

2025-2026



# Student Handbook & Code of Conduct

*Creating a culture of high expectations,  
collaboration, respect and accountability.*



## **A Message from Superintendent Dr. Natalyn Gibbs, Ed.D.**

Dear Students and Families:

On behalf of the Board of School Directors and our teachers, principals and staff, I am pleased to welcome you to Erie's Public Schools for the 2025-2026 academic year. It is truly an honor for us to serve the students of the City of Erie and we look forward to working with you to make this school year a positive one.

Whether you have just enrolled your child for PreK or you are reading this as you prepare to graduate from one of our high schools next June, I ask that you take ownership of your success this school year — this handbook contains important information to help you do just that.

Please read the following document carefully. This resource is designed to provide information about programs and services offered in Erie's Public Schools and to specify the rules that will help us provide all students with a quality education in a safe and supportive learning environment. For our new families, this resource will acquaint you with the district, and for our returning families it will serve as a review.

The expectations for all students are stated clearly in the *Student Code of Conduct* that follows. School regulations and policies should be read carefully as all students are expected to know, understand and follow these guidelines. The policies you will see here have been approved by the Board of School Directors and are the result of significant input from teachers, parents and administrators on the expectations and disciplinary consequences necessary to ensure all students can achieve their academic and personal goals. We believe that in an environment of high expectations, trust, collaboration and respect, we ALL can learn.

If you have a specific question regarding this handbook, please contact your school principal and/or teacher.

Thank you for choosing to attend Erie's Public Schools, and please accept my best wishes for a safe and productive 2025-2026 school year.

Sincerely,

Dr. Natalyn Gibbs, Ed.D.  
Superintendent of Schools

## HANDBOOK TABLE OF CONTENTS

|                   |                                                                                        |       |
|-------------------|----------------------------------------------------------------------------------------|-------|
| <b>SECTION 1</b>  | Introduction.....                                                                      | 3     |
| <b>SECTION 2</b>  | Rights of Students, Parents and Staff.....                                             | 4-5   |
| <b>SECTION 3</b>  | Student Behavioral Expectations.....                                                   | 6-9   |
| <b>SECTION 4</b>  | School Assignment.....                                                                 | 10    |
| <b>SECTION 5</b>  | Attendance Policy.....                                                                 | 11-20 |
| <b>SECTION 6</b>  | Student Due Process Rights and Expulsion Policy.....                                   | 21-23 |
| <b>SECTION 7</b>  | Consequences for Behavior Infractions.....                                             | 24-26 |
| <b>SECTION 8</b>  | Interventions.....                                                                     | 27-29 |
| <b>SECTION 9</b>  | Discrimination/Harassment/Title IX Sex Discrimination and Sex-Based<br>Harassment..... | 30-32 |
| <b>SECTION 10</b> | Transportation.....                                                                    | 33    |
| <b>SECTION 11</b> | Computer/Internet Acceptable Use Policy.....                                           | 34-38 |
| <b>SECTION 12</b> | Electronic Communication Devices (Cell Phone) Policy.....                              | 39-42 |
| <b>SECTION 13</b> | Weapons Search with a Metal Detector.....                                              | 43    |
| <b>SECTION 14</b> | Hazing Policy.....                                                                     | 44-47 |
| <b>SECTION 15</b> | Student Code of Conduct.....                                                           | 48-64 |
| <b>SECTION 16</b> | Student Grading/GPA and Scheduling Procedures.....                                     | 65-67 |
| <b>SECTION 17</b> | Proficiency, Retesting and Promotion Policies.....                                     | 68-69 |
| <b>SECTION 18</b> | Graduation Requirements.....                                                           | 70-73 |
| <b>SECTION 19</b> | Hybrid Learning.....                                                                   | 74-77 |
| <b>SECTION 20</b> | Services for Students.....                                                             | 78-86 |
| <b>SECTION 21</b> | Athletic Event Guidelines.....                                                         | 87    |
| <b>SECTION 22</b> | Visitor Procedures.....                                                                | 88    |
| <b>SECTION 23</b> | Student Expression/Dissemination of Materials.....                                     | 89-91 |
| <b>APPENDIX A</b> | Safe Schools Act Parent Notifications.....                                             | 92    |



## SECTION 1 — INTRODUCTION

The policies set forth in this handbook apply to students attending Erie's Public Schools (EPS). This handbook also contains additional information for students and families. EPS is committed to excellence for all students. The discipline policy outlined within the Student Code of Conduct section of this Handbook is not a means of punishment; rather it is a set of consequences to improve student behavior.

