

*Student Discipline**Table of Contents*

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Definitions

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

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

1. directed at another student or students;
2. occurs in a school setting;
3. is severe, persistent or pervasive; and
4. has the effect of doing any of the following:
 - 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, regardless of whether the consent of the student was sought or obtained or whether the conduct was sanctioned or approved by the student organization.

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 sex-based harassment and 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 sex discrimination and sex-based harassment are defined within the District's applicable Title IX grievance procedure.

Title IX discrimination includes discrimination on the basis of sex. Definitions of Title IX discrimination and sex-based harassment, including sexual assault, dating violence, domestic violence, and stalking, are defined within the District's applicable Title IX Grievance procedure.

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.

Weapon shall be defined consistent with state law and shall include, but not be limited to, any knife, cutting instrument, cutting tool, nunchaku, firearm, shotgun, and rifle as well as any other tool, instrument or implement capable of inflicting serious bodily injury which tool, instrument or implement is possessed with the intent to threaten or harm another person.

Guidelines for Developing Self-Discipline

1. The development and maintenance of self-discipline is an integral aspect of learning.
2. Each professional staff member, as a part of the normal teacher-learning process, shall develop and emphasize self-disciplinary procedures with students.
3. Each staff member is responsible for contributing to the maintenance of these standards of behavior which are conducive to learning in the school setting, as defined in the Policy.

Disciplinary Action

Building Level

1. Under these District-wide guidelines, basic standards of behavior shall be developed and then reviewed annually within each building of the District to ensure consistent application across all District schools.
2. Building administrators and their designees shall be responsible for implementing and maintaining appropriate, nondiscriminatory and consistent building-wide standards.
3. Punishment or consequences will be proportional to the severity and frequency of the infraction with consideration of academic consequences associated with discipline.
4. The individuality of each student and each incident shall be taken into consideration in any disciplinary action.
5. Support measures will be reviewed. Special consideration shall be given to the status of students with disabilities, and compliance with all safeguards and protections to which disabled students are entitled shall be ensured.
6. If a student is suspended from school, a building administrator shall contact the parent(s) or guardian(s) by telephone or face-to-face prior to re-admittance of the student.

District Level: Expulsion

1. When a building principal or designee is recommending that a student be considered for potential expulsion, they shall submit to the Superintendent the following information:
 - a. A chronology of the incident(s).
 - b. Statement(s) by those involved in the incident(s).
 - c. Statement(s) from educators currently familiar with the student's situation.
 - d. A review and recommendation by the principal.
 - e. Records and information relating to the student's disability, if applicable.
2. The Superintendent or designee may review the student's file in determining the appropriate action. In the event that the Superintendent recommends that expulsion proceedings be brought against a student, a formal hearing shall be offered to the student and their parent(s)/guardian(s) in accordance with Board Policy and applicable law.

Protocol for Assessment of Threatening Behaviors and Threats

See Attachment A for the decision tree that guides the following protocol:

1. Building administrator or designee conducts initial investigation to verify the incident and the probability of student involvement.
2. If the building administrator or designee cannot verify the incident, then the parent/guardian of all known students associated with the reported incident should be contacted. No further action is required.
3. If the threatening behavior or threat occurs in the context of a time-sensitive consultation with a mental health specialist, the mental health specialist shall conduct an immediate clinical interview with the student in order to be able to assess the nature and extent of the threatening behavior. This interview does not require prior consent by the student's parent or guardian or the student themselves.
4. Upon a preliminary determination that a student's behavior may indicate a threat to the safety of the student, other students, school employees, school facilities, the community, or others, then the building administrator or designee convenes the Threat Assessment Team and serves as the designated leader. The Threat Assessment Team shall include individuals as outlined in the accompanying Board Policy. Additionally, if the student who made the threatening behavior or threat has an Individualized Education Program (IEP) or 504 Plan, then at least one school staff member of the student's IEP or 504 team, who is not an administrator, will serve on the Threat Assessment Team and the pertinent portions of the student's IEP or 504 Plan will be shared and reviewed.
5. The Threat Assessment Team shall immediately notify the Superintendent or designee, the student's building principal and the school safety and security coordinator upon a preliminary determination of a threat.
6. The Threat Assessment Team will take into consideration the developmental age and disability of the students involved when determining discipline measures and supports. Additionally, the Threat Assessment team will consider whether appropriate supports and services for a disabled student which may potentially mitigate the threatening behavior have been offered and implemented.
7. The building administrator or designee contacts parent(s)/guardian(s) of the student who engaged in threatening behaviors or threats to review these steps in the protocol, which do not necessarily need to be taken in the order listed below, in addition to any requirements of the section regarding *Suspensions of Students with Disabilities*:
 - a. The student will be removed from class to a safe location and/or additional supervision will be assigned.
 - b. Parent(s)/guardian(s) is/are notified by the building administrator and an initial investigation is conducted by the building administrator or designee.

