

Burgettstown Area School District
CODE OF CONDUCT

adopted
August 12, 2024

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Burgettstown, PA 15021

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Student Rights and Responsibilities

Student Rights

Student Expression - Distribution and Posting of Materials

Students have the right to speak or express themselves, publish, and distribute their opinions in a respectful, accurate manner, and have access to school facilities. The exercise of these rights shall be per **Burgettstown Area School District Board Policy #220**.

Students have the responsibility to avoid the following whenever they speak or write:

- Obscenity
- Ridiculing a person's reputation
- Damaging a person's reputation
- Causing unlawful behavior or serious disruption to normal school operation
- Using minority or racial slurs

Unlawful Harassment

The District is committed to providing a physically and psychologically safe learning environment. To that end, no person shall make any unwelcome or unwanted sexual advance, a form of improper physical contact, or sexual remarks that create a hostile or offensive learning environment per **Burgettstown Area School District Board Policy #103**. **Conduct related to other forms of unlawful harassment or discrimination is prohibited per Burgettstown Area School District Board Policy #103.**

Searches

As established by **Burgettstown Area School District Board Policy #226**, lockers are the property of the District. The administration reserves the right to search an individual student's locker or to inspect it in case of an emergency or reasonable suspicion. Also, students shall not expect privacy regarding items placed in school lockers. All lockers are subject to random, periodic, or sweep searches by school officials at any time for any reason.

Flag Salute

Every citizen should show proper respect for our country and its flag. Students who choose to refrain from the Pledge of Allegiance and Flag Salute shall respect the rights and interests of classmates who wish to participate, according to **Burgettstown Area School District Board Policy #807**.

Dress Guidelines

Students shall dress as they deem appropriate unless their clothing or personal hygiene causes a health or safety hazard or disrupts the educational process. Age-appropriate guidelines are published in respective building Student Handbooks. The establishment of these guidelines is supported by **Burgettstown Area School District Board Policy #220**.

Suspension and Expulsion

According to **Burgettstown Area School District Board Policy #233**, a student who breaks school rules may receive a temporary suspension, full suspension, or expulsion, depending on the nature of the offense.

The principal may temporarily suspend a student for up to three (3) days without a hearing. The principal is required to establish the facts, allow the student to respond to the charges, and notify the parent(s) or guardian(s) if the suspension is imposed. The principal will send a written notice to the Superintendent and the student's parent(s) or guardian(s).

A full suspension may be issued for up to ten (10) days. However, the student must have an informal hearing conducted by the principal or Superintendent within the first three (3) days of suspension. Before the hearing, the student and parent(s) or guardian(s) must receive written notice stating the nature of the alleged charges and all information to which they are entitled to prepare properly for the hearing.

A suspension, whether temporary or full, may be served either in a supervised area of the school or in the custody and control of a student's parent(s) or guardian(s), as the principal decides. Students are permitted to make up exams and work missed while on suspension.

Expulsion is exclusion from school for more than ten (10) consecutive days and may be permanent. Expulsion proceedings require a formal hearing before members of the Burgettstown Area School District School Board. Appropriate notices and appropriate information to which students and parent(s) or guardian(s) are entitled will be furnished. Students have the right to legal counsel at a formal hearing before the School Board.

The formal hearing shall be held in private unless the student or parent(s) or guardian(s) requests a public hearing. If the School Board rules in a student's favor, all references to the alleged indecent shall be removed from the student's records.

Per **Burgettstown Area School District Board Policy #233**, a principal may assign a student to in-school suspension from one (1) to ten (10) days without an informal hearing. Before the suspension, the student shall be informed of the reasons and be allowed to respond. The parent(s) or guardian(s) shall be given notice of the suspension. If the suspension exceeds ten (10) school days, an informal hearing with the principal shall be offered to the student and the student's parent(s) or guardian(s).

Student Responsibilities

Student responsibilities include regular school attendance, conscientious effort in classroom work, and appropriate conduct. Most of all, students share with the administration and faculty a responsibility to develop a climate within the school that is conducive to wholesome living and learning. It is the responsibility of each student to respect the rights of all who are involved in the educational process.

Every student should:

- Read the building Student Handbook.
- Be aware of and exhibit appropriate conduct.
- Follow the rules and regulations.
- Cooperate with school staff in disciplinary cases should they have relevant information.
- Pursue and complete the course of study prescribed by state and local authorities.
- Cooperate with the school staff in running a safe school.
- Express ideas and opinions respectfully and accurately.
- Complete homework carefully and totally and make up work when absent from school.
- Exercise proper care when using public facilities and equipment.
- Be on time for all classes and other school functions.
- Dress and groom in a manner that is safe, clean, and not disruptive to the educational process.

Parent/Guardian Responsibilities

Parents/guardians should teach their children the importance of honesty, respect for law, respect for property, and respect for the rights of others. When parents/guardians and a school work diligently toward the fulfillment of these obligations, every individual benefits.

Every parent should:

- Assure their child's compliance with approved codes of behavior and discipline.
- Read the building Student Handbook and discuss school rules with their children.
- Cooperate with school personnel whenever special services are indicated for the student.
- Become involved in their child's school life.
- Participate in school/community meetings, functions, and projects.
- Call to arrange a conference with the building administrator to discuss concerns or questions regarding disciplinary action.

Code of Conduct Misconduct and Response Structure

The examples provided in this *Code of Conduct* are not to be construed as limiting the behaviors that may require disciplinary action by school personnel. The following misconduct/response structure includes four (4) levels. Levels I, II, III, and IV represent a continuum of misbehaviors based on the seriousness of the act and the frequency of the occurrence. Students should avoid the behaviors listed as examples under each level and, instead, exhibit good conduct. Any student found in violation of Board Policy or District rules and regulations will receive appropriate disciplinary action.

Level I

Misbehavior on the part of the student which impedes orderly classroom procedures or interferes with the orderly operation of the school..

These misbehaviors are usually handled by individual staff members but sometimes require the intervention of other school support personnel.

Examples Include, but Not Limited to:

- Classroom/school disturbance or disruptive/inappropriate classroom/school behavior
- Non-defiant failure to complete or carry out directions
- Bringing radios, tape recorders, cell phones, cameras, and other electronic devices without authorization
- Eating outside the cafeteria or in unauthorized area(s)
- Failing to have or return required forms, books, library books, materials, and equipment
- Littering
- Loitering
- Running or shouting in the halls
- Unauthorized presence in the halls or other school areas
- Verbal harassment of others
- Inappropriate display of affection
- Unauthorized sale of non-harmful items
- Disorderly bus conduct
- Classroom tardiness and first-offense class cut
- Lying
- Inappropriate language
- Disrespectful behavior toward peers
- Disruption in cafeteria

LEVEL I DISCIPLINARY ACTION

Disciplinary consequences Level I Violations depend on the complexity and severity of the violation. The consequence for first-time violations may result in verbal warning, behavioral contract, seating assignment change, SAP referral, assignment of teacher detention, suspension of privileges, denial of recess (elementary only), teacher/parent conference, temporary removal from class, administrative detention, restorative practice intervention, denial of privileges, confiscation, and/or parent contact. Progressive discipline will be followed for subsequent violations. Severity of disciplinary actions will follow the Burgettstown Area School District Disciplinary Matrix attached to policy 218.

Level II

Misbehavior whose frequency or seriousness tends to disrupt the learning climate of the school.

These infractions, which usually result from the continuation of LEVEL I misbehaviors, require the intervention of personnel on the administrative level because the execution of LEVEL I disciplinary options has failed to correct the situation. Also included in this level are misbehaviors that do not represent a direct threat to the health and safety of others, but whose educational consequences are serious enough to require corrective action on the part of administrative personnel.

Examples Include, but Not Limited to:

- Extreme Level I misconduct
- Continuation of Level I misconduct (2nd or more occurrence of Level I violations)
- Abusive, obscene, or disrespectful language, writing, or gestures
- Using forged notes or excuses
- Unsafe bus conduct
- Violation of school attendance policies (e.g. tardiness, leaving school property without permission; 2nd offense cutting class)
- Failure to serve detention
- Unauthorized possession or use of school property, facilities, lockers
- Hazing
- Bullying/Cyberbullying
- Plagiarism/Cheating
- Misbehavior during field trips or school programs
- Misbehavior during field trips or school programs
- Open defiance of authority; willful refusal to do as ordered; or any form of insubordination
- Violation of dress guidelines
- Abuse of vehicular privileges
- Inappropriate use of electronic devices
- Using, installing, or downloading unauthorized software (i.e. games, music, etc.)
- Other violations of the Student Acceptable Use Policy

LEVEL II DISCIPLINARY ACTION

Disciplinary consequences Level II Violations depend on the complexity and severity of the violation. The consequence for first-time violations may result in verbal warning, behavioral contract, seating assignment change, SAP referral, modified day, assignment of teacher detention, suspension of privileges and/or extra-curricular activities, , denial of detention (elementary only), teacher/parent conference, temporary removal from class, administrative detention, restorative practice intervention, safety plan, in-school suspension, out-of-school suspension, confiscation, social probation, and/or referral to the police as dictated by school policy. Progressive discipline will be followed for subsequent violations which can include continuations of Level I offenses. Severity of disciplinary actions will follow the Burgettstown Area School District Disciplinary Matrix attached to policy 218.

In cases of in-school suspension, temporary suspension, full suspension, or exclusion, students shall be entitled to due process rights as outlined in the sections entitled "Student Rights" and "Student Responsibilities".

Level III

Acts whose frequency and seriousness tend to disrupt the learning climate of the school and/or acts directed against persons or properties and whose consequences could endanger the health or safety of others in the school.

Examples Include, but Not Limited to:

- Continuation of extreme Level II misconduct (2 or more occurrence of Level II violations)
- Vandalism
- Petty theft
- Fighting
- Minority, ethnic, or racial slurs or intimidation
- Trespassing on or in school property
- Refusal to leave school property when ordered to do so
- Intimidating others
- Hazing
- Bullying/Cyberbullying
- Sexting
- Unauthorized or improper use of vehicles on school grounds
- Destruction of the property of others
- Lewdness or indecent exposure
- Throwing any object
- Possession/use of tobacco, matches, e-cigarettes, lighters, vapes, vaping material, etc.
- Sexual harassment
- Spitting on individuals or property
- Possession of laser pointers
- Inappropriate use of electronic devices

LEVEL III DISCIPLINARY ACTION

Disciplinary consequences Level III Violations depend on the complexity and severity of the violation. The consequence for first-time violations may result in suspension of privileges and/or extra-curricular activities, confiscation, temporary removal from class, safety plan, parent/administrator conference, restitution of damages or property, restorative practice intervention, in-school suspension, out-of-school suspension, SAP referral, restitution of property or damages, social probation and/or referral to the police as dictated or district magistrate, referral to an outside agency. Progressive discipline will be followed for subsequent violations which can include continuations of Level I and/or Level II offenses. Severity of disciplinary actions will follow the Burgettstown Area School District Disciplinary Matrix attached to policy 218.

In cases of in-school suspension, temporary suspension, full suspension, or exclusion, students shall be entitled to due process rights as outlined in the sections entitled "Student Rights" and "Student Responsibilities". Accumulation of three or more Level II or Level III suspensions may require referral to Central Office Administration for a possible School Board Hearing, a possible expulsion, or further disciplinary action.

Level IV

Acts whose frequency or seriousness tend to disrupt the learning climate of the school. Acts directed against persons or properties that could or do pose a threat to the health, safety, or welfare of others in the school.

Such acts will require administrative action which could result in the immediate removal of the students from school and the possible intervention of law enforcement authorities.

Examples Include, but Not Limited to:

- Continuation of or extreme Level III misconduct (2nd or more occurrence of Level III violations)
- Extortion or attempted extortion
- Bomb threats or threatening phone calls
- Possession/use/transfer of dangerous weapons
- Assault
- Lighted or ignited objects
- Theft or possession/sale of stolen property
- Arson or attempted arson
- Hacking, cracking, or tampering with the network/computers
- Other violations of the Student Acceptable Use Policy
- Inappropriate use of electronic devices
- Transfer/sale/possession/purchase/procurement/distribution/use or under the influence of unauthorized substances (e.i. drugs, alcohol, or drug paraphernalia)
- Possession, sale, or use of firecrackers, cherry bombs, or other fireworks
- Disorderly conduct

- Unauthorized use of fire alarm or equipment
- Reckless driving or speeding on school property
- Other violations of federal, state, or local laws
- Terroristic acts
- Repeated incidents of bullying/cyberbullying
- Retaliation against a student for reporting bullying or extortion, or for assisting in an investigation

LEVEL IV DISCIPLINARY ACTION

Level IV violations are very serious in nature and can include continuations of Level I, Level II, and/or Level III offenses. Level IV violations will result in Principal/Student/Parent Conference. Additional actions may include: Confiscation, in-school suspension, out-of-school suspension, referral to SAP, restitution for damages to or loss of property, referral to the police or district magistrate, referral to an outside agency, suspension from extracurricular activities, probationary contract upon/if return to school, possibility of expulsion/exclusion, and/or other disciplinary action deemed appropriate by the Administration and/or policy. Severity of disciplinary actions will follow the Burgettstown Area School District Disciplinary Matrix attached to policy 218. Dependent on the disciplinary violation and related policy, the following action will be taken:

In cases of in-school suspension, temporary suspension, full suspension, or exclusion, students shall be entitled to due process rights as outlined in the sections entitled "Student Rights" and "Student Responsibilities". A Level IV suspension may result in a School Board Hearing for further disciplinary action; possible expulsion.

Definitions

Detention: requiring a student's presence outside the regular school day for disciplinary reasons.

Due Process: a student's right to be informed of charges and be heard before the designated authority.

Expulsion: exclusion from school, after a formal hearing, for an offense for a period exceeding ten school days. This may be permanent expulsion from school rolls.

Out-of-School Suspension: exclusion from school for an offense for a period of up to ten consecutive school days

In-School Suspension: exclusion from classes for disciplinary reasons and assignment to a supervised area following a student conference with the principal.

Modified Day: a change designated in a student's daily schedule by the principal.

Alternative Education – The student will attend an alternate education placement outside the Burgettstown Area School District

Parent: refers to a parent, guardian, or person in legal custody of the student.

Staff: any employee of the Burgettstown Area School District.

Temporary Suspension: exclusion from school for an offense for a period of up to three school days, by the principal, after a conference with the student.

Any combination of the above actions – Following an investigation of the circumstances surrounding the case, a student may receive more than one of the previously mentioned types of discipline. Furthermore, in a case involving theft, damage and/or destruction of either private or public property, the student may be held liable for restitution.

District Guidelines/Policies in Support of the Code of Conduct

Academic Integrity/Plagiarism/Cheating

The District views academic integrity to be of the utmost importance. Students should not take other's work and attempt to pass it off as their own or cheat on assignments, quizzes, or exams.

Students have the responsibility to respect the intellectual and academic property of themselves and others.

Parents are responsible for helping to ensure their children maintain high personal standards of academic involvement, including by producing original quality work.

The following practices are considered to be violations of this *Code of Conduct* in the area of academic integrity: "Any attempt to receive and/or give unauthorized assistance from either printed or recorded aids or material from any person or another's work." This includes but is not limited to, improper use of District or personal technology, such as computers, calculators, and other electronic devices that apply to **Burgettstown School Board Policy #224 - Responsibility of School Property**. In addition, students re-submitting work to different classes and academic areas verbatim and without modifications, editing, or other appropriate changes is also considered to be a violation.

Bullying/Cyber Bullying Policy

Burgettstown School Board Policy #249 sets forth the District's commitment to providing all students and employees with the right to a safe and positive learning environment for district students. The District recognizes that bullying creates an atmosphere of fear and intimidation, detracts from the safe environment necessary for student learning, and may lead to more serious violence. Therefore, the Board prohibits bullying by district students.

Students are encouraged to report bullying complaints to the Principal or designee. Students are encouraged to use the district's report form, available from the building principal, or to put the complaint in writing. Verbal complaints shall be accepted and documented.

Students who bully others will be subject to disciplinary action.

Use of Electronic Devices

The Burgettstown Area School District recognizes that the appropriate use of electronic devices can provide great potential for enhanced learning opportunities for all students. However, there are many other uses of electronic devices that can distract from the learning process; thus the use of electronic devices for educational purposes is only permitted, under the direction of the classroom teacher.

