

**Millcreek
Township School
District**

**Annual Notifications and
Student
Code of Conduct**

March 2023

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District Website and Information

The Millcreek Township School District's website (www.mtsd.org) is the main location where the School District community can locate information on its operations. The website is updated regularly and features news, calendars, athletic information, and much more.

- Please visit the School District's Website for a schedule of School District events and any updates on the school year calendar.
- The School District website also contains individual school pages for each elementary school, middle school, and McDowell High School that contain information on each.
- Please visit the School District's various social media accounts (Facebook, Twitter, Instagram and YouTube) for daily updates on happenings in the School District. Links to these social media pages can be found at the bottom of the main website under the Address.

Annual Notice of Pest and Weed Management

The Millcreek Township School District uses an Integrated Pest Management ("IPM") approach for managing insects, rodents, and weeds. Our IPM approach focuses on making School District buildings and grounds an unfavorable habitat for these pests by removing food and water sources and eliminating their hiding and breeding places. We accomplish this through routine cleaning and maintenance. We routinely monitor the School District buildings and grounds to detect any pests presents.

The pest monitoring team consists of building maintenance staff, but also relies on office and teaching staff as well as students to report pest sightings. Pest sightings are reported to our IPM coordinator who evaluates and determines the appropriate pest management techniques to address the problem. These techniques can include increased sanitation, modifying storage practices, sealing entry points, and physically removing pests, among other approaches.

From time-to-time, it may be necessary to utilize chemicals to manage a pest problem. Chemicals will only be used when necessary and will not be routinely applied. When chemicals are used, the School District will attempt to use the least toxic product available. Applications will be made only after normal school hours. Notices will be posted in those areas at least 72 hours prior to application and for two days following the application.

Parents or guardians of School District students may request prior notification of specific pesticide applications made at a school. To receive this notification, you must notify the School District in writing that you would like to be notified. Please include your email address in order to facilitate this communication.

If a chemical application must be made to control an emergency pest problem (ie. wasps, ants, rodents, etc.), notice will be provided by email to any parent or guardian who has requested notification in writing. Exemptions to this notification process include disinfectant, anti-microbial products, self-contained baits, and swimming pool maintenance chemicals.

Please do contact the School District at (814) 835-5300 if you have any questions regarding the IPM plan.

Annual Notice of Asbestos-Containing Material

In compliance with the United States Environmental Protection Agency (“EPA”), Asbestos Hazard Emergency Response Act (“AHERA”), the Millcreek Township School District has performed inspection of all school buildings for asbestos containing building materials. The inspection findings and asbestos management plans are on file in the administrative offices of the School District.

The EPA requires the School District to perform re-inspection of asbestos materials every three years. The School District performed re-inspection in [INSERT YEAR] and issued a report regarding the results. There was no significant change in the condition of the remaining asbestos.

The School District is committed to complying with all federal, state, and local regulations in this area and will take any steps necessary to ensure that students, employees, and the School District community have a safe and healthy environment in which to learn and work.

The results of the re-inspection, as well as ongoing surveillance documentation, are on file in the School District office. The public may view this documentation at any time during normal business hours. The School District’s Facilities and Maintenance Department is also available to answer questions at (814) 835-5300

Accommodating Dietary Needs of Children with Restricted Diets-USDA Non-Discrimination Statement

Millcreek Township School District participates in federal school meal programs and is required to make reasonable accommodations for children who are unable to eat the school meals because of a disability that restricts their diet.

A “Medical Plan of Care for School Food Service” is available at every school and also on the District’s publically accessible website. The “Medical Plan of Care for School Food Service” form may be used to obtain the required information from licensed medical authorities (physician; physician assistant; certified registered nurse practitioner or dentist). The written medical statement must include: (1) an explanation of how the child’s physical or mental impairment (disability) restricts the child’s diet; (2) an explanation of what must be done to accommodate the child; and (3) the food or foods to be omitted and recommended alternatives, if appropriate.

School Nutrition Program Contact: For more information about requesting accommodations to school meals and the meal service for students with disabilities at the School District please contact: Edward Nientimp Email: nientimp@mtsd.org. (814) 835-5334.

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, the School District is prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotope, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, a complainant may complete the USDA Program Discrimination Complaint Form, (AD-3027) found online at: http://www.ascr.usda.gov/complaint_filing_cust.html, and at any USDA office, or the complainant may write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, complainants may call (866) 632-9992. Complainants must submit the completed form or letter to USDA:

- (1) By mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;
- (2) By fax: (202) 690-7442; or
- (3) By [email: program.intake@usda.gov](mailto:program.intake@usda.gov).

The USDA's telephone number is: 866-690-7442

Notice of Non-Discrimination

The Millcreek Township School District is an equal opportunity education institution and does not discriminate in employment, educational programs or activities based on race, color, religion, ethnicity, national origin, sex, gender, gender identity and expression, sexual orientation, age or disability, because a person is a disabled veteran or veteran of the Vietnam Era or any other legally protected class, or for engaging in any other protected activities. The School District does not discriminate on the basis of sex in the education programs or activities that it operates, as required by Title IX, including in admission and employment practices. Additionally, the School District provides equal access to Boy Scouts and other designated youth groups. This policy of non-discrimination extends to all other legally protected classifications. Publication of this policy is in accordance with state and federal laws including Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section

504 of the Rehabilitation Act of 1973, the Age Discrimination Act, Title II of the Americans with Disabilities Act and the Boy Scouts of America Equal Access Act. Inquiries pertaining to discrimination on the basis of disability or alleged violations of Section 504 may be made by contacting the District's Section 504 Compliance Officer, Director of Pupil Services, Edward Nientimp, nientimp@mtsd.org, 3740 West 26th Street, Erie, PA, 16506. All other inquiries implicating the other protected classes and laws listed above should be directed to the District's Title IX Coordinator. Complaints of Title IX sexual harassment and/or discrimination may also be referred to the Assistant Secretary of the U.S. Department of Education. The grievance procedure for reporting incidents on the basis of disability is outlined in the District's Family Information Guide in the "Section 504 Complaint Procedure" section. The procedure for reporting incidents regarding harassment, including Title IX Sexual Harassment, is outlined in the School District's Code of Conduct and more specifically in District Board Policies 103 "Discrimination/Title IX Sexual Harassment Affecting Students" and 104 "Discrimination/Title IX Sexual Harassment Affecting Staff," copies of which are available on in the District's website.

The District does not discriminate in any manner, including Title IX sexual harassment in any District education program or activity. The Title IX Compliance Officer and Title IX Coordinator can be contacted at:

Compliance Officer:

Address: 3740 West 26th Street, Erie, PA 16506

Email: nientimp@mtsd.org

Phone Number: (814) 835-5300

Title IX Coordinator:

Address: 3580 West 38th Street, Erie, PA 16506

Email: mbecker@mtsd.org

Phone Number: (814) 835-5428

Programs for Eligible or Protected Handicapped Students

In compliance with Pennsylvania (22 Pa.Code 14.121) and federal (34 C.F.R. 300.111) law, notice is hereby given by the Millcreek Township School District that it conducts ongoing identification activities as part of its school program for the purpose of identifying students who may be in need of special education and related services (eligible students) under the Individuals with Disabilities Education Act. If your child is identified by the District as possibly being in need of such services, you will be notified of applicable procedures. Special Education services are available, at no cost to parents, for children with disabilities, ages 3-21 years.

Services and Programs

Individualized services and programs are available for children ages 3 through 21 years who are determined to need specially designed instruction due to one or a combination of the following conditions:

- Developmental delays (Early Intervention)
- Autism
- Orthopedic impairment
- Multiple disabilities
- Deafness
- Specific learning disability
- Other health impairment
- Mentally gifted
- Intellectual disability
- Emotional disturbance
- Traumatic brain injury
- Speech or language impairment
- Deaf-blindness
- Hearing impairment
- Visual impairment, including blindness

Potential Signs of Developmental Delays and Other Risk Factors that Could Influence a Need for Special Education Services

Some indications that your child may be a child with a disability who is in need of special education are:

- Exhibition of an emotional disturbance over a long period of time which affects your child’s ability to learn;
- Consistent problems in getting along with others;
- Difficulty communicating;
- Lack of interest or ability in age-appropriate activities;
- Resistance to change;
- Difficulty seeing or hearing which interferes with the ability to communicate;
- Health problems that affect educational performance including attention problems;
- Difficulty performing tasks that require reading, writing, or mathematics; and
- When a child who is at least three years of age — but before he/she has started school as a beginner — scores on a developmental assessment device, an instrument that yields a score in months, a score indicating that the child is delayed by 25% of the child’s chronological age in one or more developmental areas and/or if the child is delayed in one or more of the developmental areas as documented by test performance of 1.5 standard deviations below the mean on standardized test(s).

Gifted Education

In compliance with state law, the Millcreek Township School District provides services designed to meet the unique needs of gifted students. The District identifies “gifted” students on a case-by-case basis based on state law and District policy. Such students may possess superior IQ scores or meet multiple criteria indicating gifted ability. If your child is believed to be in need of such services, you will be notified of evaluation procedures. If you believe your school-age child may qualify for gifted education services, you may contact the District at any time to request a determination of eligibility. Please note that entitlement to gifted services includes only those rights provided for by Pennsylvania law.

Screening and Evaluation

If you believe that your school-age child may be in need of special education services and related programs, or your child (age 3 to school age) may be in need of early intervention programs and services, screening and evaluation processes designed to assess the needs of the child and his/her eligibility are available to you at no cost upon your request. You may request a screening and evaluation at any time, whether or not your child is enrolled in the District's public school program. Requests for evaluation and screening should be made to the principal of your child's school or the Pupil Services Department, at 3740 West 26th Street, Erie, PA 16506, (814) 835-5334. Parents of children ages 3 to school age, with requests for early intervention programs/services may request screening and evaluation by contacting the Early Intervention Office at 814-835-5334. Details regarding time and location of screening and evaluation activities conducted by the School District for either school age or pre-school-age children are available from these sources.

Chapter 15/Section 504 Annual Notice

In compliance with state and federal law, and 22 Pa. Code Chapter 15, the Millcreek Township School District will provide to each protected handicapped student, without discrimination or cost to the student or family, those related aids, services, or accommodations which are needed to provide equal opportunity to participate in and obtain the benefits of the school program and extracurricular activities to the maximum extent appropriate to the student's abilities. In order to qualify for as a protected handicapped student, the child must be of school age with a physical or mental impairment that substantially limits a major life activity. These services and protections for protected handicapped students are distinct from those applicable to students who are eligible to receive special education and related services under Chapter 14/IDEA. For additional information related to Section 504/Chapter 15 services, parents should contact the District's Pupil Services Department at 814-835-5334 to acquire more detailed information on the rights of parents and children under Chapter 15 and Section 504, the provision of services to students under these laws, evaluation and screen procedures and also due process rights.

Individuals with Disabilities Education Act (I.D.E.A.)

The Millcreek Township School District complies with the Individuals with Disabilities Education Act. Procedural safeguards for students ages 3 through 21 are available at all School District buildings or through the Pupil Services Department, 3740 West 26th Street, Erie, PA 16506.

More Information

For further information on the rights of parents and children, provision of services, evaluation and screening (including purpose, time, and location), and rights to due process procedures, you may contact your child's building principal or the Pupil Services Department.

Confidentiality and Notice Regarding Retention and Destruction of Special Education Records

All information gathered in the evaluation, identification, and programming of children who may require special education services is governed by confidentiality requirements under Pennsylvania and federal law, specifically, the Individuals with Disabilities Education Act and the Family Education Rights and Privacy Act. Records generated by this process, as well as records sought from non-school agencies, are confidential and protected by both federal and Pennsylvania legislation. Information to/from outside sources cannot be requested/released without written parental consent and the District does not disclose personally identifiable information about students except as when so authorized under these laws. Information about confidentiality and access to your child's education records is available from your child's building principal, the Pupil Services Office, and is also described in these annual notifications.

