

A. W. BEATTIE CAREER CENTER

SECTION: PUPILS
TITLE: DISCIPLINE OF STUDENT CONVICTED/ADJUDICATED OF SEXUAL ASSAULT

FIRST READING: June 17, 2021

APPROVED: August 19, 2021

218.3 DISCIPLINE OF STUDENT CONVICTED/ ADJUDICATED OF SEXUAL ASSAULT	
1. Purpose	The Joint Operating Committee (JOC) recognizes the importance of a safe school environment for students who are victims of sexual assault. This policy addresses disciplinary requirements for a student convicted or adjudicated delinquent of sexual assault upon another Career Center student.
2. Definitions 24 P.S. 1318.1	Conviction - means the finding of guilty by a judge or a jury or the entry of a plea of guilty or nolo contendere for sexual assault whether or not judgment of sentence has been imposed.
24 P.S. 1318.1	School setting - means in the Career Center, on Career Center grounds, in Career Center vehicles or sending district sponsored school buses. This also includes designated bus stop or at any activity sponsored, supervised, or sanctioned by the Career Center.
24 P.S. 1318.1	School-sponsored activity - means any assemblies, field trips, class trips, graduation ceremonies, extracurricular or co-curricular activities, clubs, groups, teams, or any activities sponsored, held or approved by the Career Center.
24 P.S. 1318.1	Sexual assault - means any of the following offenses:
18 Pa. C.S.A. 3121	1. Rape.
18 Pa. C.S.A. 3122.1	2. Statutory sexual assault.
18 Pa. C.S.A. 3123	3. Involuntary deviate sexual intercourse.
18 Pa. C.S.A. 3124.1	4. Sexual assault.
18 Pa. C.S.A. 3125	5. Aggravated indecent assault.
18 Pa. C.S.A. 3126	6. Indecent assault.

<p>3. Authority 24 P.S. 1318.1 Pol. 218 Pol. 233</p>	<p>The Joint Operating Committee shall comply with the disciplinary requirement established by state law regarding students who have been convicted or adjudicated delinquent of sexual assault upon another student enrolled in the Career Center, regardless of whether the sexual assault took place inside or outside of the Career Center setting.</p>
<p>4. Delegation of Responsibility 24 P.S. 1318.1</p>	<p>A student who is convicted of sexual assault upon another student enrolled in this Career Center shall be required to notify the Executive Director or designee of the conviction no later than seventy-two (72) hours after the conviction.</p>
<p>24 P.S. 1318.1 Pol. 233</p>	<p>Upon report of conviction or adjudication of sexual assault upon a Career Center student, the Executive Director or designee shall take one (1) of the following actions against the convicted or adjudicated student:</p> <ol style="list-style-type: none"> 1. Recommend that the JOC expel or refuse to admit the student, in accordance with law and JOC policy. 2. Transfer the student to the alternative session of attendance.
<p>24 P.S. 1318.1</p>	<p>If the convicted or adjudicated student has already been expelled, transferred or reassigned, or if the victim does not attend the same school, no additional action regarding expulsion, transfer or reassignment is required by the Career Center. Although action is not required, the Career Center maintains the authority to make an alternative assignment or provide alternative educational services during or after an expulsion at the discretion of the Executive Director or designee.</p>
<p>Pol. 103</p>	<p>Upon report of a conviction or adjudication of sexual assault upon a Career Center student that occurred in the Career Center setting, the Executive Director or designee shall notify the Title IX Coordinator to determine whether the incident has been addressed in accordance with applicable JOC policy.</p>
<p>5. Guidelines 24 P.S. 1318.1 20 U.S.C. 1400 et seq. 34 CFR Part 300 Pol. 103.1, 113.1, 113.2</p>	<p>In the case of a student with a disability, including a student for whom an evaluation is pending, prior to implementing any disciplinary removal or considering a change of placement for the student, the Career Center shall meet with the sending school district. The sending school district shall coordinate with the student's Individualized Education Program (IEP) team and take all steps required to comply with state and federal laws and regulations, and corresponding policies.</p>
<p>24 P.S. 1318.1</p>	<p>The Career Center shall ensure that the convicted or adjudicated student is prohibited from taking part in the following activities at the same time as the victim:</p> <ol style="list-style-type: none"> 1. Being educated in the same Career Center session. 2. Being transported on the same school vehicle. 3. Participating in the same Career Center-sponsored activity.

<p>24 P.S. 1318.1</p>	<p><u>Return of Student to School</u></p> <p>The Career Center may return the student who is expelled, transferred or reassigned, to the student's originally assigned program session if one (1) of the following circumstances occur:</p> <ol style="list-style-type: none">1. The victim is no longer enrolled in the Career Center.2. The conviction or adjudication has been reversed and is not pending appeal. <p><u>Transfer Students</u></p> <p>When the Career Center receives a student who transfers from a public or private school during or after an expulsion period for an act or offense involving a sexual assault conviction or adjudication, the Career Center may refuse to admit the student.</p> <p>References:</p> <p>24 P.S. 1318.1</p> <p>18 Pa. C.S.A. 3121, 3122.1, 3123, 3124.1, 3125, 3126</p> <p>20 U.S.C. 1400 et seq.</p> <p>34 CFR Part 300</p> <p>JOC Policies: 103, 103.1, 103.2, 103.3, 113.1, 113.2, 201, 218, 233</p>
<p>24 P.S. 1318.1 Pol. 201</p>	