Any student who violates this provision shall receive appropriate disciplinary action and may have his or her privileges regarding electronic devices temporarily or permanently revoked. Further, the student's electronic device may be subject to confiscation, either temporary or permanent, and the District reserves the right to hold a confiscated item until a conference has been held with the student's parent(s)/guardian(s). Finally, if such violations could constitute a crime under local, state, and/or federal law, the District will report such conduct to the appropriate law enforcement agencies.

Electronic devices shall include all devices that can take photographs; record audio or video data; store, transmit, or receive messages, data, or images; or provide a wireless connection to the internet. Examples of these electronic and personal communication devices include, but shall not be limited to iPads, cell phones, laptops, or other student-owned computers, as well as any new technology developed with similar capabilities of data storage or transmission. The District is not liable for the loss, damage, or misuse of an electronic device brought to school by a student.

Appropriate use of electronic devices shall include any use of such devices for educational purposes, such as educational research, which is authorized by a classroom teacher. Limited personal use of electronic devices at the high school level may be permitted during transitional times at the discretion of the building administration.

Inappropriate use of electronic devices has the potential to negatively impact the educational processes and individual students. Any use of electronic devices that leads to the disruption of the instructional/educational processes and/or violates the rights of individual students is a violation.

Any student found to be inappropriately using electronic devices will be subject to consequences set forth within this *Code of Conduct*. In addition, such acts may violate the **Burgettstown School Board Policy #224 - Care of School Property, Policy #237 - Electronic Communication Devices, and/or Policy #249 - Bullying**. Inappropriate use of these devices includes, but is not limited to the following examples:

- Placing and/or receiving a call, text message, or other communication during instructional time. Parent(s)/guardian(s) are asked to call the school for emergencies, rather than attempting to contact their child directly. The school will, in return, contact the student.

- The use of electronic devices in locker rooms, health suites, restrooms, and other areas where an individual would have a reasonable expectation of privacy.
- Audio or video recording without advanced expressed permission from either a teacher or administrator and the individuals who are being recorded.
- Taking, storing, disseminating, transferring, viewing, or sharing of obscene, pornographic, lewd, inappropriate, unauthorized, or otherwise illegal images or photographs, whether by electronic data transfer or other means, including but not limited to texting and e-mailing.
- Using any electronic device for purposes that are in direct violation of other provisions within this *Code of Conduct*, such as bullying, cyberbullying, cheating, or otherwise violating academic integrity, or harassing or intimidating students or staff members.

The District shall enforce these provisions of this *Code of Conduct* regarding electronic devices on school grounds, District-operated school buses, and other conveyances, and during any District-sponsored activities, whether or not occurring on school grounds. Such prohibited activity shall also apply to student conduct that occurs on school property if the prohibited conduct is (a) directed at another student or students, is (b) severe, persistent, or pervasive, and (c) interferes with a student's education, creates a threatening environment, or substantially disrupts orderly operations of the school. Such activities are in direct violation of the **Burgettstown School Board Policies #224, #237, and #249** and will result in violators being disciplined accordingly.

Hazing

The purpose of **Burgettstown School Board Policy #247** is to maintain a safe, positive environment for students and staff that is free from hazing. Hazing activities of any type are inconsistent with the educational goals of the District and are prohibited at all times.

Hazing - For the purposes of this policy, Hazing is defined as when a person intentionally, knowingly, or recklessly, initiates, admits, or affiliates 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:

1. Violate federal or state criminal law.
2. Consume any food, liquid, alcoholic liquid, drug, or other substance that 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 - For the purposes of this policy, Aggravated Hazing is defined as 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 - For the purposes of this policy, Organizational Hazing is defined as when an organization intentionally, knowingly, or recklessly promotes or facilitates hazing.

Any activity, as described above, shall be deemed a violation of this policy regardless of whether:

1. The consent of the student was sought or obtained, or
2. The conduct was sanctioned or approved by the school or organization.

This policy prohibits any form of initiation or harassment, known as hazing, as part of any school-sponsored student activity. No student, coach, sponsor, volunteer or district employee shall plan, direct, encourage, assist, or engage in any hazing activity. Infractions of this policy can result in Level II or Level III consequences.

This policy directs that no administrator, coach, sponsor, volunteer, or district employee shall permit, condone, or tolerate any form of hazing.

Searches

The **Burgettstown School Board Policy #226** acknowledges the need to respect the rights of students to be free from unreasonable searches and seizures while fulfilling the district's interest in protecting and preserving the health, safety, and welfare of the school population, enforcing rules of conduct, and maintaining an appropriate atmosphere conducive to learning. The Burgettstown School District believes that the elimination of drugs, alcohol, and weapons in public schools is important to the welfare and safety of students. School officials may conduct a reasonable search of a student and his/her personal effects. Since student lockers are owned by the Burgettstown Area School District and loaned to students and since the student parking lot is owned by Burgettstown Area School District and parking permits are made available, the school exercises exclusive control over lockers and student vehicles in the parking lot. Students should not expect privacy regarding items placed in their lockers or their vehicles as random searches of lockers and the student parking lot may be conducted by school officials. This policy has been explained to include the use of trained dogs in conducting locker searches at the secondary level.

Students found to possess, convey, use, or store contraband including drugs, alcohol, weapons, or other materials in violation of Federal or State law or school policy will be subject to a Level IV violation of this *Code of Conduct*. Illegal material confiscated will be turned over immediately to the appropriate law enforcement agency for further investigation and the institution of possible juvenile or criminal proceedings.

Discrimination/Sexual Harassment

Burgettstown School Board Policy #103 declares it to be the policy of this district to provide an equal opportunity for all students to achieve their maximum potential through the programs and activities offered in the schools without discrimination based on race, color, age, creed, religion, sex, sexual orientation, ancestry, national origin, marital status, pregnancy or handicap/disability. The Policy #103 also declares it to be the policy of this district to comply with federal law and regulations under Title IX.

Controlled Substance and Paraphernalia

Burgettstown School Board Policy #227 The Burgettstown Area School District is concerned for the health, safety, and welfare of its student population. The district realizes that illicit drug and alcohol use can severely impair the ability of a student to function in the educational setting. In response to the escalating use of drugs in society, Burgettstown Area School District has chosen to undertake a program of education to inform its student population of the hazards of illicit use of drugs and alcohol. The program will also include an intervention team. All administrative actions in response to violations involving controlled substances and violation will follow the guidelines within Policy #227 and supported by other District Policies, including but not limited to Policy #218 and Policy #233.

Use of Tobacco and Tobacco-Like Products

Burgettstown School Board Policy #222 prohibits possession, use, purchase or sale of tobacco and vaping products, including the product marketed as Juul and other e-cigarettes, regardless of whether such products contain tobacco or nicotine, by or to students at any time in a school building; on school buses or other vehicles that are owned, leased or controlled by the school district; on property owned, leased or controlled by the school district; or at school-sponsored activities that are held off school property.

State law defines the term tobacco product to broadly encompass not only tobacco but also vaping products including Juuls and other electronic cigarettes (e-cigarettes). Tobacco products, for purposes of this policy and under state law, shall be defined to include the following:

1. Any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, a cigarette, cigar, little cigar, chewing tobacco, pipe tobacco, snuff, and snus.
2. Any electronic device that delivers nicotine or another substance to a person inhaling from the device, including, but not limited to, electronic nicotine delivery systems, an electronic cigarette, a cigar, a pipe, and a hookah.
3. Any product containing, made, or derived from either:
 - a. Tobacco, whether in its natural or synthetic form; or
 - b. Nicotine, whether in its natural or synthetic form, is regulated by the United States Food and Drug Administration as a deemed tobacco product.
4. Any component, part, or accessory of the product or electronic device listed in this definition, whether or not sold separately.

The term tobacco product does not include the following:

1. A product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where the product is marketed and sold solely for such approved purpose, as long as the product is not inhaled. NOTE: This exception shall be governed by Board policy relating to Medications.
2. A device, included under the definition of tobacco product above, is sold by a dispensary licensed in compliance with the Medical Marijuana Act. NOTE: *Guidance issued by the PA Department of Health directs schools to prohibit possession of any form of medical marijuana by students at any time on school property or during any school activities on school property. This exception shall be governed by Board policy relating to Controlled Substances/Paraphernalia.*

A student is in possession of tobacco if tobacco in any form is found on the person of the student; in the student's locker; in a student's car on school property; in a student's purse, backpack, and gym bag, or like objects; in a student's coat or other clothing; or otherwise under the student's control. **Burgettstown School Board Policy #222.1** prohibits the use or possession of e-cigarettes and vapes by students. Students who possess or use e-cigarettes or vapes for the first time will be subject to an immediate In-School Suspension of three (3) days and will be required to complete a tobacco and vaping Purpose Prep program activity. Students who possess or use e-cigarettes or vapes for subsequent times will receive increasingly more significant discipline up to referral to the Burgettstown School Board for expulsion per **School Board Policy #233**. Students who violate **School Board Policy #222** or **#222.1** will also be referred to the Student Assistance Program. The Burgettstown Board of Directors also prohibits the use by any person - employees, residents, parents, guests, and all others - of tobacco products on all school property owned or under the control of the District.

Use of Electronic Surveillance Systems

To promote a safe school environment, the Burgettstown Area School District has installed electronic surveillance systems to monitor activity on school property and in school vehicles as one measure of prevention and protection. The use of video recordings obtained by surveillance equipment is subject to District policies addressing the confidentiality of student and staff records.

Information obtained from electronic surveillance systems may be used by the administrator to assist in an investigation to determine whether a student has committed an unlawful or unsafe act. Violations will result in appropriate disciplinary consequences. Any activity detected through the use of surveillance cameras that might constitute a violation of the law will be reported to the appropriate law enforcement agency.

Weapons

Burgettstown School Board Policy #218.1 prohibits students from possessing and bringing weapons and replicas of weapons into any school district buildings, onto school property, to any

school-sponsored activity, and onto any public vehicle providing transportation to school or a school-sponsored activity or while the student is coming to or from school.

In accordance with federal law, possession or discharge of a firearm in, on, or within 1,000 feet of school grounds is prohibited. Violations shall be reported to the appropriate law enforcement agency

Policy #228.1 states that the term weapon shall include but not be limited to any knife, cutting instrument, cutting tool, nunchaku, firearm, shotgun, rifle, replica of a weapon, and any other tool, instrument or implement capable of inflicting serious bodily injury.

All administrative actions in response to violations involving controlled substances and violation will follow the guidelines within **Policy #227** and supported by other District Policies, including but not limited to **Policy #218** and **Policy #233**.

Terroristic Threats-Acts

Burgettstown School Board Policy 218.2 recognizes the danger that terroristic threats by students present to the safety and welfare of district students, staff, and community. District students are prohibited from communicating terroristic threats or committing terroristic acts directed at any student, employee, Board member, community member, or school building.

For this Policy, Terroristic Threat shall mean a threat communicated either directly or indirectly to commit any crime of violence with the intent to terrorize another; to cause evacuation of a building, place of assembly, or facility of public transportation; or to otherwise cause serious public inconvenience, or cause terror or serious public inconvenience with reckless disregard of the risk of causing such terror or inconvenience.

All actions in response to violations involving controlled substances and violation will follow the guidelines within Policy #227 and supported by other District Policies, including but not limited to Policy #218 and Policy #233.

Attached School Board Policies:

103 Discrimination/Title IX Sexual Harassment Affecting Students
218 Student Discipline
218.1 Weapons
218.2 Terroristic Threats
220 Student Expression/Distribution and Posting of Materials
222 Tobacco and Vaping Products
222.1 Electronic Cigarettes
224 Care of School Property
226 Searches
227 Controlled Substances/Paraphernalia
233 Suspension and Expulsion
237 Electronic Communication Devices
247 Hazing
249 Bullying/Cyber Bullying
807 Opening Exercises/Flag Displays

All Board Policies and their related attachments may be found on the school district website at www.burgettstown.k12.pa.us



Book	Policy Manual
Section	100 Programs
Title	Discrimination/Title IX Sexual Harassment Affecting Students
Code	103
Status	Active
Adopted	May 17, 1999
Last Revised	March 8, 2021

Authority

The Board declares it to be the policy of this district to provide an equal opportunity for all students to achieve their maximum potential through the programs and activities offered in the schools without discrimination on the basis of race, color, age, creed, religion, sex, sexual orientation, ancestry, national origin, marital status, pregnancy or handicap/disability.[1][2][3][4][5][6][7][8][9][10][11][12][13][14][15][16][17]

The Board also declares it to be the policy of this district to comply with federal law and regulations under Title IX prohibiting sexual harassment, which is a form of unlawful discrimination on the basis of sex. Such discrimination shall be referred to throughout this policy as Title IX sexual harassment. Inquiries regarding the application of Title IX to the district may be referred to the Title IX Coordinator, to the Assistant Secretary for Civil Rights of the U.S. Department of Education, or both.

The district is committed to the maintenance of a safe, positive learning environment for all students that is free from discrimination by providing all students course offerings, counseling, assistance, services, employment, athletics and extracurricular activities without any form of discrimination, including Title IX sexual harassment. Discrimination is inconsistent with the rights of students and the educational and programmatic goals of the district and is prohibited at or, in the course of, district-sponsored programs or activities, including transportation to or from school or school-sponsored activities.

Violations of this policy, including acts of retaliation as described in this policy, or knowingly providing false information, may result in disciplinary consequences under applicable Board policy and procedures.[18][19][20][21]

The Board directs that the foregoing statement of Board policy be included in each student and staff handbook, and that this policy and related attachments be posted to the district's website.

The Board requires a notice stating that the district does not discriminate in any manner, including Title IX sexual harassment, in any district education program or activity, to be issued to all students, parents/guardians, employment applicants, employees and all unions or professional organizations holding collective bargaining or professional agreements with the

district. All discrimination notices and information shall include the title, office address, telephone number and email address of the individual(s) designated as the Compliance Officer and Title IX Coordinator.

Reports of Title IX Sexual Harassment and Other Discrimination and Retaliation

The Board encourages students and third parties who believe they or others have been subject to Title IX sexual harassment, other discrimination or retaliation to promptly report such incidents to the building principal, even if some elements of the related incident took place or originated away from school grounds, school activities or school conveyances. A person who is not an intended victim or target of discrimination but is adversely affected by the offensive conduct may file a report of discrimination.

The student's parents/guardians or any other person with knowledge of conduct that may violate this policy is encouraged to immediately report the matter to the building principal.

A school employee who suspects or is notified that a student has been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the building principal, as well as properly making any mandatory police or child protective services reports required by law.[22]

If the building principal is the subject of a complaint, the student, third party or a reporting employee shall report the incident directly to the Title IX Coordinator.

The complainant or the individual making the report may use the Discrimination/Sexual Harassment/Bullying/Hazing/Dating Violence/Retaliation Report Form attached to this policy for purposes of reporting an incident or incidents in writing; however, verbal reports of an incident or incidents shall be accepted, documented and the procedures of this policy and the relevant attachments followed.

The building principal shall promptly notify the Title IX Coordinator of all reports of discrimination, Title IX sexual harassment or retaliation. The Title IX Coordinator shall promptly contact the complainant regarding the report to gather additional information as necessary, and to discuss the availability of supportive measures. The Title IX Coordinator shall consider the complainant's wishes with respect to supportive measures.

The Title IX Coordinator shall conduct an assessment to determine whether the reported circumstances are most appropriately addressed through the Discrimination Complaint Procedures prescribed in Attachment 2 to this policy, or if the reported circumstances meet the definition of Title IX sexual harassment and are most appropriately addressed through the Title IX Sexual Harassment Procedures and Grievance Process for Formal Complaints in Attachment 3, or other Board policies.

Disciplinary Procedures When Reports Allege Title IX Sexual Harassment

When a report alleges Title IX sexual harassment, disciplinary sanctions may not be imposed until the completion of the grievance process for formal complaints outlined in Attachment 3. The district shall presume that the respondent is not responsible for the alleged conduct until a determination has been made at the completion of the grievance process for formal complaints.

