

**Lower Merion School District  
ADMINISTRATIVE REGULATIONS**

No.:	235-2
Section:	STUDENTS
Title:	STUDENT RIGHTS AND RESPONSIBILITIES
Date Adopted:	6/3/22
Date Revised:	5/15/23; 12/19/22
Date Reviewed:	2/7/25 (Appendix A only)

**R235-2 STUDENT RIGHTS AND RESPONSIBILITIES**

**PART II – STUDENT RESPONSIBILITIES**

I. Student Expectations and Related Consequences

**A. Overview**

**Attachment A (Elementary) and Attachment B (Secondary)** detail behaviors students are expected to exhibit and the consequences or other measures students can expect when they make poor choices regarding their behavior. It is not meant to be inclusive of all possible kinds of misbehavior; rather, it is a guideline that represents the more common and serious types of misbehavior that may be experienced in a school environment. Students are reminded that school rules are in effect, and students are subject to discipline: (1) while at school; (2) at school-sponsored events, trips, or activities, whether on or away from school property; (3) while traveling to/from school, school-sponsored events, trips, or activities on a vehicle owned, leased, or under the control of the District; and (4) as otherwise permitted by law.

The severity of any consequence or other measures will be proportional to the severity of the infraction, the age of the student, the student's current and prior disciplinary record (including any history of repeat infractions), special circumstances about the incident, including whether the student was an aggressor or victim, as well as any applicable laws or regulations, including, but not limited to, those related to the discipline of students with disabilities. See Section B below for more information regarding special procedures for students with disabilities. The school's administrative team has the right to determine how to apply disciplinary consequences under the circumstances.

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

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Consistent with the Pennsylvania Safe Schools Act, the District and the Lower Merion Township Police Department have entered into a Memorandum of Understanding which outlines the procedures to be followed when certain incidents contemplated by the Pennsylvania Safe Schools Act occur on school property, at any school sponsored activity, or on a conveyance providing transportation to or from school or a school sponsored activity. As outlined in more detail in the existing Memorandum of Understanding between the District and the Lower Merion Township Police Department, the parties seek to maintain a safe school environment in a cooperative and mutually supportive manner, but in a way that does not result in an over presence of law enforcement in the school environment. Through the cooperative and supportive efforts of both parties, the parties strive to reduce student referrals to the criminal justice system and eliminate the school to prison pipeline. Using the existing Memorandum of Understanding as a guide, the District will also cooperate with Narberth and any other applicable law enforcement, should the need arise. Parents/guardians and students should be aware that the nature or degree of student misconduct in certain situations may require or necessitate the involvement of law enforcement. The decision to contact law enforcement is one that is not taken lightly, and is generally reserved for the most severe situations or those that require law enforcement notification as a matter of law.

**B. Search and Seizure**

**1. General**

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

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

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**2. Searches of Students**

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

**3. Locker Searches**

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

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

**4. Cell Phones**

School officials who believe that reasonable suspicion exists that a student's cell phone, text messages, call logs, voicemails, photos/files, or other data or activity contained in the device or any application therein contain evidence of a violation of District policies, procedures, rules or local, state or federal law may seize the student's phone but shall not conduct any further search or inspection of the device or its contents. The local police shall be contacted in order to conduct any search/inspection permitted by law that is deemed appropriate under the circumstances.

**5. Motor Vehicle Searches**

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

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

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

**7. General Searches**

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

**8. Notice to Staff, Students, and Parents**

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

**C. Suspensions of Students with Disabilities**

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

When discipline is to be imposed upon a student with disabilities, school personnel have the authority to (1) remove the child from his or her current placement to an appropriate interim alternative educational setting or suspension for a period of not more than the 10/15 day limits to the extent such discipline would be applied to students without disabilities; (2) assign the student to an alternative educational setting for the same period as such discipline would be imposed upon children without disabilities if there has been a

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determination that the conduct at issue was not a manifestation of the child's disability or (3) assign the student to an interim alternative educational setting for not more than forty-five (45) school days without regard to whether the conduct at issue was a manifestation of the child's disability if the special circumstances for emergency placement described on page 6 apply.

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

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

**1. Emergency Exclusions for Students with Intellectual Disability**

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

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

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

**2. IEP/Multidisciplinary Team Consideration**

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

**3. Conduct Deemed a Manifestation of Disability**

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

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

Additionally, if the conduct is deemed a manifestation of the student's disability, then the student must be returned to placement from which the student was removed unless (a) the parent(s) and the district agree to a change in placement as part of a behavioral intervention plan or (b) the special circumstances for emergency placements set forth

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on page 6 apply. If the conduct in question involved any of these special circumstances, then the district may assign the student to an alternative educational setting for not more than forty-five (45) school days, regardless of whether the conduct was a manifestation of the student's disability.