- c. Upon receipt of parental, guardian and/or, if the student is 18 or older, student consent, a clinical interview, or additional clinical interview if a clinical interview has already been conducted pursuant to number 3 above, may be completed by a District mental health specialist and the results of the clinical interview will be discussed with the Threat Assessment Team and parent(s)/guardian(s). The Threat Assessment Team shall provide the District mental health specialist with all relevant records and information relating to the student's disability, if applicable.
- d. Based upon the available information, the Threat Assessment Team will categorize the threat as transient or substantive. If the Threat Assessment Team cannot resolve the threat as transient, then they may consult with the police. In this context, "consult with" serves two purposes. Consultation allows law enforcement to participate in the threat assessment process, as contemplated by the Public School Code, to assist with the determination as to whether a threat constitutes a transient or a substantive threat. Consultation also provides the opportunity for communication between school officials and law enforcement to share information known by one agency with the other in order to best plan protective supports as appropriate. If a threat is considered a serious substantive threat, then the Threat Assessment Team will consult with the police. If the threat is a very serious substantive threat, then the building administrator or designee will contact the police to request further investigation.
- e. The building administrator, with input from the Threat Assessment Team, will determine any disciplinary action on a case-by-case basis while considering the severity of the threatening behavior or threat and prior relevant disciplinary history of the student. The Threat Assessment team will consider whether supports and services included in any disabled student's IEP or 504 plan have been implemented as required. The Threat Assessment Team may also, as appropriate, refer the student to other support-based resources such as the Student Assistance Program and appropriate community resources.
- f. A designated member of the Threat Assessment Team will maintain contact with the family of the suspended student during any period of suspension from school.
- g. Whether determined to be a transient or substantive threat, the student may be required to attend school-based counseling session(s).
- h. If the Threat Assessment Team determines the threat is transient, the student may return to school pending the outcome of any disciplinary action.
- i. If the Threat Assessment Team determines the threat is substantive, a mental health risk assessment ("the mental health risk assessment") shall be required.
- j. If the mental health risk assessment is required, it will be completed by a District-selected or District-approved certified child and adolescent psychiatrist or other

District-selected or District-approved qualified mental health professional. Any mental health risk assessment shall include review of all relevant records and information relating to student's disability, if applicable.

- k. The Office of Individualized Student Services will schedule the mental health risk assessment, and the school administrator or designee will contact the parent(s)/guardian(s) to discuss arrangements for the mental health risk assessment.
 - l. Signed parent/guardian consent is required for the mental health risk assessment to commence. If signed consent is not forthcoming and the family has not made arrangements with a District-approved psychiatrist or other mental health professional, then the student will be suspended, pending the development of a District-approved written plan to ensure the safety of the student and others in school. If the District provides non-disabled students with work materials related to on-going classroom instruction during this period of removal, it shall do the same for disabled students, ensuring access to FAPE.
 - m. If there is a delay in the completion of the mental health risk assessment beyond the length of the assigned suspension, then a District-approved written safety plan will be developed to ensure the safety of the student and others before the student is scheduled to return to school.
 - n. If suspension exceeds three (3) school days, the student has the right to an informal hearing. If suspension exceeds ten (10) school days, the student has the right to a formal hearing.
 - o. The building administrator or designee will hold a conference with a suspended student and their parent/guardian prior to readmission to school.
 - p. A student who is suspended or expelled for threatening behavior or making a threat is subject to random searches in accordance with Policy 5412 and applicable law.
 - q. Police must be notified by the building administrator in the event of a weapons offense, as defined in Policy 5410.
 - r. During non-school hours, such as through the state's required anonymous reporting system (Safe2Say Something), police may be notified by a building or District administrator in situations where the health, safety or welfare of students, staff or District property are thought to be in jeopardy as determined by the building or District administrator.
8. Office of Individualized Student Services or designee prepares appropriate parent/guardian permissions for assessment and release of information for building administrator to secure parent/guardian signature.