The contents of the Student Code of Conduct section are presented in alphabetical order. Disciplinary consequences are assigned to each infraction. The most serious "Level III infractions," which include Assault/Physical Acts of Violence, Unauthorized Substances, Terroristic Threats/Terroristic Acts and Weapons will result in immediate removal from the regular classroom, pending placement in an Alternative Education Program, or discipline up to and including expulsion from Erie's Public Schools by the Board of Directors. Other infractions will be dealt with as the severity dictates.

**As provided by Section 510 of the Pennsylvania Public School Code, all disciplinary infractions apply to student behavior when students are going to and returning from school and school-sponsored events, and at all school sponsored activities including graduation, dances, field trips, etc.**

The District recognizes that children in the District's elementary and middle schools are of the age and developmental level that the Administration and the Superintendent need more discretion than at the secondary or high school level when assigning consequences for the discipline of students. This greater flexibility allows the Administration and the Superintendent to utilize interventions in response to student behaviors, either in conjunction with, in addition to, or in lieu of the disciplinary consequences set forth in this policy, when the circumstances so warrant, while at the same time maintaining safety and order within the schools of the District.

For students at the high school level who commit violations beyond the offenses listed, disciplinary penalties may be increased progressively and may be treated immediately as a second or third offense. In the event that multiple violations are committed during the same incident, discipline will be administered based upon the most serious violation. These measures will not only create and maintain a safe environment within the school building for all students, but will also ensure the safety of students coming to and going from school and school-sponsored events. Infractions which are in violation of federal, Pennsylvania or local law could result in adjudication by various law enforcement agencies.

Prior to imposing consequences on any student, each infraction will be thoroughly investigated by school building administrative staff. Students will be afforded the appropriate level of due process, and parent/student/staff conferences will be scheduled to discuss the problem and disciplinary action as required by Pennsylvania law. Students may be referred for counseling via the school counselor, student assistance program (SAP), or other counseling services.

School officials have the authority to search a student when they have reasonable suspicion that a particular student has violated or is violating the rules of EPS or federal, Pennsylvania or local law and that the search may produce evidence of such violation. Suspicionless searches may occur, in an effort to ensure the health and safety of students and staff, in accordance with Pennsylvania and federal law.

Student discipline records will remain a part of the student's education records. When a student transfers to EPS, a certified copy of the student's discipline record is requested and obtained from the school entity from which the student is transferring. The same is true when a student transfers out of EPS. This record shall be maintained as part of the student's permanent discipline record and shall be made available for inspection as required by law and pursuant to the District's student records policies.



## SECTION 2 — RIGHTS OF STUDENTS, PARENTS AND STAFF

The rights of students, parents, and staff are those guaranteed to all citizens in accord with the Constitution of the United States, the laws of the Commonwealth of Pennsylvania, and the rules and regulations of the Pennsylvania Department of Education.

### A. RESPONSIBILITIES OF STUDENTS:

1. *Accept each person as an individual human being and promote intercultural and group relations and understanding.*
2. *Apply abilities and interests to the improvement of a knowledge base and to the development and application of learning skills.*
3. *Recognize and function within the policies established by the School Board and school officials.*
4. *Attend school for the purpose of obtaining a quality and meaningful education.*
5. *Abide by rules and regulations necessary for the orderly conduct of school activities by the administration and faculty.*
6. *Implement and abide by rules and regulations developed through the cooperation of student-faculty committees.*
7. *Contribute cooperatively toward the improvement of the teaching-learning situation and strive for the overall betterment of the total school environment.*
8. *Maintain respect for school officials and other students and exhibit conduct reflecting self-control, self-regulation and self-discipline.*

### B. RESPONSIBILITIES OF PARENTS/GUARDIANS:

1. *Exemplify an enthusiastic and supportive attitude toward work and education.*
2. *Build a good working relationship between themselves and school personnel.*
3. *Teach their children self-respect, self-control, respect for the law, respect for others and the property of others, and accountability for their actions.*
4. *Insist on prompt and regular attendance.*
5. *Encourage their children to take pride in their appearance.*
6. *Cooperate with the school in jointly resolving school-related problems.*
7. *Become involved in the school.*
8. *Set realistic standards of behavior for their children.*
9. *Help their children develop skills to withstand negative peer pressure.*
10. *Provide a place conducive for study and the completion of homework assignments.*
11. *Motivate their children to develop a keen interest in learning and exploring multiple fields of knowledge.*
12. *Review the Student Handbook as a family, being especially aware of attendance, discipline policies.*
13. *Make sure that their children are in good health. Good health is essential to ensure effective classroom performance.*
14. *Learn all they can about the curriculum and curriculum activities.*
15. *Attend parent/teacher conferences, parent/teacher organization meetings, and special events sponsored by the school.*
16. *Be aware that they are responsible should their children have any financial obligations. These include, but are not limited to, lost books, fines, and damage of property.*