Personally identifiable information no longer relevant to and necessary for the provision of Special Education and services to a student who has attended the Millcreek Township School District shall be destroyed annually by the School District. However, a written record of a student's personally identifiable information, such as name, address, telephone number, grades, attendance records, classes attended, grade level completed and year completed shall be maintained for 100 years beyond the date the student attains the age of twenty-four years.

In accordance with 34 CFR § 300.624, please be advised of the following retention/destruction schedule for the Pennsylvania Alternate System of Assessment (PASA), Pennsylvania System of School Assessment (PSSA), and Keystone Exam related materials:

- PSSA, Keystone Exam, and PASA test booklets will be destroyed one year after student reports are delivered for the administration associated with the test booklets.
- PSSA and Keystone Exam answer booklets and PASA media recordings will be destroyed three years after completion of the assessment.

The District will destroy all other Special Education records, except for the personally identifiable information as listed above, for all students eligible under the Individual's with Disabilities Education Act and/or Section 504 of the Rehabilitation Act of 1973 who were born before the year 1995. These records will be destroyed after August 31, 2023. Those who want to claim their Special Education records prior to the date of destruction must call 814-835-5334 to make an appointment to secure their personal Special Education records at the Millcreek Education Center, 3740 West 26th Street, Erie, PA 16506.

The Millcreek Township School District's Board of Directors defines "Special Education record" as follows: Special Education, Gifted Education and Chapter 15/Section 504 Service plan documents, consistent with the definition of "education records" in 34 C.F.R. part 99, which include in this context but are not limited to: Permission to Evaluation (Consent), Permission to Evaluate (Request), Permission to Re-evaluate (Consent), Permission to Re-evaluate (Request), Gifted Written Report, Evaluation Report, Re-evaluation Report, Individualized Education Programs, Gifted Individualized Education Program, Invitation to attend IEP meeting, Invitation

to attend GIEP meeting, Notice of Recommended Education Placement, Notice of Recommended Assignment, Chapter 15 (504 Service Agreement), and other related documents and records which have been maintained by the District and were considered by the District and/or the IEP team in making any FAPE decision, including but not limited to decisions regarding eligibility, evaluation, necessary services and accommodations, content of individualized education programs and/or Section 504/Chapter 15 service plans, placement, etc., of any eligible student.

2023-2024 Legal Information

The Millcreek Township School District (“District”) is obligated, pursuant to various federal and Pennsylvania laws, to notify the parents/guardians of District students of their rights regarding various issues. The following information will explain these important concepts and give required notifications of student and parent/guardian rights on various topics set forth below.

1. Every Student Succeeds Act (“ESSA”).

The Every Student Succeeds Act was signed into law on December 10, 2015. The ESSA replaces the No Child Left Behind Act and provides more flexibility around federal education policy by shifting authority back to states and communities. The Pennsylvania Department of Education, with input from key stakeholders throughout the Commonwealth, submitted Pennsylvania’s ESSA Consolidated State Plan to the United States Department of Education and that Plan was approved on January 12, 2018. The District will implement all required components of the plan and will provide required legal notifications and updates to students and parent throughout this school year via regular US mail and/or on the District’s publicly accessible website. The ESSA requires that all teachers and paraprofessionals working in programs supported by Title I funds meet the applicable Pennsylvania certification and licensing requirements. District Schools that receive Title I funds must provide to each individual parent of a child who is a student in such school timely notice that the student has been assigned, or has been taught for four or more consecutive weeks by, a teacher who does not meet applicable Pennsylvania certification or licensure requirements at the grade level and subject area in which the teacher has been assigned. 20 U.S.C. §6312(e)(1)(B). Accordingly, if your child is being taught by a teacher who does not meet the “appropriate state certification” guidelines, you will receive written notification from his/her school.

2. Right to request teacher and paraprofessional qualifications.

Parents/guardians have the right to request information regarding the professional qualifications of their child's classroom teacher/s including the following:

(a) Whether the teacher met state qualifications and certification requirements for the grade level and subject he/she is teaching,

(b) Whether the teacher received an emergency or conditional certificate through which state qualifications were waived,

(c) What undergraduate or graduate degrees the teacher holds, including graduate certificates and additional degrees, and major(s) or area(s) of concentration, and

(d) Whether their child is provided services by paraprofessionals, and, if so, their qualifications. Additionally, parents/guardians shall be notified by the District administration if or when their child is taught by a teacher who does not meet the definition of “appropriate state qualification” for four consecutive weeks.

3. Right to request state assessment information.

At any time, parents/guardians can request:

(a) Information on policies regarding student participation in state assessments and procedures for opting out, and

(b) Information on required state assessments that includes: subject matter tested, purpose of the test, source of the requirement (if applicable), amount of time it takes students to complete the test, and time and format of disseminating results.

4. Homeless Children and Youth.

The No Child Left Behind Act and the McKinney-Vento Homeless Assistance Act, as amended by the ESSA, require that homeless children and youth have full and equal access to an appropriate public education and that they experience success in school. Homeless students shall have access to the same educational programs and services provided to other District students. Students shall not be discriminated against, segregated, or stigmatized based on their status as homeless. The District administration shall make reasonable efforts to identify homeless children within the District, encourage their enrollment, eliminate existing barriers to their attendance and education and keep identified homeless children in their school of origin.

Students enrolling in the District who are, or become, homeless students should notify the District of that fact so the District can better ensure that the student’s rights under federal and Pennsylvania law are explained to him/her and to his/her parents. “Homeless students” are defined as individuals lacking a fixed, regular and adequate nighttime residence. “Homeless students” include:

(a) Children and youth sharing the housing of other persons due to loss of housing or economic hardship.

(b) Living in motels, hotels, trailer parks or camping grounds due to lack of alternative adequate accommodations.

(c) Living in emergency or transitional shelters.

(d) Abandoned in hospitals.

(e) Living in public or private places not designed for, or ordinarily used as, regular sleeping accommodations for human beings.

(f) Living in cars, parks, public spaces, abandoned buildings, substandard housing, transportation stations or similar settings.

(g) Migratory children who qualify as homeless because they are living in circumstances described in this definition.

If permanent housing is secured during the course of the school year, the student will continue to be considered homeless for the remainder of the current school year, and the student may remain at the school of origin during that period of time.

The District's local liaison for homeless children and youth is Mr. Edward Nientimp, who can be reached at (814) 835-5335. The local liaison serves as the primary contact between homeless families and school staff, district personnel, shelter workers and other service providers. The local liaison coordinates services to ensure that homeless children and youth enroll in school and have the opportunity to succeed academically.

5. Migrant student education.

Pursuant to the No Child Left Behind Act, as amended by the ESSA, and Pennsylvania's Migrant Education Program, the District cooperates and participates in the Northwest Pennsylvania Tri-County Intermediate Unit's ("IU") migrant education program for the benefit of migrant children attending District schools. A migrant child is a child age 3-21 years who has moved across a school district line with/or to join a migrant parent or guardian, or on their own, within the preceding 36 months, in order to obtain temporary or seasonal employment in qualifying agricultural or fishing work including agri-related businesses such as meat or vegetable processing. The District works in conjunction with the IU to improve and coordinate the educational continuity for migrant workers or the children of migratory workers who reside within the District and encourages the parents/guardians of migrant children to inform the District of that status so the District can better ensure the student's rights under federal and Pennsylvania law are explained to him/her and to his/her parents.

6. English Learners.

English Learner ("EL") students are those students whose first language is not English and who are in the process of learning English. The District provides language instruction for students who are determined to be English Learners. If your child is identified to participate in the District's English as a Second Language ("ESL") program, you will be notified of further details about your child's rights and participation in the ESL program at that time. The District delivers its ESL programs within students' home schools. Additionally, if your child participates in the District's ESL program, you will receive notice of opportunities to attend meetings for the purpose of formulating and responding to recommendations from parents of students who are English Learners and identified for participation in the ESL program.

7. Victims of violent criminal offenses/persistently dangerous schools.

The Unsafe School Choice provision of the federal No Child Left Behind Act, 20 U.S.C. §7912, as amended by the ESSA, requires Pennsylvania to establish and implement a policy requiring that a student attending a “persistently dangerous school” or who becomes a “victim of a violent criminal offense” while in or on the grounds of a District school that the student attends be allowed to attend a safe school within the District. As required by the No Child Left Behind Act, the Pennsylvania Department of Education has adopted standards for identifying “persistently dangerous schools” and for students who become “victims of violent criminal offenses.”(22 Pa. Code §403.6) It is the policy of the District to abide by these standards, as set forth below.

(a) **Persistently dangerous schools.** No school in the District has been designated a “persistently dangerous school.” If a school is designated as such, the District will notify the parents/guardians of all students of that designated school of their rights regarding their continued attendance at that school.

(b) **Victims of violent criminal offenses.** The terms “victim” and “violent criminal offense” have the following meanings:

- (i) “Victim” or “Student Victim” shall mean the student against whom a violent criminal offense has been perpetrated while the student was in or on the grounds of the public elementary or secondary school that he or she attends.
- (ii) “Violent Criminal Offense” is defined as any of the following offenses that are set forth in Title 18 of the Pennsylvania Consolidated Statutes (the Pennsylvania Crimes Code): kidnapping; robbery; aggravated assault (on the student); rape; involuntary deviate sexual intercourse; sexual assault; aggravated indecent assault; indecent assault; attempt to commit any of the following: homicide, murder or voluntary manslaughter.

(A) Student Opportunity to Transfer.

- i. Except as provided below, a student who becomes a victim of a violent criminal offense while in or on the grounds of the public elementary or secondary school that he or she attends must be offered the opportunity to transfer to a safe public school within the District, including a charter school.
- ii. In order for a student victim to be entitled to transfer to another school under these standards, the violent criminal offense first must be reported to law enforcement

authorities by the student, the student’s parent or guardian, or school officials.

- iii. A student victim (or his or her parent or guardian) may apply to the District to transfer to another school within thirty (30) calendar days after the incident is reported to school authorities.
- (B) Procedural requirements if a student is a “victim of a violent criminal offense.”
 - i. Within ten (10) calendar days of receiving notice of the violent criminal offense, the District administration shall notify the student victim that he or she has the right to transfer to a safe public elementary or secondary school within the District, including a public charter school.
 - ii. The notification and offer to transfer shall state that no student is required to transfer to another school.
 - iii. Upon receipt of an application to transfer, the District administration should transfer the student as soon as possible, and shall transfer the student within ten (10) calendar days after receiving the application.
 - iv. A parent/guardian is not guaranteed to be able to transfer their child to the school of his/her choice. However, when considering a student’s request to transfer to another school, the District administration should take into account the particular needs of the student and the parent.
 - v. A charter school only has to accept a student who meets its admission criteria if space is available.
 - vi. If there is not another safe school within the District to which students may transfer, the District administration is encouraged, but not required, to establish an agreement with a neighboring school district to accept the transfer of students.

8. Comprehensive support and improvement” or “targeted support and improvement” status.

If the District receives notices from the Pennsylvania Department of Education that the District has been identified for “comprehensive support and improvement” or “targeted support or

improvement,” the District shall promptly notify the parents of every enrolled student in that identified school of all information required by 34 CFR §§200.19 – 200.31.

Notification of Rights Under the Family Educational Rights and Privacy Act

The Family Educational Rights and Privacy Act (FERPA) affords parents and students over 18 years of age (“eligible students”) certain rights with respect to the student’s education records. These rights are:

1. The right to inspect and review the student’s education records within 45 days of the day the District receives request for access.

Parents or eligible students should submit to the school principal (or other designated school official) a written request that identifies the record(s) they wish to inspect. The school official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

Please note records of the District’s law enforcement unit, the District’s School Police Officer and other law enforcement officials, which were created by the law enforcement unit, were created for a law enforcement purpose and are maintained by the law enforcement unit, are not “education records” within the meaning of FERPA.

