student to Student Assault/Battery or Physical Attack (injury incurred)	4	Any willful attempt or threat from one individual to inflict injury or the unlawful application of force on another individual where an injury has been incurred
AR	Arson	4	Starting a fire or causing an explosion with the purpose of destroying property and/or structures
BT	Bomb Threat	4	A communicated intent to deliver an explosive device
DC	Disorderly Conduct	4	Any behavior which tends to disturb the peace, or an offense against public morale, peace or safety

**APPENDIX A**

**Lower Merion School District  
Offense Codes**

<b>Code</b>	<b>Description</b>	<b>Group</b>	<b>Definitions</b>
DK	Possession, Use or Sale of Alcohol	4	Domain or control over alcohol, the ingestion of alcohol, the act of giving or selling alcohol
DM	Demonstrations	4	An unsanctioned gathering of persons on school grounds or at school sponsored functions
EI	Ethnic Intimidation	4	The unlawful coercion, extortion or other attempts to put an individual in fear of bodily harm because of that individuals ethnicity
EX	Extortion	4	To obtain money or other valuable property by compulsion, actual force or by force of motives applied to the will
FC	Use of Fireworks	4	The ignition of firecrackers, smoke bombs or other combustible items
FS	Furnishing or Sale of Drugs or Controlled Substances	4	The distribution of drugs (Drug Policy)
HO	Homicide	4	The killing of a human being
IT	Intimidation	4	To make timid; fill with fear; to force into or deter from some action by inducing fear
KN	Kidnapping	4	The forcible abduction or carrying away of a person, or detaining a person against his/her will for an extended period of time without good cause
MH	A) Malicious Harassment  B) Racial Intimidation  C) Hate Crimes	4	A) Acting with wicked/mischievous intentions or motives (e.g., words, gestures, actions) which cause injury to another person B) The unlawful coercion, extortion or other attempts to put an individual in fear of bodily harm because of that individual's race C) An act which is in violation of penal law perpetrated on another person solely because of his or her race/ethnicity
OO	Other Offense	4	To be defined by the individual recording the offense
PF	Possession or Transfer of a Firearm	4	Domain or control over a firearm or the act of giving/selling a firearm
PK	Possession or Transfer of Knife	4	Domain or control over a knife or the act of giving/selling a knife
PU	Possession or Use of Drugs	4	Domain or control over drugs, or ingestion/inhalation of drugs (Drug Policy)
PW	Possession or Transfer of Other Weapon	4	Domain or control over an instrument used or designed to be used in injuring another person or the act of giving/selling such instrument
RE	Reckless Endangering	4	An act or failure to act indifferent to the danger to life and safety of others (w/o intent to harm)
RO	Robbery	4	The act of taking money, property or other article of value by means of force and/or with a weapon
SH	Sexual Harassment	4	See School Board Policy
SO	Sexual Offenses	4	The unwanted sexual contact from one onto another
SP	Theft/Possession/Sale of Stolen Property	4	The wrongful taking of property valued over \$100, control of stolen property, distribution or the intent to distribute stolen property (no force or weapon)
TH	Threatening School Officials/Staff	4	A communicated intent to inflict physical or other harm on school district employees

**APPENDIX A**

**Lower Merion School District  
Offense Codes**

<b>Code</b>	<b>Description</b>	<b>Group</b>	<b>Definitions</b>
TT	Terroristic Threats	4	Any threat to commit violence communicated with intent to terrorize. To cause the evacuation of a building or other facility