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

#### 4. Conduct Not A Manifestation of Disability

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

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

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

#### 5. Special Circumstances for Emergency Placements

The Administration can remove a student with disabilities to an interim alternative educational setting for a period of forty-five days regardless of whether the conduct in

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question was a manifestation of the student's disability under the following circumstances:

**6. Weapons**

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

**7. Controlled Substances**

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

**8. Serious Bodily Injury**

A student with a disability who has inflicted serious bodily injury upon another person while at school, on school premises or at a school function can be placed in an interim alternative educational setting for a maximum of 45 calendar days (the IEP team determines the setting and the student returns to regular education on the 46th day unless a mutually agreed upon new placement has been identified). Serious bodily injury is defined as "bodily injury which involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement or protracted loss or impairment of

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the function of a bodily member, organ, or mental faculty.” Procedures described above related to the manifestation determination and development of a functional behavioral assessment and implementation or modification of a behavioral intervention plan still apply.

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

**9. Procedures for Suspensions of Students with Disabilities**

For suspensions of 1 to 3 school days and 4 to 10 school days for all students with disabilities, except those who have intellectual disability, follow procedures used for regular education students set forth above. In addition, the principal should notify the appropriate special education supervisor of the suspension and the readmission date. For special education students who are being suspended for periods of time longer than 10 consecutive school days or more than 15 cumulative school days (i.e., student commits a serious violation of school rules) the following procedures apply:

- (a) Prior to the student actually serving any suspension in excess of ten consecutive or fifteen cumulative school days, the relevant members of the IEP team must conduct a manifestation determination.
- (b) If the IEP team determines the conduct was a manifestation of the student's disability, then the IEP Team must conduct a functional behavioral assessment, unless one was already conducted and develop/modify a behavior intervention plan. Additionally, the student may not be suspended in excess of the 10/15 school day limits unless the special circumstances for emergency placement set forth on pages 9-10 apply (dangerous weapon, illegal drugs/controlled substance, inflicted serious bodily injury on another). If special circumstances do not apply and district believes that maintaining the current placement is substantially likely to result in injury to the student or others, then the district can request an expedited due process hearing.
- (c) If the IEP team determines the conduct was not a manifestation of the student's disability, then the student may be suspended in excess of the 10/15 school day

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limits. The decision of the Team need not be unanimous and can be made over the parents' objections subject to the parents' right to contest the determination.

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

**10. Suspension of a Student Who Has Not Been Determined to be Eligible for Special Education**

The District may expel the child for more than ten school days to the same extent that it would expel a nondisabled child for the same offense, provided, however, that

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- (a) the District did not have knowledge that the child was a child with a disability before the violation occurred; and
- (b) if an evaluation is requested after the violation occurs, the school conducts the evaluation in an “expedited manner”.

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

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

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

- (a) the parent of the child has not allowed an evaluation; or
- (b) the parent of the child has refused services; or
- (c) the child has been evaluated and it was determined that the child was not a child with a disability under the IDEA.

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

See Attachment D.

**E. Rules Applicable to Care of All District Property**

Students and their parents/guardians will be held responsible for all loss of and damages, beyond reasonable wear and tear, to District property loaned to them for school purposes. Any property that is stolen while under the care of the student is also considered lost for the purposes of this policy.

A schedule of fines will be developed and promulgated for lost or damaged textbooks, supplies and equipment which may include the cost for replacement or repair.

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“Equipment” as used in the Regulation means movable property which is incidental and necessary to conduct the educational program, and includes, but is not limited to desks; chairs; tables; portable physical education equipment; audio-visual equipment and science, homemaking, industrial art and business equipment; and instructional materials and electronic devices such as, but not limited to, laptop computers.

Prior to being issued equipment valued in excess of \$500.00 students and parents/guardians will be required to sign and return an “Acknowledgement and Responsibility Agreement Form” for the following: (see Special Rules for District-issued Laptops found on page 2 of this Administrative Regulation).

1. That they will safely care for and handle the equipment;
2. That they will be the only user of the equipment;
3. That the equipment is for school purposes only and may not be used for personal purposes;
4. That in the event of theft, extensive damage beyond normal wear and tear, or loss of the equipment, that the student may be responsible to incur the cost for replacement or repairs or have restrictions placed on their use of the equipment.

Failure to pay outstanding fines prior to the last student day of the school year may result in any or all of the following:

1. Loss of privilege to attend designated extracurricular activities such as proms;
2. Loss of privilege to participate in graduation ceremonies;
3. No distribution of a “suitable framing” diploma;
4. Report cards not mailed or given to students/parents/guardians without going through student record procedures; and
5. Original transcripts provided only directly to postsecondary schools and not to students/parents/guardians; copies of transcripts to students/parents/guardians only through student records procedure.