2. The right to request the amendment of the student’s education records that the parent or eligible student believes to be inaccurate or misleading or otherwise in violation of the student’s privacy rights under FERPA.

Parents or eligible students who wish to ask the District to amend a record should write to the school principal (or appropriate school official), clearly identify the part of the record they want changed, and specify why it should be changed.

If the school decides not to amend the record as requested by the parent or eligible student, the school will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

3. The right to provide written consent to disclosures of personally identifiable information contained in the student’s education records, except to the extent that FERPA authorizes disclosure without consent. While you may request a listing of all of the exceptions, the three most common of these exceptions to the prior consent rule are as follows:

(a) The District may disclose education records to “school officials” with “legitimate educational interests” without obtaining the prior consent of parent(s). A “school official” is a person employed by the District as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the School Board. A school official may also include a volunteer or a person

or company with whom the District has contracted to perform a special task or who performs an institutional service or function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of personally identifiable information from education records, such as an attorney, auditor, medical consultant, insurer, therapist or student teacher; or a parent or student serving on an official committee, such as a disciplinary or grievance committee; or a parent, student or other volunteer assisting another school official in performing his or her tasks. A school official has a "legitimate educational interest" if the official needs to review an education record in order to fulfill his or her professional responsibility.

(b) Upon request, the school will disclose education records without consent to officials of another school district in which the student seeks or intends to enroll, or is already enrolled if the disclosure is for purposes of the student's enrollment or transfer.

(c) Unless directed otherwise in writing by eligible students or parents, the District may disclose without consent "directory information," which consists of the following information: the student's name, address, telephone number (unless indicated as unlisted), date and place of birth, electronic mailing address, dates of attendance, grade level, photograph, major field of student, degrees, honors and awards received, the most recent previous educational agency or institution attended by the student, enrollment status, weight and height of members of athletic teams and other similar information that would not generally be considered harmful or in an invasion of privacy if disclosed. For more detailed information regarding director information, see below.

NOTE: Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information and disclosures to the parents or eligible student, FERPA requires the District to record the disclosure. Parents and eligible students have a right to inspect and review the record of disclosures.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the School District to comply with the requirements of FERPA. The name and address of the office that administers FERPA is:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-5920

Family Educational Rights and Privacy Act (FERPA) Notice for Directory Information

The *Family Educational Rights and Privacy Act (FERPA)*, a Federal law, requires that the Millcreek Township School District, with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your child's education records. However, the Millcreek Township School District may disclose appropriately designated "directory information" without prior written consent, unless you have advised the District to

the contrary in accordance with District procedures. The primary purpose of directory information is to allow the Millcreek Township School District to include this type of information from your child's education records in certain school publications. Examples include:

- A playbill showing your student's role in a drama production
- The annual yearbook
- Honor roll or other recognition lists
- Graduation programs
- Sports activity sheets, such as for wrestling, showing weight and height of team members

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent's/eligible student's prior written consent unless the parent or eligible student has advised the District that they do not want the information disclosed without their prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks.

The Millcreek Township School District has designated the following information as directory information:

- Student's name
- Telephone listing
- Photograph
- Major field of study
- Grade level
- Weight and height of members of athletic teams
- Degrees, honors, and awards received
- The most recent educational agency or institution attended
- Enrollment status
- Other similar information that would not generally be considered harmful or an invasion of privacy if disclosed
- Address
- Electronic mailing address
- Date and place of birth
- Dates of attendance
- Participation in official recognized activities and sports

Directory information does not include a student's (1) Social Security number, or (2) student identification (ID) number, user ID, or other unique personal identifiers used by the student for purposes of accessing or communicating in electronic systems, except those identifiers may be included in "directory information" if the identifier cannot be used to gain access to education

records except when used in conjunction with one or more factors that authenticate the user's identity, such as a personal identification number (PIN), password, or other factor known or possessed only by the authorized user.

NOTE: Parents and eligible students may not use their right to opt out of directory information disclosures to prevent the District from requiring students to wear student identification badges or cards that display information that may otherwise be designated as directory information. If a parent or eligible student has an objection to wearing student identifications badges, the reasons for the objection should be articulated to the Administration and will be dealt with on a case by case, consistent with applicable Pennsylvania and federal laws.

In addition, section 8528 of the Every Student Succeeds Act requires that the District shall provide access to secondary school students' names, addresses and telephone listings upon requests made by military recruiters or institutions of higher education unless parents have advised the District that they do not want their student's information disclosed without their prior written consent.

If you do not want the District to disclose directory information from your child's education records or disclose the above-listed information to recruiters from the military or institutions of higher education without your prior written consent, you must so notify the District in writing by December 3, 2023.

Questions or written requests should be directed to: Millcreek Township School District- Edward Nientimp- Director of Pupil Services- 3740 West 26th Street, Erie, PA 16506. (814) 835-5335.

Children's Online Privacy Protection Act (COPPA) of 1998, 15 U.S.C. 6501-650

COPPA imposes certain requirements on operators of websites or online services directed to children under 13 years of age, and on operators of other websites or online services that have actual knowledge that they are collecting personal information online from a child under 13 years of age. Millcreek Township School District utilizes a variety of online platforms to collect, access and analyze student data to improve academic instruction and school performance. In doing so, the District is also committed to complying with COPPA and believes strongly in the intent of the law: to protect children under age 13 and account for the dynamic nature of the Internet.

The Protection of Pupil Rights Amendment, discussed in more detail on the following page, requires that the District provide notice to parents of the instructional materials used as part of the educational curriculum within the district which may involve the collection, disclosure or use of personal information obtained from students, as defined by COPPA, for marketing or to sell or otherwise distribute the information to others. Parents have the right to inspect, upon request, the websites that are used as part of the instructional materials.

Section 504 Complaint Procedure

It is the policy of the Millcreek Township School District not to discriminate on the basis of disability. The District has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) of the U.S. Department of Health and Human Services regulations implementing the Act. Section 504 prohibits discrimination on the basis of disability in any program or activity receiving Federal financial assistance. The District's Director of Pupil Services, who may be reached at 814-835-5335 has been designated the District's Section 504 Coordinator and is responsible for coordinating the District's compliance with Section 504.

Any person who believes she or he has been subjected to discrimination on the basis of disability may file a grievance under this procedure. It is against the law for the District to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance. The District's Complaint Procedure is summarized below. A more detailed explanation of the Complaint Procedure is articulated in Board Policy 103.1, "Nondiscrimination – Qualified Students with Disabilities," which can be accessed on the District's website.

Procedure:

1. **Step 1 – Reporting.** A student or parent/guardian who believes the student has been subject to conduct by any student, employee or third party that constitutes a violation of the District's nondiscrimination on the basis of disability policy is encourage to immediately report that incident to the Section 504 building administrator or to the District's Section 504 Coordinator. The complainant will be encouraged to use the District's report form, available from the Section 504 building administrator or Section 504 Coordinator or to put the complaint in writing; however oral complaints will be accepted, documented and investigated per District policy.

2. **Step 2 – Investigation.** Upon receiving a complaint under this policy, the Section 504 building administrator must immediately notify the Section 504 Coordinator of the complaint. The Section 504 Coordinator will assign the responsibility to perform the investigator to an appropriately qualified individual ("the investigator"), who will conduct an adequate, reliable and impartial investigation. The complainant and the accused shall be provided the opportunity to submit information they believe relevant to the investigation to the investigator. The investigation may consist of individual interviews with the complainant, the accused and others with knowledge relative to the investigation.

3. **Step 3 – Investigative Report.** The investigator shall prepare and submit a written report to the Section 504 Coordinator within twenty (20) school days of the initial report of alleged discrimination, unless the nature of the allegations, anticipated extent of the investigation or the availability of witnesses requires the investigator and Section 504 Coordinator establish a different due date. The report shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual, the information and evaluation that formed the basis for this determination, whether the conduct

violated this policy or other laws or Board policies which may warrant further District action, and a recommended disposition of the complaint. The complainant and the accused shall be informed of the outcome of the investigation (e.g., whether the investigator believes the allegations to be founded or unfounded) within a reasonable time of the submission of the written report to the extent authorized by FERPA and other applicable laws. The accused shall not be notified of the individual remedies offered or provided to the complainant.

4. **Step 4 - District Action.** If the investigation results in a finding that some or all of the allegations of the complaint are established and constitute a violation of District policy, the District shall take prompt corrective action designed to ensure that such conduct ceases and that no retaliation occurs. Disciplinary actions shall be consistent with the Student Handbook and Code of Conduct, Board policies and administrative regulations, district procedures, applicable collective bargaining agreements and state and federal laws.

5. **Step 5 – Appeal Procedure.** If the complainant or the accused is not satisfied with a finding made pursuant to the policy or with recommended corrective action, s/he may submit a written appeal to the District’s Section 504 Coordinator within fifteen (15) school days. The Section 504 Coordinator shall review the investigation and the investigative report and may also conduct a reasonable supplemental investigation to assess the sufficiency and propriety of the prior investigation. The Section 504 Coordinator shall prepare a written response to the appeal with twenty (20) school days. Copies of the response shall be provided to the complainant, the accused and the investigator who conducted the initial investigation.

The availability and use of this complaint procedure does not prevent a person from filing a complaint of discrimination on the basis of disability with the U. S. Department of Health and Human Services, Office for Civil Rights.

The Millcreek Township School District will make appropriate arrangements to ensure that disabled persons are provided other accommodations, if needed, to participate in this grievance process. Such arrangements may include, but are not limited to, providing interpreters for the deaf, providing taped cassettes of material for the blind, or assuring a barrier-free location for the proceedings. The Section 504 Coordinator will be responsible for such arrangements.

Notification of Rights Under the Protection of Pupil Rights Amendment (PPRA)

PPRA affords parents certain rights regarding our conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. These include the right to:

Consent before students are required to submit to a survey that concerns one or more of the following protected areas (“protected information survey”) if the survey is funded in whole or in part by a program of the U.S. Department of Education (ED):

- (a) Political affiliations or beliefs of the student or student’s parent;

- (b) Mental or psychological problems of the student or student's family;
- (c) Sex behavior or attitudes;
- (d) Illegal, anti-social, self-incriminating, or demeaning behavior;
- (e) Critical appraisals of others with whom respondents have close family relationships;
- (f) Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
- (g) Religious practices, affiliations, or beliefs of the student or parents; or
- (h) Income, other than as required by law to determine program eligibility.

Receive notice and an opportunity to opt a student out of:

1. Any other protected information survey, regardless of funding;
2. Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under State law; and
3. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.

Inspect, upon request, and before administration or use:

1. Protected information surveys of students;
2. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
3. Instructional material used as part of the educational curriculum.

These rights transfer from the parents to a student who is 18 years old or an emancipated minor under State law.

The School District will develop and adopt policies, in consultation with parents, regarding these rights, as well as arrangements to protect student privacy in the administration of protected information surveys and the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes. The School District will directly notify parents of these policies at least annually at the start of each school year and after any substantive changes. The School District will also directly notify, such as through U.S. Mail or email, parents

of students who are scheduled to participate in the specific activities or surveys noted below and will provide an opportunity for the parent to opt his or her child out of participation of the specific activity or survey. The School District will make this notification to parents at the beginning of the school year if the District has identified the specific or approximate dates of the activities or surveys at that time. For surveys and activities scheduled after the school year starts, parents will be provided reasonable notification of the planned activities and surveys listed below and be provided an opportunity to opt their child out of such activities and surveys. Parents will also be provided an opportunity to review any pertinent surveys. Following is a list of the specific activities and surveys covered under this requirement:

- Collection, disclosure, or use of personal information for marketing, sales, or other distribution.
- Administration of any protected information survey not funded in whole or in part by ED.
- Any non-emergency, invasive physical examination or screening as described above.

