BOARD POLICY

218.3 Discipline of Student Convicted/Adjudicated of Sexual Assault

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Purpose

The Board recognizes the importance of a safe school environment for students who are victims of sexual assault. This policy addresses disciplinary requirements for a student convicted or adjudicated delinquent of sexual assault upon another District student.[1]

Definitions

Conviction – means the finding of guilty by a judge or a jury or the entry of a plea of guilty or nolo contendere for sexual assault whether or not judgment of sentence has been imposed.[1]

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]

School-sponsored activity – means any assemblies, field trips, class trips, graduation ceremonies, athletics, extracurricular activities, clubs, groups, teams or any activities sponsored, held or approved by the District.[1]

Sexual assault – means any of the following offenses:[1]

1. Rape.[2]
2. Statutory sexual assault.[3]
3. Involuntary deviate sexual intercourse.[4]
4. Sexual assault.[5]
5. Aggravated indecent assault.[6]
6. Indecent assault.[7]

Authority

The Board shall comply with the disciplinary requirements established by state law regarding students who have been convicted or adjudicated delinquent of sexual assault upon another student enrolled in this District, regardless of whether the sexual assault took place inside or outside of the school setting.[1][8] [9]

Delegation of Responsibility

A student who is convicted of sexual assault upon another student enrolled in this District shall be required to notify the superintendent or designee of the conviction no later than seventy-two (72) hours after the conviction.[1]

Upon report of a conviction or adjudication of sexual assault upon a District student, the superintendent or designee shall take one (1) of the following actions against the convicted or adjudicated student:[1]

1. Recommend that the Board expel the student, in accordance with law and Board policy. [9]
2. Transfer the student to an alternative education program.
3. Reassign the student to another school or educational program within the District.

If the convicted or adjudicated student has already been expelled, transferred or reassigned, or if the victim does not attend the same school, no additional action regarding expulsion, transfer or reassignment is required by the District. Although action is not required, the

District maintains the authority to make an alternative assignment or provide alternative educational services during or after an expulsion at the discretion of the superintendent or designee.[1]

Upon report of a conviction or adjudication of sexual assault upon a District student that occurred in the school setting, the superintendent or designee shall notify the Title IX Coordinator to determine whether the incident has been addressed in accordance with applicable Board policy.[10] [11]

Guidelines

In the case of a student with a disability, including a student for whom an evaluation is pending, prior to implementing any disciplinary removal or considering a change of placement for the student, the District shall coordinate with the student's Individualized Education Program (IEP) team and take all steps required to comply with state and federal laws and regulations, and Board policies.[1][12][13][14] [15] [16] [17]

The District shall ensure that the convicted or adjudicated student is prohibited from taking part in the following activities at the same time as the victim:[1]

1. Being educated in the same school building.
2. Being transported on the same school vehicle.
3. Participating in the same school-sponsored activity.

Return of Student to School

The District may return the student who is expelled, transferred or reassigned, to the student's originally assigned school if one (1) of the following circumstances occur:[1]

1. The victim is no longer enrolled in the District.
2. The conviction or adjudication has been reversed and is not pending appeal.

Transfer Students

When the School District receives a student who transfers from a public or private school during or after an expulsion period for an act or offense involving a sexual assault conviction or adjudication, the District may assign that student to an alternative assignment or may

provide alternative education services.[1] [18]

Legal Footnotes

[1] 24 P.S. 1318.1
LEGAL REFERENCE

[2] 18 Pa. C.S.A. 3121
LEGAL REFERENCE

[3] 18 Pa. C.S.A. 3122.1
LEGAL REFERENCE

[4] 18 Pa. C.S.A. 3123
LEGAL REFERENCE

[5] 18 Pa. C.S.A. 3124.1
LEGAL REFERENCE

[6] 18 Pa. C.S.A. 3125
LEGAL REFERENCE

[7] 18 Pa. C.S.A. 3126
LEGAL REFERENCE

[9] Pol. 233 — Suspension and Expulsion
POLICY REFERENCE

[10] Pol. 103 — Discrimination/Harassment Affecting Students
POLICY REFERENCE

[11] Pol. 252 — Dating Violence
POLICY REFERENCE

[12] 20 U.S.C. 1400 et seq
LEGAL REFERENCE

[13] 34 CFR Part 300
LEGAL REFERENCE

[14] Pol. 103.1 — Nondiscrimination — Qualified Students With Disabilities
POLICY REFERENCE

[15] Pol. 113.1 — Discipline of Students With Disabilities
POLICY REFERENCE

[16] Pol. 113.2 — Behavior Support
POLICY REFERENCE

[17] Pol. 113.3 — Screening and Evaluations for Students With Disabilities
POLICY REFERENCE

[18] Pol. 200 — Enrollment of Students
POLICY REFERENCE