9. Upon receipt of permission and information release from the parent(s)/guardian(s), building administrator or designee contacts the District-approved mental health professional to provide student records and information about the incident.
10. The administrator or designee makes arrangements with the mental health professional to contact the building administrator or designee immediately following the mental health risk assessment as to whether the student is safe to return to school and to make recommendations for support. Following the mental health risk assessment, the mental health professional contacts the building administrator or designee as per previous agreement. The administrator or designee contacts the parent(s)/guardian(s).
11. If the mental health risk assessment determines that the student is not considered a threat to self or others, then the student may return to school as determined by the building administrator pursuant to District disciplinary procedures.
12. Supports and services are guided by assessment data and determined by the appropriate building-based team. Building and District personnel work with the parent(s)/guardian(s) and student to discuss and implement recommendations.
13. A report from the mental health risk assessment is sent to the Office of Individualized Student Services which, in turn, will disseminate it to the building administrator and the parent(s)/guardian(s).

Communication of Situations Involving Bullying, Hazing, Harassment, Threatening Behaviors and Threats ("Behaviors Targeting Others")

A school administrator, or in limited cases, their designee, shall promptly notify the parent or guardian of any student:

1. determined to be a target or recipient of behaviors targeting others; or
2. who displays threatening behavior or makes a threat.

The Superintendent or designee shall, in their discretion, authorize school or community-wide communications in accordance with Board Policy, the Family Educational Rights and Privacy Act (FERPA) and other applicable law based on relevant conditions, which may include but is not limited to the following:

- (1) the nature or severity of the threat;
- (2) the number of individuals targeted by a threat;
- (3) the degree to which there has been an expression of schoolwide or community concern or potential schoolwide or community exposure;
- (4) recommendation of law enforcement; and
- (5) consultation with District Solicitor or other legal counsel

Not all five conditions need to exist in order for notification to be given.

Supports

The principal or designee will review the supports available at school for anyone determined to be a target or recipient of behaviors targeting others, as well as for their family. The principal or designee will review supports available at school for the student in violation of the Policy, as well as for their family.

Examples of supports include no-contact orders, counseling, additional adult supervision and/or changes to class schedules. An explanation of many supports the District offers can be found at the following link:

<https://www.tesd.net/cms/lib/PA01001259/Centricity/Domain/24/Student%20Well-Being%20Brochure.pdf>

Suspensions of Students with Disabilities

Typically, students with disabilities and students determined to be handicapped under Chapter 15, may not be suspended beyond ten (10) consecutive school days and fifteen (15) cumulative school days ("the 10/15 day limits") allowed by State Board of Education regulations, 22 Pa. Code §14.143. The exception to this general rule is where the IEP team determines that the student's conduct was not a manifestation of the student's disability. No later than the day on which the decision to take disciplinary action is made, the District shall notify the parent(s)/guardian(s) of the decision and of all procedural safeguards under the IDEA and Section 504 of the Rehabilitation Act.