When an emergency removal, as described in Attachment 3, is warranted to address an immediate threat to the physical health or safety of an individual, and it is not feasible to continue educational services remotely or in an alternative setting, the normal procedures for suspension and expulsion shall be conducted to accomplish the removal, including specific provisions to address a student with a disability where applicable.[18][20][23][24]

When an emergency removal is not required, disciplinary sanctions shall be considered in the course of the Title IX grievance process for formal complaints. Following the issuance of the written determination and any applicable appeal, any disciplinary action specified in the written determination or appeal decision shall be implemented in accordance with the normal procedures for suspensions, expulsions or other disciplinary actions, including specific provisions to address a student with a disability where applicable.[18][19][20][23]

Discipline/Placement of Student Convicted or Adjudicated of Sexual Assault

Upon notification of a conviction or adjudication of a student in this district for sexual assault against another student enrolled in this district, the district shall comply with the disciplinary or placement requirements established by state law and Board policy.[25][26]

Confidentiality

Confidentiality of all parties, witnesses, the allegations, the filing of a report and the investigation related to any form of discrimination or retaliation, including Title IX sexual harassment, shall be handled in accordance with applicable law, regulations, this policy, the attachments and the district's legal and investigative obligations.[27][28][29][30][31]

Retaliation

The Board prohibits retaliation by the district or any other person against any person for:[30]

1. Reporting or making a formal complaint of any form of discrimination or retaliation, including Title IX sexual harassment.
2. Testifying, assisting, participating or refusing to participate in a related investigation, process or other proceeding or hearing.
3. Acting in opposition to practices the person reasonably believes to be discriminatory.

The district, its employees and others are prohibited from intimidating, threatening, coercing, or discriminating against anyone for actions described above. Individuals are encouraged to contact the Title IX Coordinator immediately if retaliation is believed to have occurred.

Definitions

Complainant shall mean an individual who is alleged to be the victim.

Respondent shall mean an individual alleged to be the perpetrator of the discriminatory conduct.

Discrimination

Discrimination shall mean to treat individuals differently, or to harass or victimize based on a protected classification including race, color, age, creed, religion, sex, sexual orientation, ancestry, national origin, marital status, pregnancy, or handicap/disability.

Harassment is a form of discrimination based on the protected classifications listed in this policy consisting of unwelcome conduct such as graphic, written, electronic, verbal or nonverbal acts including offensive jokes, slurs, epithets and name-calling, ridicule or mockery, insults or put-downs, offensive objects or pictures, physical assaults or threats, intimidation, or other conduct that may be harmful or humiliating or interfere with a person's school or school-related performance when such conduct is:

1. Sufficiently severe, persistent or pervasive; and
2. A reasonable person in the complainant's position would find that it creates an intimidating, threatening or abusive educational environment such that it deprives or adversely

interferes with or limits an individual or group of the ability to participate in or benefit from the services, activities or opportunities offered by a school.

Definitions Related to Title IX Sexual Harassment

Formal complaint shall mean a document filed by a complainant or signed by the Title IX Coordinator alleging Title IX sexual harassment and requesting that the district investigate the allegation under the grievance process for formal complaints. The authority for the Title IX Coordinator to sign a formal complaint does not make the Title IX Coordinator a party in the grievance process for formal complaints. The phrase "document filed by a complainant" refers to a document or electronic submission that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.[29][32]

Supportive measures shall mean nondisciplinary, nonpunitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed.[32]

Supportive measures shall be designed to restore or preserve equal access to the educational program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the educational environment, or to deter sexual harassment. Supportive measures may include, but are not limited to:[32]

1. Counseling.
2. Extensions of deadlines or other course-related adjustments.
3. Modifications of work or class schedules.
4. Campus escort services.
5. Mutual restrictions on contact between the parties.
6. Changes in work or housing locations.
7. Leaves of absence.
8. Increased security.
9. Monitoring of certain areas of the campus.
10. Assistance from domestic violence or rape crisis programs.
11. Assistance from community health resources including counseling resources.

Supportive measures may also include assessments or evaluations to determine eligibility for special education or related services, or the need to review an Individualized Education Program (IEP) or Section 504 Service Agreement based on a student's behavior. This could include, but is not limited to, a manifestation determination or functional behavioral assessment (FBA), in accordance with applicable law, regulations or Board policy.[17][18][23][24][33]

Title IX sexual harassment means conduct on the basis of sex that satisfies one or more of the following:[32]

1. A district employee conditioning the provision of an aid, benefit, or district service on an individual's participation in unwelcome sexual conduct, commonly referred to as *quid pro quo sexual harassment*.
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to a district education

program or activity.

3. Sexual assault, dating violence, domestic violence or stalking.

- a. **Dating violence** means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship is determined by the following factors:[34]
 - i. Length of relationship.
 - ii. Type of relationship.
 - iii. Frequency of interaction between the persons involved in the relationship.
- b. **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 federal funding, 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.[34]
- c. **Sexual assault** means a sexual offense under state or federal law that is classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.[35]
- d. **Stalking**, under Title IX means stalking on the basis of sex, for example when the stalker desires to date a victim. Stalking means to engage in a course of conduct directed at a specific person that would cause a reasonable person to either:
 - i. Fear for their safety or the safety of others.
 - ii. Suffer substantial emotional distress.

Such conduct must have taken place during a district education program or activity and against a person in the United States to qualify as sexual harassment under Title IX. An **education program or activity** includes the locations, events or circumstances over which the district exercises substantial control over both the respondent and the context in which the harassment occurs. Title IX applies to all of a district's education programs or activities, whether such programs or activities occur on-campus or off-campus.[28][29][32]

Delegation of Responsibility

In order to maintain a program of nondiscrimination practices that is in compliance with applicable laws and regulations, the Board designates the Superintendent as the district's Compliance Officer and the Building Principal as the district's Title IX Coordinator.[36]

The Compliance Officer can be contacted at:

Address: 100 Bavington Road | Burgettstown, PA 15021

Phone Number: (724) 947-8136

The Title IX Coordinator can be contacted at:

Middle/High School

Address: 104 Bavington Road | Burgettstown, PA 15021

Phone Number: (724) 947-8100

Elementary School

Address: 100 Bavington Road | Burgettstown, PA 15021

Phone Number: (724) 947-8150

The Compliance Officer and Title IX Coordinator shall fulfill designated responsibilities to ensure adequate nondiscrimination procedures are in place, to recommend new procedures or modifications to procedures and to monitor the implementation of the district's nondiscrimination procedures in the following areas, as appropriate:

1. Curriculum and Materials - Review of curriculum guides, textbooks and supplemental materials for discriminatory bias.
2. Training - Provide training for students and staff to prevent, identify and alleviate problems of discrimination.
3. Resources - Maintain and provide information to staff on resources available to complainants in addition to the school complaint procedure or Title IX procedures, such as making reports to the police, and available supportive measures such as assistance from domestic violence or rape crisis programs and community health resources including counseling resources.
4. Student Access - Review of programs, activities and practices to ensure that all students have equal access and are not segregated except when permissible by law or regulation.
5. District Support - Assure that like aspects of the school programs and activities receive like support as to staffing and compensation, facilities, equipment, and related areas.[37]
6. Student Evaluation - Review of assessments, procedures, and guidance and counseling materials for stereotyping and discrimination.
7. Reports/Formal Complaints - Monitor and provide technical assistance to individuals involved in managing informal reports and formal complaints.

Guidelines

Title IX Sexual Harassment Training Requirements

The Compliance Officer and Title IX Coordinator, investigator(s), decision-maker(s), or any individual designated to facilitate an informal resolution process related to Title IX sexual harassment shall receive the following training, as required or appropriate to their specific role:

1. Definition of sexual harassment.
2. Scope of the district's education program or activity, as it pertains to what is subject to Title IX regulations.
3. How to conduct an investigation and grievance process for formal complaints, including examination of evidence, drafting written determinations, handling appeals and informal resolution processes, as applicable.
4. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest and bias.

5. Use of relevant technology.

6. Issues of relevance including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant.

7. Issues of relevance, weight of evidence and application of standard of proof and drafting investigative reports that fairly summarize relevant evidence.

8. How to address complaints when the alleged conduct does not qualify as Title IX sexual harassment but could be addressed under another complaint process or Board policy.

All training materials shall promote impartial investigations and adjudications of formal complaints of Title IX sexual harassment without relying on sex stereotypes.

All training materials shall be posted on the district's website.

Disciplinary Consequences

A student who is determined to be responsible for violation of this policy shall be subject to appropriate disciplinary action consistent with the Code of Student Conduct, which may include but is not limited to:[18][19][20]

1. Loss of school privileges.

2. Exclusion from school-sponsored activities.

3. Detention.

4. Suspension.

5. Expulsion.

6. Referral to law enforcement officials.

An employee who violates this policy shall be subject to appropriate disciplinary action consistent with the applicable Board policy, collective bargaining agreement and individual contract, up to and including dismissal and/or referral to law enforcement officials.[21][38]

Reports of Discrimination

Any reports of discrimination that are reviewed by the Title IX Coordinator and do not meet the definition of Title IX sexual harassment but are based on race, color, age, creed, religion, sex, sexual orientation, ancestry, national origin, marital status, pregnancy or handicap/disability shall follow the Discrimination Complaint Procedures in Attachment 2 to this policy.

Reports of Title IX Sexual Harassment

Any reports deemed by the Title IX Coordinator to meet the definition of sexual harassment under Title IX shall follow the Title IX Sexual Harassment Procedures and Grievance Process for Formal Complaints in Attachment 3 to this policy.

Legal

1. 22 PA Code 12.1

2. 22 PA Code 12.4

3. 22 PA Code 15.1 et seq

4. 22 PA Code 4.4

5. 24 P.S. 1301

6. 24 P.S. 1310

7. 24 P.S. 1601-C et seq
8. 24 P.S. 5004
9. 43 P.S. 951 et seq
10. 20 U.S.C. 1681 et seq
11. 34 CFR Part 106
12. 29 U.S.C. 794
13. 42 U.S.C. 12101 et seq
14. 42 U.S.C. 1981 et seq
15. 42 U.S.C. 2000d et seq
16. U.S. Const. Amend. XIV, Equal Protection Clause
17. Pol. 103.1
18. Pol. 113.1
19. Pol. 218
20. Pol. 233
21. Pol. 317
22. Pol. 806
23. Pol. 113.2
24. Pol. 113.3
25. Pol. 218.3
26. 24 P.S. 1318.1
27. 20 U.S.C. 1232g
28. 34 CFR 106.44
29. 34 CFR 106.45
30. 34 CFR 106.71
31. 34 CFR Part 99
32. 34 CFR 106.30
33. Pol. 113
34. 34 U.S.C. 12291
35. 20 U.S.C. 1092
36. 34 CFR 106.8
37. Pol. 150
38. Pol. 317.1
18 Pa. C.S.A. 2709
20 U.S.C. 1400 et seq
28 CFR Part 41
28 CFR Part 35
34 CFR Part 100
34 CFR Part 104
34 CFR Part 110
U.S. Const. Amend. I

Bostock v. Clayton County, 590 U.S., 140 S. Ct. 1731 (2020)

Davis v. Monroe County Board of Education, 526 U.S. 629 (1999)

Franklin v. Gwinnett County Public Schools, 503 U.S. 60 (1992)

Gebser v. Lago Vista Independent School District, 524 U.S. 274 (1998)

Office for Civil Rights - Resources for Addressing Racial Harassment

Pol. 122

Pol. 123

Pol. 138

Pol. 216

Pol. 220

Pol. 247

Pol. 249

Pol. 251

Pol. 252

Pol. 320

Pol. 701

Pol. 815

Pol. 832



103-Attach 1 Report Form.pdf (161 KB)



103-Attach 2 Discrimination.docx (39 KB)



103-Attach 3 Title IX.docx (74 KB)



103-Attach 4 ConfidentialityTemplateLetter.docx (21 KB)



Book	Policy Manual
Section	200 Pupils
Title	Student Discipline
Code	218
Status	Active
Adopted	January 19, 1981
Last Revised	August 17, 2015

Purpose

The Board finds that student conduct is closely related to learning. An effective educational program requires a safe and orderly school environment.

Authority

The Board shall establish fair, reasonable and nondiscriminatory rules and regulations regarding the conduct of all students in the school district, and this policy shall apply to student conduct, any time while on school property, while present at school-sponsored activities, (including on and off school grounds), and while traveling to or from school and school-sponsored activities and field trips within any school-owned vehicle or in any other school-approved vehicle.[1]

This policy shall also apply to student conduct that occurs off school property and would otherwise violate the Code of Student Conduct if any of the following circumstances exist:

1. The student is a member of an extracurricular activity and has been notified that particular off-campus conduct could result in exclusion from such activities.
2. Student expression or conduct materially and substantially disrupts the operations of the school, or the administration reasonably anticipates that the expression or conduct is likely to materially and substantially disrupt the operations of the school.
3. The conduct has a direct nexus to attendance at school or a school-sponsored activity, for example, a transaction conducted outside of school pursuant to an agreement made in school, that would violate the Code of Student Conduct if conducted in school.
4. The conduct involves the theft or vandalism of school property.

The Board shall adopt a Code of Student Conduct to govern student discipline, and students shall not be subject to disciplinary action because of race, sex, color, religion, sexual orientation, national origin or handicap/disability. Each student must adhere to Board policies and the Code of Student Conduct governing student discipline.[2][3][4][5][6][7]

The Board prohibits the use of corporal punishment by district staff to discipline students for violations of Board policies and district rules and regulations.[8]

Any student disciplined by a district employee shall have the right to notice of the infraction.[9]

Suspensions and expulsions shall be carried out in accordance with Board Policy.[9]

In the case of a student with a disability, including a student for whom an evaluation is pending, the district shall take all steps required to comply with state and federal laws and regulations, the procedures set forth in the Memorandum of Understanding with law enforcement and Board Policies.[5][10][11][13][14]

Delegation of Responsibility

The Superintendent or designee shall ensure that reasonable and necessary rules and regulations are developed to implement Board Policy governing student conduct.

The Superintendent or designee shall publish and distribute to all staff, students and parents/guardians the rules and regulations for student behavior contained in the Code of Student Conduct, the sanctions that may be imposed for violations of those rules, and a listing of students' rights and responsibilities. A copy of the Code of Student Conduct shall be available in each school library and school office and may be printed in the student handbooks.[2][7]

The building principal shall have the authority to assign discipline to students, subject to the policies, rules and regulations of the district and to the student's due process right to notice, hearing, and appeal.[17][18]

Teaching staff and other district employees responsible for students shall have the authority to take reasonable actions necessary to control the conduct of students in all situations and in all places where students are within the jurisdiction of this Board, and when such conduct interferes with the educational program of the schools or threatens the health and safety of others.[17]

Reasonable force may be used by teachers and school authorities under any of the following circumstances: to quell a disturbance, obtain possession of weapons or other dangerous objects, for the purpose of self-defense, and for the protection of persons or property.[8]

Referral to Law Enforcement and Reporting Requirements

Certain specific incidents, as set forth within the district's Memoranda of Understanding (MOUs) with Law Enforcement and the Safe Schools Act, are subject to either mandatory or discretionary reporting to law enforcement, and to the Commonwealth of Pennsylvania Office for Safe Schools, as set forth within said MOUs and the Safe Schools Act. The district may adopt Policies and procedures which set forth additional reporting requirements (See also Policy No. 227.)[30]

In accordance with state law, the Superintendent shall annually, by July 31, report all new incidents to the Office for Safe Schools on the required form.[14][19][27][28][29][30]

The Superintendent shall report to the Board the methods of discipline imposed by Administrators and incidences of student misconduct to the extent that doing so is consistent with law and would not result in potential bias of the Board with respect to student discipline matters which may come before the Board.

Legal

1. 24 P.S. 510

2. 22 PA Code 12.3

3. 22 PA Code 12.4

4. Pol. 103

5. Pol. 103.1

6. 22 PA Code 12.2
7. Pol. 235
8. 22 PA Code 12.5
9. Pol. 233
10. 22 PA Code 10.23
11. 20 U.S.C. 1400 et seq
13. Pol. 113.2
14. Pol. 805.1
15. Pol. 122
16. Pol. 123
17. 24 P.S. 1317
18. 24 P.S. 1318
19. 24 P.S. 1303-A
20. 22 PA Code 10.2
21. 35 P.S. 780-102
22. 24 P.S. 1302.1-A
24. 22 PA Code 10.21
25. 22 PA Code 10.22
26. 22 PA Code 10.25
27. Pol. 218.1
28. Pol. 218.2
29. Pol. 222
30. Pol. 227
20 U.S.C. 7114
22 PA Code 12.1 et seq
22 PA Code 403.1
34 CFR Part 300
Pol. 805



218-ATT.pdf (192 KB)



Book	Policy Manual
Section	200 Pupils
Title	Weapons
Code	218.1
Status	Active
Adopted	April 18, 1994
Last Revised	May 20, 2013

Purpose

The Board recognizes the importance of a safe school environment relative to the educational process. Possession of weapons in the school setting is a threat to the safety of students and staff and is prohibited by law.