Parents who believe their rights have been violated may file a complaint with:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-5901

Notification of Privacy Practices

This notice describes how health information about you may be used and disclosed and how you can get access to this information. Please review it carefully. The privacy of your health information is important to us.

Our Legal Duty

We are required by applicable federal and state law to maintain the privacy of student and employee health information. In the case of students, this requirement arises from the Family Educational Rights and Privacy Act (“FERPA”). However, in certain limited circumstances, another federal law also applies to student and employee health information. This other federal law is called the Health Insurance Portability and Accountability Act (“HIPAA”). In those limited circumstances where FERPA does not apply to student health information, HIPAA requires us to provide this Notice describing our privacy practices, our legal duties, and the rights of students and employees concerning their health information. This Notice is provided in the student handbook and is distributed to all employees. We must follow the privacy practices described in this Notice while it is in effect as those practices relate to the types of student and employee health information protected by HIPAA (“Protected Health Information “ or “PHI”). To the extent it relates to a minor or unemancipated student’s health information, this Notice contemplates that most rights and/or decisions concerning PHI will be exercised and/or made by the student’s parent or guardian. This Notice takes effect on the effective date indicated

below. We reserve the right to change our privacy practices and the terms of this Notice at any time, provided such changes are permitted by applicable law. We reserve the right to make the changes in our privacy practices and the new terms of our Notice effective for all PHI that we maintain, including PHI we created or received before we made the changes. Before we make a significant change in our privacy practices, we will change this Notice and make the new Notice available upon request. Employees and students may request a copy of our Notice at any time. For more information about our privacy practices, or for additional copies of this Notice, please contact us using the information listed at the end of this Notice.

Uses and Disclosures of Health Information

Unless further restricted by any applicable state law, we may use and disclose PHI without an authorization as follows:

Treatment: We may use or disclose PHI to another physician or other health care provider providing treatment to an employee or student. For example, if a student transfers to another school, we may disclose PHI to the new school. If a student or an employee needs to be sent to the hospital for emergency medical treatment, we may disclose PHI to the ambulance service and to the hospital.

Payment: In some circumstances, we may be able to receive reimbursement for the medical care provided to students or employees. We may use and disclose PHI to obtain payment for such services. For example, we may provide PHI to Medicaid or the ACCESS program in order to get paid for taking care of a student. To do this, we will provide PHI to the billing company that handles our reimbursement claims.

Health Care Operations: We may use and disclose PHI in connection with our health care operations. Health care operations include quality assessment and improvement activities, reviewing the competence or qualifications of health care professionals, evaluating practitioner and provide performance, conducting training programs, accreditation, certification, licensing or credentialing activities.

Other Uses and Disclosures Permitted Without an Authorization:

We may use and disclose your health information, without having you sign an authorization form, for the following reasons:

1. Where the Disclosure is Required by Law, in Judicial or Administrative Proceedings, or by Law Enforcement.

For example, we may disclose your protected health information if we are ordered to do so by the Court, under a warrant or subpoena, or if a law requires that we report that sort of information to a government agency or law enforcement authorities, such as in the case of a dog bite, suspected child abuse or neglect, or a gunshot wound.

2. Where the Disclosure is for Public Health Activities.

Under the law, we need to report information about certain diseases, about problems with certain medications, and about any births and deaths, to government agencies that collect that information. We may also need to provide some health information to the coroner or a funeral director, if necessary, after a patient's death.

3. Where the Disclosure is About Victims of Abuse, Neglect or Domestic Violence.

For example, we may disclose your protected health information if we reasonably believe that you are the victim of abuse, neglect or domestic violence to a government authority, including a social service or protective services agency, authorized by law to receive reports of abuse, neglect, or domestic violence.

4. For Health Oversight Activities.

For example, we will need to provide your health information if requested to do so by a government We will also need to provide information to government agencies that have the right to inspect our facilities or to investigate health care practices.

5. Uses or Disclosures for Specialized Government Functions.

For example, we may disclose protected health information to authorized federal officials for the conduct of lawful intelligence, counter-intelligence, and other national security activities. We also may disclose protected health information to a correctional institution or a law enforcement official having lawful custody of a student or employee under certain circumstances.

6. For Workers' Compensation.

We may provide your health information as described under the workers' compensation law, if your condition was the result of a workplace injury for which you are seeking workers' compensation.

7. To Business Associates.

We may disclose protected health information to a business associate and may allow a business associate to create or receive protected health information on our behalf if we obtain satisfactory assurances that the business associate will appropriately safeguard the information.

Uses and Disclosures for Care and Notification Purposes

We may use and disclose your protected health information to notify, or to assist in the notification of, a family member, a personal representative, or another person responsible for your care, regarding your location, general condition, or death. For example, if you are hospitalized, we may notify a family member of the hospital and your general condition. In addition, we may disclose your protected health information to a disaster relief entity, such as

the Red Cross, so that it can notify a family member, a personal representative, or another person involved in your care regarding your location, general condition, or death.

Other Uses and Disclosures Require Your Prior Written Authorization

In situations other than those categories of uses and disclosures mentioned above, or those disclosures permitted under federal law, we will ask you for your written authorization before using or disclosing any of your protected health information. In addition, with certain exceptions provided for by law, we must ask for your specific written authorization to disclose information concerning mental health disorders and/or treatment, drug and alcohol abuse and/or treatment, or HIV status. If you choose to sign an authorization to disclose any of your health information, you can later revoke it to stop further uses and disclosures to the extent that we have not already taken action relying on the authorization. Your authorization must be revoked in writing.

Rights of Students and Employees

- **Access:** Students and employees have the right to look at or get copies of their health information, with limited exceptions. A student or employee may request that we provide copies in a format other than photocopies. We will use the format the student or employee requests unless we cannot practicably do so. The student or employee must make a request in writing to obtain access to PHI. We may charge a student or employee a reasonable, cost-based fee for expenses such as copies and staff time needed to make copies of PHI. If the student or employee prefers, we will prepare a summary or an explanation of the PHI for a fee. Contact us using the information listed at the end of this Notice for a full explanation of our fee structure.
- **Disclosure Accounting:** Students and employees have the right to receive a list of instances in which we or our business associates disclosed their PHI for purposes, other than treatment, payment, health care operations and certain other activities, for the last six years, but not before April 14, 2003. If a student or employee requests this accounting more than once in a 12-month period, we may charge the student or employee a reasonable, cost-based fee for responding to these additional requests. A student or employee must make a request in writing to obtain an accounting of our disclosures.
- **Restrictions:** Students and employees have the right to request that we place additional restrictions on our use or disclosure of their health information. We are not required to agree to these additional restrictions, but if we do, we will abide by our agreement, except in an emergency.
- **Alternative Communication:** Students and employees have the right to request that we communicate with them about their PHI by alternative means or at alternative locations. The student or employee must make their request in writing. Such requests must specify the alternative means or location, and provide satisfactory explanation how payments will be handled under the alternative means or location the student requests. We will accommodate all reasonable requests.

- **Amendment:** Students and employees have the right to request that we amend their health information. A request from a student or employee must be in writing, and it must explain why the information should be amended. We may deny such requests under certain circumstances.
- **Electronic Notice:** If you receive this Notice on our Website or by electronic mail (e-mail), you are entitled to receive this Notice in written form.

Questions and Complaints

If employees, students, parents, or guardians want more information about our privacy practices or have questions or concerns, please contact us. If students or employees are concerned that their privacy rights have been violated, or disagree with a decision we made about access to their health information, or in response to a request to amend or restrict the use or disclosure of his or her own PHI, or to have us communicate by alternative means or at alternative locations, the student or employee may complain to us using the contact information listed at the end of this Notice. Students and employees may also submit a written complaint to the U.S. Department of Health and Human Services. We can provide the address to file your complaint with the U.S. Department of Health and Human Services upon request. We support the rights of students and employees to the privacy of their health information. We will not retaliate in any way if a student or employee chooses to file a complaint with us or the U.S. Department of Health and Human Services.

Millcreek Township School District Privacy Officer:

Dr. Ian Roberts, Superintendent or Designee,
3740 West 26th Street, Erie, PA 16506
(814) 835-5307

**MILLCREEK TOWNSHIP SCHOOL DISTRICT
Student Code of Conduct**

Board Approved: April 2023

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PURPOSE AND POLICY

The Pennsylvania Department of Education Regulations, at 22 Pa. Code §12.3, provides that “(e)ach governing board shall adopt a code of student conduct that includes policies governing student discipline and a listing of student’s rights and responsibilities.”

The Millcreek Township School District (the “School District”) desires to follow the Department of Education’s mandate while also providing a clear and succinct Code of Conduct that will govern the behavior of students at all the School District’s schools. A copy of this Code of Conduct will be distributed to all students and parents at the beginning of every school year. The Code of Conduct will also be kept, for reference, in the library of each of the School District’s school buildings.

I. GENERAL RULES

- A. Each infraction under this Code of Conduct is listed in the Student Discipline Matrix, which is incorporated within the Code of Conduct. Each infraction corresponds with a particular School District Policy, as well as identifying the disciplinary action that the School District will take and whether the offending student’s parents/guardians will be contacted.
- B. In the event that a student commits multiple infractions during the same incident, discipline under the Student Discipline Matrix will be administered based upon the most serious infraction committed. What constitutes the “most serious infraction” is at the discretion of the School District’s administration.
- C. Infractions that are in violation of federal, Pennsylvania, or local law may not be included in the Student Discipline Matrix. Those offenses that are included will have the disciplinary consequences associated in the Student Discipline Matrix. Those offenses that are not included may be reported to various law enforcement agencies, at the discretion of School District administration.

- D. The Code of Conduct is applicable to students while on student property, at any school-sponsored activity (including school dances, field trips, etc.), regardless of whether it occurs on or off District property and on any public conveyance providing transportation to a school or a school-sponsored activity. The Code of Conduct is applicable to students going to and returning from school.
- E. Chronic patterns of any Code of Conduct infractions may result in disciplinary action greater than the one listed in the Student Discipline Matrix.
- F. In all instances, any violation of the Code of Conduct may be reported to appropriate law enforcement officials, when applicable. The appropriate law enforcement officials may file subsequent criminal charges, if applicable.
- G. Students eligible for special education services pursuant to IDEA and Chapter 14 of the Pennsylvania Department of Education regulations must comply with all School District rules and regulations. However, eligible students will be afforded all procedural rights granted to them under state and federal law. A Special Education Disciplinary Guideline is included within this Code of Conduct, which governs disciplinary action that may be taken against students eligible for special education services.

II. **DUE PROCESS: FORMAL AND INFORMAL HEARINGS**

A. Formal Hearings

Pursuant to the Pennsylvania Department of Education Regulations, at 22 Pa.Code §12.8, the following procedures must be followed for “formal hearings” in expulsion actions:

- 1) Hearing must be held before the Board of Directors, or before a qualified hearing examiner appointed by the Board of Directors.
- 2) Notification of expulsion charges must be sent to student’s parents or guardians by certified mail.
- 3) Student’s parents must receive notice of the time and place of the hearing at least three (3) days before the hearing. Notice must include the expulsion policy, allowance of legal counsel to represent the student, and hearing procedures. Students must be permitted to request a rescheduling of the hearing upon good cause.
- 4) Hearing must be held in private, student is permitted to have both legal representation and a parent/guardian present.
- 5) Student has the right to be presented with the witnesses against him, including statements and affidavits of those witnesses. Student may

request that the witnesses be present in person and student has right to request cross-examination of those witnesses.

- 6) Student has the right to testify and present their own witnesses.
- 7) Written or audio record must be kept of the hearing; student is entitled to a copy of the record.
- 8) Hearing must be held within fifteen (15) days of notification to the parents of the charges, unless the student and School District agree otherwise.
- 9) Student must be given the right to appeal any decisions resulting in expulsion and notice shall be given within the expulsion decision itself.