### C. RESPONSIBILITIES OF TEACHERS/STAFF:

1. *Promote a climate of mutual respect and dignity which will strengthen the student's self-image.*
2. *Utilize classroom strategies and techniques that contribute to student success.*
3. *Teach students the skills to become responsible citizens.*

4. Honor "Time on Task." This helps tremendously in preventing most discipline problems.
5. Stay close enough to students so as to know what they are doing.
6. Always stand outside their doors to greet students, and to say goodbye to them.
7. Reflect a personal enthusiasm for teaching and learning as well as a genuine concern for the individual student.
8. Guide classroom activities as students learn to think and reason, to assume responsibility for their actions, and to respect the rights of others.
9. Help students to cope with negative peer pressure.
10. Be sensitive to changing behavioral patterns.
11. Strive for mutually respectful relationships with students.
12. Assist students and administrators in developing a climate in the school that is conducive to wholesome learning and living.
13. Report immediately to the principal any student who may jeopardize his/her own safety, the safety of other students, the safety of teachers, or who seriously interferes with the instructional program of the classroom as required by the Student Code of Conduct.
14. Serve as surrogate parents/guardians in matters of behavior, discipline and academics in accordance with Pennsylvania School Law.
15. Interpret and review the discipline policy with students in class/advisory period.
16. Be fair, firm, and consistent in enforcing the discipline provisions of the Student Handbook in the classroom, in the hallway, in the restrooms, on school transportation, on the school campus, and at all school-sponsored activities.

#### **D. RESPONSIBILITIES OF ADMINISTRATORS:**

1. Promote a climate of mutual respect and dignity which will strengthen students' self-image.
2. Reflect a personal enthusiasm for teaching and learning as well as a genuine concern for individual students.
3. Develop procedures which reduce the likelihood of student misconduct.
4. Make sure that all incidents are carefully and thoroughly investigated.
5. Provide the opportunity for students, staff, and parents to approach the administrator directly for redress of grievance.
6. Develop close, cooperative relationships with parents for the educational benefit of students.
7. Utilize all appropriate auxiliary staff and community agencies to help parents and students identify problems and seek solutions.
8. Be fair, firm, and consistent in all decisions affecting students, parents, and staff.
9. Demonstrate, by word and personal example, respect for law and order, self-discipline, and a genuine concern for all persons.
10. Strive for mutually respectful relationships with students.
11. Establish and maintain building security.
12. Assume responsibility for the dissemination and enforcement of the discipline policy.
13. Comply with pertinent laws governing hearings, suspensions, and the rights of students.
14. Support teachers and parents in their effort to enforce discipline policy.



### SECTION 3 — STUDENT BEHAVIORAL EXPECTATIONS

**A. ARRIVE TO SCHOOL AND CLASSES ON TIME. Punctuality is very important.**

1. *During homeroom or first period, students and staff will have the opportunity to stand, salute the flag and to recite the Pledge of Allegiance. Students or staff who choose to refrain from standing, saluting the flag, and/or reciting the Pledge of Allegiance, shall respect the rights of those who wish to participate.*
2. *Listen to all announcements and respect the rights of others to listen. Review the weekly schedule.*
3. *Follow the rules of conduct posted in each homeroom/classroom.*

**B. REPORT TO CLASS WITH NECESSARY BOOKS, MATERIALS, SUPPLIES, AND ASSIGNMENTS.**

1. *Refrain from sleeping in class — this is unacceptable.*
2. *Refrain from eating and drinking in class.*
3. *Refrain from putting feet on desks and chairs.*
4. *Stay on academic tasks until the end of the class period. No one should be in the doorways waiting for the bell to ring.*

**C. MOVE THROUGH THE BUILDING IN AN ORDERLY MANNER.**

1. *Refrain from running and yelling. Use “inside voice” when talking to teachers and peers.*
2. *When walking in the halls, stay to the right.*
3. *If there is a fire drill or disaster of any kind, follow directions and move silently.*

**D. FOLLOW LUNCH SCHEDULE AND RULES.** Lunch is a time for fellowship with peers. Use “inside voice” during lunch period.