When discipline is to be imposed upon a student with a disability, school personnel have the authority to (1) remove the child from his or her current placement to an appropriate interim alternative educational setting or suspension for a period of not more than the 10/15 day limits to the extent such discipline would be applied to students without disabilities; (2) assign the student to an alternative educational setting for the same period as such discipline would be imposed upon children without disabilities if there has been a determination that the conduct at issue was not a manifestation of the child's disability or (3) assign the student to an interim alternative educational setting for not more than forty-five (45) school days without regard to whether the conduct at issue was a manifestation of the child's disability if the special circumstances for emergency placement described in this Administrative Regulation apply.

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

If proposed discipline would result in a change in placement, then in addition to other applicable procedures, within ten (10) school days of any decision to change the placement of a student with a disability, the relevant members of the IEP or 504 team must conduct a manifestation determination as set forth below.

Emergency Exclusions for Students with Intellectual Disability

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

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

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

IEP/Multidisciplinary Team Consideration

Within ten (10) school days after the decision to change the placement, the relevant members of the IEP or 504 team as determined by the parent(s)/guardian(s) and the Administration, must consider whether the student's behavior is attributable to the student's disability. In making this determination (hereafter called the manifestation determination), the IEP or 504 team must review all relevant information in the student's file, including the IEP or 504 plan, any teacher observations and any relevant information provided by the parent(s)/guardian(s) to determine: (a) whether the conduct in question was caused by or had a direct and substantial relationship to the student's disability; and (b) whether the conduct in question was the direct result of the District's failure to implement the IEP or 504 plan. If the team determines that the answer to either of these questions is "yes", then the conduct shall be deemed a manifestation of the student's disability.

Conduct Deemed a Manifestation of Disability

If the conduct is deemed a manifestation, then the IEP or 504 team must (a) conduct a functional behavioral assessment of the student unless such an assessment was previously conducted and develop and implement a behavior intervention plan, unless such a plan has already been developed; or (b) if a behavior intervention plan was previously developed, then the IEP or 504 team must review the plan and modify it as necessary to address the behavior.

The behavioral intervention plan will provide the vehicle in the determination of what constitutes a change in educational placement for each student's program. If the IEP or 504 team has included certain school responses to student behavior in the behavior intervention plan, the application of the agreed upon procedures will not constitute a change in educational placement.

Additionally, if the conduct is deemed a manifestation of the student's disability, then the student must be returned to the placement from which the student was removed unless (a) the parent(s)/guardian(s) and the District agree to a change in placement as part of a behavioral intervention plan; or (b) the special circumstances for emergency placements set forth in this Administrative Regulation apply. If the conduct in question involved any of these special circumstances, then the District may assign the student to an alternative educational setting for not more than forty-five (45) school days, regardless of whether the conduct was a manifestation of the student's disability.

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

Conduct Not a Manifestation of Disability

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

If the parent(s)/guardian(s) disagree(s) with determination that the behavior was not a manifestation of the student's disability, then the parent(s)/guardian(s) has/have the right to an expedited hearing to challenge the determination. During the appeal, the student must remain in the interim alternative educational setting until the disposition of the

appeal or until the expiration of the period of exclusion, whichever occurs first, unless the District and the parent(s)/guardian(s) agree otherwise.

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

Special Circumstances for Emergency Placements

The Administration can remove a student with disabilities to an interim alternative educational setting for a period of forty-five (45) school days regardless of whether the conduct in question was a manifestation of the student's disability under the following circumstances:

Weapons

A student with a disability who carries or possesses a dangerous weapon to or at school, on school premises, on a school vehicle, or to or at a school function can be placed in an interim alternative educational setting for a maximum of forty-five (45) school days (the IEP team determines the setting and the student returns to regular education on the 46th school day unless a mutually agreed upon new placement has been identified).

Procedures described above related to the manifestation determination and development of a functional behavioral assessment and implementation or modification of a behavioral intervention plan still apply.

For purposes of this Regulation and related Policy, "District property" means on District grounds, at school-sponsored activities or on public conveyances providing transportation to a school or school-sponsored activity.