Definitions

Weapon - the term shall include but not be limited to any knife, cutting instrument, cutting tool, nunchaku, firearm, shotgun, rifle, replica of a weapon, and any other tool, instrument or implement capable of inflicting serious bodily injury.[1][2]

Possession - a student is in possession of a weapon when the weapon is found on the person of the student; in the student's locker; and under the student's control 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.

Authority

The Board prohibits students from possessing and bringing weapons and replicas of weapons into any school district buildings, onto school property, to any school-sponsored activity, and onto any public vehicle providing transportation to school or a school-sponsored activity or while the student is coming to or from school.[2][3]

The Board shall expel for a period of not less than one (1) year any student who violates this weapons policy. Such expulsion shall be given in conformance with formal due process proceedings required by law and Board policy. The Superintendent may recommend modifications of such expulsion requirement on a case-by-case basis.[2][4]

In the case of a student with a disability, including a student for whom an evaluation is pending, the district shall take all steps required to comply with state and federal laws and regulations, the procedures set forth in the memorandum of understanding with local law enforcement and Board policies.[2][5][6][7][8][9][10]

Delegation of Responsibility

The Superintendent or designee shall react promptly to information and knowledge concerning possession of a weapon. Such action shall be in compliance with state law and regulations and with the procedures set forth in the memorandum of understanding with local law enforcement officials and the district's emergency preparedness plan.[10][11][12]

Guidelines

The Superintendent or designee shall immediately report incidents involving weapons on school property, at any school-sponsored activity or on a conveyance providing transportation to or from a school or school-sponsored activity to the local police department that has jurisdiction over the school's property, in accordance with state law and regulations, the procedures set forth in the memorandum of understanding with local law enforcement and Board policies.[2][10][11][13][14][15]

The Superintendent or designee shall notify the parent/guardian of any student directly involved in an incident involving weapons as a victim or suspect immediately, as soon as practicable. The Superintendent or designee shall inform the parent/guardian whether or not the local police department that has jurisdiction over the school property has been or may be notified of the incident. The Superintendent or designee shall document attempts made to reach the parent/guardian.[10][14][16]

In accordance with state law, the Superintendent shall annually, by July 31, report all incidents involving possession of a weapon to the Office for Safe Schools on the required form.[10][13]

The building principal shall annually inform staff, students and parents/guardians about the Board policy prohibiting weapons and about their personal responsibility for the health, safety and welfare of the school community.

An exception to this policy may be made by the Superintendent, who shall prescribe special conditions or administrative regulations to be followed.[2]

In accordance with federal law, possession or discharge of a firearm in, on, or within 1,000 feet of school grounds is prohibited. Violations shall be reported to the appropriate law enforcement agency.[17][18]

Transfer Students

When the school district receives a student who transfers from a public or private school during an expulsion period for an offense involving a weapon, the district may assign that student to an alternative assignment or may provide alternative education, provided the assignment does not exceed the expulsion period.[2]

Legal

1. 24 P.S. 1301-A
2. 24 P.S. 1317.2
3. Pol. 218
4. Pol. 233
5. 22 PA Code 10.23
6. 20 U.S.C. 1400 et seq
7. Pol. 103.1
8. Pol. 113.1

9. Pol. 113.2

10. Pol. 805.1

11. 24 P.S. 1302.1-A

12. Pol. 805

13. 24 P.S. 1303-A

14. 22 PA Code 10.2

15. 22 PA Code 10.21

16. 22 PA Code 10.25

17. 18 U.S.C. 921

18. 18 U.S.C. 922

18 Pa. C.S.A. 912

20 U.S.C. 7114

20 U.S.C. 7151

22 PA Code 403.1

34 CFR Part 300



Book	Policy Manual
Section	200 Pupils
Title	Terroristic Threats
Code	218.2
Status	Active
Adopted	August 17, 1998
Last Revised	May 20, 2013

Purpose

The Board recognizes the danger that terroristic threats by students present to the safety and welfare of district students, staff and community. The Board acknowledges the need for an immediate and effective response to a situation involving such a threat.

Definitions

Communicate - shall mean to convey in person or by written or electronic means, including telephone, electronic mail, Internet, facsimile, telex and similar transmissions.[16]

Terroristic threat - shall mean a threat communicated either directly or indirectly to commit any crime of violence with the intent to terrorize another; to cause evacuation of a building, place of assembly or facility of public transportation; or to otherwise cause serious public inconvenience, or cause terror or serious public inconvenience with reckless disregard of the risk of causing such terror or inconvenience.[16]

Authority

The Board prohibits any district student from communicating terroristic threats directed at any student, employee, Board member, community member or property owned, leased or being used by the district.

In the case of a student with a disability, including a student for whom an evaluation is pending, the district shall take all steps required to comply with state and federal laws and regulations, the procedures set forth in the memorandum of understanding with local law enforcement and Board policies.[2][3][4][5][6][7]

If a student is expelled for making terroristic threats, the Board may require, prior to readmission, that the student provide competent and credible evidence that the student does not pose a risk of harm to others.

Delegation of Responsibility

The Superintendent or designee shall react promptly to information and knowledge concerning a possible or actual terroristic threat. Such action shall be in compliance with state law and regulations and with the procedures set forth in the memorandum of understanding with local law enforcement officials and the district's emergency preparedness plan.[7][8][9]

Guidelines

Staff members and students shall be made aware of their responsibility for informing the building principal regarding any information or knowledge relevant to a possible or actual terroristic threat.[10]

The building principal shall immediately inform the Superintendent after receiving a report of such a threat.

The Superintendent or designee may report incidents involving terroristic threats on school property, at any school-sponsored activity or on a conveyance providing transportation to or from a school or school-sponsored activity to the local police department that has jurisdiction over the school's property, in accordance with state law and regulations, the procedures set forth in the memorandum of understanding with local law enforcement and Board policies.[7][8][12][13][15]

The Superintendent or designee shall notify the parent/guardian of any student directly involved in an incident involving a terroristic threat as a victim or suspect immediately, as soon as practicable. The Superintendent or designee shall inform the parent/guardian whether or not the local police department that has jurisdiction over the school property has been or may be notified of the incident. The Superintendent or designee shall document attempts made to reach the parent/guardian.[7][12][14]

In accordance with state law, the Superintendent shall annually, by July 31, report all incidents of terroristic threats to the Office for Safe Schools on the required form.[7][15]

Legal

2. 22 PA Code 10.23

3. 20 U.S.C. 1400 et seq

4. Pol. 103.1

5. Pol. 113.1

6. Pol. 113.2

7. Pol. 805.1

8. 24 P.S. 1302.1-A

9. Pol. 805

10. 22 PA Code 12.2

12. 22 PA Code 10.2

13. 22 PA Code 10.22

14. 22 PA Code 10.25

15. 24 P.S. 1303-A

16. 18 Pa. C.S.A. 2706

34 CFR Part 300

Pol. 000

Pol. 233



Book	Policy Manual
Section	200 Pupils
Title	Student Expression/Distribution and Posting of Materials
Code	220
Status	Active
Adopted	January 19, 1981
Last Revised	October 14, 2019

Purpose

The right of public school students to freedom of speech is guaranteed by the Constitution of the United States and the constitution of the Commonwealth. The Board respects the right of students to express themselves in word or symbol and to distribute and post materials in areas designated for posting as a part of that expression. The Board also recognizes that the exercise of that right must be limited by the district's responsibility to maintain a safe and orderly school environment and to protect the rights of all members of the school community.[1]

This policy addresses student expression in general and distribution and posting of materials that are not part of district-sponsored activities. Materials sought to be distributed or posted as part of the curricular or extracurricular programs of the district shall be regulated as part of the school district's educational program.

Definitions

Distribution means students issuing nonschool materials to others on school property or during school-sponsored events; placing upon desks, tables, on or in lockers; or engaging in any other manner of delivery of nonschool materials to others while on school property or during school functions. When email, text messaging or other technological delivery is used as a means of distributing or accessing nonschool materials via use of school equipment or while on school property or at school functions, it shall be governed by this policy. Off-campus or after hours distribution, including technological distribution, that does or is likely to materially or substantially interfere with the educational process, including school activities, school work, discipline, safety and order on school property or at school functions; threatens serious harm to the school or community; encourages unlawful activity; or interferes with another's rights is also covered by this policy.

Expression means verbal, written, technological or symbolic representation or communication.

Nonschool materials means any printed, technological or written materials meant for posting or general distribution that are not prepared as part of the curricular or approved extracurricular programs of the district. This includes, but is not limited to, fliers, invitations, announcements, pamphlets, posters, Internet bulletin boards, personal websites and the like.

Posting means publicly displaying nonschool materials on school property or at school-sponsored events, including but not limited to affixing such materials to walls, doors, bulletin boards, easels, the outside of lockers; on district-sponsored or student websites; through other district-owned technology and the like. When email, text messaging or other technological delivery is used as a means of posting nonschool materials via use of school equipment or while on school property or at school functions, it shall be governed by this policy. Off-campus or after hours posting, including technological posting, that does or is likely to materially or substantially interfere with the educational process, including school activities, school work, discipline, safety and order on school property or at school functions; threatens serious harm to the school or community; encourages unlawful activity; or interferes with another's rights is also covered by this policy.

Authority

Students have the right to express themselves unless such expression is likely to or does materially or substantially interfere with the educational process, including school activities, school work, discipline, safety and order on school property or at school functions; threatens serious harm to the school or community; encourages unlawful activity; or interferes with another's rights.[1]

Student expression that occurs on school property or at school-sponsored events is fully governed by this policy. In addition, off-campus or after hours expression is governed by this policy if the student expression involved constitutes unprotected expression as stated in this policy and provided the off-campus or after hours expression does or is likely to materially or substantially interfere with the educational process, including school activities, school work, discipline, safety and order on school property or at school functions; threatens serious harm to the school or community; encourages unlawful activity; or interferes with another's rights.[1][2][3]

The Board requires that distribution and posting of nonschool materials shall occur only at the places and during the times set forth in written procedures. Such procedures shall be written to permit the safe and orderly operation of schools, while recognizing the rights of students to engage in protected expression.[1][4]

Unprotected Student Expression

The Board reserves the right to designate and prohibit manifestations of student expression that are not protected by the right of free expression because they violate the rights of others or where such expression is likely to or does materially or substantially interfere with school activities, school work, discipline, safety and order on school property or at school functions. While the following list is not intended to be exhaustive, such expression shall not be protected if it:

1. Violates federal, state or local laws, Board policy or district rules or procedures.
2. Is libelous, defamatory, obscene, lewd, vulgar or profane.[2]
3. Advocates the use or advertises the availability of any substance or material that may reasonably be believed to constitute a direct and serious danger to the health or welfare of students, such as tobacco/nicotine, alcohol or illegal drugs.
4. Incites violence, advocates use of force or threatens serious harm to the school or community.
5. Is likely to or does materially or substantially interfere with the educational process, such as school activities, school work, discipline, safety and order on school property or at school

functions.

6. Interferes with, or advocates interference with, the rights of any individual or the safe and orderly operation of the schools and their programs.

7. Violates written school district procedures on time, place and manner for posting and distribution of otherwise protected expression.

Spontaneous student expression which is otherwise protected speech is not prohibited by this section.

Discipline for Engaging in Unprotected Expression

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

Distribution of Nonschool Materials

The Board requires that students who wish to distribute or post nonschool materials on school property shall submit them at least one (1) school day in advance of planned distribution or posting to the building principal or designee, who shall forward a copy to the Superintendent.[1]

If the nonschool materials contain unprotected expression as stated in this policy, the building principal or designee shall notify the students that they may not post or distribute the materials because the materials constitute a violation of Board policy.

If notice is not given during the period between submission and the time for the planned distribution or posting, students may proceed with the planned distribution or posting, provided they comply with written procedures on time, place and manner of posting or distribution of nonschool materials.

Students who post or distribute nonschool materials in compliance with this provision may still be ordered to desist such distribution if the materials are later found to be unprotected expression under this policy.

Students who distribute printed materials shall be responsible for clearing any litter that results from their activity and shall schedule the event so that they do not miss instructional time themselves.

Posting of Nonschool Materials

If a school building has an area where individuals are allowed to post nonschool materials, students may post such items as well, if the materials do not constitute unprotected expression and the items are submitted for prior review in the same manner as if the students were going to distribute them.

Such materials shall be officially dated, and the district may remove the materials within ten (10) days of the posting or other reasonable time as stated in the procedures relating to posting.

Review of Student Expression

School officials shall not censor or restrict nonschool materials or other student expression for the sole reason that it is critical of the school or its administration, or because the views espoused are unpopular or may make people uncomfortable.

Student-initiated religious expression is permissible and shall not be prohibited except as to time, place and manner of distribution, or if the expression involved violates some other part of this policy, e.g., because it is independently determined to be unprotected expression under the standards and definitions of this policy.

The review for unprotected expression shall be reasonable and not calculated to delay distribution.

Appeal of the reviewer's decision may be made to the Superintendent and then to the Board, in accordance with Board policy and district procedures.[5]

Delegation of Responsibility

The Superintendent shall assist the building principal in determining the designation of the places and times nonschool materials may be distributed in each school building. Such designations may take into account maintenance of the flow of student traffic throughout the school and shall limit distribution of nonschool materials to noninstructional times.

The building principal may determine disciplinary action for students who distribute or post nonschool materials in violation of this policy and district procedures, or who continue the manifestation of unprotected expression after a person in authority orders that they desist. Disciplinary actions shall be included in the disciplinary Code of Student Conduct.[6]

This Board policy and any procedures written to implement this policy shall be referenced in student handbooks so that students can access them for further information.

Legal

1. 22 PA Code 12.9

2. 22 PA Code 12.2

3. 24 P.S. 511

4. 24 P.S. 510

5. Pol. 219

6. Pol. 218



Policy 220 Attachment.pdf (83 KB)



Book	Policy Manual
Section	200 Pupils
Title	Tobacco and Vaping Products
Code	222
Status	Active
Adopted	January 19, 1981
Last Revised	January 11, 2021

Purpose

The Board recognizes that tobacco and vaping products, including the product marketed as Juul and other electronic cigarettes, present a health and safety hazard that can have serious consequences for users, nonusers and the school environment. The purpose of this policy is to prohibit student possession, use, purchase and sale of tobacco and vaping products, including Juuls and other electronic cigarettes.

Definition

State law defines the term **tobacco product** to broadly encompass not only tobacco but also vaping products including Juuls and other electronic cigarettes (e-cigarettes). **Tobacco products**, for purposes of this policy and in accordance with state law, shall be defined to include the following:[1][2]

1. Any product containing, made or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed or ingested by any other means, including, but not limited to, a cigarette, cigar, little cigar, chewing tobacco, pipe tobacco, snuff and snus.
2. Any electronic device that delivers nicotine or another substance to a person inhaling from the device, including, but not limited to, electronic nicotine delivery systems, an electronic cigarette, a cigar, a pipe and a hookah.
3. Any product containing, made or derived from either:
 - a. Tobacco, whether in its natural or synthetic form; or
 - b. Nicotine, whether in its natural or synthetic form, which is regulated by the United States Food and Drug Administration as a deemed tobacco product.
4. Any component, part or accessory of the product or electronic device listed in this definition, whether or not sold separately.

The term **tobacco product** does not include the following:[1][2]

1. A product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where the product is

marketed and sold solely for such approved purpose, as long as the product is not inhaled.
NOTE: *This exception shall be governed by Board policy relating to Medications.*[3]

2. A device, included under the definition of tobacco product above, if sold by a dispensary licensed in compliance with the Medical Marijuana Act. NOTE: *Guidance issued by the PA Department of Health directs schools to prohibit possession of any form of medical marijuana by students at any time on school property or during any school activities on school property. This exception shall be governed by Board policy relating to Controlled Substances/Paraphernalia.*[4]

Authority

The Board prohibits possession, use, purchase or sale of tobacco and vaping products, including the product marketed as Juul and other e-cigarettes, regardless of whether such products contain tobacco or nicotine, by or to students at any time in a school building; on school buses or other vehicles that are owned, leased or controlled by the school district; on property owned, leased or controlled by the school district; or at school-sponsored activities that are held off school property.[1][2][5]

The Board prohibits student possession or use of products marketed and sold as tobacco cessation products or for other therapeutic purposes, except as authorized in the Board's Medication policy.[3]

The Board prohibits student possession of any form of medical marijuana at any time in a school building; on school buses or other vehicles that are owned, leased or controlled by the school district; on property owned, leased or controlled by the school district; or at school-sponsored activities that are held off school property.[4]

The Board authorizes the confiscation and disposal of products prohibited by this policy.