**E. USE VIRTUAL PASS APPROPRIATELY.** -- All staff members must put in a virtual request through Smart Pass.

**F. LIMIT DISPLAYS OF AFFECTION** (see *Inappropriate Touching and Sexual Conduct in Student Code of Conduct* section).

**G. DRESS CODE – General Rules Applicable to All Students, grades Kindergarten - 12**

1. **General rules regarding student dress.** *The following regulations regarding student dress generally apply to all District schools:*

*Though an individual's dress and adornment/appearance is a matter of personal preference and choice, certain styles of dress/appearance are not appropriate in school for the health, safety, welfare of students and staff. Students will be required to change inappropriate clothing or appearance. For this reason, the following guidelines are established:*

- a) *Wear clothes that are not revealing or suggestive, such as see-through blouses, halter tops, tank tops, bare midriffs, cutoffs.*
- b) *Wear clothing, jewelry, and other accessories which do not promote, encourage, or depict any form of drugs (including alcohol), obscene, lewd or vulgar language or action, or promote any illegal activity.*
- c) *Wear pants which are secure around the waist. Pants may not be “distressed” (e.g. have rips or holes).*
- d) *Wear clothing which cannot potentially cause harm to another person, damage to property, or create an unsafe environment.*
- e) *Wear shorts and skirts, the hem of which must be no shorter than two inches above the knee.*

- f) Students must wear shoes or footwear appropriate for the school setting. Hard soled shoes, including sneakers, are appropriate. Students may not wear open-toed shoes, slippers, high-heels, sandals or flip-flops to school.
- g) Outerwear: Outerwear must be placed in lockers from “bell to bell” and is not permitted to be worn during the school day. Outerwear includes but is not limited to coats/jackets, windbreakers, wind pants, gloves, hats, bandanas and scarves.
- h) Hoodies: Students may wear hoodies during the school day but only if the hood remains down. If a student pulls the hood up during the school day, it will be considered “insubordination” as defined in the Student Code of Conduct.
- i) Specific dress requirements may be assigned to students participating in technical labs or other classes or activities that necessitate the wearing of specific clothing in order to maintain the health and safety of that student and others. These class or activity-specific rules will be established by the Building Administrator or classroom teacher and will be delineated in the class, lab or activity syllabus. Failure of a student to abide by these health and safety dress requirements may result in the student’s removal from that class, lab or activity.

**The administration may impose additional limitations on dress and/or appearance if the attire or appearance causes a disruption of the educational process or constitutes a health or safety hazard.**

- H. SMOKING/TOBACCO PRODUCTS. The use or possession of tobacco products is prohibited in a school building, a school bus or on school property owned by, leased by or under the control of the school district. (Smoking on school property is also prohibited under Section 28.3 of the Fire Code.) Pursuant to 18 Pa. C.S.A. §6306.1 of the Pennsylvania Crimes Code, a pupil conviction of the summary offense of using or possessing tobacco in a school building, a school bus or on school property owned by, leased by or under the control of the school district, shall be sentenced to pay a fine up to \$50.00, plus court costs. See Student Code of Conduct for disciplinary consequences for smoking and use/possession etc., of tobacco products.
- I. LOCKERS AND LOCKS. Some students in grades K-8 and high school students are given the privilege of being assigned a specific locker in which to store school materials and personal property during school hours. Students are allowed and are encouraged to keep their assigned lockers secure and locked to safeguard their belongings from other students. However, students must understand it is not the intent of the school district to relinquish its exclusive control over the lockers.

**All lockers are and shall remain property of the school district. Accordingly, students shall have no expectation of privacy in their school lockers. Students are hereby notified that all authorized school district employees and officials may inspect students’ lockers at any time, for any reason.**

Prior to an individual locker search, 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.

In order to be granted the privilege of having the use of a school locker, the student, at the beginning of each school year, will be required to sign an acknowledgment which asserts that they have reviewed the locker search policy and they understand they have no reasonable expectations of privacy in their school lockers. Erie’s Public Schools supplies locks for use by the students and retains the combination and a master key to access each lock/locker. Master keys and lock combination lists shall be retained by the school administrators, in a secure location. The Administration in each school may authorize the use of a privately-owned lock. In such case, the students must give the combination/extra key to the lock used on their school locker to the Administration. Students are not allowed to share lockers or use lockers not assigned by the Administration.