The Building Principal is responsible for enforcement of this Policy and Regulation within his/her assigned building.

**F. Discriminatory Harassment, Bullying, and Hazing**

Reporting

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The District encourages students who believe they or others have been subject to discriminatory harassment, including sexual harassment, Title IX sexual harassment, other discrimination or retaliation to promptly report such alleged incidents to the Title IX Coordinator, a building administrator, teacher and/or school counselor. Any staff member who receives a complaint of bullying, hazing or discriminatory harassment from a student shall promptly refer such complaints to the Title IX Coordinator, even if some elements of the related incident took place or originated away from school ground, school activities, or school conveyances. If the Title IX Coordinator is the subject of the report, then the incident shall be reported to the Superintendent. A person who is not an intended victim or target of discrimination but is adversely affected by the harassing conduct is also encouraged to file a report of discrimination in accordance with this Policy.

The burden is on the Compliance Officer/Title IX Coordinator to determine what conduct constitutes Title IX sexual harassment, not the complainant or other person reporting the alleged discrimination.

Title IX Coordinator The Contact information for the Title IX Coordinator for the District is set forth below:

<b>Title IX Coordinator</b>	Felicity Hanks
<b>Office Address</b>	301 E. Montgomery Ave., Ardmore, PA 19003
<b>Email</b>	<a href="mailto:hanksf@lmsd.org">hanksf@lmsd.org</a>
<b>Telephone Number</b>	610-645-1902

Definitions

For purposes of this Administrative Regulation, the following definitions shall apply:

**Bullying** shall mean an intentional electronic, written, verbal or physical act, or a series of acts which meet the following criteria:

1. directed at another student or students;
2. occurs in a school setting;
3. is severe, persistent or pervasive; and
4. has the effect of doing any of the following:
  - i. substantially interfering with a student's education;
  - ii. creating a threatening environment; or

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- iii. substantially disrupting the orderly operation of the school.

**School setting** shall mean in school, on school grounds, in school vehicles, at a designated bus stop or at any activity sponsored, supervised or sanctioned by the District.

**Hazing** occurs any time a person intentionally, knowingly or recklessly, for the purpose of initiating, admitting or affiliating a student into or with an organization, or for the purpose of continuing or enhancing a student's membership or status in an organization, causes, coerces or forces a student to do any of the following:

1. Violate Federal or State criminal law.
2. Consume any food, liquid, alcoholic liquid, drug or other substance which subjects the student to a risk of emotional or physical harm.
3. Endure brutality of a physical nature, including whipping, beating, branding, calisthenics or exposure to the elements.
4. Endure brutality of a mental nature, including activity adversely affecting the mental health or dignity of the individual, sleep deprivation, exclusion from social contact or conduct that could result in extreme embarrassment.
5. Endure brutality of a sexual nature.
6. Endure any other activity that creates a reasonable likelihood of bodily injury to the student.

**Aggravated hazing** occurs when a person commits an act of hazing that results in serious bodily injury or death to the student and:

1. The person acts with reckless indifference to the health and safety of the student; or
2. The person causes, coerces or forces the consumption of an alcoholic liquid or drug by the student.

**Organizational hazing** occurs when an organization intentionally, knowingly or recklessly promotes or facilitates hazing.

Any hazing activity, as described above, shall be deemed a violation of this Policy and the accompanying Administrative Regulation, regardless of whether the consent of the student was sought or obtained or whether the conduct was sanctioned or approved by the student organization.

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**Student activity or organization** means any activity, society, corps, team, club or service, social or similar group, operating under the sanction of or recognized as an organization by the District, whose members are primarily students or alumni of the District.

**Bodily injury** shall mean impairment of physical condition or substantial pain.

**Serious bodily injury** shall mean bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

**Discriminatory harassment** means verbal, written, electronic, graphic or physical conduct relating to an individual's race, color, national origin/ethnicity, gender, age, disability, sexual orientation, gender identity, gender expression or religion when such conduct:

1. Is sufficiently severe, persistent or pervasive that it affects a student's educational performance or creates an intimidating, threatening or abusive educational environment; and/or
2. Has the purpose or effect of unreasonably interfering with a student's educational performance; and/or
3. Adversely affects a student's educational opportunities.

Discriminatory harassment includes, but is not limited to, slurs, jokes, bullying, hazing or other verbal, written, electronic, graphic or physical conduct relating to an individual's race, color, national origin/ethnicity, gender, age, disability, sexual orientation, gender identity, gender expression or religion. Discriminatory harassment also includes sexual harassment, as defined below.

