

Student Discipline

Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

Discriminatory harassment means verbal, written, electronic, graphic or physical conduct relating to an individual's actual or perceived race, color, age, creed, religion, sex, gender, sexual orientation, gender identity, gender expression, ancestry, national origin/ethnicity, veteran status, marital status or handicap/disability when such conduct:

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

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

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

Title IX sexual harassment is a specific form of sexual harassment which means conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the District conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct;
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 the District's education program or activity; or
3. Sexual assault, dating violence, domestic violence, or stalking.

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

Dating violence means violence committed by a person:

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

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

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

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

Threat means a communication of intent to harm another individual or property or behavior suggesting intent to harm an individual or property.

Threatening behavior shall mean a physical, verbal or written threat to (1) commit violence with intent to terrorize, injure or damage another or others, (2) cause evacuation of a building, place of assembly or facility of transportation, or (3) otherwise cause serious public inconvenience with reckless disregard of the risk of causing such terror or inconvenience.

Title IX Coordinator means the District's Director of Equity and Public Programs as identified in the accompanying Administrative Regulation.

Transient threat means there is no sustained intent to harm.

Substantive threat means the intent of the threat is present (or not clear) and therefore requires protective action.

Behaviors targeting others means bullying, hazing, discriminatory harassment, threatening behaviors, and threats collectively.

General Discipline Guidelines

The principal or designee of each school in the District shall have the authority to discipline students for sufficient reason in accordance with the specific building Code of Conduct, Pennsylvania Public School Code of 1949, as amended, and other applicable Federal and State laws and/or regulations.

Discipline measures may include warning, detention, restorative practices, suspension, expulsion or other appropriate responses to the circumstances as determined by the principal or designee. In addition, support measures at school will be reviewed for the student in violation of this Policy, as well as for anyone who is determined to be a recipient of the behavior. The severity of any consequence should be proportional to the severity of the offense and take into account, among other considerations, the age of the student, the student's disability status, the student's prior disciplinary record, special circumstances about the incident, as well as any applicable laws or regulations. Violations of this Policy and the accompanying Administrative Regulation shall be reported to local law enforcement in accordance with the Memorandum of Understanding in effect between the District and the local law enforcement agency.

School personnel shall promptly notify the following:

1. The disciplined student's parent or guardian of such disciplinary action.
2. The parent or guardian of any student determined to be a target or recipient of behaviors targeting others in violation of this Policy.
3. Any staff member who is determined to be a target or recipient of behaviors targeting others in violation of this Policy.

Offenses committed on school grounds, in school vehicles or while participating in school-sponsored activities on or off school premises or that have some other legally-recognized nexus to the school that are considered to be of an extremely serious nature and may result in either suspension or expulsion, include but are not limited to the following:

1. Inappropriate physical contact, attack, fighting, bullying, hazing, harassment, threatening behavior, or threats.
2. The use of, distribution of, or possession of, any substance subject to Policy 5405 (Student Substance Abuse) or 5411 (Tobacco Products: Possession and Use (Students)). Aiding or abetting any of the above actions regarding substances subject to Policy 5405 or 5411 shall be treated in the same way.
3. The use, possession, or transfer of any item which could be considered a weapon or which is dangerous in nature, as outlined in Policy 5410 or in accordance with applicable law.
4. Destruction or defacing of school property.
5. Infraction of school rules that carries the consequence of suspension or expulsion, as outlined in the applicable Student Handbook, Code of Conduct or otherwise in Board Policy or an accompanying Administrative Regulation.
6. Conduct adversely affecting the school routine or otherwise endangering the safety, morals, health, or welfare of others.
7. Inappropriate physical contact, attack, threatening behavior, threat, or other retaliatory conduct directed at school staff members, or other members of the school community while subject to the school's jurisdiction, their property, or their families.

The Superintendent or designee will establish guidelines in the accompanying Regulation for further communication of situations involving threatening behaviors and threats.

Suspension

When a suspendable offense occurs, the principal or designee shall meet with the student, at which time the student shall have the opportunity to offer an explanation of the infraction. After that meeting, the principal or designee may suspend a student, either in-school or out-of-school. Parents/guardians will be notified.