B. Informal Hearings

Pursuant to the Pennsylvania Department of Education Regulations, at 22 Pa.Code §12.8, the following procedures shall be followed for “informal hearings” upon the suspension of a student:

- 1) Notification of the reasons for suspension shall be given to parents, in writing, prior to the informal hearing.
- 2) Notice shall be given of the time and the place for the hearing at least three (3) days prior to the informal hearing.
- 3) The student has the right to question any witnesses presented against them.
- 4) The student has the right to speak on their own behalf.
- 5) The informal hearing shall take place within five days of the suspension

III. DESCRIPTION OF STUDENT DISCIPLINE MATRIX INFRACTIONS

The following definitions are included to provide a uniform and fundamental understanding of a particular offense as it relates to the Student Discipline Matrix.

- 1) **Acting as a “Look Out” for Smokers-** participating with others in the act of smoking by staking out a position and informing those smoking of any passersby.
- 2) **Acting as a “Look Out” for Theft-** participating with others in theft by staking out a position and informing those committing the theft of any passersby.
- 3) **Aggravated Assault on Staff-** an attempt to cause serious bodily injury to another or an attack that causes such injury to a School District employee. Included in this definition are attacks in which the offending attacker uses a weapon.

- 4) **Aggravated Assault on Student**- an attempt to cause seriously bodily injury to another or an attack that causes such injury to a School District student. Included in this definition are attacks in which the offending attacker uses a weapon.
- 5) **Aggravated Indecent Assault**- committing a sexual act with or in the presence of a child under the age of sixteen (16) years, by a person of at least age sixteen (16) and at least five (5) years older than the child, for sexual gratification, either by force or otherwise.
- 6) **Arson**- intentional damage or attempt to damage any real or personal property by fire or incendiary device. This category includes any attempt to set a fire using fireworks, firecrackers, Molotov cocktails or other similar device. It does not include the simple use of a light or lighting of a match.
- 7) **Bomb Threats**- the communication, either directly or indirectly of a threat to a School District building involving the placement of any explosive device.
- 8) **Bullying (including Cyber Bullying)**- means an intentional electronic, written, verbal or physical act, or a series of severe, persistent or pervasive acts:
 - a) directed at another student or students, and
 - b) which occurs in a school setting, which shall mean in the school, on school grounds, in school vehicles, at a designated bus stop or at any activity, sponsored, supervised, or sanctioned by the school, and
 - c) inflicts or attempts to inflict discomfort upon another through a real or perceived imbalance of power, and
 - d) that has the effect of doing any of the following:
 - i. substantially interfering with a student’s education;
 - ii. creating a threatening environment; or
 - iii. substantially disrupting the disorderly operation of the school.

“Bullying” includes both genders, can be direct or indirect, and can be physical and/or psychological in nature. This definition includes individual and group bullying as well as cyber bullying. This definition does not include mutual confrontation between two individuals or two groups of students.

- 9) **Burglary**- unlawful entry into a building or other structure with the intent to commit crime, with or without the use of force. This definition includes unlawful entries where no property loss occurs.
- 10) **Computer/Network Resource Impropriety**- use of the School District’s computers and internet resources that is in violation of the School District’s computer use Policy.
- 11) **Cutting/Skipping Class**- a student, who was registered as “present” on the beginning of school day, failing to attend a particular class period.

- 12) **Cutting/Skipping School**- see **Unexcused Absence** or **Unlawful Absence**.
- 13) **Criminal Trespass**- entering or remaining in or on school property or vehicles, knowing or having reason to know that one is not permitted to enter or remain. This includes suspended students who attempt to access school property during extra-curricular events.
- 14) **Disorderly Conduct**- shall mean any of the following:
- a) engaging in fighting, threatening, violent or tumultuous behavior,
 - b) making an unreasonable amount of noise,
 - c) using obscene language or gestures, or
 - d) creating a hazardous or physically offensive condition through any deliberate action.
- 15) **Disrespectful Behavior and Insubordination**- a lack of respect or deference shown by a student to the authority or position of a School District official, employee, or administrator.
- 16) **Disruptive and Inappropriate Behavior**- student behavior, including verbal, physical, and/or written actions, which is distracting, detrimental, or not conducive to the learning environment of other students.
- 17) **Dress Code Infraction**- the wearing of clothing or other clothing accessory items that violates the student dress code promulgated by the School District. This includes situations where a student violates additional limitations on dress or appearance established by School District officials for individual students.
*****See Dress Code attachment at end of document*****
- 18) **Electronic Device Infraction**- the use of electronic devices, including cellular phones, tablets, portable music devices, portable gaming devices, computers, cameras, electronic wrist devices, and any other electronic device, in violation of School District Policy.
- 19) **Failure of Disorderly Persons to Disperse upon Official Order**- students, who are engaging in disorderly conduct, refusing to disperse when a demand to disperse is issued by a School District employee.
- 20) **Failure to Comply with Dispositions**- students who do not adhere to disciplinary dispositions issued by the School District, including, but not limited to, failure to attend detentions, failure to comply with suspensions, and excessive detentions and/or suspensions.
- 21) **False Fire Alarm**- tampering with and/or pulling a School District fire alarm without justification or with malicious intent.
- 22) **Falsifying Academic Information**- the deliberate manipulation of academic work to include material misrepresentations, including, but not limited to altering or

forging another students academic work as one's own, plagiarism, cheating on classwork, homework, or a test.

- 23) **Falsifying Information**- the deliberate use of untrue statements by students on school related documentation, including, but not limited to, altering or forging teacher passes, library slips, parental excuses, or making false phone calls.
- 24) **Fighting**- a student confrontation with another student in which the altercation is mutual between the two, the altercation requires physical restraint and/or results in personal injury or property damages. This definition does not include minor disorderly conduct or verbal confrontations. It is within a School District employee or administrator's discretion to determine whether confrontations amount to "fighting."
- 25) **Gambling**- the making of any bet or wager and/or the organization of or participation in any lottery, numbers game, cards, dice, pool, or bookmaking for money and/or property.
- 26) **Harassment (all other forms)**- shall mean any of the following:
 - a) the striking, kicking, or otherwise subjecting a person to light physical contact, including attempts or threats to do the same
 - b) unwanted following of another person
 - c) engaging in unnecessary, repeated acts that make another person feel uncomfortable
 - d) communicating to or about another person in any lewd, lascivious, threatening, or obscene way, including the use of threatening or obscene words, language, drawings, or caricatures, or
 - e) doing any of the above in an anonymous manner.
- 27) **Hazing** occurs when a person intentionally, knowingly or recklessly, for the purpose of initiating, admitting or affiliating a student with an organization, or for the purpose of continuing or enhancing membership or status in an organization, causes, coerces or forces a student to do any of the following regardless if consent of the student was sought:
 - a) Violate federal or state criminal
 - b) Consuming anything causing physical or emotional harm
 - c) Brutality of a physical, mental, sexual nature or other activity that creates likelihood of injury

"Aggravated hazing" occurs when a person commits an act of hazing that results in serious bodily injury or death to the student and the person acts with reckless indifference to the health and safety of the student.

"Organizational hazing" occurs when a School District organization, and its members, intentionally, knowingly, or recklessly promotes for facilitates hazing or aggravated hazing.

- 28) **Inappropriate Behavior on Bus**- all School District infractions taking place on bus transportation. Disciplinary action for these offenses will correspond with the type of infraction committed by the student.
- 29) **Illegal Possession, Sale, and/or Use of Alcohol or Unauthorized Substances**- the possession, sale, and/or use of an unauthorized substance, the possession of an unauthorized substance with the intent to deliver, the misrepresentation of an unauthorized substance, and the possession of paraphernalia by students on School District property, at School District sponsored events and on School District transportation.
- 30) **Indecent Assault**- committing a sexual act with or in the presence of a child under the age of sixteen (16) years, by a person of at least age sixteen (16) and at least five (5) years older than the child, for sexual gratification, regardless of the use of force or consent. This definition includes exposure of the genitals, showing a minor pornographic images or videos, or covertly photographing another's genitals.
- 31) **Indecent Exposure**- the act of outraging public decency by purposefully displaying your genitals in an area under School District jurisdiction.
- 32) **Involuntary Deviate Sexual Intercourse**- see **Rape** and definition at 18 Pa.C.S. 3101.
- 33) **Kidnapping/Interference with Custody of Child**- the action of abducting someone and holding them captive, including, but not limited to, the action of abducting a child in contravention of a legal custody order.
- 34) **Leaving School without Permission**- a student exiting the School District building during a school day without receiving appropriate permission from a School District employee.
- 35) **Locker/Storage Area/Lock Misuse**- a violation of the School District's Policies regarding student use of lockers, storage area, and/or tampering with locks.
- 36) **Minor Altercation**- an incident involving a single offender who commits a minor physical act against another individual and the victim does not respond. This does not include incidents that amount to assault, aggravated assault, and/or fighting.
- 37) **Murder/Manslaughter**- an attack on another individual that results in the individual's death, either premeditated or accidental in nature.
- 38) **Obscene and Other Sexual Materials**- the possession of pornographic, violent
- 39) **Open Lewdness**- the commission of any lewd act which the offender knows is likely to be observed by others and is offensive in nature.
- 40) **Parking Violation**- an infraction related to the School District's Policies regarding student use of School District parking lots.

- 41) **Possession of Weapons**- the control, ownership, or custody of any of the following items:
- a) Firearms, including handguns and assault rifles
 - b) Knives, razors, or blades of any kind
 - c) Metal knuckles
 - d) Irritating or poisonous gases
 - e) Poisons
 - f) Bombs, fireworks, or other incendiary devices
 - g) Bats, clubs, or other bludgeoning objects
 - h) Metal devices used to inflict harm or pain
 - i) Any other object designed for protection or designed to harm others
- 42) **Racial/Ethnic/Gender/Religious Intimidation**- any other offense committed under this section that includes an action with malicious intention toward the actual or perceived race, color, religion, national origin, ancestry, mental or physical disability, sexual orientation, gender or gender identity of another individual or group of individuals.
- 43) **Rape**- engaging in sexual intercourse with a victim through any of the following:
- a) forcible compulsion
 - b) threat of forcible compulsion that would prevent resistance by a reasonable person
 - c) engaging in sexual intercourse with an unconscious person, who is unaware that sexual intercourse is occurring
 - d) engaging in sexual intercourse with an individual who is substantially impaired to the point where the victim has no ability to consent to the sexual intercourse
 - e) engaging in sexual intercourse with an individual with a mental disability that precludes their ability to give informed consent.
- 44) **Reckless Endangering**- engaging in conduct that places or cause an individual to fear being placed in danger of death or serious bodily injury.
- 45) **Rioting**- the participation in disorderly conduct with two or more others in any of the following circumstances:
- a) with the intent to commit or facilitate the commission of a felony or misdemeanor;
 - b) with intent to prevent or coerce official action; or
 - c) when the actor or any other participant to the knowledge of the actor uses or plans to use a firearm or other deadly weapon.
- 46) **Robbery**- the taking or attempting to take, of anything of value under confrontational circumstances, from the custody, control, or care of another

person by force or threat or force or violence and/or putting the victim in fear of immediate harm.