## APPENDIX B

### Administrative Regulations: 235 Drug-Free Schools

SITUATIONAL CATEGORY	IMMEDIATE ACTION	INVESTIGATION	NOTIFICATION OF PARENTS	NOTIFICATION OF POLICE	DISPOSITION OF SUBSTANCE	DISPOSITION/ REHABILITATION
1) The possible use of drugs, or mood altering substances, by a student is indicated, but there is no evidence of a violation of school regulation.	The student is informed of available help and encouraged to seek assistance.	Referral to START	Notification of behavior and/or performance indicators, if warranted.	Not Applicable	Not Applicable	An intervention conference will be held if the START Team feels it is indicated by the data.
2) The student has a drug, mood altering substance or alcohol related medical emergency.	Standard health and first-aid procedures will be followed. The nurse will be summoned immediately. The student will be taken to a medical facility. Call to Superintendent.	The principal will investigate the incident. A search may be conducted in accordance with district policy.	Notification of the incident in the case of a health problem or medical emergency. Immediate call to parents. Immediate parental conference.	Only in cases where the safety of the emergency victim or school population is at risk.	Analysis will be made if substance is available. This may include medical analysis of body fluids.	Referral to the START system. If there is evidence of further violation, see appropriate situational category.
3) A student is found to be in possession of drug related paraphernalia.	The principal is summoned. Paraphernalia is confiscated. Staff member writes an anecdotal report of the incident. Call to Superintendent.	The principal will investigate the incident. A search may be conducted in accordance with district policy.	Yes, immediate parental conference.	Yes, if evidence warrants.	Confiscated for analysis, if warranted.	Referral to START system. If further evidence, see appropriate situational category.
4) A student is found to be in possession, use, or under the influence of alcohol or other drugs when attending a school sponsored function. Refer to #2, if appropriate.	The chaperone will contact the group advisor or administrator. An anecdotal report of the incident will be written and submitted to the principal. Call to Superintendent.	The principal will investigate the incident. A search may be conducted in accordance with district policy.	Yes, immediate parental conference.	Yes, as soon as possible.	Analysis will be made for possible further proceedings.	Referral to START system. The student will be sent home immediately at parental expense or detained until a parent can accompany the student. Further discipline as provided by the appropriate situational category will be administered following investigation.

## APPENDIX B

### Administrative Regulations: 235 Drug-Free Schools

SITUATIONAL CATEGORY	IMMEDIATE ACTION	INVESTIGATION	NOTIFICATION OF PARENTS	NOTIFICATION OF POLICE	DISPOSITION OF SUBSTANCE	DISPOSITION/ REHABILITATION
5) A student possesses, uses, or is under the influence of drugs, mood altering substances or alcohol. <i>First Offense.</i>	Principal is summoned. Staff member writes an anecdotal report of the incident. Call to Superintendent.	The principal will investigate the incident. A search may be conducted in accordance with district policy.	Yes, immediate parental conference.	Yes, as soon as possible.	Analysis will be made for possible use in further proceedings.	Referral to START system. Suspension out-of-school for 3-10 days. Required assessment by a licensed drug and alcohol facility. Required attendance in a student counseling program and compliance with recommendations of licensed drug and alcohol facility.
6) A student is found to be in possession, use or under the influence of alcohol or other drugs. <i>Second or Subsequent Offense.</i>	The principal is summoned. Staff member writes an anecdotal report. Call to Superintendent.	The principal will investigate the incident. A search may be conducted in accordance with district policy.	Yes, requested to come to principal's office immediately.	Yes, as soon as possible.	Analysis will be made for use in further proceedings.	Referral to START system. Informal hearing with 10-day out-of-school suspension. Return to school contingent on assessment by a licensed drug and alcohol facility and compliance with recommendations.
7) A student is found to be distributing a drug or mood altering substance or alcohol.	Principal is notified. Staff member writes an anecdotal report. Call to Superintendent.	The principal will investigate the incident. A search may be conducted in accordance with district policy.	Yes, requested to come to principal's office immediately.	Yes, as soon as possible.	Analysis will be made for use in further proceedings.	Referral to START system. Informal hearing with 10-day out-of-school suspension. Formal hearing for expulsion from school. Conditions for return are assessment by a licensed facility and compliance with those recommendations.