Controlled Substances

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

Serious Bodily Injury

A student with a disability who has inflicted serious bodily injury upon another person while at school, on school premises, on a school vehicle, or at a school function can be placed in an interim alternative educational setting for a maximum of forty-five (45) school days (the IEP team determines the setting and the student returns to regular education on the 46th school day unless a mutually agreed upon new placement has been identified). Serious bodily injury is defined as “bodily injury which involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.” Procedures described above related to the manifestation determination and development of a functional behavioral assessment and implementation or modification of a behavioral intervention plan still apply.

For any of these special circumstances for emergency placements, if a student’s conduct is deemed not to be a manifestation of the student’s disability, then the District can impose discipline beyond the forty-five (45) school days to the extent and for the duration that it would impose such discipline on students without disabilities. If the District proposes such a placement beyond the forty-five (45) school day alternative placement, then the District must offer a formal hearing as it would for students without disabilities, in accordance with Board Policy and applicable law.

Procedures for Suspensions of Students with Disabilities

For suspensions of one to three school days and four to ten school days for all students with disabilities, except those who have intellectual disability, follow procedures used for regular education students. In addition, the principal should notify the appropriate special education supervisor of the suspension and the readmission date.

For special education and 504 students who are being suspended for periods of time longer than the 10/15 school day limits:

1. Prior to the student actually serving any suspension in excess of the 10/15 school day limits, the relevant members of the IEP/504 team must conduct a manifestation determination.
2. If the IEP team determines the conduct was a manifestation of the student's disability, then the IEP/504 team must conduct a functional behavioral assessment, unless one was already conducted and develop/modify a behavior intervention plan. Additionally, the student may not be suspended in excess of the 10/15 school day limits unless the special circumstances for emergency placement set forth above apply (dangerous weapon, illegal drugs/controlled substance, inflicted serious bodily injury on another). If special circumstances do not apply and the District believes that maintaining the current placement is substantially likely to result in injury to the student or others, then the District can request an expedited due process hearing. The District shall not refer a student with a disability to an alternative educational placement unless other avenues for addressing their conduct in the current General Education Placement have been unsuccessful.

3. If the IEP/504 team determines the conduct was not a manifestation of the student's disability, then the student may be suspended in excess of the 10/15 school day limits. The decision of the IEP/504 team need not be unanimous and can be made over a parent/guardian objection, subject to the parent(s)/guardian(s) having a right to contest the determination.
4. If the conduct is deemed not a manifestation, then the District issues a Notice of Recommended Educational Placement (NOREP) or other appropriate notice under Section 504 with a copy of the Parents' Rights letter indicating the alternative educational placement as the placement and (under "Reasons for the Recommendations") indicating that the IEP team determined that the conduct was not a manifestation of the student's disability.
5. If the parent(s)/guardian(s) of a student with an IEP or 504 plan, or who is thought to be exceptional, do/does not reject the NOREP, respond to appropriate written notice under Section 504, or otherwise request a hearing, the suspension or expulsion and alternative placement may be implemented as if the student were a regular education student. If the suspension is in excess of ten (10) consecutive school days, the District must offer a formal hearing in the same manner as it would for any regular education student. This hearing may be waived by parental consent. If the conduct involved special circumstances for emergency placement, then a formal hearing would only be necessary if and to the extent that the alternative placement would exceed forty-five (45) school days.
6. If the parent(s)/guardian(s) of a student with an IEP or 504 plan, or who is thought to be exceptional reject(s) the NOREP, or respond/s to appropriate written notice under Section 504 that they are opposed to the student being moved to an alternative placement, then the student can be assigned to the interim alternative educational placement and an expedited due process hearing on the manifestation determination must take place within twenty (20) school days of the date of the request and must result in a determination within ten (10) school days after the hearing. If the removal exceeds ten (10) school days, and the conduct involved does not involve the special circumstances for emergency placements, then a formal hearing must be offered as it would be for students without disabilities. If the conduct involved the special circumstances for emergency placement, then a formal hearing would only be necessary if and to the extent that the alternative placement would exceed forty-five (45) school days. Under these circumstances, a student with Section 504 Service Agreement is entitled to the same procedural protections as a student with an IEP or who is thought to be exceptional.
7. If the District prevails in the due process proceedings, then it can continue to implement the alternative placement for the duration of the exclusion as if the student were in regular education (subject to the formal hearing requirement, if applicable).