Most locker thefts are the result of carelessness on the students’ part. REMEMBER TO LOCK THE LOCKER. DO NOT GIVE KEYS OR COMBINATIONS TO OTHER STUDENTS. If a lock has to be

removed by the custodial staff, the student must obtain permission from an administrator - -. THE ADMINISTRATION HAS THE RIGHT TO SECURE LOCKERS, WITHOUT A LOCK, DUE TO SAFETY CONCERNS.

- J. SETTLE CONFLICTS APPROPRIATELY. Keep your hands and feet to yourself.
- K. USE APPROPRIATE LANGUAGE.
- L. RESPECT SCHOOL PROPERTY AND THE PROPERTY OF OTHERS.
- M. RESPECT YOUR PEERS.
- N. RESPECT THE STAFF AND VISITORS.
- O. RESPECT YOURSELF.
- P. SEARCH OF STUDENTS.

1. 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. 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 (both hand held and walk through) 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. Additional procedures regarding searches with metal detectors are found in the District's "Weapons Search with a Metal Detector" section in this Student Handbook.
  - a. 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.
  - b. 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.
3. 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 due to the greater invasion of student privacy. Such searches are permitted only when the basis for suspicion establishes either:

- a. 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,
- b. 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 justifying the greater privacy intrusion.

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 and only after consultation with the District's Solicitor.

4. Any items or material found during a search, 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 confiscated items 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.

**Q.** END OF THE SCHOOL DAY – All students must leave the building immediately, unless supervised by a member of the staff.

**R.** STUDENT IDENTIFICATION PHOTOGRAPH. For security purposes, every student is required to have an annual photograph taken by the District to be included in the student's profile on the District's confidential student information system (*Infinite Campus*). Students who refuse to comply with this requirement shall be considered to be "Insubordinate" within the meaning of the Student Handbook and be disciplined in accordance with that policy. Accommodations for extenuating circumstances will be considered by the Administration on a case by case basis.



## SECTION 4 — SCHOOL ASSIGNMENT

**SCHOOL ASSIGNMENT/ENROLLMENT** – If a student changes residence within the District during the school year which results in that student being assigned to a different District school, the Administration shall comply with the following guidelines:

- *Generally, students must attend the school assigned to their new residence. The Superintendent or his/her designee may make exceptions to this general rule on a case by case basis for exigent circumstances.*
- *If a student moves to a new residence after the start of 4th quarter, the student has the option to attend the student's current school if parents can provide transportation to the new school of residence for the remainder of that school year.*

If the Administration is made aware that a student is attending a District school which is not that student's assigned school of residence, the Administration is directed to notify the student and parents/guardians of this District policy and ensure the student is transferred to the school of residence consistent with the provisions of this policy.

The Board of Directors is authorized by the Pennsylvania Public School Code to, upon cause shown, classify and assign pupils to any school as the Board deems best in order to properly educate those students. 24 P.S. §13-1310(a). The Board has delegated to the Superintendent the authority to assign any student attending any school of the District (including Northwest Pennsylvania Collegiate Academy) to any other specific school if the Superintendent believes that assignment is necessary to protect the health, safety or welfare of that student or other students and staff and/or due to the student's violation of the provisions of the Student Code of Conduct.



## SECTION 5 — ATTENDANCE POLICY

### **ATTENDANCE –**

“Attendance” is the presence of a student on days school is in session. A student shall be considered “in attendance” if present at any place where school is in session by authority of the Board of Directors; the student is receiving approved tutorial instruction, or health or therapeutic services; the student is engaged in an approved and properly supervised independent study, work-study or career education program; the student is receiving approved homebound instruction; or the student’s placement is instruction in the home. “Absence” is the failure of a student to attend school on those days, half days and hours school is in session. Attendance shall be required of all students during the days and hours that school is in session, except when the absence is “excused” as set forth below.

**A. POLICY STATEMENT:** The Board of Directors of Erie’s Public Schools requires that school-aged students enrolled in the schools of this District attend school regularly in accordance with the laws of the state. The educational program offered by this District is predicated upon the presence of the student and requires continuity of instruction and classroom participation. The regular contact of students with one another in the classroom and participation in well-planned instructional activity under the tutelage of a competent teacher are vital to this purpose. The Board believes there is an educational nexus between classroom presence and achievement and that class attendance is relevant to the pupils’ overall performance, achievement and academic success. ~~It is the policy of the Board that pupils who are “truant” or have missed class due to unexcused days shall receive no credit for work or tests missed on the unexcused days, provided, however, the~~ Administration in each building has the discretion to award credit to individual students who are involved in the truancy system and/or are complying with a School Attendance Improvement Plan and/or, have participated in “extra-help” nights at school in conjunction with participating in the truancy system/SAIP.