## APPENDIX B

### Administrative Regulations: 235 Drug-Free Schools

#### Tobacco Products

SITUATIONAL CATEGORY	IMMEDIATE ACTION	INVESTIGATION	NOTIFICATION OF PARENTS	NOTIFICATION OF POLICE	DISPOSITION OF SUBSTANCE	DISPOSITION/ REHABILITATION
8) A student is found to be in possession of or using tobacco products. <i>First Offense</i>	Principal is notified. Staff member writes an anecdotal report.	As needed.	Yes, by letter.	Not Applicable	Not Applicable	Referral to smoking cessation program. Mandatory civil fine up to fifty dollars (\$50) and court costs, or adjudication alternative in lieu of fine.
9) A student is found to be in possession of or using tobacco products. <i>Second Offense or Subsequent Offense</i>	Principal is notified. Staff member writes an anecdotal report.	As needed.	Yes, by letter.	Not Applicable	Not Applicable	Referral to smoking cessation program. Mandatory civil fine up to fifty dollars (\$50) and court costs, or adjudication alternative in lieu of fine. Three (3) day suspension.
10) Student self-referral	Principal notified as soon as possible. Student is informed of services that are available.	As needed. Limited to staff member, although principal, counselor and nurse may be asked to assist.	Yes, with student's permission.	When safety of school population is threatened.	Not Applicable	Referral to START system.

## APPENDIX B

### Administrative Regulations: 235 Drug-Free Schools

#### Anabolic Steroids

SITUATIONAL CATEGORY	IMMEDIATE ACTION	INVESTIGATION	NOTIFICATION OF PARENTS	NOTIFICATION OF POLICE	DISPOSITION OF SUBSTANCE	DISPOSITION/ REHABILITATION
11) A student possesses or uses anabolic steroids. <i>First Offense</i>	Principal is summoned. Staff member writes an anecdotal report of the incident. Call to Superintendent.	The principal will investigate the incident. A search may be conducted in accordance with district policy.	Yes, immediate parental conference.	Yes, as soon as possible.	Analysis will be made for possible use in further proceedings.	Referral to START system. Suspension from school athletics for the remainder of the season. Required assessment by a licensed drug and alcohol facility. Required attendance in a student counseling program and compliance with recommendations of licensed drug and alcohol facility.
12) A student possesses or uses anabolic steroids. <i>Second Offense</i>	Principal is summoned. Staff member writes an anecdotal report of the incident. Call to Superintendent.	The principal will investigate the incident. A search may be conducted in accordance with district policy.	Yes, immediate parental conference.	Yes, as soon as possible.	Analysis will be made for possible use in further proceedings.	Referral to START system. Suspension from school athletics for the remainder of the season and for the following season. Required assessment by a licensed drug and alcohol facility. Required attendance in a student counseling program and compliance with recommendations of licensed drug and alcohol facility.
13) A student possesses or uses anabolic steroids. <i>Third Offense</i>	Principal is summoned. Staff member writes an anecdotal report of the incident. Call to Superintendent.	The principal will investigate the incident. A search may be conducted in accordance with district policy.	Yes, immediate parental conference.	Yes, as soon as possible.	Analysis will be made for possible use in further proceedings.	Referral to START system. Permanent suspension from school athletics. Required assessment by a licensed drug and alcohol facility. Required attendance in a student counseling program and compliance with recommendations of licensed drug and alcohol facility.

## APPENDIX C

# LOWER MERION SCHOOL DISTRICT'S RULES AGAINST DRUG, ALCOHOL AND TOBACCO ACTIVITY BY PARTICIPANTS IN INTERSCHOLASTIC ATHLETICS AND OTHER PERFORMANCE ACTIVITIES

## I. PURPOSE

Because of the inherently harmful nature of drugs, alcohol and tobacco, the District strictly prohibits their use in school and in connection with school-related activities. Use of drugs, alcohol and tobacco by participants in interscholastic athletics and other performance activities increases risk of injury and adverse health consequences and also adversely affects performance of the individual which, in turn, undermines the performance of the team and other program participants. Therefore, Lower Merion School District establishes these rules (Rules") regarding the possession, use and distribution of drugs, alcohol and tobacco to supplement the existing Codes of Student Conduct with respect to students who participate in interscholastic athletics and other activities in which Lower Merion School District students publicly compete or perform ("Performance Activities"). A complete listing of interscholastic athletics and Performance Activities is attached to these Rules as Appendix "A". Any discipline imposed by these Rules is in addition to the discipline imposed by the Code of Student Conduct applicable to all students.