When a suspension exceeding three school days is under consideration, the principal or designee shall offer the student and student's parents/guardians an informal hearing, as required by law. After such hearing the principal or designee may extend the suspension for a period of up to ten total school days. Parents/guardians will be notified.

The principal shall promptly report all suspension actions to the Superintendent or designee.

Expulsion

The Board may either expel for a period exceeding ten (10) consecutive school days or may permanently expel any student whose misconduct and disobedience is such as to warrant this sanction. Expulsion proceedings shall be in accordance with applicable state law and regulations.

Supports

The Superintendent or designee will coordinate with the schools to promote reasonable uniformity of available supports among the schools with consideration for elementary, middle school and high school levels.

Special Considerations - Discipline of Students with Disabilities

The discipline of students with disabilities shall be in accordance with federal and state law, their Section 504 Plan or Individualized Education Program, a behavioral intervention plan and Board Policy.

Special Considerations – Bullying, Hazing, Discriminatory Harassment, Threatening Behavior and Threats

It is the Policy of the Board to maintain a safe, positive and respectful environment for students and staff that is free from bullying, hazing, discriminatory harassment, threatening behavior and threats. Any form of bullying, hazing, discriminatory harassment, threatening behavior or threats that is a part of a school sponsored or student activity or organization is prohibited. No student, coach, activity sponsor, volunteer, District employee, administrator, representative, agent, or contractor shall plan, direct, encourage, assist, engage in, tolerate, condone, ignore or fail to properly report any known instances of bullying, hazing, discriminatory harassment, threatening behavior or threats.

Students who believe they or others have been subjected to bullying, hazing, discriminatory harassment, threatening behavior or threats are encouraged to promptly report such incidents to a building administrator, teacher and/or school counselor. In the event a report is received by an individual other than the building administrator, the building administrator shall be notified so that a proper investigation may begin. Students are also encouraged to report allegations of sexual harassment to the District's Title IX Coordinator. In the event a report of sexual harassment is received by an individual other than the Title IX Coordinator, the Title IX Coordinator shall be notified so that a proper investigation may begin.

Students, administrators, coaches, activity sponsors, volunteers, District employees, representatives, agents, and contractors shall be alert to incidents of bullying, hazing, discriminatory harassment, threatening behavior and threats and shall promptly report such conduct to their supervisor or the building principal. In the event a report is

received by an individual other than the building administrator, the building administrator shall be notified so that a proper investigation may begin. Individuals are also encouraged to report allegations of sexual harassment to the District's Title IX Coordinator. In the event a report of sexual harassment is received by an individual other than the Title IX Coordinator, the Title IX Coordinator shall be notified so that a proper investigation may begin.

The Board directs that the District promptly investigate all complaints of bullying, hazing, discriminatory harassment, threatening behavior and threats, and administer appropriate discipline to any individual who violates this Policy or the accompanying Administrative Regulation, in accordance with applicable Board Policies, Administrative Regulations, and any applicable Code of Conduct. Appropriate corrective and preventative action shall be taken when allegations are substantiated.

Reports of alleged bullying or hazing that could be interpreted to also constitute discrimination and/or discriminatory harassment shall be handled in coordination with the Title IX Coordinator. Reports of alleged sexual harassment must be handled in accordance with the procedures set forth on the District's website¹ in the document titled "Grievance Process with Exhibits." Complaints of bullying, hazing, discriminatory harassment, threatening behavior and threats may also be referred to the appropriate law enforcement agency for investigation, as required by law or in accordance with Board Policies and Administrative Regulations.

No reprisals nor retaliation shall occur as a result of good faith charges of bullying, hazing, discriminatory harassment, threatening behavior or threats. Confidentiality of all parties shall be maintained, consistent with the District's legal and investigative obligations.

The District shall inform students, staff, parents, independent contractors and volunteers that bullying, hazing, discriminatory harassment, threatening behavior and threats of students will not be tolerated, by a variety of methods which may include publication in handbooks, on the District's website, and presentations to students and staff when appropriate.