### **B. DEFINITIONS:**

1. “Citation” shall mean a nontraffic citation or private criminal complaint.
2. “Compulsory school age” shall mean the period of a child’s life from the time the child’s parents elect to have the child enter school and which shall be no later than six (6) years of age until the child reaches eighteen (18) years of age. The term does not include a child who holds a certificate of graduation from a regularly accredited, licensed, registered or approved high school. According to the Pennsylvania State Supreme Court in *Commonwealth v. Kerstetter*, 2014 PA LEXIS 1500 (Pa., June 16, 2014), although parents are not required to enroll their child in kindergarten, once the election to enroll a child in school (including kindergarten) is made, the child is subject to the School Code’s compulsory attendance requirements.
3. “Court” shall mean a magisterial district court or a court of common pleas.
4. “Excused absence” shall mean an absence from school which is permitted under this Attendance Policy. Excused absences include:

- a. Illness – If a student is dismissed from school during school hours for health-related reasons by a certified school nurse, registered nurse, licensed practical nurse or a school administrator or other school official, the student’s absence from school shall be deemed excused.

If a student is unable to attend school due to illness, the student shall submit to the District a written excuse from either his/her parent or licensed practitioner of the healing arts within three (3) school days after the absence. Failure to submit a written excuse within this time frame shall result in the absence being recorded as unexcused.

If a student accumulates more than ten (10) absences due to illness during one school year, the school administration shall require the student to provide a medical statement or excuse from a licensed practitioner of the healing arts for every subsequent absence due to illness. Failure to provide the

requested medical excuse shall result in such absence being classified as unexcused. The District will send a notification to the parent/guardian/person in parental relation after a student has accumulated eight (8) absences due to illness during the school year, warning them of the implementation of the ten day rule.

- b. Death in the family, to allow for student to attend funeral or burial services.
- c. Religious holidays and religious instruction (with religious instruction limited to a total of not more than 36 hours per school year).
- d. Emergency – school administrators will determine whether a specific circumstance qualifies as an “emergency” on a case-by-case basis.
- e. Delay or absence of school bus.
- f. Educational tour/trip/high school shadow.
- g. Family trips – Special permission is required for students to take family trips during the school year. At least two (2) weeks prior to the trip, the parent/legal guardian must submit a written request to the Superintendent of the District. The Superintendent will review the student's records (attendance, disciplinary and academic). Students who have a history of attendance issues, discipline issues and/or who are in academic jeopardy may not receive approval from the Superintendent to take a family trip during the school year. The school administration shall only approve one family trip per student per year and the duration of that trip may not exceed five (5) school days. Family trips that are not preapproved by the Superintendent shall result in the student's absence being recorded as unexcused.
- h. Court appearance.
- i. Dental, medical and therapy appointments – Students who need to leave school for the purpose of obtaining professional health care, dental care or therapy service rendered by licensed practitioners shall submit a note from the parent and/or an appointment card from the doctor/dentist/therapist to the school office prior to the appointment. **Students/parents are asked to schedule medical appointments after school as much as possible.** The student must obtain written proof from the doctor/dentist that he/she appeared at the appointment, which **must be returned to the Attendance Office upon the student's return to school, or the absence from school will be considered UNEXCUSED. Students must come to school prior and return to school after their scheduled appointment. Leaving unreasonably early or returning unreasonably late from these appointments will be considered unexcused absences from school.**
- j. Weather emergency – If the Superintendent orders the schools closed, parents are not required to send a written excuse for their child's absence on that day. If the Superintendent makes a public announcement that parents may use their discretion whether to send their child to school, parents may make the determination whether to have their child attend school. If the child misses school on an official “parent discretion day,” the parent must send a written excuse regarding that weather-related absence with their child upon the child's return to school. Failure to send a written excuse in these circumstances will result in the absence recorded as unexcused.
- k. Pennsylvania Agricultural Fair Act trips – as required by Section 1329(b) of the Pennsylvania Public School Code, students may be excused for participation in a project sponsored by an organization that is eligible to apply for a grant under the Pennsylvania Agricultural Fair Act, 3 P.S. §1505.
- l. Participation in a musical performance in conjunction with a national veterans' organization or incorporated unit, as defined in law, for an event or funeral. The national veteran's organization or incorporated unit must provide the student with a signed excuse, which shall include the date, location and time of the event or funeral. In such situation, the student shall furnish the signed excuse to the District prior to being excused from school.