Suspension of a Student Who Has NOT Been Determined to be Eligible for Special Education

1. The District may expel the child for more than ten (10) school days to the same extent that it would expel a nondisabled child for the same offense, provided, however, that
 - a. the District did not have knowledge that the child was a child with a disability before the violation occurred; and
 - b. if an evaluation is requested after the violation occurs, the District conducts the evaluation in an “expedited manner.”
2. The District will be deemed to have knowledge of a disability if, prior to the violation,
 - a. the parent(s)/guardian(s) expressed a concern, in writing, to supervisory or administrative personnel or a teacher of the child, that the child requires special education and related services; or
 - b. the teacher of a child has expressed specific concerns about a pattern of behavior demonstrated by the child directly to the Director of Special Education or other supervisory personnel; or
 - c. the parent(s)/guardian(s) has/have requested an evaluation.
3. The District will not be deemed to have knowledge of a disability if:
 - a. the parent(s)/guardian(s) of the child has/have not allowed an evaluation; or
 - b. the parent(s)/guardian(s) of the child has/have refused services; or
 - c. the child has been evaluated and it was determined that the child was not a child with a disability under the IDEA or Section 504.

Reporting & Investigation Procedures – Bullying, Hazing, Harassment

The District’s Title IX Coordinator is the Director of Equity and Public Programs. Contact information for the Director of Equity and Public Programs is outlined below.

Position: Director of Equity and Public Programs

Address: Tredyffrin/Easttown School District Administration Offices, 940 West Valley Road, Suite 1700, Wayne, PA 19087

Email: torreso@tesd.net

Phone: 610-240-1909

1. Students who believe they or others have been subjected to bullying, hazing or harassment 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 sex discrimination or sex-based 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.

2. Each building administrator or designee shall be responsible for reviewing and investigating any reports received alleging bullying, hazing or harassment. Reports of alleged bullying or hazing that could be interpreted to also constitute discrimination and/or unlawful harassment shall be handled in coordination with the Title IX Coordinator. Reports of alleged sex discrimination or sex-based harassment must be handled in accordance with the procedures set forth on the District's website at <https://www.tesd.net/domain/1894> in the document titled "Grievance Process with Exhibits," and not the general procedures outlined immediately below.
3. The building administrator or designee responsible for reviewing and investigating such reports shall conduct a prompt and thorough investigation. The building administrator or designee shall determine what, if any, interim measures should be put in place to protect students from further hazing, bullying, harassing or discriminatory conduct related to the alleged incident and report. Such interim measures may include, but need not be limited to, the separation of alleged victims and perpetrators. Records shall be maintained documenting the investigation performed, the outcome, any discipline imposed, and any preventative or corrective action taken and notification to parents/guardians of the alleged victims and perpetrators of such corrective action to the extent permitted by student privacy considerations as judged by the Superintendent or designee.
4. Violations of this Administrative Regulation and the accompanying Board Policy shall be reported to local law enforcement in accordance with the Memorandum of Understanding in effect between the District and the local law enforcement agency.

Annually, the building administrator or designee shall assist the Superintendent or designee with the compilation of all incidents required to be incorporated into the District's annual report to the Pennsylvania Department of Education, Office for Safe Schools.

Special Provisions – Hazing

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

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

Special Provisions – Student Bullying Policy

As required by Pennsylvania law, the District shall make its bullying policy available on its publicly accessible website.

Building administrators or designees will also ensure that notification of the bullying policy is posted in each classroom and in a prominent location within the school building. An age-appropriate summary shall be included as part of this posting. (See Attachments Band C).

Once each school year, each building administrator or designee will review the District's bullying policy with its students.