## II. DEFINITIONS

### A. DEFINITION OF IMPROPER DRUG AND ALCHOL ACTIVITY

The possession, use and/or distribution of alcohol or other illegal drugs or substances is contrary to the training goals of all interscholastic activities and performance activities in Lower Merion School District. The use of alcohol or other illegal drugs or substance at on District property, at a District-sponsored event, on a District vehicle or otherwise in route to or from school will not be tolerated. The District provides assistance to those students who recognize they have a problem with the use of illegal drugs and/or alcohol. The Board of School Directors, the administration and the faculty strongly encourage students to seek help for problems of drug and alcohol abuse.

Please note that the penalties refer to any possession, use, or distribution of alcohol and/or other illegal drugs or substances including:

1. anabolic steroids or any performance enhancing substances not specifically pre-approved by the athletic office,
2. drinking of alcoholic beverages,
3. using illegal substances, or
4. being in possession of alcohol or illegal drugs.

"Distribution" means selling, dispensing or otherwise facilitating the sale or dispensing of substances prohibited by these Rules.

## **APPENDIX C**

We expect our students to do the right thing. Participants in interscholastic athletic activities and performance activities are expected not to indulge in the consumption, possession, or distribution of alcohol or any illegal drug or substance. They are further expected not to attend at any affair or activity on District property, at a District-sponsored event, on a District vehicle or otherwise in route to or from school in which alcohol or drugs are being used illegally or even presented with the possible intent of illegal use. We expect our students to leave such affairs and activities immediately. Failure to make every reasonable effort to leave such an activity will typically result in disciplinary action under these Rules and may be cause for the student to be reported to the police.

### **B. DEFINITION OF TOBACCO USE**

For purposes of these Rules, tobacco use shall be defined as use and/or possession of a lighted or unlighted cigarette, cigar and/or pipe; other lighted smoking product; and smokeless tobacco in any form. The use of tobacco on District property, at a District-sponsored event, on a District vehicle or otherwise in route to or from school will not be tolerated. The District provides assistance to those students who recognize they have a problem with the use of tobacco. The Board of School Directors, the administration and the faculty strongly encourage students to seek help for tobacco use.

### **C. DEFINITION OF SEASON**

The "season" for interscholastic activities starts with the first day of practice or participation following the final tryout and ends with the last contest, meeting or practice, whichever is the latest date. The "season" for other performance activities starts with the first competition date and ends with the final competition date. When a participant is suspended for the number of weeks indicated in these Rules, the participant may not participate in the activity until the suspension is completed. For interscholastic activities, at the discretion of the coach/faculty adviser, the student may still report to practice, but may not dress for games, may not be in or around the bench area, may not travel, or in any way take part in contests or scrimmages for the duration of the suspension. Suspensions are only for one sport or performance activity unless the offense occurs in-season for more than one activity in which case the suspension will be for all in-season activities.

### **D. DEFINITION OF "STUDENT ASSISTANCE PROGRAMS"**

Student Assistance Programs are available to assist with the social and emotional needs of all students. These confidential programs are activated on a referral basis and is intended to help students access school and outside programs equipped to handle student problems.

## **III. INVESTIGATION**

Whenever a report of improper drug, alcohol or tobacco activity by a student member of an interscholastic athletic team or performance activity governed by this regulation comes to the attention of any member of the Lower Merion School District, it shall be reported to the Athletic Director (interscholastic athletic activities only) and/or an Assistant Principal. Such

## APPENDIX C

reports will be investigated and verified by the Athletic Director and/or Assistant Principal who will be responsible for notifying the student's parent or parents in a timely manner. Every effort will be made to verify the truthfulness of each report, and the investigation shall be done in a timely manner. The coach or faculty adviser ("coach/faculty adviser") of the activity shall be informed. After proper verification, the Athletic Director and/or Assistant Principal will make a final presentation of all evidence to the Principal. The decision of the Principal will be the final determination of whether a violation occurred. The Athletic Director and/or Assistant Principal shall notify the parent and the coach/faculty adviser of the action taken. The coach/faculty adviser of the activity will meet with the student involved. The appropriate discipline will be administered immediately.