**Sexual harassment** is a specific form of discriminatory harassment which means unwelcome sexual advances, requests for sexual favors, inappropriate verbal or physical conduct of a sexual nature, gestures of a sexual nature, or display of materials which evoke responses not in keeping with the atmosphere intended for the classroom or the school environment.

**Title IX sexual harassment** means conduct on the basis of sex that satisfies one or more of the following: A. An employee of the District conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct; B. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's

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education program or activity; or C. Sexual assault, dating violence, domestic violence, or stalking.

**Sexual assault** means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

**Dating violence** means violence committed by a person:

1. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
2. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
  - i. The length of the relationship.
  - ii. The type of relationship.
  - iii. The frequency of interaction between the persons involved in the relationship.

**Domestic violence** includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

**Stalking** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

1. Fear for their safety or the safety of others; or
2. Suffer substantial emotional distress.

Procedures for Resolving Report of Title IX Sexual Harassment

Any reports deemed by the Title IX Coordinator to meet the definition of Title IX sexual harassment shall be investigated and handled in accordance with the specific procedures included in the document attached hereto as **Appendix A – Title IX Grievance Process**.

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Procedures for Resolving Report of Other Forms of Discriminatory Harassment

Students who believe they or others have been subjected to bullying, hazing or discriminatory harassment are encouraged to promptly report such incidents to a building administrator, teacher and/or school counselor. Any staff member who receives a complaint of bullying, hazing or discriminatory harassment from a student shall promptly refer such complaints to their building administrator. The staff member receiving the complaint shall document the incident in writing using the "Report of Incident" form that is attached as **Attachment E** to this regulation. As appropriate, the student and/or parent/guardian may be asked to complete **Attachment E** and/or provide a written statement of the incident(s).

Each building administrator or designee shall be responsible for reviewing and investigating any reports received alleging bullying, hazing or discriminatory harassment. As part of the investigation process, the investigator should complete a "Record of Incident Investigation" form that is attached as **Attachment F** to this regulation to document the investigatory process. Reports of alleged bullying or hazing that could be interpreted to also constitute discrimination and/or discriminatory harassment shall be handled in coordination with the Assistant to the Superintendent for District Administration as the District's Title IX Coordinator under this Policy and Administrative Regulation.

The building administrator or designee responsible for reviewing and investigating reports of bullying, hazing, and discriminatory harassment shall conduct a prompt and thorough investigation. The investigation may include, but need not be limited to, interviewing the victim, accused, and any third-party witnesses. The Building administrator or designee shall determine what, if any, interim measures should be put in place to protect students from further hazing, bullying, or harassing conduct related to the alleged incident and report. Such interim measures may include, but need not be limited to, the separation of alleged victims and perpetrators. Records shall be maintained documenting the investigation performed, the outcome, any discipline imposed, and any preventative or corrective action taken.

Violations of this Administrative Regulation and the accompanying Board Policy shall be reported to local law enforcement in accordance with the Memorandum of Understanding in effect between the District and the local law enforcement agency. Annually, the building administrator or designee shall assist the Superintendent or designee with the compilation of all incidents required to be incorporated into the District's annual report to the Pennsylvania Department of Education, Office for Safe Schools.

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Special Provisions – Hazing

Coaches and activity sponsors are expected to be familiar with the Board’s Policy and the District’s Administrative Regulation regarding hazing, and shall inform students of its contents at the start of the activity. Coaches and activity sponsors shall instruct team captains or other students in team or activity leadership positions (“student leaders”) to check with them prior to the student leader(s) implementing any activity designed to encourage teambuilding to ensure that the activity does not violate this Administrative Regulation or the accompanying Board Policy.

If a student organization is found to have engaged in organizational hazing, it shall be subject to appropriate penalties, which could include rescission of permission for that organization to operate on school property.

Any person or organization that causes or participates in hazing may be subject to criminal prosecution. An individual needing medical attention or seeking medical attention for another shall not be subject to criminal prosecution if they comply with the requirements of law relating to Safe Harbor.

Special Provisions – Student Bullying Policy

The Superintendent or designee will ensure that this Administrative Regulation and the accompanying Board Policy is reviewed with respect to bullying at least every three (3) years, in accordance with the law.

The building principal or designee shall be responsible for ensuring that at least once each school year, this Administrative Regulation and the accompanying Board Policy are reviewed with students, with discussion on the procedures for reporting and consequences of engaging in bullying.

Building administrators or designees will also ensure that this Administrative Regulation and the accompanying Board Policy is posted in each classroom and in a prominent location within the school building. An age-appropriate summary shall be included as part of this posting; those summaries are attached to this Administrative Regulation as **Attachments G - I**.