### **High School Only:**

College visitation.

Junior/Senior excusal for interviews – When students have a written invitation or appointment to participate in a job interview, college admission, nurses' training, trade or technical school as well as other post high school plans, they may be excused for a total of three (3) days during their Junior/Senior year. The student is to obtain a permission slip from the appropriate guidance counselor and have this completed before the day he/she is to be excused. After the appropriate counselor gives permission, the counselor sends a copy of the same to the attendance secretary. For early morning appointments, the request from the parent may be brought the day prior to the appointment.

5. "Habitually truant" shall mean six (6) or more school days of unexcused absences during the current school year by a student who is of compulsory school age.
6. "Offense" shall mean each citation filed by the District with the Court for a violation of the requirement for compulsory school attendance requirements regardless of the number of unexcused absences alleged in the citation.
7. "Person in parental relation" shall mean a:
  - a. Custodial biological or adoptive parent.
  - b. Noncustodial biological or adoptive parent.
  - c. Guardian of the person of a child.
  - d. Person with whom a child lives and who is acting in a parental role of a child.

This definition shall not include any county agency or person acting as an agent of the county agency in the jurisdiction of a dependent child defined under 42 Pa.C.S. § 6302.

8. "School" shall mean the educational entity in which the child is enrolled.
9. "School attendance improvement conference" shall mean a conference where the child's absences and reasons for the absences are examined in an effort to improve attendance, with or without additional services. A "School Attendance Improvement Plan" will be drafted at this conference. The following individuals shall be invited to the school attendance improvement conference:
  - a) The child.
  - b) The child's person in parental relation.
  - c) Other individuals identified by the person in parental relation who may be a resource.
  - d) Appropriate school personnel.
  - e) Recommended service providers.
10. "School attendance improvement plan" shall mean a plan developed during the school attendance improvement conference, the purpose of which will be to identify the factors causing the truant behaviors and strategies which are intended to result in more regular attendance patterns.
11. "School day" shall mean the length of time that a compulsory school aged child is expected to be receiving instruction during a calendar day. The District has determined one school day is comprised of 330 minutes in grades 7-12 and 300 minutes in grades K-6.
12. "School-based or community-based attendance improvement program" shall mean a program designed to improve school attendance by seeking to identify and address the underlying reasons for a child's absences. The term may include an educational assignment in an alternative education program, provided the program does not include a program for disruptive youth establish pursuant to Article XIX-C of the Pennsylvania Public School Code.

13. "Truant" shall mean having incurred three (3) or more school days of unexcused absences during the current school year by a compulsory school aged child.
14. "Unexcused absence" shall mean an absence from school which does not fall into one of the "excused absence" categories and/or for which a written explanation has not been submitted within the time period and in the manner required by the District in this Attendance Policy.
  - a. An out-of-school suspension is not considered an unexcused absence.
  - b. Students will have five (5) school days from the date of their absence to turn in missed assignments for an unexcused absence.
  - c. Students who accumulate more than twenty (20) unexcused absences during their senior year may not walk during the graduation ceremony, although the Building Principal may make exceptions on a case by case basis when/if the student breaks the pattern of absences and goes a period of time with regular attendance.

**C. EXCUSED ABSENCES: A student's absence will be considered "excused" only if it falls within one of the categories defined above. The following procedure shall be followed when a student is absent from school:**

1. Parents are requested to call their student's School Attendance Office by 9:00 a.m. on the day their student is absent to report all excused absences or tardies.
2. Within three (3) school days from when a student returns to school after an absence, he/she must present a written excuse from a parent or guardian (or physician) to the school's designated attendance officer.
3. The written excuse shall provide the **student's full name, grade, list the dates of absence and an explanation of the reason(s) for the absence. The parent or guardian must sign and date the written excuse.**
4. Upon receipt of the required written excuse in the mandatory time frame, the absence will be recorded as a "legal absence." Building Principals may use discretion to extend the 3 day time frame for submitting excuses for extenuating circumstances, on a case by case basis but in no event may a Building Principal accept excuses later than ten (10) calendar days from the date of the student's return from the absence.