- 47) **Sexual Assault**- an unauthorized and unwanted, intentional or forcible touching of a sex organ of another person. This includes attempted rape and any other sexual offense. **This category does not include rape.**
- 48) **Sexual Harassment**- discrimination against another person based on the person's submission or rejection of sexual advances and/or requests or creating an uncomfortable atmosphere based on sexual advances. This includes any unwelcome sexual advances, requests for sexual favors, and other physical or verbal communication of a sexual nature.
- 49) **Simple Assault on Staff**- Intentionally, knowingly, or recklessly causing bodily injury or serious bodily harm to a School District employee. By definition, the School District does not recognize attempted assaults, only completed assaults.
- 50) **Simple Assault on a Student**- Intentionally, knowingly or recklessly causing bodily injury or serious bodily harm to a School District student. By definition, the School District does not recognize attempted assaults, only completed assaults.
- 51) **Stalking**- the participation in either of the following:
 - a) engaging in a course of conduct or repeatedly committing acts toward another person, including following the person without proper authority, under circumstances which demonstrate either an intent to place such person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person; or
 - b) engaging in a course of conduct or repeatedly communicating to another person under circumstances which demonstrate or communicate either an intent to place such person in reasonable fear or bodily injury or to cause substantial emotional distress to such other person.
- 52) **Statutory Sexual Assault**- when a person engages in sexual intercourse with an individual who is under the age of 16 years old and that person is at least four (4) years older than the victim.
- 53) **Tardiness to Class**- arriving to a School District class subsequent to its scheduled start time.
- 54) **Tardiness to School**- arriving to the School District building subsequent to the beginning of the school day.
- 55) **Tampering with Fire Extinguishers**- misuse of School District fire extinguisher without justification or with malicious intent.
- 56) **Terrorist Threats (excluding bomb threats)**- the communication, either directly or indirectly of a threat to do any of the following:

- a) Commit any crime of violence with intent to terrorize another;
 - b) Cause evacuation of a building, place of assembly, facility, or on public transportation; or
 - c) Other cause serious public inconvenience or public terror with reckless disregard of the risk of causing such terror or inconvenience.
- 57) **Theft**- the act of taking, or exercising unlawful control over movable or immovable property of another with the intent to deprive them thereof.
- 58) **Threatening or Intimidating Another**- placing a person in fear of bodily harm through verbal, written, or electronic threats without displaying a weapon or subjecting the victim to actual physical attack.
- 59) **Unexcused Absence**- a student, age 17 or older, missing a scheduled day of school without providing a written parental excuse within three (3) school days of the date of absence or without providing an approved reason under Policy 204.
- 60) **Unlawful Absence**- missing a scheduled day of school without proper reason and or notification by a parent/guardian, where applicable.
- 61) **Unlawful Restraint**- when a person knowingly and intentionally restrains another person without that person's consent and without justification.
- 62) **Vandalism**- the desecration of a building or other structure with the intent to commit damage.

IV. DISCIPLINE FOR SPECIAL EDUCATION STUDENTS

A. General Rules

The following infractions of the Student Discipline Matrix will be dealt with as follows for special education students:

- 1) Attendance, punctuality, and unlawful absences- treated as non-disabled peers.
- 2) Minor offenses, with short suspension- treat as non-disabled peers (except for students with ID). Discuss with special education teacher to determine appropriate disciplinary action.
- 3) Suspensions- suspensions must be limited to ten (10) consecutive days or fifteen (15) cumulative days during a single school year, as long as no series of removals takes place that constitutes a pattern.
- 4) If a disciplinary exclusion is greater than ten days, a Manifestation Determination must be made prior to the exclusion. If Manifestation, IEP team must review and address. If no manifestation discipline can be applied.

B. Students with Intellectual Disability (ID)

- 1) Any removal from school constitutes a change in placement under IDEA.
- 2) To suspend a student at all, a Manifestation Determination must be made and the Pennsylvania Department of Education must be contacted.
- 3) If parent refuses suspension, the ID student may not be suspended except for the following infractions (the “Big Three”):
 - a) Carrying or possession of a weapon,
 - b) Possessing or using illegal substances, or
 - c) Inflicting serious bodily injury on another.
- 4) If any of the Big Three occur, School District administration may remove a student to an interim alternative education setting for a period up to forty-five (45) days without regard to whether the behavior is a Manifestation of the ID.

V. DESCRIPTION OF DISCIPLINARY ACTIONS

The following definitions are included to provide a uniform fundamental understanding of the infractions, dispositions, and other key items identified in the Student Discipline Matrix, as they relate to School District Policy and applicable law:

- A. **Administrative Discretion**- allows School District officials and administrators to examine infractions on a case-by-case basis in order to develop the most appropriate and effective course of action with regards to particular infractions of the Student Discipline Matrix.
- B. **Elementary**- refers to students at Asbury, Belle Valley, Chestnut Hill, Grandview, and Tracy, grades K-5.
- C. **Elementary School (ES)**- refers to students at Asbury, Belle Valley, Chestnut Hill, Grandview, and Tracy, grades K-5.
- D. **Extended Time Out**- a period of time (not to exceed one consecutive hour) whereby a student is excluded from the regular classroom setting. At the elementary level, may be assigned in lieu of office detention where transportation issues and other extenuating circumstances preclude the assignment of office detention or in the event of student infractions that would warrant a Saturday detention at the secondary school level.
- E. **Group Searches** – general, random searches conducted on a subset of School District students, including dog searches. Can be conducted for any reason by the School District administration, subject to neutral guidelines adopted by the School District.
- F. **High School (HS)** - refers to students at MIHS and McDowell, grades 9-12.

- G. **Immediate Disposition**- description of disciplinary actions that are taken by the administration as a designee of the Superintendent and are imposed as quickly as possible relative to the occurrence of the infraction.
- H. **Individualized Searches**- searches on one particular School District student. Can be conducted if the School District has (1) reasonable grounds to suspect that the student has violated or is violating a law or a School District policy and (2) the scope of the search is reasonable related to the objective of the search and not excessively intrusive on the student. Dog searches shall only be conducted on individual students if the School District has reasonable suspicion of wrongdoing and the dog search is necessary in scope. Students shall be given notice and the opportunity to be present prior to any locker search, including dog searches of individual lockers, unless the immediate health, safety, and well-being of School District students, personnel, and/or buildings are at risk.
- I. **Infraction**- student behavior that is in violation of School District policy.
- J. **In-School Suspension**- the placement of a student within the school building but outside of the regular classroom setting for a continuous period of time not to exceed a regular school day.
- K. **Middle School (MS)**- refers to students at J.S. Wilson, Walnut Creek, and Westlake, grades 6-8.
- L. **Office Detention**- retention of a student outside of the regularly scheduled school day for a period of time not to exceed one (1) hour in length and proctored by a School District administrator or their designee.
- M. **Out of School Suspension**- the placement of a student outside of the School District building.
- N. **Parental Contact**- communication with the parent(s) or guardian(s) by means of conference, telephone, email, and/or letter.
- O. **Policy**- indicates the School District policy by which the infraction and related disposition is enforceable.
- P. **Secondary**- refers to students at the high schools and middle schools, grades 6-12.
- Q. **Teacher Detention**- retention of a student outside of the regularly scheduled school day for a period of time not to exceed one (1) hour in length and proctored by the regular classroom teacher.
- R. **Saturday Detention**- retention of a student outside of the regularly scheduled school day (Saturday) for a period of time not to exceed three (3) hours in length and proctored by a building administrator or his/her designee.
- S. **School Property**- is any building, facility, or property owned by the School District.

- T. **Season-** is that period of time defined by School District guidelines or specific dates established by the Pennsylvania Department of Education or the PIAA that govern when an activity or sport takes place.

VI. STUDENT DISCIPLINE MATRIX

Code	Infraction	Policy	Immediate Disposition	Parental Contact
<u>Attendance and Punctuality</u>				
Elementary - Tardiness to School - Although the consequences for tardiness may be different than those of secondary students, elementary students are still held accountable for their punctuality to school. When a student is late by more than 5 minutes after the designated start of the school day (with or without a written excuse by a parent or guardian), those additional minutes shall be logged as "late."				
ATT01	Accumulation of Ten (10) or More Tardies	204	Parent/Guardian Phone Call or Letter	Required
Secondary - Tardiness to School - A tardy will be considered unexcused if a written excuse by parent/guardian is not provided to the attendance office within three (3) school days. Every tardy (except medical) counts as one (1) toward the accumulation of a maximum of three (3) tardies per quarter. After an accumulation of three (3) tardies (excused or unexcused) in a quarter, each additional tardy will be unexcused unless accompanied by a medical excuse provided by the parent within three (3) school days.				
ATT04	4th Tardy (0 - 90 Minutes Late)	204	One (1) Hour of Office Detention 1. 10 or more tardies per quarter may include exclusion from Homecoming, Prom, Dances, Extra-Curricular Activities, Sports, Parking Privileges, etc. 2. 20 tardies in one (1) year may include exclusion from Homecoming, Prom, Dances, Extra-Curricular Activities, Sports, Parking Privileges, etc.	HS - Optional MS - Required
ATT06				
ATT07				
ATT08				

Code	Infraction	Policy	Immediate Disposition	Parental Contact
ATT03	Any Unlawful Tardy (after first block)	204	<p>One (1) Saturday Detention and no participation in any Extra Curricular activities that day.</p> <ol style="list-style-type: none"> 1. 10 or more tardies per quarter may include exclusion from Homecoming, Prom, Dances, Extra-Curricular Activities, Sports, Parking Privileges, etc. 2. 20 tardies in one (1) year may include exclusion from Homecoming, Prom, Dances, Extra-Curricular Activities, Sports, Parking Privileges, etc. 	
ATT09	Tardiness to Class	204	<p>Teacher/Administrative Discretion One (1) Hr. of Office Detention after Three (3) Tardies HS/MS</p> <ol style="list-style-type: none"> 1. 10 or more tardies per quarter may include exclusion from Homecoming, Prom, Dances, Extra-Curricular Activities, Sports, Parking Privileges, etc. 2. 20 tardies in one (1) year may include exclusion from Homecoming, Prom, Dances, Extra-Curricular Activities, Sports, Parking Privileges, etc. 	Optional
<u>Truancy – Unlawful Absence</u>				
A student under the age of 18 is unlawful when he/she is absent from school without meeting the requirements of School District Policy regarding excused absence. Compulsory School Age in Pennsylvania is now age 6 to age 18.				

Code	Infraction	Policy	Immediate Disposition	Parental Contact
TRU01	Unlawful Absences (all absences from school shall be treated as “unlawful” until the School District receives a written excuse explaining the absence)	204	<p>All levels – <u>First</u> unlawful absence = warning; All levels – <u>Second</u> unlawful absence = Office detention; All levels – <u>Third</u> unlawful absence = First Notice mailed to parent/guardian, School Attendance Improvement Plan; All levels – <u>Fourth</u> unlawful absence = Notice mailed to parent/guardian All levels – <u>Fifth</u> unlawful absence = Notice mailed to parent/guardian, All levels – <u>Six or More</u> unlawful absence(s) = Citation filed with District Justice</p> <ul style="list-style-type: none"> • Subject to Administrative Discretion for students under the age of six (6) years old. • Students will receive no credit for class participation grades missed on unlawful or unexcused days. 	Required
TRU02	Truancy – Unexcused Absence <i>(An unexcused absence occurs when a student age 18 or older fails to provide a written parental excuse to the attendance office within three (3) school days) or is absent from school due to an unapproved reason as suggested in Policy 204.)</i>	204	HS– Minimum of one (1) Saturday Detention with Administrative Discretion	Required

Code	Infraction	Policy	Immediate Disposition	Parental Contact
TRU05	Leaving School Without Permission	204	Minimum of one (1) Day of In-School Suspension	Required
TRU06	Cutting/Skipping Class	204	HS – Up to three (3) hours of Office Detention MS - One (1) Saturday Detention ES - One (1) hour Office Detention	Required
TRU07	Cutting/Skipping School	204	HS and MS – One (1) day of In School Suspension ES – Administrative Discretion	Required
TRU08	Accumulation of 10 unlawful or unexcused absences or 10 unexcused tardies	204	HS – Administrative Discretion which may include exclusion from Homecoming, Prom, etc. and other major school functions.	Required
<u>Failure to Comply with Dispositions</u>				
COM01	Excessive Office Detention Accumulation of Twelve (12) Hours of Office Detention during One (1) School Year"	218	Determined on a case by case basis including the assignment of Saturday Detention for subsequent actions that would require Office Detention as a consequence	Required
COM02	Excessive Saturday Detention Accumulation of Seven (7) Saturday Detentions during One (1) School Year	218	Determined on a case by case basis including the assignment of In School Suspension for subsequent actions that would require Saturday Detention as a consequence	Required
COM03	Failure to Attend Teacher Detention	218	Minimum of Office Detention equal to double the time assigned for the original Teacher Detention	Required
COM04	Failure to Attend Office Detention	218	HS / MS - Determined on a case by case basis including reassignment of the Office Detention plus the assignment of one (1) Saturday Detention ES - Determined on a case by case basis including reassignment of the	Required