Delegation of Responsibility

The Superintendent or designee shall develop administrative regulations in the form of a Student Handbook to implement this policy.

The Superintendent or designee shall notify students, parents/guardians and staff about the Board's tobacco and vaping products policy by publishing information in student handbooks, Code of Student Conduct, parental newsletters, posters, and by other efficient methods, such as posted notices, signs and on the district website.[2]

Reporting

Parental Report –

The Superintendent or designee shall notify the parent/guardian of any student directly involved in an incident involving possession, use, purchase or sale of a tobacco or vaping product, including a Juul or other e-cigarette, immediately, as soon as practicable. The Superintendent or designee shall inform the parent/guardian whether the local police department that has jurisdiction over the school property has been or may be notified of the incident. The Superintendent or designee shall document attempts made to reach the parent/guardian.[6][7][8]

Office for Safe Schools Report -

The Superintendent shall annually, by July 31, report all incidents of possession, use or sale of tobacco and vaping products, including Juuls or other e-cigarettes, by students to the Office for Safe Schools on the required form.[8][9]

Law Enforcement Incident Report –

The Superintendent or designee may report incidents of possession, use or sale of tobacco and vaping products, including Juuls or other e-cigarettes, by students on school property, at any school-sponsored activity or on a conveyance providing transportation to or from a school or school-sponsored activity to the school police, School Resource Officer (SRO) or to the local police department that has jurisdiction over the school's property, in accordance with state law and regulations, the procedures set forth in the memorandum of understanding with local law enforcement and Board policies.[1][2][6][8][9][10][11]

Guidelines

A student who violates this policy shall be subject to prosecution initiated by the district and, if convicted, shall be required to pay a fine for the benefit of the district, plus court costs. In lieu of the imposition of a fine, the court may admit the student to an adjudication alternative.[2]

Tampering with devices installed to detect use of tobacco or vaping products shall be deemed a violation of this policy and subject to disciplinary action.[12]

Students With Disabilities

In the case of a student with a disability, including a student for whom an evaluation is pending, the district shall take all steps required to comply with state and federal laws and regulations, the procedures set forth in the memorandum of understanding with local law enforcement and Board policies.[8][13][14][15][16][17]

Legal

1. 18 Pa. C.S.A. 6305
2. 18 Pa. C.S.A. 6306.1
3. Pol. 210
4. Pol. 227
5. 20 U.S.C. 7973
6. 22 PA Code 10.2
7. 22 PA Code 10.25
8. Pol. 805.1
9. 24 P.S. 1303-A
10. 22 PA Code 10.22
11. 24 P.S. 1302.1-A
12. Pol. 218
13. 20 U.S.C. 1400 et seq
14. 22 PA Code 10.23
15. Pol. 103.1
16. Pol. 113.1
17. Pol. 113.2
- 20 U.S.C. 7114
- 20 U.S.C. 7118
- 20 U.S.C. 7971 et seq
- 24 P.S. 510
- 34 CFR Part 300

Pennsylvania Department of Health Medical Marijuana Guidance for Schools and School Districts



Book	Policy Manual
Section	200 Pupils
Title	Electronic Cigarettes
Code	222.1
Status	Active
Adopted	August 17, 2015

Purpose

The Board recognizes the importance of discouraging the use of cigarettes and nicotine by the students of the district. The Board also recognizes that use of electronic cigarettes, regardless of whether they involve the use of nicotine, can have the effect of promoting the use of cigarettes and the harmful effects of such use on the human body. Therefore, the Board adopts this Policy to ban the use of electronic cigarettes by students at the times and places set forth under this Policy.

Definitions

Distribution/Distribute: Deliver, sell, pass, share, or give any electronic cigarette or electronic cigarette paraphernalia as defined by this Policy from one person to another or to aid therein.

Electronic Cigarette: A device, other than a traditional tobacco cigarette, which allows the user to simulate smoking, by means of inhalation of vapors from a liquid solution, or by any other means. This term also covers E-Cigarettes, E-Cigs, Personal Vaporizers, or Electronic Nicotine Delivery Systems, or any other similar device by any other name.

For purposes of this Policy, a device which meets this definition shall be considered an electronic cigarette regardless of whether it is filled with a substance at any given point in time, and regardless of whether the device or the liquid or other material within the device contains nicotine or any other substance alleged to be addictive.

Electronic Cigarette Paraphernalia: Any of the component parts of an electronic cigarette, including but not limited to the liquid or other material which is used for "smoking" and the cartridges which hold such liquid or other material, or other device or container used to hold such liquid or other materials, regardless of whether or not the liquid, cartridge or other item is used, possessed or distributed as in conjunction with the electronic cigarette.

Knowingly: For purposes of this Policy, the term "knowingly" shall be interpreted as providing a potential excuse only for violations related to possession. Specifically, if the evidence demonstrates that a student truly did not know that an electronic cigarette or electronic cigarette paraphernalia was placed by someone else in the student's belongings, locker, or other area for which the student is responsible, the prohibition on possession will not be read to punish this student who was in possession without knowledge. Lack of knowledge shall not be an excuse for offenses related to use or distribution.

Possession: Possess or hold, without any attempt to distribute, any electronic cigarette or electronic cigarette paraphernalia.

Authority

The Board hereby prohibits the use or distribution, or knowing possession, of electronic cigarettes or electronic cigarette paraphernalia at any of the following times and places:

1. On school grounds, during, immediately before, and immediately after school hours.
2. On school grounds, at any other time when the school is being used by any school group.
3. While attending any school activity, function, or event, or school sponsored activity, including on and off school grounds.
4. At any time within any school-owned vehicle or in any other school-approved vehicle when said vehicle is used to transport students to and from school or to and from school activities and field trips, provided, however, that this provision shall not apply to the use by a parent of his or her own personal vehicle to transport only his or her own children and no other children, pursuant to a contract with the Burgettstown Area School District or otherwise.

This prohibition applies both to the electronic cigarette itself and to any item of electronic cigarette paraphernalia, regardless of whether or not the paraphernalia is used, possessed, or distributed in conjunction with the electronic cigarette.

The Administration is hereby delegated the authority to create rules, regulations and procedures for disciplinary consequences relative to violations of this Policy.

If any student uses an electronic cigarette in order to knowingly possess, or use or distribute, any controlled substance, prescription drug, alcoholic beverage, drug paraphernalia, or look-alike drug, substance, liquid or device, the district shall proceed under Policy No. 227 instead of this Policy.[1]

Depending upon the nature of the electronic cigarette or electronic cigarette paraphernalia, it may constitute a look-alike drug, substance, liquid or device, in which case, the district shall proceed under Policy No. 227 instead of this Policy.[1]

Legal

1. Pol. 227

Pol. 218

Pol. 233



Book	Policy Manual
Section	200 Pupils
Title	Care of School Property
Code	224
Status	Active
Adopted	January 19, 1981
Last Revised	October 20, 2014

Purpose

The Board believes that the schools should help students learn to respect property and develop feelings of pride in community institutions.

Authority

The Board charges each student in the district's schools with responsibility for the proper care of school property, school supplies and equipment entrusted to the student's use.

It is the policy of the Board that students who willfully cause damage to school property shall be subject to disciplinary measures. Students and others who damage or deface school property may be prosecuted and punished under law. Parents/Guardians shall be held accountable for the actions of their child.[1][2][3]

The Board may report to the appropriate juvenile authorities any student whose damage of school property is serious or chronic in nature. In no case shall referral to juvenile authorities be made without prior notification to the student's parent/guardian.[4]

Delegation of Responsibility

The Superintendent or designee shall develop procedures to implement this policy which include rules for safekeeping and accounting of textbooks, supplies and equipment and an established schedule of fines for lost or damaged textbooks, supplies and equipment.[5][6]

The Superintendent shall submit a report on incidences of vandalism to the Board on each occurrence.

Vandalism reports shall include the number and kind of incident, cost to the district, and related information as the Superintendent deems necessary.

3. Pol. 233

4. 24 P.S. 1338

5. 24 P.S. 109

6. 24 P.S. 801

Pol. 000



Book	Policy Manual
Section	200 Pupils
Title	Searches
Code	226
Status	Active
Adopted	August 21, 1989
Last Revised	June 20, 2011

Purpose

The Board acknowledges the need to respect the rights of students to be free from unreasonable searches and seizures while fulfilling the district's interest in protecting and preserving the health, safety and welfare of the school population, enforcing rules of conduct, and maintaining an appropriate atmosphere conducive to learning.

Authority

School officials have the authority to lawfully search students or their belongings, including lockers, automobiles, electronic devices, purses, backpacks, clothing, and other possessions, without a warrant, when in school, on school grounds or when otherwise under school supervision, if there is a reasonable suspicion that the place or thing to be searched contains prohibited contraband, material that would pose a threat to the health, safety and welfare of the school population, or evidence that there has been a violation of the law, Board policy, or school rules. The scope and extent of searches must be reasonable in relation to the nature of the suspected evidence, contraband or dangerous material and to the grounds for suspecting that it may be found in the place or thing being searched.[1][2][9][10]

The district has a compelling interest in protecting and preserving the health, safety and welfare of the school population, which under certain circumstances may warrant general or random searches of students and their lockers, vehicles or other belongings without individualized suspicion, for the purpose of finding or preventing entry onto school property of controlled substances, weapons or other dangerous materials.[5][6][7]

Delegation of Responsibility

The Board authorizes the administration to conduct searches of students or their belongings, including lockers, automobiles, electronic devices, purses, backpacks, clothing, and other possessions in accordance with the standards set forth in this policy.

The Superintendent or designee, in consultation with the district solicitor, shall develop guidelines and procedures to implement this policy, and shall ensure that school staff who are involved in carrying out searches or determining when searches will be conducted receive appropriate

periodic training about such procedures and currently applicable legal standards.[2]

Students, parents/guardians and staff shall be notified at least annually, or more often if deemed appropriate by administration, about the standards and procedures in effect pursuant to this policy.

Guidelines

Individualized Suspicion Searches

Students or their belongings, including lockers, automobiles, electronic devices, purses, backpacks, clothing, and other possessions, may be searched without a warrant when in school, on school grounds or when otherwise under school supervision, if there is a reasonable suspicion that the place or thing to be searched contains prohibited contraband, material that would pose a threat to the health, safety and welfare of the school population, or evidence that there has been a violation of the law, Board policy, or school rules. The scope and extent of searches must be reasonable in relation to the nature of the suspected evidence, contraband or dangerous material and to the grounds for suspecting that it may be found in the place or thing being searched.[2]

In determining whether reasonable suspicion exists, the principal or designee always should be able to articulate what is being looked for, and why it is thought to be located in the particular place to be searched. The scope of a search should be limited to the place or places the item sought is believed to be.

Examination by school staff of text messages, call logs, files, images or other data contained in a student's mobile telephone or other electronic device, without the student's consent, normally constitutes a search that must be justified by reasonable suspicion that material in violation of law, district policy or school rules, or evidence of such a violation, is contained in the particular files, directories or other data locations being examined in the device.

Random or General Searches Without Individualized Suspicion

Under certain circumstances, random or general searches of students and their belongings, including student lockers or vehicles parked on school property, may be conducted during the school day or upon entry into school buildings or school activities, in the absence of suspicion focused on a particular student or students, for the purpose of finding or preventing entry onto school property or activities of controlled substances, weapons or other dangerous materials. Such searches normally will be conducted in a minimally intrusive manner using screening methods such as dogs or other animals trained to detect controlled substances, explosives or other harmful materials by smell, as well as metal detectors and other technology. When such screening methods provide a reasonable suspicion that particular students, items or places possess or contain controlled substances, weapons or other dangerous material, screening may be followed by physical searches of those particular students, items or places on an individualized basis.

Random or general searches for weapons may be conducted when there are circumstances, information or events tending to indicate increased likelihood that students may be armed or headed for physical confrontation because of community strife or tensions, or as a continuation or escalation of a prior incident, in or out of school, which threatens to spill over into school, into a school-sponsored activity, or into other times and places that students are under school supervision.

Random or general searches for controlled substances may be conducted when there are circumstances, events or information tending to indicate significant drug use, possession or trafficking among students in school.

Random or general searches not based on individualized suspicion must be approved in advance by the Superintendent or designee, in consultation with the district solicitor. Coordination with law enforcement officials will be accomplished as provided in the memorandum of understanding with the applicable law enforcement agency.[8]

Searches Upon Consent

Searches may be conducted at any time, with or without reasonable suspicion, if the student has given knowing and voluntary consent specific to the place to be searched.

The administration may establish rules and procedures governing certain privileges enjoyed by students, such as the privilege of parking a vehicle on school grounds, that make the student's consent to random searches or inspections a condition of access to the privilege.[6]

Searches by or at the Request of Law Enforcement Officials

The legal standards governing searches initiated by school officials are less strict than the standards applicable to law enforcement authorities in many situations. When searches of students, student belongings, vehicles or lockers are conducted by or at the request of law enforcement officials, with or without the involvement of school staff, the law enforcement officials are solely responsible for ensuring that a warrant has been issued or that the circumstances otherwise permit the search to be lawfully conducted in accordance with the standards applicable to law enforcement actions. School staff will not interfere with or obstruct searches initiated by law enforcement, but may assist when law enforcement officials have requested such assistance and have represented that a warrant has been issued or that they otherwise have proper authority for a lawful search.[8]

Locker Inspections and Searches

Lockers are assigned to or otherwise made available to students as a convenience for the safe storage of books, clothing, school materials and limited personal property, and to facilitate movement between classes and activities and to and from school. Such lockers are and shall remain the property of the school district, and to the extent students have any expectation of privacy of lockers at all, it is very limited.

No student may place or keep in a locker any substance or object that is prohibited by law, Board policy or school rules, or that constitutes a threat to the health, safety or welfare of the occupants of the school building or the building itself. Students are required to ensure that their lockers do not contain spoiled food items or beverages, or soiled clothing which may attract pests, create odors or cause unhealthy conditions. A student locker may be opened and inspected for cleanliness, with or without the consent of the student, whenever there are odors, pests or other indications that a locker contains spoiled food, soiled clothing in need of laundering or similarly unhealthy matter.

Students are exclusively responsible for locking their assigned lockers to ensure the security of their personal belongings and school property entrusted to them. Students are permitted to secure their assigned lockers only with locks provided by the district, or if the district does not provide locks, personal combination locks for which the combination has been provided to designated school staff.

Prior to an individual locker search or inspection, the student to whom the locker is assigned shall be notified and be given a reasonable opportunity to be present. However, when there is a reasonable suspicion that a locker contains materials which pose a threat to the health, welfare or safety of the school population, student lockers may be searched without prior notice to the student.

The principal or a designated staff person shall be present whenever a student locker is inspected for cleanliness or is searched. The principal or designee shall maintain written records of all occasions when a locker is searched or inspected. Such records shall include the reason(s) for the search, persons present, objects found and their disposition.

Searches Involving Removal of Clothing or Examination Beneath Clothing

Searches of students involving the removal of undergarments or examination beneath undergarments are subject to stricter standards than are required to justify other searches of a student's person or belongings. Such searches are permitted only when the basis for suspicion establishes either:

1. That the reasons for believing that the items being searched for are concealed specifically inside undergarments are stronger reasons than grounds that would support only a more general reasonable suspicion that the student is in possession of the items or has them somewhere on the student's person; or,
2. That the quantity or nature of the items being sought present a higher level of danger to the school population than other kinds of contraband.

Searches involving the removal of or examination beneath any clothing of a student, other than jackets, coats or other outerwear, shall be conducted only by a staff person of the same gender as the student, with at least one (1) other staff person of the same gender present as a witness, and in a location assuring privacy from observation by persons not involved in the search or of the opposite sex.

Handling and Disposal of Items Found in the Course of Searches

Any items or material found during a search or inspection, the student's possession of which is in violation of law, district policies or school rules, or otherwise is evidence of such a violation, may be confiscated, and may be used as evidence in student discipline proceedings or a criminal investigation, even if such items or material were not the original objective of the search or inspection.