### IV. PENALTIES FOR USE OF DRUGS AND ALCOHOL

Students who seek the help of the district's student assistance team prior to an incident leading to the District's awareness that a problem may exist may be suspended from participation in interscholastic activities and performance activities in order to participate in a therapeutic intervention program. These students seeking treatment may return to team or activity participation upon the recommendation of the drug and alcohol counselor that the student is no longer actively using illegal substances and poses no risk to other team members. Such students who seek help on their own will not be subject to the other penalties under these Rules other than described above.

All students who are subject to the penalties set forth below must be assessed through the Student Assistance Program and must follow through with the Student Assistance Program recommendations in order to be reinstated to the sport or performance activity.

Any student caught violating this policy out-of-season (the remainder of the year that is not in-season) will be put on probation for the upcoming season. If the student violates the probation, the consequence will move to a second offense.

Parents shall be promptly notified of all offenses.

#### A. FIRST OFFENSE

If the student possesses and/or uses drugs or alcohol in violation of this regulation.

The student will be suspended from participation for a period of two weeks from the day the coach/faculty adviser informs the student of the suspension. The coach/faculty adviser must confront the student as soon as he/she is made aware of the suspension. The student must also agree to attend appropriate counseling related to the infraction. Failure to do so will result in suspension from all interscholastic athletics and performance activities for the remainder of the school year. Following the two-week suspension, return to the interscholastic athletic team or performance activity is contingent upon recommendation of a drug and/or alcohol counselor.

If the student is present for illegal activity in violation of this regulation but does not possess, use or distribute drugs or alcohol.

## APPENDIX C

The student will be issued a written warning advising the student of the consequences of violating these Rules.

### **B. SECOND OFFENSE**

If the student possesses, uses or distributes drugs or alcohol in violation of this regulation following the first offense.

The student will be suspended for two seasons from participating in the interscholastic athletic sport or performance activity the day the coach/faculty adviser confronts the student and informs the student of the suspension. The coach/faculty adviser must inform the student as soon as he/she is made aware of the violation. The student must also agree to attend appropriate counseling related to the infraction. Failure to do so will result in suspension from interscholastic athletics and performance activities until such time as the student gets the appropriate counseling. Return to the activity is contingent on recommendation of a drug/alcohol counselor.

If the student is present for illegal activity in violation of this regulation but does not possess, use or distribute drugs or alcohol after receiving a written warning under these Rules.

The student will be issued a second and final written warning advising the student of the consequences of violating these Rules.

### **C. THIRD OFFENSE**

If the student possesses, uses or distributes drugs or alcohol in violation of this regulation following the second offense.

On the third offense, a student will be banned from any further participation in interscholastic athletics and performance activities for the remainder of the time they are enrolled in the District with a right to appeal to the Principal for reinstatement. An educational and counseling program will still be made available to the student, but he/she will not be reinstated for interscholastic athletics or performance activity participation absent a successful appeal to the Principal.

If the student is present for illegal activity in violation of this regulation but does not possess, use or distribute drugs or alcohol after receiving the second and final written warning under these Rules.

The penalty is the same for a First Offense for possession or use of dugs or alcohol set forth above. This penalty will be repeated for continued violations.



## APPENDIX C

### D. DISTRIBUTION OF DRUGS AND/OR ALCOHOL

The penalties for distribution of alcohol and/or illegal drugs shall be as set forth above except that a first offense for distribution shall be treated as a second offense under these Rules and a second offense for distribution shall be treated as a third offense.

### V. PENALTIES FOR TOBACCO USE

#### A. FIRST OFFENSE

The student will be suspended from participation for a period of one week from the day the coach/faculty adviser informs the student and informs the student of the suspension. The coach/faculty adviser must inform the student as soon as he/she is made aware of the violation. The student must also agree to attend appropriate counseling related to the infraction. Failure to do so will result in suspension from interscholastic athletics and performance activities for the remainder of the school year.

#### B. SECOND OFFENSE

The student will be suspended from participation for a period of two weeks from the day the coach/faculty adviser confronts the student and informs the student of the suspension. The coach/faculty adviser must confront the student as soon as he/she is made aware of the violation. The student must also agree to attend an appropriate smoking counseling program. Failure to do so will result in suspension from interscholastic athletics and performance activities for the remainder of the school year.