Code	Infraction	Policy	Immediate Disposition	Parental Contact
			Office Detention plus the assignment of an additional Office Detention	
COM05	Failure to Attend Saturday Detention	218	Determined on a case by case basis including reassignment of the Saturday Detention plus the assignment of up to two (2) days of In School Suspension	Required
NA	Multiple Suspensions; or a Single Suspension for Drugs, Alcohol, Assault, Weapons, Terroristic Threats, Fighting, or Tobacco Policy Violations	218	Eligibility for attending major school functions (i.e. dance, prom, game, etc.) is determined by the following parameters: HS: 1 – 2 days of suspension – may attend; HS: 3 – 10 days of suspensions – Administration’s discretion; HS: Over 10 days of suspension – not permitted; MS: 1 – 2 days of suspension; may attend; MS: 3 or more – not permitted to attend.	Required
<u>Inappropriate Behaviors – General</u>				
GEN01	Inappropriate Behavior on Bus	218	Administrative Discretion including but not limited to suspension of bus privileges. Multiple offenses will lead to a progressive series of consequences.	Recommended in the case of multiple offenses
GEN02	Computer/Network Resource Impropriety	815	Administrative Discretion including but not limited to suspension of computer and/or network access privileges	Optional
GEN03	Criminal Trespass	218	Immediate Suspension from school and may include a formal hearing with the Superintendent and possibly the School Board. Any offense may result in Alternative Education placement and may include exclusion from Homecoming, Prom, Dances, Extra-	Required

Code	Infraction	Policy	Immediate Disposition	Parental Contact
			Curricular Activities, Sports, Parking Privileges, etc.	
GEN04	Disorderly Conduct	218	Immediate Suspension from school and may include a formal hearing with the Superintendent and possibly the School Board. Any offense may result in Alternative Education placement and may include exclusion from Homecoming, Prom, Dances, Extra-Curricular Activities, Sports, Parking Privileges, etc.	Required
GEN05	Disruptive and Inappropriate Behavior (Including, but not limited to: classroom, hall, and cafeteria misbehavior, inappropriate language and gestures, horseplay/rough housing/pranks, loitering, snow throwing, etc.)	218	Determined on a case by case basis, and may include, but is not limited to: verbal reprimand, written apology, detention, in-school suspension, or other alternative and logical consequences	Optional
GEN06	Disrespectful Behavior and Insubordination	218	Minimum of one (1) hour of Office Detention	Required
GEN07	Dress Code Infraction – No book bags or totes are permitted and must be in lockers at all times. Purses should be no larger than 6” x 8”.	221	First – Warning Second – Office Detention Third – Administrative Discretion	Optional
GEN08	Electronic Device Infraction (Devices may include smart watches, cell phones, ear buds,	237	First Offense ① Confiscation of the electronic device ② One (1) Saturday Detention (elementary equivalent) ③ Electronic device returned directly to the student at the end of school day.	Required with each Offense

Code	Infraction	Policy	Immediate Disposition	Parental Contact
	<p>headphones, air pods...)</p> <p>Failure to acquire the permission or appropriate consent prior to filming, photographing, videoing, or posting the image of a student with the use of any type of electronic device.</p> <p>Failure to acquire the permission or appropriate consent prior to filming, photographing, videoing, or posting the of a staff member with the use of any type of electronic device.</p>		<p>Second Offense</p> <p>① Confiscation of the electronic device ② One (1) Saturday Detention ③ Electronic device returned to parent / guardian</p> <p>Third Offense</p> <p>① Confiscation of the electronic device ② One (1) day of In School Suspension ③ Electronic device returned to parent/ guardian</p> <p>Fourth and Subsequent Offenses</p> <p>① Confiscation of the electronic device ② Three (3) days of ISS or OSS ③ Electronic device returned to parent/ guardian</p> <p>Minimum of a Saturday Detention</p> <p>Minimum of 1 day of ISS</p>	<p>Required</p> <p>Required</p>
GEN09	Failure of Disorderly Persons to Disperse Upon Official Order	218	Immediate Suspension from school and may include a formal hearing with the Superintendent and possibly the School Board. Any offense may result in Alternative Education placement and may include exclusion from Homecoming, Prom, Dances, Extra-Curricular Activities, Sports, Parking Privileges, etc.	Required

Code	Infraction	Policy	Immediate Disposition	Parental Contact
GEN10	Falsifying Information (Including, but not limited to altering or forging teacher passes, library slips, parental excuses or making false phone calls, cheating, etc.)	218	Minimum of one (1) hour of Office Detention	Required
GEN11	Falsifying Academic Information (Including, but not limited to altering or forging other students work and representing as one's own, Plagiarism, cheating on a test, etc.)	218	Minimum of one (1) hour of Office Detention (including failure for the assignment) with a score of 55% for a summative assignment	Required
GEN12	Gambling	218	Minimum of one (1) hour of Office Detention	Optional
GEN13	Locker/Storage Area/Lock Misuse	218	Minimum of one (1) hour of Office Detention plus restitution if damages are involved	Optional
GEN14	Parking Violation	218	<u>First Offense</u> : Parking Citation; Parking Fine Assessed; Possible Towing of Vehicle; <u>Second Offense</u> : Parking Citation; Parking Fine Assessed; Minimum of one (1) Saturday Detention with Administrative Discretion; Possible Towing of Vehicle; <u>Third Offense</u> : Parking Citation, Parking Fine Assessed; Minimum of one (1) Saturday detention with Administrative Discretion; Loss of Parking Pass and Privileges; Possible Towing of Vehicle.	Optional
GEN15	Rioting	218	Immediate Suspension from school pending a formal hearing with the Superintendent and possibly the	Required

Code	Infraction	Policy	Immediate Disposition	Parental Contact
			School Board. Any offense may result in Alternative Education placement and may include exclusion from Homecoming, Prom, Dances, Extra-Curricular Activities, Sports, Parking Privileges, etc.	
GEN16	Unlawful Restraint	218	Immediate Suspension from school pending a formal hearing with the Superintendent and possibly the School Board. Any offense may result in Alternative Education placement and may include exclusion from Homecoming, Prom, Dances, Extra-Curricular Activities, Sports, Parking Privileges, etc.	Required
GEN17	Vandalism	218	Minimum of One (1) Saturday Detention plus restitution for damages	Required
<u>Inappropriate Behavior – Theft</u>				
THF01	Burglary	218	Immediate Suspension from school pending a formal hearing with the Superintendent and possibly the School Board. Any offense may result in Alternative Education placement and may include exclusion from Homecoming, Prom, Dances, Extra-Curricular Activities, Sports, Parking Privileges, etc.	Required
THF02	Robbery	218	Immediate Suspension from school pending a formal hearing with the Superintendent and possibly the School Board. Any offense may result in Alternative Education placement and may include exclusion from Homecoming, Prom, Dances, Extra-Curricular Activities, Sports, Parking	Required

Code	Infraction	Policy	Immediate Disposition	Parental Contact
			Privileges, etc.	
THF03	Theft (Petty – less than \$50.00)	218	Minimum of one (1) hour of office detention and restitution	Required
THF04	Theft (more than \$50.00)	218	Immediate Suspension from school and may include a formal hearing with the Superintendent and possibly the School Board. Any offense may result in Alternative Education placement and may include exclusion from Homecoming, Prom, Dances, Extra-Curricular Activities, Sports, Parking Privileges, etc.	Required
THF05	Acting as a “look out” for Theft	218	Minimum of one (1) hour of office detention	Required
<u>Inappropriate Behaviors – Fire Code</u>				
FIR01	Arson	218.2	Alt Ed and possible referral to the School Board for further disciplinary action, Any offense may result in Alternative Education placement and may include exclusion from Homecoming, Prom, Dances, Extra-Curricular Activities, Sports, Parking Privileges, etc.	Required
FIR02	False Fire Alarm	218.2	Immediate Suspension from school pending a formal hearing with the Superintendent and possibly the School Board, Any offense may result in Alternative Education placement and may include exclusion from Homecoming, Prom, Dances, Extra-Curricular Activities, Sports, Parking Privileges, etc.	Required
FIR03	Tampering with Fire Extinguishers	218.2	Immediate Suspension from school pending a formal hearing with the Superintendent and possibly the School Board, Any offense may result in Alternative Education	Required

Code	Infraction	Policy	Immediate Disposition	Parental Contact
			placement and may include exclusion from Homecoming, Prom, Dances, Extra-Curricular Activities, Sports, Parking Privileges, etc.	
<u>Assault/Fighting</u>				
AF01	Minor Altercation	218	Minimum of one (1) hour of Office Detention	Optional
AF02	Fighting	218	<p><u>HS/MS</u> - Minimum three (3) days of Suspension (ISS / OSS at the discretion of the administrator) and may include a formal hearing with the Superintendent and possibly the School Board. Any Offense may result in an Alternative Education placement and may include exclusion from Homecoming, Prom, Dances, Extra-Curricular Activities, Sports, Parking Privileges, etc.</p> <p><u>ES</u> - Minimum one (1) day of In-School Suspension</p> <ol style="list-style-type: none"> 1. Two(2) fights in one (1) year may result in an Alternative Education placement and may include exclusion from Homecoming, Prom, Dances, Extra-Curricular Activities, Sports, Parking Privileges, etc.. 2. Three (3) fights in a High School (HS) career may result in an Alternative Education placement and may include exclusion from Homecoming, Prom, Dances, Extra-Curricular Activities, Sports, Parking Privileges, etc.. 	Required
AF03	Reckless	218	Immediate Suspension from school	Required

Code	Infraction	Policy	Immediate Disposition	Parental Contact
	Endangering		and may include a formal hearing with the Superintendent and possibly the School Board, Any offense may result in Alternative Education placement and may include exclusion from Homecoming, Prom, Dances, Extra-Curricular Activities, Sports, Parking Privileges, etc.	
AF04	Simple Assault on a Student	218	Immediate Suspension from school and may include a formal hearing with the Superintendent and possibly the School Board, Any offense may result in Alternative Education placement and may include exclusion from Homecoming, Prom, Dances, Extra-Curricular Activities, Sports, Parking Privileges, etc.	Required
AF05	Aggravated Assault on Student	218	Immediate Suspension from school and may include a formal hearing with the Superintendent and possibly the School Board, Any offense may result in Alternative Education placement and may include exclusion from Homecoming, Prom, Dances, Extra-Curricular Activities, Sports, Parking Privileges, etc.	Required
AF06	Simple Assault on Staff	218	Immediate Suspension from school and may include a formal hearing with the Superintendent and possibly the School Board, Any offense may result in Alternative Education placement and may include exclusion from Homecoming, Prom, Dances, Extra-Curricular Activities, Sports, Parking Privileges, etc.	Required
AF07	Aggravated Assault on Staff	218	Immediate Suspension from school and may include a formal hearing	Required