The principal shall be responsible to ensure that confiscated items or material are properly inventoried and secured until the conclusion of disciplinary action, if any, and are then properly disposed of if not appropriate to be returned to the student. Items or materials that are evidence of a criminal offense, or that are not lawful for ordinary citizens to possess will be promptly turned over to proper law enforcement authorities for custody or disposal.

Legal

1. 24 P.S. 510

2. 22 PA Code 12.14

5. Pol. 218.1

6. Pol. 223

7. Pol. 227

8. Pol. 805

9. PA Const. Art. I Sec. 8

10. U.S. Const. Amend. IV

Commonwealth v. Cass, 551 Pa. 25, 709 A.2d 350, 355-56 (1998)

In re F.B., 555 Pa. 661, 726 A.2d 361, 368 (1999)

Safford Unified School Dist. No. 1 v. Redding, 129 S.Ct. 2633 (U.S. 2009)



Book	Policy Manual
Section	200 Pupils
Title	Controlled Substances/Paraphernalia
Code	227
Status	Active
Adopted	January 19, 1981
Last Revised	August 17, 2015

Purpose

The Burgettstown Area School District is concerned for the health, safety, and welfare of its student population. The district realizes that illicit drug and alcohol use can severely impair the ability of a student to function in the educational setting. In response to the escalating use of drugs in society, Burgettstown Area School District has chosen to undertake a program of education to inform its student population of the hazards of illicit use of drugs and alcohol. The program will also include an intervention team.

Definitions

1. **Anabolic Steroid** - Any material, compound or mixture which is prepared in accordance with Schedule III, Section (vii) of the Pennsylvania Controlled Substance, Drug, Device and Cosmetic Act, as amended.
2. **Controlled Substances** - A drug, substance, or immediate precursor included within Schedules I through V of the Pennsylvania Controlled Substance, Drug, Device and Cosmetic Act. Controlled substances shall include, but not be limited to, opiates and opium derivatives (heroin, morphine), compounds or mixtures containing hallucinogenic substances (LSD, mescaline, peyote), marijuana, narcotics (cocaine), amphetamines and barbiturates. For purposes of discipline under this Policy (as distinguished from purposes of mandatory reporting to police), "controlled substances" does not include anabolic steroids; anabolic steroids are addressed in a separate Board policy.
3. **Drugs** - Substances intended for use in the diagnosis, cure, medication, treatment or prevention of disease in man or other animal, and non-food substances intended to affect the structure or any function of the human body or other animal body.
4. **Prescription Drugs** - Those drugs, which pursuant to federal law, may be dispensed only upon prescription from a physician.
5. **Look-Alike Drug, Substance, Liquid or Device** - A non-controlled drug, substance, liquid or device, which, in its overall appearance, substantially resembles in size, shape, color and markings or lack thereof, a controlled substance, drug, liquid, and alcoholic beverage, or device, or which is packaged or enclosed in a container substantially similar to that accompanying or containing a specific controlled substance, liquid, drug or alcoholic

beverage or device.

6. **Alcoholic Beverages** - A liquid intended for consumption with a percentage alcohol content, including but not limited to, liquor, beer, wine and grain alcohol. A liquid containing alcohol for medical purposes and necessary to the treatment of an existing condition shall not be included within this definition if properly registered with the school nurse, annotated in the student's health records and given or taken in accordance with the school district's policy for administration of medication to students in school.
7. **Drug Paraphernalia** - Any item as defined in the Pennsylvania Controlled Substance, Drug, Device and Cosmetic Act, including but not limited to equipment, material, device or container of any kind used, or designed for use, in growing, manufacturing, processing, preparing, packaging, storing, containing, concealing, injecting, ingesting, or inhaling a controlled substance, prescription drug, drug or alcoholic beverage, and which in the judgment of the school district can be clearly associated with the use of alcohol, controlled substances, prescription drugs, and look-alike drugs, substances, liquids or devices.
8. **Distribution/Distribute** - Deliver, sell, pass, share, or give any alcohol, controlled substance, prescription drug, look-alike drug, substance, liquid, or device or drug paraphernalia as defined by this Policy from one person to another or to aid therein.
9. **Knowingly** - For purposes of this Policy, the term "knowingly" shall be interpreted as providing a potential excuse only for violations related to possession. Specifically, if the evidence demonstrates that a student truly did not know that an item which is prohibited under this Policy was placed by someone else in the student's belongings, locker, or other area for which the student is responsible, the prohibition on possession will not be read to punish this student who was in possession without knowledge. Lack of knowledge shall not be an excuse for offenses related to use or distribution.
10. **Possession** - To knowingly possess or hold, without any attempt to distribute, any alcohol, controlled substance, prescription drug, look-alike drug, substance, liquid, or device or drug paraphernalia determined to be illegal as defined by this Policy.
11. **Cooperative Behavior** - Shall be defined as the willingness of a student to cooperate with staff and Drug and Alcohol Intervention personnel in a reasonable and helpful manner, complying with requests and recommendations of the members of the Student Assistance Team designed for student support in the areas of referrals.
12. **Uncooperative Behavior** - Is resistance or refusal either verbal, physical, or passive, on the part of the student to comply with the reasonable request or recommendation of personnel. Defiance, assault, deceit, and flight shall constitute examples of uncooperative student behavior. Uncooperative behavior shall also include the refusal to comply with the recommendations of the members of the Student Assistance Team designed for student support in the area of referrals.
13. **Assessment** - Includes both psychological and physiological examinations. Any costs involved are the responsibility of the student's parent(s) or legal guardian(s).

Personnel

Student Assistance Team is a multi-disciplinary team composed of school personnel (teachers, staff, administrators, nurses, counselors) and invited specialists of the community. This team has been trained to understand and respond to the issues of adolescent chemical use, abuse, and dependency and will play a primary role in the identification and referral process of students coming to their attention through the procedures outlined in this policy.

Chemical Abuse Specialist is a certified addiction counselor with expertise in the area of chemical dependency.

Authority

No student within the Burgettstown Area School District shall use or distribute, or knowingly possess, any controlled substance, prescription drug, alcoholic beverage, drug paraphernalia, or look-alike drug, substance, liquid or device which has not been properly registered with the School Nurse as provided herein, while:

1. On school property.
2. While attending any school activity, function, or event, or school sponsored activity, including on and off school grounds.
3. At any time within any school-owned vehicle or in any other school-approved vehicle when said vehicle is used to transport students to and from school or to and from school activities and field trips.
4. Students will also be disciplined for off-campus violations of this Policy if the conduct has a direct nexus to attendance at school or a school sponsored activity, for example, a transaction conducted outside of school pursuant to an agreement made in school, that would violate the Code of Student Conduct if conducted in school.

As an integral part of the Burgettstown Area School District Drug and Alcohol Prevention program, this Policy represents a district-wide effort to respond effectively to situations involving alcohol, controlled substances, liquids, prescription drugs, look-alike drugs, substances, liquids or devices or drug paraphernalia that may occur at any of the times and places listed above. The Burgettstown Area School District will provide a safe and healthy environment for students with due consideration for their legal rights and responsibilities.

The Board reserves the right to use any extraordinary measures deemed necessary in accordance with law to prevent the occurrence of the violations listed in this Policy, even if those measures are not provided for in any rule or regulation enumerated herein or elsewhere in district Policies or procedures.

The privileged confidentiality among students and guidance counselors, school nurses, school psychologists, home and school visitors and other school employees shall be respected; and no confidential communications made to such employee shall be required to be revealed without the consent of the student or parent, unless the best interests of the student can be served only by such release.

Situational Category #1

A student contact a staff member seeking help for himself or herself, or another student in relation to the student's own or another student's believed use of a controlled substance, prescription drug, alcoholic beverage, drug paraphernalia, or look-alike drug, substance, liquid or device. In this situation, no district employee shall ask the student who seeks help or for whom help is sought whether he or she has engaged in a violation of this Policy, and the student shall not be disciplined for any such admission that he or she may make or other evidence that may come to light in this context, except that notification to parents and police may occur, as stated below.

Immediate Action: The student who contacts a staff member is encouraged to have the student with a problem personally seek assistance, or, as the case may be, the student who reports himself or herself shall be encouraged to seek assistance.

Investigation: A staff member shall refer the situation to the Student Assistance Team.

Notification of Parents: At the discretion of the Student Assistance Team, unless the situation involves an "incident" as defined under the district's Memoranda of Understanding (MOUs) with Law Enforcement, in which case, parental notification shall be in accordance with said MOUs.

Notification of Police: Mandatory or discretionary notification to police under the district's Memoranda of Understanding (MOUs) with Law Enforcement or the Safe Schools Act shall apply if the situation involves an "incident" as defined under said MOUs.

Discipline Rehabilitation: None/Referral to the Student Assistance Team.

Situational Category #2

The student has a medical emergency believed to be related to his or her use of alcohol, controlled substance, prescription drug, drug paraphernalia, or look-alike drug, substance, liquid or device at any of the places and times at which the same is prohibited under this Policy.

Immediate Action: The nurse will be summoned immediately if possible. Appropriate emergency care will be provided. The appropriate Administrator and Superintendent/designee will be notified. Appropriate written report of incident is made. The nurse or Administrator in charge, as appropriate, shall take all necessary steps to safeguard the health, safety and well-being of the student and others.

If the student experiences a medical emergency under this category at a school-related activity, regardless of whether on or off school property, or in transit to or from a school activity, function or event, the chaperone or person in charge will contact a District Administrator as soon as possible, and will, along with the Administrator if applicable, take all actions as necessary to protect the health and safety of the student and others. The Administrator will respond as quickly as possible in the manner feasible and appropriate under the circumstances. Further investigation as set forth herein will be conducted to the extent appropriate and feasible under the circumstances. Discipline will be applied as set forth herein.

If a student experiences a medical emergency under this category on school grounds at any time other than during the school day or during a school-related activity, to the extent that there is a district employee in charge, he or she shall notify a District Administrator as soon as possible, and shall, along with the Administrator if applicable, take all necessary steps to safeguard the health, safety and well-being of the student and others. The Administrator will respond as quickly as possible in the manner feasible and appropriate under the circumstances. Further investigation as set forth herein will be conducted to the extent appropriate and feasible under the circumstances. Discipline will be applied as set forth herein.

Investigation: Building Administrator will investigate the incident to the extent that may be necessary if the Building Administrator cannot determine by a preponderance of the evidence that a violation(s) has/have been committed, either by the student who suffered the medical emergency, or by any other student whom the district has reason to suspect has violated this Policy in relation to the medical emergency. All such investigations may include search of the suspected students' locker and/or vehicle, to the extent that the same is permitted under district Policy and applicable law, and, if possible, and as permitted by district Policy and applicable law, shall also include a search of the student(s) and his/her possessions. Any item, residue, or substance believed to be consumed by the student will be confiscated immediately and delivered to the medical facility to which the student has been taken, to assist in treatment of student.

Investigation and evidence to be considered in order to confirm any violation(s) of this Policy may also include a firsthand observation of the student(s) and his/her/their behavior (including, where use is at issue, slurred speech, dilated pupils, or similar signs or behavior) by the Administrator imposing discipline, and/or the Administrator's review of firsthand witness reports and any other relevant evidence. When use is at issue, the district may require a drug test where feasible. However, it is not necessary that a test be administered or that a student test positive for use of any item prohibited under this Policy in order for the district to find that the student has engaged in use in violation of this Policy, if the student's behavior as observed by the Administrator or as reported by a credible witness to the Administrator allows for a determination by a preponderance of the evidence that use has occurred. Possession alone shall not be sufficient evidence on which to charge a student with use.

Rehabilitation: Regardless of whether a preponderance of the evidence demonstrates that a violation has occurred, the student will be advised that if he or she has a problem, he or she will be encouraged to contact the counselor, nurse, or a District Administrator for assistance.

Notification of Parents: Parents will be immediately notified regarding the medical emergency, and parental conference will be arranged as soon as possible, regardless of whether a violation has occurred. Further, when a preponderance of the evidence surrounding the medical emergency demonstrates that the student who suffered the medical emergency or any other student has violated this Policy, the relevant parent(s), shall be immediately notified, and a parental conference shall be arranged as soon as possible. In addition, if the situation involves an "incident" under the district's Memoranda of Understanding (MOUs) with Law Enforcement, parental notification shall be in accordance with said MOUs.

Notification of Police: If a preponderance of the evidence demonstrates that a violation has occurred, police shall be notified immediately. In addition, any incident which requires mandatory reporting under the district's Memoranda of Understanding (MOUs) with Law Enforcement or the Safe Schools Act, must be reported to law enforcement immediately.

Discipline: If a preponderance of the evidence demonstrates that a student has committed a violation or violations of this Policy, at the discretion of Administration, the student may be subjected to an out of school suspension of up to ten (10) school days, or may also be referred by Administration for expulsion. Factors which the Administration may consider in imposing discipline include the student's cooperative behavior or lack thereof and the severity of the offense, as well as the number of prior violations.

Situational Category #3

A student is suspected of, or verified to have, used or distributed and/or knowingly possessed, any controlled substance, prescription drug, alcoholic beverage, drug paraphernalia, or look-alike drug, substance, liquid or device at any of the times and places when the same is prohibited under this Policy.

Immediate Action: The appropriate Administrator is summoned. Superintendent/Designee is notified and appropriate written report of incident is made. The Administrator in charge will take all necessary steps to safeguard the health, safety and well-being of the student and others.

If the student is suspected of a violation under this category at a school-related activity, regardless of whether on or off school property, or in transit to or from the school activity, function or event, the chaperone or person in charge will contact a District Administrator as soon as possible, and will, along with the Administrator if applicable, take all actions as necessary to protect the health and safety of the student and others. The Administrator will

respond as quickly as possible in the manner

feasible and appropriate under the circumstances. Further investigation as set forth herein will be conducted to the extent appropriate and feasible under the circumstances. Discipline will be applied as set forth herein.

If a student is suspected of a violation under this category on school grounds at any time other than during the school day or during a school-related activity, to the extent that there is a district employee in charge, he or she shall notify the District Administrator as soon as possible, and shall, along with the Administrator if applicable, take all necessary steps to safeguard the health, safety and well-being of the student and others. The Administrator will respond as quickly as possible in the manner feasible and appropriate under the circumstances. Further investigation as set forth herein will be conducted to the extent appropriate and feasible under the circumstances. Discipline will be applied as set forth herein.

Investigation: Building Administrator will investigate any and all suspected violations of this Policy by any and all students as related to the incident in question to the extent that may be necessary if the Building Administrator cannot determine by a preponderance of the evidence that a violation(s) has/have been committed. All such investigations may include a search of the student(s) and his/her/their possessions, locker and/or vehicle, to the extent that the same is permitted under district Policy and applicable law. Investigation and evidence to be considered may also include a firsthand observation of the student(s) and his/her behavior (including, where possible use is at issue, slurred speech, dilated pupils, or similar signs or behavior) by the Administrator imposing discipline, and/or the Administrator's review of firsthand witness reports and any other relevant evidence. When use is at issue, the district may require a drug test where feasible. However, it is not necessary that a test be administered or that a student test positive for use of any item prohibited under this Policy in order for the district to find that the student has engaged in use in violation of this Policy, if the student's behavior as observed by the Administrator or as reported by a credible witness to the Administrator allows for determination by a preponderance of the evidence that use has occurred. Possession alone shall not be sufficient evidence on which to charge a student with use.

Rehabilitation: Regardless of whether a preponderance of evidence demonstrates that it is more likely than not that a violation has occurred, the student will be advised that if he or she has a problem, he or she is encouraged to contact the counselor, nurse, or a District Administrator for assistance.

Notification of Parents: If a preponderance of evidence demonstrates that a violation has occurred, parents shall be notified immediately, and a parental conference shall be arranged as soon as possible. In addition, if the situation involves an "incident" under the district's Memoranda of Understanding (MOUs) with Law Enforcement, parental notification shall be in accordance with said MOUs.

Notification of Police: If a preponderance of evidence demonstrates that a violation has occurred, police shall be notified immediately. In addition, any incident which requires mandatory reporting under the district's Memoranda of Understanding (MOUs) with Law Enforcement or the Safe Schools Act, must be reported to law enforcement immediately.

Discipline: If a preponderance of the evidence demonstrates that a student has committed a violation or violations of this Policy, at the discretion of Administration, the student may be subjected to an out of school suspension of up to ten (10) school days, or may also be referred by Administration for expulsion. Factors which the Administration may consider in imposing discipline include the student's cooperative behavior or lack thereof and the severity of the offense, as well as the number of prior violations.