#### C. THIRD OFFENSE

The student will be suspended for the remainder of the activity or thirty days from the date of the suspension, whichever is greater. The student must also agree to attend appropriate counseling related to the infraction. Failure to do so will result in suspension from interscholastic athletics and performance activities for the remainder of the school year.

#### D. FOURTH OFFENSE

The student will be suspended for a period of one calendar year from the day the coach/faculty adviser confronts the student and informs the student of the suspension. The coach/faculty adviser must confront the student as soon as he/she is made aware of the violation. The student must also agree to attend appropriate counseling related to the infraction. Failure to do so will result in suspension from interscholastic athletics and performance activities until such time as the student gets the appropriate counseling.

**Note: If a student has had no violations within one calendar year of his/her first offense, then the next violation past that date will again be considered the student's first violation and will be dealt with accordingly.**

## **APPENDIX C**

### **VI. NOTIFICATION OF DISCIPLINARY ACTION**

Parents must be notified when a student has been suspended by a coach/faculty adviser from interscholastic athletics and performance activities.

1. The Athletics Director (interscholastic athletics only), Assistant Principal, and Principal must be notified of all disciplinary suspensions from interscholastic athletics and performance activities pursuant to these Rules.
2. Other than automatic suspensions based on the aforementioned Rules, the Athletics Director (sports only), Assistant Principal, and the Principal must be involved in the final decision to suspend a student for an entire season or the balance of a season.

### **VII. APPEALS PROCESS**

Appeals must be made in writing by the student and endorsed by the student's parents by 4:00 p.m. of the business day following the day notice of disciplinary action is received by the student. The appeal should be directed to the Assistant Principal to whom the student is assigned.

The appeals committee will consist of the Assistant Principal, the Athletic Director (or principal's designee for students not involved in interscholastic sports) and a varsity coach/faculty adviser other than a coach/faculty adviser of the student in question. A decision will be made within two business days following the appeal.

A second and final appeal may be made to the building Principal by 4:00 p.m. of the business day following the rejection of the first appeal.

## APPENDIX C

### Lower Merion High School Drug and Alcohol Consequences Summary<sup>i</sup>

#### **I. Drug & Alcohol Violations for possession or use (including anabolic steroids & performance subs)**

- A. 1<sup>st</sup> offense = 2 week suspension if counseling. Return to team requires recommendation of drug/alcohol counselor.  
= Remainder of school year if no counseling
- B. 2<sup>nd</sup> offense = 2 seasons if counseling. Return to team requires recommendation of drug/alcohol counselor.  
= Indefinite beyond 1 year if no counseling
- C. 3<sup>rd</sup> offense = permanent ban with right to appeal to the Principal for reinstatement. Counseling still available

#### **II. Drug & Alcohol Violations for distribution (including anabolic steroids & performance subs)**

- A. 1<sup>st</sup> offense = 1 calendar year if counseling. Return to team requires recommendation of drug/alcohol counselor.  
= Indefinite beyond 1 year if no counseling
- B. 2<sup>nd</sup> offense = permanent ban with right to appeal to the Principal for reinstatement. Counseling still available

#### **III. Drug & Alcohol Violations – present but not using, possessing or distributing (including anabolic steroids & performance subs)**

- A. 1<sup>st</sup> offense = first written warning
- B. 2<sup>nd</sup> offense = second written warning
- C. 3<sup>rd</sup> and subsequent offenses  
  
= 2 week suspension if counseling. Return to team requires recommendation of drug/alcohol counselor.  
= Remainder of school year if no counseling

---

<sup>i</sup> This document is intended to serve only as a short summary of the procedures and consequences associated with drug, alcohol, and tobacco activity by participants in interscholastic athletics and other performance activities. To the extent that there is any conflict between this summary and the Rules, the Rules shall govern the situation.