Code	Infraction	Policy	Immediate Disposition	Parental Contact
			with the Superintendent and possibly the School Board, Any offense may result in Alternative Education placement and may include exclusion from Homecoming, Prom, Dances, Extra-Curricular Activities, Sports, Parking Privileges, etc.	
AF08	Murder/ Manslaughter	218	Immediate Suspension from school and may include a formal hearing with the Superintendent and possibly the School Board, Any offense may result in Alternative Education placement and may include exclusion from Homecoming, Prom, Dances, Extra-Curricular Activities, Sports, Parking Privileges, etc.	Required
<u>Harassment/Bullying/Threats/Hazing</u>				
HBT01	Bullying (including Cyber Bullying)	249	Administrative Discretion with a minimum of one (1) hour of Office Detention	Required
HBT02	Threatening School Official / Student	218	Immediate Suspension from school; pending a formal hearing with the Superintendent and possibly the School Board, Any offense may result in Alternative Education placement and may include exclusion from Homecoming, Prom, Dances, Extra-Curricular Activities, Sports, Parking Privileges, etc.	Required
HBT03	Terrorist Threats (Excluding Bomb Threats)	218.2	Immediate Suspension from school and a threat assessment completed pending a formal hearing with the Superintendent and possibly the School Board, Any offense may result in Alternative Education placement and may include exclusion from	Required

Code	Infraction	Policy	Immediate Disposition	Parental Contact
			Homecoming, Prom, Dances, Extra-Curricular Activities, Sports, Parking Privileges, etc.	
HBT04	Bomb Threats	218.2	Immediate suspension and a threat assessment completed pending School Board hearing; Possible Threat Assessment and / or Expulsion; Further actions in accordance with Act 26, Any offense may result in Alternative Education placement and may include exclusion from Homecoming, Prom, Dances, Extra-Curricular Activities, Sports, Parking Privileges, etc.	Required
HBT05	Sexual Harassment	103	Minimum of Saturday Detention	Required
HBT06	Racial/Ethnic/ Gender/Religious Intimidation	103	Minimum of Saturday Detention	Required
HBT07	Harassment (all other forms)	103	Minimum of Saturday Detention	Required
HBT08	Stalking	103/ 249	Minimum of Saturday Detention	Required
HBT09	Kidnapping/ Interference with Custody of Child	103/ 249	Immediate Suspension from school pending a formal hearing with the Superintendent and possibly the School Board.	Required
HBTH01	Hazing	247	<p>Informal hearing/building administrator's discretion; may impose a \$100 fine.</p> <p>When recommended, Immediate Suspension from school pending a formal hearing with the Superintendent and possibly the School Board; May impose \$200 fine. Any offense may result in Alternative Education placement and may include exclusion from Homecoming, Prom, Dances, Extra-</p>	Required

Code	Infraction	Policy	Immediate Disposition	Parental Contact
			Curricular Activities, Sports, Parking Privileges, etc.	
<u>Weapons</u>				
A weapon shall include but is not limited to the following: guns; firearms; knives; cutting instrument; cutting tool; nunchaku; metal knuckles; straight razors; razor blades; noxious, irritating or poisonous gases; poisons; bombs; missiles; chains; metal objects; replica of a weapon; or any other tool, instrument, implement or object capable of doing bodily injury.				
WEA54	Possession of Weapon	218.1	<p>Immediate removal from school property and a threat assessment completed; suspension pending an informal hearing at the building level within three (3) days of the incident. The outcome of the informal hearing may result in a Superintendent hearing and/or School Board hearing and possible expulsion from school for at least (1) school year. Further actions in accordance with Act 26.</p> <p>An exception to this policy may be made by the Superintendent, who shall prescribe special conditions or administrative regulations to be followed.</p>	Required
<u>Drugs and Alcohol</u>				
DA01	Sale, Possession, Use, or Under the Influence of Alcohol while on school property, on property being used by the school, at any school function or activity, at any school event held away from the school, or while the student is coming to	227	<p><u>First Offense</u> - Suspension for ten (10) school days; \$150 fine</p> <p><u>Second and Subsequent Offenses</u> - Out of school suspension pending a formal hearing with the School Board; \$150 fine</p> <p>Any offense may result in Alternative Education placement and may include exclusion from Homecoming, Prom, Dances, Extra-</p>	Required

Code	Infraction	Policy	Immediate Disposition	Parental Contact
	or from school.		Curricular Activities, Sports, Parking Privileges, etc.	
DA02	Possession and/or Under the Influence of an Unauthorized or Controlled Substance (including prescription medications not following District procedures) while on school property, on property being used by the school, at any school function or activity, at any school event held away from the school, or while the student is coming to or from school.	227	<p><u>First Offense</u> - Suspension for ten (10) school days; \$150 fine</p> <p><u>Second and Subsequent Offenses</u> - Out of school suspension pending a formal hearing with the School Board; \$150 fine</p> <p>Any offense may result in Alternative Education placement and may include exclusion from Homecoming, Prom, Dances, Extra-Curricular Activities, Sports, Parking Privileges, etc.</p>	Required
DA03	Sale or Distribution or the Intent to Sell or Distribute an Unauthorized or Controlled Substance while on school property, on property being used by the school, at any school function or activity, at any school event held away from the school, or while the student is coming to or from school.	227	<p>Any Offense - Out of school suspension pending a formal hearing with the School Board; \$150 fine</p> <p>Any offense may result in Alternative Education placement and may include exclusion from Homecoming, Prom, Dances, Extra-Curricular Activities, Sports, Parking Privileges, etc.</p>	Required
DA04	Misrepresentation of an Unauthorized	227	<u>First Offense</u> - Suspension for up to	Required

Code	Infraction	Policy	Immediate Disposition	Parental Contact
	or Controlled Substance while on school property, on property being used by the school, at any school function or activity, at any school event held away from the school, or while the student is coming to or from school.		ten (10) days; \$150 fine <u>Second and Subsequent Offenses</u> - Out of school suspension pending a formal hearing with the School Board; \$150 fine	
DA05	Possession of Paraphernalia (any tool or equipment whose function is to aid a user in consuming or selling any type of drug, controlled substance or alcohol) while on school property, on property being used by the school, at any school function or activity, at any school event held away from the school, or while the student is coming to or from school.	227	<u>First Offense</u> - Suspension for up to ten (10) days; \$150 fine <u>Second and Subsequent Offenses</u> - Out of school suspension pending a formal hearing with the School Board; \$150 fine Any offense may result in Alternative Education placement and may include exclusion from Homecoming, Prom, Dances, Extra-Curricular Activities, Sports, Parking Privileges, etc.	Required
DA06	Possession of Non-Prescription drugs. (OTC)	210	<u>First Offense – Warning; Non-prescription drugs returned to parent/guardian.</u> <u>Second and Subsequent Offenses – Minimum of one (1) Saturday detention (elementary equivalent); Non-prescription drugs returned to parent/guardian.</u>	Required
<u>Tobacco/Nicotine Violations</u>				

Code	Infraction	Policy	Immediate Disposition	Parental Contact
TOB01	Acting as a "look out" for smokers	222	One (1) day of In-School or Out of School Suspension	Required
TOB02	Possession/Use of Tobacco or Nicotine Products (including e-cigarettes,, liquids containing nicotine or food items containing nicotine.) on school property including buses or at any event under the jurisdiction of MTSD	222	<p>Any offense:</p> <ul style="list-style-type: none"> • Mandated education program and \$150 fine will be assessed; • Confiscation of paraphernalia until the end of the school year; • 3 days of ISS <p><u>2nd Offense:</u> <u>Referral to Local Law Enforcement, \$150 fine, Confiscation of paraphernalia until the end of the school year; 3 Days OSS</u> <u>Possible Alternative Education placement and may include exclusion from Homecoming, Prom, Dances, Extra-Curricular Activities, Sports, Parking Privileges, etc.</u></p> <p><u>3rd Offense:</u> <u>Referral to Local Law Enforcement, \$150 fine, Confiscation of paraphernalia until the end of the school year; 3 Days OSS</u> <u>Possible Alternative Education placement and may include exclusion from Homecoming, Prom, Dances, Extra-Curricular Activities, Sports, Parking Privileges, etc.</u></p>	Required
VAP01	Possession or use of Vaping Products	222	<p>Any offense:</p> <ul style="list-style-type: none"> • Mandated education program and \$150 fine will be assessed; • Mandated \$50 fine code fee; 	Required

Code	Infraction	Policy	Immediate Disposition	Parental Contact
			<ul style="list-style-type: none"> • Confiscation of paraphernalia until the end of the school year; • 3 days of ISS <p><u>2nd Offense:</u> <u>Referral to Local Law Enforcement, \$150 fine, Confiscation of paraphernalia until the end of the school year; 3 Days OSS</u> <u>Possible Alternative Education placement and may include exclusion from Homecoming, Prom, Dances, Extra-Curricular Activities, Sports, Parking Privileges, etc.</u></p> <p><u>3rd Offense:</u> <u>Referral to Local Law Enforcement, \$150 fine, Confiscation of paraphernalia until the end of the school year; 3 Days OSS</u> <u>Possible Alternative Education placement and may include exclusion from Homecoming, Prom, Dances, Extra-Curricular Activities, Sports, Parking Privileges, etc.</u></p>	
<u>Sexually Based Offenses</u>				
SBO01	Indecent Assault	103	Immediate Suspension from school pending a formal hearing with the Superintendent and possibly the School Board, <u>Possible Alternative Education placement and may include exclusion from Homecoming, Prom, Dances, Extra-</u>	Required

Code	Infraction	Policy	Immediate Disposition	Parental Contact
			<u>Curricular Activities, Sports, Parking Privileges, etc.</u>	
SBO02	Indecent Exposure	103	Immediate Suspension from school pending a formal hearing with the Superintendent and possibly the School Board, <u>Possible Alternative Education placement and may include exclusion from Homecoming, Prom, Dances, Extra-Curricular Activities, Sports, Parking Privileges, etc.</u>	Required
SBO03	Open Lewdness	103	Immediate Suspension from school pending a formal hearing with the Superintendent and possibly the School Board, <u>Possible Alternative Education placement and may include exclusion from Homecoming, Prom, Dances, Extra-Curricular Activities, Sports, Parking Privileges, etc.</u>	Required
SBO04	Obscene and other sexual materials	103	Immediate Suspension from school pending a formal hearing with the Superintendent and possibly the School Board, <u>Possible Alternative Education placement and may include exclusion from Homecoming, Prom, Dances, Extra-Curricular Activities, Sports, Parking Privileges, etc.</u>	Required
SBO05	Rape	103	Immediate Suspension from school pending a formal hearing with the Superintendent and possibly the School Board, <u>Possible Alternative Education placement and may include exclusion from Homecoming, Prom, Dances, Extra-Curricular Activities, Sports, Parking Privileges, etc.</u>	Required
SBO06	Involuntary Deviate Sexual Intercourse	103	Immediate Suspension from school pending a formal hearing with the Superintendent and possibly the	Required

Code	Infraction	Policy	Immediate Disposition	Parental Contact
			School Board, <u>Possible Alternative Education placement and may include exclusion from Homecoming, Prom, Dances, Extra-Curricular Activities, Sports, Parking Privileges, etc.</u>	
SBO07	Statutory Sexual Assault	103	Immediate Suspension from school pending a formal hearing with the Superintendent and possibly the School Board, <u>Possible Alternative Education placement and may include exclusion from Homecoming, Prom, Dances, Extra-Curricular Activities, Sports, Parking Privileges, etc.</u>	Required
SBO08	Sexual Assault	103	Immediate Suspension from school pending a formal hearing with the Superintendent and possibly the School Board, <u>Possible Alternative Education placement and may include exclusion from Homecoming, Prom, Dances, Extra-Curricular Activities, Sports, Parking Privileges, etc.</u>	Required
SBO09	Aggravated Indecent Assault	103	Immediate Suspension from school pending a formal hearing with the Superintendent and possibly the School Board, <u>Possible Alternative Education placement and may include exclusion from Homecoming, Prom, Dances, Extra-Curricular Activities, Sports, Parking Privileges, etc.</u>	Required
<u>Suicide</u>				
SUI01	Suicide – Attempted	N/A		Required
SUI02	Suicide – Committed	N/A		Required

Revised 3/24/23