Threat Assessment Team

The Superintendent or designee will establish a Threat Assessment Team at each District school. The Threat Assessment Teams shall be comprised of school and District personnel, including the District's School Safety and Security Coordinator, with expertise in school health; counseling, school psychology or social work; special education; and school administration. Threat Assessment Teams shall be charged with the assessment of and intervention with students whose behavior may indicate a threat to the safety of the student, other students, school employees, school facilities, the community or others, including reports received through Safe2Say and those regarding students exhibiting self-harm or suicide risk factors or warning signs.

¹ <https://www.tesd.net/domain/1894>

The Superintendent or designee shall designate a member of each Threat Assessment Team as the team leader. The Superintendent or designee will issue regulations to establish and implement the Threat Assessment Team in accordance with applicable law.

The Superintendent or designee shall notify students, staff, and parents/guardians about the existence and purpose of the Threat Assessment Team through posting information on the District's website.

The Threat Assessment Team shall make available age-appropriate informational materials to students regarding recognition of threatening or at-risk behavior that may present a threat to the student, other students, school employees, school facilities, the community or others and how to report concerns, including through the Safe2Say Something program and other District reporting hotlines or methods. Informational materials shall be available for review by parents/guardians.

The Threat Assessment Team shall make available informational materials for school employees regarding recognition of threatening or at-risk behavior that may present a threat to the student, other students, school employees, school facilities, the community or others and how to report concerns, including through the Safe2Say Something program and other District reporting hotlines or methods. Information for school employees shall include a list of the staff members who have been appointed to the Threat Assessment Team.

The Threat Assessment Team will undergo training in accordance with applicable law. This training shall address, at a minimum, the responsibilities of team members, the process of identifying, reporting, assessing, responding to and intervening with threats, including identifying and avoiding racial, cultural or disability bias, and confidentiality requirements under applicable law. The Threat Assessment Team will undergo training specially with reference to behaviors related to student disabilities and how such behaviors may be mitigated through appropriate school-based supports and services. Threat assessment team training shall be credited toward professional education requirements and school safety and security training requirements for staff, in accordance with applicable law.

In order to effectively carry out their designated duties, Threat Assessment Teams will have access to the following student information maintained by the District to the extent permitted by federal law:

1. student health records,
2. prior school disciplinary records,
3. records related to adjudication under applicable law and regulations,
4. records of prior behavioral or mental health or psychological evaluations or screenings,
5. records related to student's disability status and educational supports and services and
6. other records or information that may be relevant to evaluating a threat or determining treatment or referral options for a student.

The Threat Assessment Team shall use all information or records obtained in fulfilling the team's duty in accordance with law to evaluate a threat or to recommend disposition of a threat. Team members shall not re-disclose any record or information obtained or otherwise use any record of a student beyond the purpose for which the disclosure was made to the team, in accordance with law. The Threat Assessment Team shall maintain confidentiality and handle all student records in accordance with applicable law, regulations, Board Policy and the District's legal and investigative obligations. Threat Assessment Team members whose other assignments and roles require confidentiality of specific student communications, in accordance with law, shall ensure that all confidential communications and information are addressed in accordance with applicable law, regulations, and Board Policy.

Reporting Disciplinary Incidents & Threat Assessment to the Board

The Board shall receive an annual summary of disciplinary incidents, consistent with state and federal reporting.

Annually, the Board shall be provided with information, during an executive session, outlining the District's approach to threat assessment, which shall include: verification that the District's threat assessment team and process complies with applicable law and regulations; the number of threat assessment teams assigned in the District, and their composition; the total number of threats assessed that year; a summary of interactions with outside law enforcement agencies, juvenile probation and behavioral service providers; an assessment of the District's threat assessment team(s) operation; recommendations for improvement of the District's threat assessment processes; and any additional information required by the Superintendent or designee.

Delegation of Responsibility

The Superintendent or designee shall develop and promulgate an Administrative Regulation implementing this Policy.

The Superintendent or designee, in cooperation with other appropriate administrators, shall ensure the review of this Policy and the accompanying Administrative Regulation no less than every two (2) years, and recommend any necessary revisions.

Legal References:

18 Pa. C.S.A. 2801 et seq (Timothy J. Piazza Antihazing Law)
24 P.S. 1301-E; 1302-E

Adopted: April 12, 1976
Revised: February 26, 1990
Revised: September 26, 1994
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