## APPENDIX C

### IV. Tobacco

- A. 1<sup>st</sup> offense = 1 week suspension if counseling  
= Suspension remainder of school year if no counseling
- B. 2<sup>nd</sup> offense = 2 week suspension if counseling  
= Suspension remainder of school year if no counseling
- C. 3<sup>rd</sup> offense = Suspension for greater of 30 days or remainder of activity if counseling  
= Suspension remainder of school year if no counseling
- D. 4<sup>th</sup> offense = 1 calendar year if counseling  
= Indefinite if no counseling

## APPENDIX C

### Harriton Athletic Teams

<u>Fall Sports Teams</u>	<u>Varsity</u>	<u>Junior Varsity</u>	<u>Freshman</u>
Boys Soccer.....	X.....	X.....	X.....
Cheerleading .....	X.....	X.....	
Boys Cross Country .....	X.....	X.....	
Girls Cross Country.....	X.....	X.....	
Field Hockey .....	X.....	X.....	
Football .....	X.....	X.....	
Girls Soccer.....	X.....	X.....	
Girls Tennis.....	X.....	X.....	
Girls Volleyball.....	X.....	X.....	
Golf .....	X.....	X.....	
<u>Winter Sports Teams</u>			
Boys Basketball.....	X.....	X.....	X.....
Boys Indoor Track.....	X.....	X.....	
Boys Swimming / Diving.....	X.....		
Girls Basketball.....	X.....	X.....	X.....
Girls Indoor Track .....	X.....	X.....	
Boys & Girls Squash (LM/Harriton Team).....	X.....	X.....	
Girls Swimming / Diving .....	X.....		
Ice Hockey (LM/Harriton Team).....	X.....	X.....	
Wrestling.....	X.....	X.....	
<u>Spring Sports Teams</u>			
Baseball.....	X.....	X.....	X.....
Boys Lacrosse .....	X.....	X.....	
Boys Tennis.....	X.....	X.....	
Boys Track .....	X.....	X.....	
Boys & Girls Crew.....	X.....	X.....	X (novice)
Girls Lacrosse.....	X.....	X.....	
Girls Track .....	X.....	X.....	
Softball.....	X.....	X.....	

Submitted by Tom Ferguson  
 Activities / Athletics Director, Harriton  
 May 20, 2014

## APPENDIX C

### Lower Merion H.S. Athletic Teams

<u>Fall Sports Teams</u>	<u>Varsity</u>	<u>Junior Varsity</u>	<u>Freshmen</u>
Boys Soccer.....	X.....	X.....	X
Cheerleading .....	X		
Boys Cross Country .....	X		
Girls Cross Country.....	X		
Field Hockey .....	X.....	X.....	x {JV (b)}
Football .....	X.....	X.....	X
Girls Soccer.....	X.....	X	
Girls Tennis.....	X.....	X	
Girls Volleyball.....	X.....	X	
Golf .....	X		
 <u>Winter Sports Teams</u>			
Boys Basketball.....	X.....	X.....	X
Boys Indoor Track.....	X		
Boys Swimming / Diving.....	X		
Girls Basketball.....	X.....	X.....	X
Girls Indoor Track .....	X		
Boys & Girls Squash (LM/Harriton Team).....	X.....	X	
Girls Swimming / Diving .....	X		
Ice Hockey .....	X		
Wrestling.....	X.....	X	
 <u>Spring Sports Teams</u>			
Baseball.....	X.....	X.....	X
Boys Lacrosse .....	X.....	X.....	x {JV (b)}
Boys Tennis.....	X.....	X	
Boys Track .....	X		
Boys Volleyball.....	X.....	X	
Boys & Girls Crew.....	X.....	X.....	x (novice)
Girls Lacrosse.....	X.....	X.....	x {JV (b)}
Girls Track .....	X		
Softball.....	X.....	X	

Submitted by Don Walsh  
Activities / Athletics Director, LMHS  
May 20, 2014

## APPENDIX C

### Lower Merion/Harrilton Performance Based Activities 2003-2004

1. Academic Decathlon
2. Chess Club
3. Drill Team (LM)
4. Dance Team (H)
5. Jr. Jazz Band
6. Mock Trial
7. Pep Band
8. Players
9. Science Olympiad
10. Speech & Debate
11. Stage Crew / AV
12. Student Council

Submitted by Sean Hughes  
Activities / Athletics Director, LMHS

5/19/14 – Updated Section I. “Freedom of Expression” based on recent case law; Updated lists in Appendix C

9/12/14 – Updated Definitions of Offenses in Appendix C