Revised: August 1995
Revised; November 2003
Revised: April 15, 2004
Revised: October 2005
Revised: January 2007
Revised: October 27, 2008
Revised: January 15, 2015
Revised: January 21, 2016
Revised: October 20, 2016
Revised: October 18, 2017
Revised: May 3, 2018
Revised: October 4, 2018
Revised: June 10, 2019
Revised: April 1, 2020
Revised: August 17, 2020
Revised: November 10, 2020
Revised: August 31, 2021
Revised: May 31, 2022
Revised: October 2, 2022
Revised: January 4, 2023
Revised: November 25, 2024

THREAT ASSESSMENT AND RESPONSE PROTOCOL®**Comprehensive School Threat Assessment Guidelines with modifications for the Tredyffrin/Easttown School District****OVERVIEW**

A threat is defined as a communication of intent to harm another person or persons or behavior suggesting intent to harm another person or persons. A threat may be spoken, written, gestured, or expressed in some other form, such as via text messaging, email, or other digital means. An expression of intent to harm someone is considered a threat regardless of whether it is communicated to the intended target(s) and regardless of whether the intended target is aware of the threat. Threats may be implied by behavior that an observer would reasonably regard as threatening, planning, or preparing to commit a violent act. When in doubt, treat the communication or behavior as a threat and conduct a threat assessment. Threats that are not easily recognized as harmless (e.g., an obvious joke that worries no one) should be reported to the school administrator or other team members. The administrator or another team member makes a preliminary determination of the seriousness of the threat. The student, targets of the threat, and other witnesses should be interviewed to obtain information using this protocol. A *transient* threat means there is no sustained intent to harm. A *substantive* threat means the intent of the threat is present (or not clear) and therefore requires protective action. This form is a guide for conducting a threat assessment, but each case may have unique features that require some modification.

A threat assessment is not a crisis response. If there is indication that violence is imminent (e.g., person has a firearm at school or is on the way to school to attack someone), a crisis response is appropriate. Take immediate action such as calling 911 and follow the school crisis response plan.

School Threat Assessment Decision Tree***Step 1. Investigate and evaluate the situation. (Reg. 5401, p.3, Steps 1-2)**

Obtain a detailed account of the situation, usually by interviewing the person who made the statement and/or gesture, the intended victim, and other witnesses. Write the exact content of the statement and/or gesture and key observations by each party. Consider the circumstances in which the statement and/or gesture was made and the student's intentions. Is there communication of intent to harm someone or behavior suggesting intent to harm?

Note: During non-school hours, such as through the state's required anonymous reporting system (Safe2Say Something), police may be notified by a building or District administrator in situations where the health, safety or welfare of students, staff or District property are thought to be in jeopardy as determined by the building or District administrator.

Not a threat; Might be an expression of anger that merits attention

No

Yes

Step 2. Attempt to resolve the threat as transient. (Reg. 5401, p.3-4, Steps 3-5h)

Is the threat an expression of humor, rhetoric, anger, or frustration that can be easily resolved so that there is no intent to harm? Does the person retract the threat or offer an explanation and/or apology that indicates no future intent to harm anyone?

Reg. 5401 Step 5c- Complete Clinical Interview with Mental Health Specialist

Reg. 5401 Step 5d- May consult with police if threat assessment team is not able to resolve threat as transient. (All Grades)

Yes

Case resolved as transient; add services as needed

No

Step 3. Respond to a substantive threat. (Reg. 5401, p.4, Step 5i-m)

For all substantive threats:

- Take precautions to protect potential victims.
- Warn intended victim and parents.
- Look for ways to resolve conflict.
- Mental Health Risk Assessment

Serious means a threat to hit, fight, or beat up and with the will and capacity to act upon causing significant bodily injury whereas very serious means a threat to kill, rape, or cause very serious injury with a weapon and with the will and capacity to act upon.

Serious

Police Consultation (All Grades); Case resolved as serious substantive threat; add services as needed

Very Serious

Step 4. Conduct a safety evaluation for a very serious substantive threat. (Reg. 5401, p.4-5, Steps 5i-9)

In addition to a-d above, consider the following:

- Assess the need for additional mental health services and counseling; refer as needed.
- Develop safety plan that reduces risk and addresses student needs. Plan should include review of Individual Educational Plan if already receiving special education services and further assessment of possible disability.