Special Disciplinary Provisions

Any student who is being suspended or expelled under this Policy will be referred to the Student Assistance Team, which will secure an assessment by a licensed drug and alcohol facility. The student will be required to comply with all recommendations of the facility. For a student who is being referred for expulsion, the referral to the Student Assistance Team will occur, to the extent possible, before the student is expelled.

A student's admission of any violation under this Policy shall be considered sufficient evidence to charge the student with the violation, except when the district is proceeding under Category 1.

If the student admits to use, possession or distribution under the mistaken belief that the substance constituted alcohol, a controlled substance, a prescription drug, or drug paraphernalia, but the item is instead a look-alike, the student shall be charged with an offense under this Policy as pertaining to a look-alike drug, substance, liquid or device, and shall be disciplined accordingly.

A student who violates this Policy through use, possession or distribution of a substance which meets the definition of alcohol, a controlled substance, a prescription drug, or drug paraphernalia, and claims he or she was under the mistaken belief that the item was a look-alike or some other item, shall be charged with possession, use and/or distribution of the actual substance as actually possessed, used or distributed, regardless of any alleged mistaken belief on the student's part, and shall be disciplined accordingly.

Legal

1. 35 P.S. 780-102
2. Pol. 210
3. Pol. 210.1
4. 24 P.S. 510
5. 24 P.S. 511
6. 22 PA Code 12.3
7. 22 PA Code 10.23
8. 20 U.S.C. 1400 et seq
9. Pol. 103.1
12. Pol. 218
13. Pol. 122
14. Pol. 123
15. 24 P.S. 1302.1-A
17. 42 Pa. C.S.A. 8337
18. Pol. 233
19. 24 P.S. 1303-A
20. 22 PA Code 10.2
21. 22 PA Code 10.21
22. 22 PA Code 10.22
23. Pol. 805.1
24. 22 PA Code 10.25
25. 35 P.S. 807.1

26. 35 P.S. 807.2

27. 21 U.S.C. 812

28. Pol. 113.2

20 U.S.C. 7114

20 U.S.C. 7161

21 U.S.C. 801 et seq

22 PA Code 403.1

34 CFR Part 300

35 P.S. 780-101 et seq

35 P.S. 807.1 et seq

Pol. 000

Pol. 805

24 P.S. 1317

24 P.S. 1547

21 U.S.C. 801 et seq

Pol. 261



Book	Policy Manual
Section	200 Pupils
Title	Suspension and Expulsion
Code	233
Status	Active
Adopted	January 19, 1981
Last Revised	March 9, 2020

Purpose

The Board recognizes that exclusion from the educational program of the schools, whether by suspension or expulsion, is the most severe sanction that can be imposed on a student and one that cannot be imposed without due process. The Board shall define and publish the types of offenses that would lead to exclusion from school. Exclusions affecting students with disabilities shall be governed by applicable state and federal law and regulations.[1][2][3][4][5]

Authority

The Board may, after a proper hearing, suspend or expel a student for such time as it deems necessary, or may permanently expel a student.[1][6][7]

Guidelines

Exclusion From School - Suspension

The principal or person in charge of the school may suspend any student for disobedience or misconduct for a period of one (1) to ten (10) consecutive school days and shall immediately notify the parent/guardian and the Superintendent in writing when the student is suspended.[1][2]

No student may be suspended without notice of the reasons for which s/he is suspended and an opportunity to be heard on his/her own behalf before the school official who holds the authority to reinstate the student. Prior notice is not required where it is clear that the health, safety or welfare of the school population is threatened. Suspensions may not be made to run consecutively beyond the ten-school day period.[1]

When a suspension exceeds three (3) school days, the student and parent/guardian shall be given the opportunity for an informal hearing with the designated school official. Such hearing shall take place as soon as possible after the suspension, and the district shall offer to hold it within the first five (5) days of the suspension.[1][6]

Informal hearings under this provision shall be conducted by the building principal.

Purpose of Informal Hearing

The purpose of the informal hearing is to permit the student to explain the circumstances surrounding the event leading to the suspension, to show why the student should not be suspended, and to discuss ways to avoid future offenses.[6]

Due Process Requirements for Informal Hearing[6]

1. The student and parent/guardian shall be given written notice of the reasons for the suspension.
2. The student and parent/guardian shall receive sufficient notice of the time and place of the informal hearing.
3. The student may question any witnesses present at the informal hearing.
4. The student may speak and produce witnesses who may speak at the informal hearing.
5. The district shall offer to hold the informal hearing within five (5) days of the suspension.

Exclusion From Class - In-School Suspension

No student may receive an in-school suspension without notice of the reasons for which s/he is suspended and an opportunity to be heard prior to the time the suspension becomes effective. The parent/guardian shall be informed of the suspension action taken by the school.[2]

Should the in-school suspension exceed ten (10) consecutive school days, the student and parent/guardian shall be offered an informal hearing with the building principal. Such hearing shall take place prior to the eleventh day of the in-school suspension. The procedure shall be the same as the procedure for informal hearings held in connection with out-of-school suspensions. [2][6]

The district shall provide for the student's education during the period of in-school suspension. [2]

Expulsion

Expulsion is exclusion from school by the Board for a period exceeding ten (10) consecutive school days. The Board may permanently expel from the district rolls any student whose misconduct or disobedience warrants this sanction. No student shall be expelled without an opportunity for a formal hearing before the Board, and upon action taken by the Board after the hearing.[1][6][7]

Expulsion Hearings

A formal hearing shall be required in all expulsion actions.[1][6][7][8]

The formal hearing shall observe the due process requirements of:[6]

1. Notification of the charges in writing by certified mail to the student's parent/guardian.
2. At least three (3) days' notice of the time and place of the hearing, which shall include a copy of this policy, hearing procedures, and notice of the right to representation by legal counsel. A student may request the rescheduling of the hearing when s/he demonstrates good cause for an extension.
3. The hearing shall be private unless the student or parent/guardian requests a public hearing.

4. Representation by counsel at the parent's/guardian's expense and parent/guardian may attend the hearing.
5. Disclosure of the names of witnesses against the student and copies of their written statements or affidavits.
6. The right to request that witnesses against the student appear in person and answer questions or be cross-examined.
7. The right to testify and present witnesses on the student's behalf.
8. A written or audio record shall be kept of the hearing and a copy made available to the student at the student's expense, or at no charge if the student is indigent.
9. The hearing shall be held within fifteen (15) school days of the notice of charges, unless a delay is mutually agreed to by both parties or is delayed by:
 - a. The need for laboratory reports from law enforcement agencies.
 - b. Evaluations or other court or administrative proceedings are pending due to a student's invoking his/her rights under the Individuals with Disabilities Education Act (IDEA).
 - c. Delay is necessary due to the condition or best interests of the victim in cases of juvenile or criminal court involving sexual assault or serious bodily injury.
10. Notice of a right to appeal the results of the hearing shall be provided to the student with the expulsion decision.

Adjudication

A written adjudication shall be issued after the Board has acted to expel a student. The adjudication may include additional conditions or sanctions.[9]

Attendance/School Work During Suspension and Prior to Expulsion

Students serving an out-of-school suspension must make up missed exams and work, and shall be permitted to complete assignments pursuant to established guidelines.[1][10]

Students who are facing an expulsion hearing must be placed in their normal classes if the formal hearing is not held within the ten-school day suspension.

If it is not possible to hold the formal hearing within the first ten (10) school days, the school district may exclude such a student from class for up to five (5) additional – fifteen (15) total – school days if, after an informal hearing, it is determined that the student's presence in his/her normal class would constitute a threat to the health, safety or welfare of others.

Any further exclusion prior to a formal hearing may be only by mutual agreement. Such students shall be given alternative education, which may include home study.

Attendance/School Work After Expulsion

Students who are under seventeen (17) years of age are still subject to compulsory school attendance even though expelled and shall be provided an education. Beginning with the academic year 2020-2021, compulsory school age shall mean no later than age six (6) until age

eighteen (18); at that time, students under eighteen (18) years of age shall be subject to compulsory school attendance, and even though expelled, shall be provided an education.[1][10][11]

The parent/guardian has the initial responsibility of providing the required education and shall, within thirty (30) days, submit written evidence to the school that the required education is being provided or that they are unable to do so. If the parent/guardian is unable to provide for the required education, the school district shall, within ten (10) days of receipt of the parent's/guardian's notification, make provision for the student's education.

The Board may provide an educational program to the student immediately upon expulsion and may waive the 30-day period, at its discretion.

Students With Disabilities

A student with a disability shall be provided educational services as required by state and federal laws and regulations and Board policies.[12][13]

Delegation of Responsibility

The Superintendent or designee shall develop administrative regulations to implement this policy which include:

1. Publication of a Code of Student Conduct, in accordance with Board policy on student discipline.[14]
2. Procedures that ensure due process when a student is being deprived of the right to attend school.
3. Regulations regarding student records which require that records of disciplinary suspension be maintained in accordance with Board policy on student records.[15]
4. The name of a student who has been disciplined shall not become part of the agenda or minutes of a public meeting, nor part of any public record of the Board. Such students may be designated by code.
5. Any student who has been expelled may apply for readmission to school upon such conditions as may be imposed by the Board.

Legal

1. 22 PA Code 12.6
2. 22 PA Code 12.7
3. 22 PA Code 14.143
4. 20 U.S.C. 1400 et seq
5. 34 CFR Part 300
6. 22 PA Code 12.8
7. 24 P.S. 1318
8. 2 Pa. C.S.A. 101 et seq
9. 2 Pa. C.S.A. 101
10. Pol. 204
11. 24 P.S. 1326
12. Pol. 113
13. Pol. 113.1

14. Pol. 218

15. Pol. 216

22 PA Code 12.3



Book	Policy Manual
Section	200 Pupils
Title	Electronic Communication Devices
Code	237
Status	Active
Adopted	March 15, 1999
Last Revised	February 15, 2016

Purpose

The possession and Silent Use of Electronic Communication Devices, including Personal Electronic Communication Devices, by district students when in compliance with this Policy, other district policies, regulations, rules, and procedures, ISP terms, and local, state, and federal laws, and supportive of the educational program of the district, is permitted. However, the possession and use of Electronic Communication Devices, including Personal Electronic Communication Devices, by students that are found to be disruptive to the educational process and/or environment can be abusive in ways that negatively affect students, employees, and the district's mission and environment, and is prohibited in accordance with this Policy, other district policies, regulations, rules and procedures, ISP terms, and local, state, and federal laws.

Definitions

Electronic Communication Devices – are communication devices with voice, data, text, and/or navigation capabilities that are able to access the Internet, transmit telephone calls, text messages, email messages, instant messages, video communications (such as iChat and Skype), perform word processing and other computer and online applications (apps), and provide location information. The devices are capable of electronically communicating, sending, receiving, storing, recording, reproducing, and/or displaying information and data.

Examples of Electronic Communication Devices include, but not limited to, smartphones (iPhone, Android, Blackberry), cellular phones, mobile phones (with recording and/or camera/video and other capabilities and configurations); traditional telephones; pagers; global positional system (GPS) instruments; computers; portable game units; graphic calculators; MP3, music, and media players; PDAs; digital cameras; tablet and laptop computers; and other similar devices. Electronic Communication Devices may also be referred to as electronic devices in other publications and district policies.

Electronic Communication Devices could be devices that are not capable of transmitting telephone communications (such as iPads, radios), do not have Internet access (such as district issued and student-owned Kindles), are lasers, and/or are radar communication devices.

Personal Electronic Communication Devices – are Electronic Communication Devices that are owned by the student.

Silent Use – is the use of Electronic Communication Devices, including Personal Electronic Communication Devices, that make no sound, are inaudible, and are speechless. Examples of Silent Use include texting, electronic messaging, and the use of headphones with the volume not being audible to others. No device ringing, ringtones, or sound effects are permitted at any time.

Authority

The Board permits Silent Use of Electronic Communication Devices, including Personal Electronic Communication Devices, by district students during the school day in district buildings, on district property, and while students are attending district-sponsored activities during regular school hours when they are in compliance with this Policy, other district policies, regulations, rules, and procedures, and so long as such use does not interfere with the students' educational requirements, responsibilities/duties and performance, the rights and education of others, and the operation and services of the district.[1][2][3][4]

Students may use their Personal Electronic Communication Devices only if they have written consent from their parent(s)/guardian(s) on a form provided by the district.

Building level administrators, in consultation with the Superintendent and in compliance with this Policy, other district policies, regulations, rules, and procedures, are authorized to determine the extent of the use of Electronic Communication Devices, including Personal Electronic Communication Devices, within their schools, on the school's property, and while students are attending that school's sponsored activities during regular school hours. For example, use of Electronic Communication Devices, including Personal Electronic Communication Devices, at the elementary grade level may be different than that at the middle school, and/or high school grade levels.

Unless a teacher determines otherwise, Electronic Communication Devices, including Personal Electronic Communication Devices, must be turned off upon entering any instructional area and remain off until the student leaves the instructional area. Instructional areas include, but are not limited to, classrooms, gymnasiums, practice fields, field trip locations, auditoriums, band rooms, and chorus rooms.

The district shall have the right to restrict Electronic Communication Devices during school evacuations as necessary, for the safety and security of all individuals.

The district shall not be liable for the theft, loss, damage, misuse, or unauthorized use of any Personal Electronic Communication Device brought to school by a student. Students are personally and solely responsible for the security of Personal Electronic Communication Devices brought to school, school events, or district property. The district will not be responsible for restricting, monitoring, or controlling the personal electronic communications of students; however, it reserves the right to do so.

If Personal Electronic Communication Devices are loaned to or borrowed and/or misused by non-owners, the owners of the Personal Electronic Communication Devices are jointly responsible with the non-owner for the misuse and/or violation of district policy, regulations, rules, or procedures.

Delegation of Responsibility

The Superintendent or designee is granted the authority to create and enforce regulation(s), rules, procedures, and forms to accompany this Policy.

The Superintendent, and/or designee, shall annually notify students, parent(s)/guardian(s), employees, and Guests about the district's Electronic Communication Device Policy by publishing the Policy in the student handbook, newsletter, posted notices, and/or any other methods.

The Superintendent, and/or designee, is responsible for training and retraining administrators and employees who are responsible for the use, supervision, discipline, investigation, confiscation, searching, and/or other matters involving students' Electronic Communication Device, including Personal Electronic Communication Device, use.

Students must comply with this Policy, other relevant district policies, regulations, rules and procedures. Students must comply with the guidelines set by the classroom teacher and/or district and building officials for the use of Electronic Communication Devices, including Personal Electronic Communication Devices. Students will be held responsible for their conduct in the use of the Devices and are subject to the consequences provided in the last section of this Policy.

Guidelines

1. In accordance with this Policy, Electronic Communication Devices, including Personal Electronic Communication Devices, may be used in authorized areas or as determined by the school administration as follows:
 - a. For educational or instructional purposes.
 - b. Before and after school, in the cafeteria at lunchtime, in the hallways during the passing of classes, on the district's bus if authorized by the bus driver, and in the library and a study hall if authorized by the teacher.
 - c. When the educational, safety, emergency, medical, or security use of the Electronic Communication Devices, including Personal Communication Devices, by the student is approved by the building principal, or designee, or the student's IEP team. In such cases, the student's use must be supervised by a district professional.
2. In accordance with this Policy, Electronic Communication Devices, including Personal Electronic Communication Devices, may not be used in unauthorized areas or as determined by the school administration as follows:
 - a. The Board strictly prohibits possession by students on school grounds, at district-sponsored activities, and on buses or other vehicles provided by the district any non-district-owned laser pointers, or laser pointer attachments, and any Electronic Communication Devices, including Personal Electronic Communication Devices, that are hazardous or harmful to students, employees, and the district. These include, but not limited to, devices that control/interfere with the operation of the buildings' systems, facilities and infrastructure, or digital network. No exception or permission may be authorized by the principal, or designee, or anyone, for students to possess or use such devices.
 - b. During tests, examinations, and/or assessments, unless the teacher authorizes such use. When Electronic Communication Devices, including Personal Electronic Communication Devices, are not permitted to be used during tests, examinations, and/or assessments they must be stored in closed items such as pocketbooks and book bags, and may not be visible or turned on. For example, they may not be placed on desktop, table or on an individual's lap.
 - c. To cheat, engage in unethical conduct, and threaten academic integrity.
 - d. To access and/or view Internet websites that are blocked by the district. Examples include, but are not limited to, social media sites, and "inappropriate matter" as defined in the district's Policy No. 815 - Acceptable Use of Internet, Computers and

Network Resources Policy and Policy No. 824 - Appropriate Adult/Student Contact Policy.[5][6]

- e. To invade the privacy rights of any student or employee, violate the rights of any student or staff member, or harass, threaten, intimidate, bully or cyberbully any student, employee, or guest, or promote or engage in violence. Actions include, but are not limited to, taking an individual's photo without consent, recording an individual's voice or image without consent, or storing/accessing personal and/or academic information/data without consent.
 - f. In locker rooms, bathrooms, and dressing room areas.
 - g. To create, send, share, view, or disseminate sexually explicit, lewd images or video content, as such acts may be a crime under state and/or federal law.
 - h. To disrupt the educational and learning environment.
3. Electronic Communication Devices, including Personal Electronic Communication Devices, that violate this Policy, other relevant district policies, regulations, rules, and procedures shall be confiscated and give to the building administrator.
4. If school officials have reasonable suspicion that this Policy, other relevant district policies, regulations, rules, procedures, and laws are violated by the student's use of Electronic Communication Devices, including Personal Electronic Communication Devices, and that the use of these devices materially and substantially disrupt the school's atmosphere, the devices may be lawfully searched in accordance with the law, and/or the Electronic Communication Devices and Personal Electronic Communication Devices may be turned over to law enforcement, when warranted.
5. Students should have no expectation of privacy when using the district-owned Electronic Communication Devices and when using the district's WiFi or other service(s). In addition, students should have no expectation of privacy when they use Personal Electronic Communication Devices on the district's WiFi or other service(s).
6. When legally required and/or when in the interest of the student, the student's parent/guardian shall be notified.
7. If an Electronic Communication Device, including a Personal Electronic Communication Device, is suspected of being stolen, it shall be turned over to law enforcement.
8. Disciplinary consequences shall be in accordance with the district's policies, regulations, rules, and procedures, including but not limited to Student Discipline, Responsible Use of Information Technology Resources, Bullying/Cyberbullying, Harassment, Social Media, and other policies.
9. Violations of this Policy should be reported to the Superintendent or designee.

Legal

- 1. Pol. 218
- 2. Pol. 122
- 3. Pol. 123
- 4. Pol. 113
- 5. Pol. 815
- 6. Pol. 824
- 24 P.S. 510

Pol. 226

Pol. 233



Book	Policy Manual
Section	200 Pupils
Title	Hazing
Code	247
Status	Active
Adopted	October 16, 2000
Last Revised	August 10, 2020

Purpose

The purpose of this policy is to maintain a safe, positive environment for students and staff that is free from hazing. Hazing activities of any type are inconsistent with the educational goals of the district and are prohibited at all times.

Definitions

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:[1]

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:[2]

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.[3][4]

Any activity, as described above, shall be deemed a violation of this policy regardless of whether:
[5]

1. The consent of the student was sought or obtained, or

2. The conduct was sanctioned or approved by the school or organization.

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 organization.[6][7]

For purposes of this policy, **bodily injury** shall mean impairment of physical condition or substantial pain.[8]

For purposes of this policy, **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.[8]

Authority

The Board prohibits hazing in connection with any student activity or organization regardless of whether the conduct occurs on or off school property or outside of school hours.[4][5][Z][9][10]

No student, parent/guardian, coach, sponsor, volunteer or district employee shall engage in, condone or ignore any form of hazing.

The Board encourages students who believe they, or others, have been subjected to hazing to promptly report such incidents to the building principal or designee.

Title IX Sexual Harassment and Other Discrimination

Every report of alleged hazing that can be interpreted at the outset to fall within the provisions of policies addressing potential violations of laws against discrimination shall be handled as a joint, concurrent investigation into all allegations and coordinated with the full participation of the Compliance Officer and Title IX Coordinator. If, in the course of a hazing investigation, potential issues of discrimination are identified, the Title IX Coordinator shall be promptly notified, and the investigation shall be conducted jointly and concurrently to address the issues of alleged discrimination as well as the incidents of alleged hazing.[11][12]

Delegation of Responsibility

Students, parents/guardians, coaches, sponsors, volunteers, and district employees shall be alert to incidents of hazing and shall report such conduct to the building principal or designee.

Guidelines

In addition to posting this policy on the district's publicly accessible website, the district shall inform students, parents/guardians, sponsors, volunteers and district employees of the district's policy prohibiting hazing, including district rules, penalties for violations of the policy, and the program established by the district for enforcement of the policy by means of publication in handbooks, presentation at an assembly, and verbal instructions by the coach or sponsor at the start of the season or program.[4]

This policy, along with other applicable district policies, procedures and Codes of Conduct, shall be provided to all school athletic coaches and all sponsors and volunteers affiliated with a student activity or organization, prior to coaching an athletic activity or serving as a responsible

adult supervising, advising, assisting or otherwise participating in a student activity or organization together with a notice that they are expected to read and abide by the policies, procedures and Codes of Conduct.[Z]

Complaint Procedure

A student who believes that they have been subject to hazing is encouraged to promptly report the incident to the building principal or designee.

Students are encouraged to use the district's report form, available from the building principal, or to put the complaint in writing; however, oral complaints shall be accepted and documented. The person accepting the complaint shall handle the report objectively, neutrally and professionally, setting aside personal biases that might favor or disfavor the student filing the complaint or those accused of a violation of this policy.

The Board directs that verbal and written complaints of hazing shall be provided to the building principal or designee, who shall promptly notify the Superintendent or designee of the allegations and determine who shall conduct the investigation. Allegations of hazing shall be investigated promptly, and appropriate corrective or preventative action be taken when allegations are substantiated. The Board directs that any complaint of hazing brought pursuant to this policy shall also be reviewed for conduct which may not be proven to be hazing under this policy but merits review and possible action under other Board policies.

Interim Measures/Police

Upon receipt of a complaint of hazing, the building principal or designee, in consultation with the Superintendent or designee, shall determine what, if any, interim measures should be put in place to protect students from further hazing, bullying, discrimination or retaliatory conduct related to the alleged incident and report. Such interim measures may include, but not be limited to, the suspension of an adult who is involved, the separation of alleged victims and perpetrators, and the determination of what the complaining student needs or wants through questioning.

Those receiving the initial report and conducting or overseeing the investigation will assess whether the complaint, if proven, would constitute hazing, aggravated hazing or organizational hazing and shall report it to the police consistent with district practice and, as appropriate, consult with legal counsel about whether to report the matter to the police at every stage of the proceeding. The decision to report a matter to the police should not involve an analysis by district personnel of whether safe harbor provisions might apply to the person being reported, but information on the facts can be shared with the police in this regard.[13]

Referral to Law Enforcement and Safe Schools Reporting Requirements –

For purposes of reporting hazing incidents to law enforcement in accordance with Safe Schools Act reporting, the term **incident** shall mean an instance involving an act of violence; the possession of a weapon; the possession, use, or sale of a controlled substance or drug paraphernalia as defined in the Pennsylvania Controlled Substance, Drug, Device and Cosmetic Act; the possession, use, or sale of alcohol or tobacco; or conduct that constitutes an offense listed under the Safe Schools Act.[14][15][16]

The Superintendent or designee shall immediately report required incidents and may report discretionary incidents, as defined in the Safe Schools Act, committed by students on school property, at any school-sponsored activity or on a conveyance providing transportation to or from a school or school-sponsored activity to the local police department that has jurisdiction over the school's property, in accordance with state law and regulations, the procedures set forth in the memorandum of understanding with local law enforcement and Board policies.[14][15][17][18][19][20]

The Superintendent or designee shall notify the parent/guardian of any student directly involved in a defined incident as a victim or suspect immediately, as soon as practicable. The Superintendent or designee shall inform the parent/guardian whether or not the local police department that has jurisdiction over the school property has been or may be notified of the incident. The Superintendent or designee shall document attempts made to reach the parent/guardian.[15][20][21]

In accordance with state law, the Superintendent shall annually, by July 31, report all new incidents to the Office for Safe Schools on the required form.[14][20]

Confidentiality

Confidentiality of all parties, witnesses, the allegations, the filing of a complaint and the investigation shall be handled in accordance with applicable law, regulations, this policy and the district's legal and investigative obligations.

Retaliation

Reprisal or retaliation relating to reports of hazing or participation in an investigation of allegations of hazing is prohibited and shall be subject to disciplinary action.

Consequences for Violations

Safe Harbor –

An individual needing medical attention or seeking medical attention for another shall not be subject to criminal prosecution if the individual complies with the requirements under law, subject to the limitations set forth in law.[13]

Students –

If the investigation results in a substantiated finding of hazing, the investigator shall recommend appropriate disciplinary action up to and including expulsion, as circumstances warrant, in accordance with the Code of Student Conduct. The student may also be subject to disciplinary action by the coach or sponsor, up to and including removal from the activity or organization. The fact of whether a student qualified for and received safe harbor under a criminal investigation shall be considered in assigning discipline.[4][7][13][22][23]

Nonstudent Violators/Organizational Hazing -

If the investigation results in a substantiated finding that a coach, sponsor, or volunteer affiliated with the student activity or organization engaged in, condoned or ignored any violation of this policy, the coach, sponsor, or volunteer shall be disciplined in accordance with Board policy and applicable laws and regulations. Discipline could include, but is not limited to, dismissal from the position as coach, sponsor, or volunteer, and/or dismissal from district employment.[24]

If an organization is found to have engaged in organizational hazing, it shall be subject to the imposition of fines and other appropriate penalties. Penalties may include rescission of permission for that organization to operate on school property or to otherwise operate under the sanction or recognition of the district.

Criminal Prosecution –

Any person or organization that causes or participates in hazing may also be subject to criminal prosecution.[4]

2. 18 Pa. C.S.A. 2803
3. 18 Pa. C.S.A. 2804
4. 18 Pa. C.S.A. 2808
5. 18 Pa. C.S.A. 2806
6. 18 Pa. C.S.A. 2801
7. 24 P.S. 511
8. 18 Pa. C.S.A. 2301
9. Pol. 122
10. Pol. 123
11. Pol. 103
12. Pol. 103.1
13. 18 Pa. C.S.A. 2810
14. 24 P.S. 1303-A
15. 22 PA Code 10.2
16. 35 P.S. 780-102
17. 24 P.S. 1302.1-A
18. 22 PA Code 10.21
19. 22 PA Code 10.22
20. Pol. 805.1
21. 22 PA Code 10.25
22. Pol. 218
23. Pol. 233
24. Pol. 317
18 Pa. C.S.A. 2801 et seq
22 PA Code 10.23
Pol. 113.1



247-Attach 1 Report Form.pdf (161 KB)



Book	Policy Manual
Section	200 Pupils
Title	Bullying/Cyberbullying
Code	249
Status	Active
Adopted	September 18, 2008
Last Revised	June 12, 2023

Purpose

The Board is committed to providing a safe, positive learning environment for district students. The Board recognizes that bullying creates an atmosphere of fear and intimidation, detracts from the safe environment necessary for student learning, and may lead to more serious violence. Therefore, the Board prohibits bullying by district students.

Definitions

Bullying means an intentional electronic, written, verbal or physical act or series of acts directed at another student or students, which occurs in a school setting that is severe, persistent or pervasive and has the effect of doing any of the following:[1]

1. Substantially interfering with a student's education.
2. Creating a threatening environment.
3. Substantially disrupting the orderly operation of the school.

Bullying, as defined in this policy, includes cyberbullying.

School setting means 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.[1]

Authority

The Board prohibits all forms of bullying by district students.[1]

The Board encourages students who believe they or others have been bullied to promptly report such incidents to the building principal or designee.

Students are encouraged to use the district's report form, available from the building principal, or to put the complaint in writing; however, oral complaints shall be accepted and documented. The person accepting the complaint shall handle the report objectively, neutrally and professionally,

setting aside personal biases that might favor or disfavor the student filing the complaint or those accused of a violation of this policy.

The Board directs that verbal and written complaints of bullying shall be investigated promptly, and appropriate corrective or preventative action be taken when allegations are substantiated. The Board directs that any complaint of bullying brought pursuant to this policy shall also be reviewed for conduct which may not be proven to be bullying under this policy but merits review and possible action under other Board policies.

When a student's behavior indicates a threat to the safety of the student, other students, school employees, school facilities, the community or others, district staff shall report the student to the threat assessment team, in accordance with applicable law and Board policy.[2][3]

Title IX Sexual Harassment and Other Discrimination

Every report of alleged bullying that can be interpreted at the outset to fall within the provisions of policies addressing potential violations of laws against discrimination shall be handled as a joint, concurrent investigation into all allegations and coordinated with the full participation of the Compliance Officer and Title IX Coordinator. If, in the course of a bullying investigation, potential issues of discrimination are identified, the Title IX Coordinator shall be promptly notified, and the investigation shall be conducted jointly and concurrently to address the issues of alleged discrimination as well as the incidents of alleged bullying.[4][5]

Confidentiality

Confidentiality of all parties, witnesses, the allegations, the filing of a complaint and the investigation shall be handled in accordance with applicable law, regulations, this policy and the district's legal and investigative obligations.

Retaliation

Reprisal or retaliation relating to reports of bullying or participation in an investigation of allegations of bullying is prohibited and shall be subject to disciplinary action.

Delegation of Responsibility

Each student shall be responsible to respect the rights of others and to ensure an atmosphere free from bullying.

The Superintendent or designee shall develop administrative regulations to implement this policy.

The Superintendent or designee shall ensure that this policy and administrative regulations are reviewed annually with students.[1]

The Superintendent or designee, in cooperation with other appropriate administrators, shall review this policy every three (3) years and recommend necessary revisions to the Board.[1]

District administration shall annually provide the following information with the Safe School Report:[1]

1. Board's Bullying Policy.
2. Report of bullying incidents.
3. Information on the development and implementation of any bullying prevention, intervention or education programs.

Guidelines

The Code of Student Conduct, which shall contain this policy, shall be disseminated annually to students.[1][6][Z]

This policy shall be accessible in every classroom. The policy shall be posted in a prominent location within each school building and on the district website.[1]

Education

The district shall develop, implement and evaluate bullying prevention and intervention programs and activities. Programs and activities shall provide district staff and students with appropriate training for effectively responding to, intervening in and reporting incidents of bullying.[1][8][9][10]

Consequences for Violations

A student who violates this policy shall be subject to appropriate disciplinary action consistent with the Code of Student Conduct, which may include:[1][6][11]

1. Counseling within the school.
2. Parental conference.
3. Loss of school privileges.
4. Transfer to another classroom or school bus.
5. Exclusion from school-sponsored activities.
6. Detention.
7. Suspension.
8. Expulsion.
9. Referral to law enforcement officials.

Legal

1. 24 P.S. 1303.1-A

2. 24 P.S. 1302-E

3. Pol. 236.1

4. Pol. 103

5. Pol. 103.1

6. Pol. 218

7. 22 PA Code 12.3

8. 20 U.S.C. 7118

9. 24 P.S. 1302-A

10. Pol. 236

11. Pol. 233

Pol. 113.1





Book	Policy Manual
Section	800 Operations
Title	Opening Exercises/Flag Displays
Code	807
Status	Active
Adopted	March 17, 2003
Last Revised	October 20, 2003

Purpose

The Board adopts this policy to ensure that all district schools comply with state and federal laws concerning flag displays and opening exercises while respecting the rights of individuals.

Authority

A United States flag shall be displayed on or near each school building during school hours, in clement weather and at other times determined by the Board.[1]

A United States flag shall be displayed in every classroom.[1]

Each student shall be required to salute the flag and recite the Pledge of Allegiance or the National Anthem during opening exercises. A student may refuse to recite the Pledge of Allegiance or salute the flag based on religious conviction or personal belief.[1][2]

A student who declines to participate in opening exercises shall maintain a respectful attitude throughout the exercises.

Opening exercises may include a period of silent prayer or meditation.[3]

Delegation of Responsibility

The building principal shall provide written notice to the parents/guardian of a student who refuses to salute the flag or recite the Pledge of Allegiance.[1]

Legal	<u>1. 24 P.S. 771</u>
	<u>2. 22 PA Code 12.10</u>
	<u>3. 24 P.S. 1516.1</u>