Very Serious

Police Contact to request further investigation

Very Serious

Step 5. Implement and monitor the safety plan. (Reg. 5401, p.5-6, Steps 10-11)

Document the plan.

Maintain contact with the student.

Monitor whether plan is working and revise as needed.

*This 5-step decision tree is an adaption of the original 7-step decision tree for the Virginia Student Threat Assessment Guidelines customized by the District for its own circumstances. The original can be found at: <https://education.virginia.edu/documents/yvp-forms-comprehensive-school-threat-assessment-guidelines2019-07-27pdf>.

BULLYING

What is Bullying?

Bullying is when a student or a group of students exposes another student, repeatedly and over time, to negative actions making it difficult to defend.

Specific forms of bullying behaviors may include:

- Says hurtful, demeaning things to you or calls you names.
- Says scary things to you a lot because they want to make you feel frightened.
- Tells you they are going to hurt you or threatens you.
- Teases or taunts you a lot, especially if you asked the student to stop.
- Tells other people bad things about you.
- Tells other students not to play with you, talk to you, be around you, or include you.
- Writes you a lot of mean, threatening, demeaning letters, text messages or email messages.
- Makes cruel faces at you on purpose.
- Hits, kicks, slaps, punches, or pinches you on purpose.
- Tries to hurt your body in any way.
- Forces you or somehow gets you to do something that you do not want to do.
- Tells you lies a lot that make you feel upset.
- Makes you feel like you do not want to come to school or like you cannot concentrate in school.

What Should You Do if You are Being Bullied?

- If you think that someone is bullying you, you should tell your teacher or an adult at school immediately.

What Will the School Do?

- Sometimes the school will decide to have a meeting with the parents of the student who is bullying.
- Sometimes the school will take privileges away from the student who is bullying, including school activities.
- Sometimes the student who is bullying will be suspended from school.
- Sometimes the police will need to talk to the student who is bullying, especially if someone was threatened or hurt.
- The school will provide supports to the student who is bullying, as well as the student who received the bullying behaviors.

What are Our School's Anti-Bullying Rules?

1. We will not bully others.
2. We will try to help students who are bullied.
3. We will try to include students who are left out.
4. If we know that someone is being bullied, we will tell an adult at school and an adult at home.

Information taken from the Olweus Bullying Prevention Program, ©2007

BULLYING

Definition of Bullying

Bullying is when a student or a group of students intentionally and repeatedly uses hurtful or intimidating words, actions or other behaviors against another student.

A student is bullying you if they do any of the following things **intentionally** and **repeatedly**:

Says unkind, harsh, demeaning, or abusive things to you or calls you names.

Threatens or intimidates you in writing, email, notes, messages, to you in person, or by any electronic means.

Teases, taunts, or harasses you.

Makes negative comments, slurs, or innuendos towards you.

Tells other people offensive or insulting things about you.

Ostracizes you, isolates you or tells other students not to talk to you, involve you, or be around you with malicious intent.

Writes threatening, demeaning, or intimidating letters or email messages to you.

Makes cruel faces or physical gestures at you.

Physically hits, kicks, slaps, punches, pinches or purposely assaults you in any way.

Forces, coerces, influences or manipulates you do something that you do not want to do.

Frequently tells you lies that make you feel upset or that affect you in a negative manner.

Makes you feel uncomfortable to attend school or disrupts your concentration at school.

What Should You Do if You are Being Bullied?

If you think that someone is bullying you during the school day, on school property, on a school bus, or at a school-sponsored activity, you should tell your teacher or an adult at school immediately.

What Happens if You Report an Instance of Bullying?

The school will investigate the situation.

The school may decide to have a conference with the parents of the student who is bullying.

The school may take privileges away from the student who is bullying, including participation in extracurricular activities.

The student who is bullying may be suspended from school.

The police and law enforcement may need to be contacted, especially if someone was threatened or hurt by the student who is bullying.

The school will provide supports to the student who is bullying, as well as the student who received the bullying behaviors.