**Excused absences are not to be considered perfect attendance. The only exceptions to this policy are: school-related field trips, weather emergencies, District/school sanctioned sports or other extra-curricular activities, absence from school for religious instruction. No other exceptions are made.**

**The following reasons for absences are NOT legal and shall NOT count as "excused" absences: family vacations, personal business (work/hair appointments/shopping), oversleeping, missing the bus, car problems, hunting, babysitting siblings or others, senior skip day, general excuses (such as "out of town," "at an appointment," or "family emergency"). Building administrators will contact parents to gain further explanation of general excuses.**

**D. UNEXCUSED ABSENCES OF COMPULSORY SCHOOL AGED STUDENTS AND TRUANCY VIOLATIONS – Repeated unexcused absences or their equivalent (unexcused tardy minutes or unexcused minutes of class cuts) constitute "truancy" and will result in the referral of the student and his/her persons in parental relation to Court for violation of compulsory attendance laws.**

Compulsory aged students must comply with the compulsory education/truancy provisions of the Pennsylvania School Code. The following procedures shall be followed in accordance with mandatory Pennsylvania law:

1. **Truant Students.** When a student acquires three (3) or more days (or their equivalent) of unexcused absences during the current school year, s/he is considered "truant."
  - a. Within ten (10) school days of the student's third unexcused absence, the District will notify in writing the person in parental relation with the student who resides in the same household as the

student of the student's compulsory school attendance violation. This written Truancy Notice shall:

- (i) Include a description of the consequences that will follow if the student become habitually truant (described below); and
- (ii) Schedule a School Attendance Improvement Conference.

When the Truancy Notice is transmitted to a person who is not the parent of the student, the Truancy Notice shall also be provided to the student's parent if the parent's mailing address is on file with the District and the parent is not precluded from receiving the information by court order.

b. The School Attendance Improvement Conference:

- (i) Relevant school officials and recommended service providers, the person in parental relation with the student who resides in the same household as the student, the student's parent/s (if possible) and any other relevant individuals shall meet to discuss the reasons for the student's absences in an effort to improve attendance and to create a written School Attendance Improvement Plan ("SAIP").
- (ii) The Conference shall occur even if the person in parental relation with the student and/or parents decline to participate or fail to attend the scheduled conference. The District officials present at the conference **will proceed to discuss the student's attendance and will draft the SAIP** and shall then provide copies of the SAIP to the student, the person in parental relation with the student who resides in the same household as the student and the student's parent/s if parent/s' mailing address is on file with the District and the District can share the information with the parent/s.
- (iii) Compulsory school attendance/truancy prosecution shall not take place until the Conference takes place and the SAIP is completed.

2. Habitually Truant Students. Students are deemed to be "habitually truant" when they have acquired six (6) or more days of unexcused absences in the current school year. The procedures followed depend on whether the student is 14 years and younger or 15 years and older:

- 1. Procedure for Habitually Truant Students Fourteen Years Old and Younger: If a student has acquired six (6) or more unexcused absences in the current school year and after the SAIP was completed at the Conference, the District shall:
  - a) Refer the student to:
    - (a) a school-based or community-based attendance improvement program, or
    - (b) the Erie County Office of Children and Youth for services or possible disposition as a dependent child under 42 Pa. C.S. Ch. 63 (relating to juvenile matters). When/if the District refers the student to OCY for this purpose, the District must provide verification to OCY that the School Attendance Improvement Conference was held.
  - b) File a citation in the office of the appropriate Judge against the person in parental relation who resides in the same household as the student, provided, however, the Building Administrator may take extenuating circumstances into account and determine not to file a truancy citation on a case by case basis.
- 2. Procedure for Habitually Truant Student Aged Fifteen (15) Years or Older: If a student has acquired six (6) or more unexcused absences in the current school year and after the SAIP was completed at the Conference, the District shall:

- a) Refer the student to a school-based or community-based attendance improvement program or service, if one is appropriate and available in the opinion of the Building Administrator.
  - b) File a citation in the office of the appropriate Judge against the child or against the person in parental relation who resides in the same household as the child, provided, however, the Building Administrator may take extenuating circumstances into account and determine not to file a truancy citation on a case by case basis.
  - c) If the Building Administrator does refer the student to a school-based or community-based attendance improvement program and the student either refuses to participate in that program and/or continues to incur additional unexcused absences after the referral, the District may refer the student to the Erie County Office of Children and Youth for possible disposition as a dependent child under the provisions of 42 Pa. C.S. Ch. 63. When/if the District refers the student to OCY for this purpose, the District must provide verification to OCY that the School Attendance Improvement Conference was held.
3. Truancy Citations. When the District files truancy citations regarding a student's habitual truancy, the following shall occur:
- a. The citation shall be filed with the Judge based on the location of the school in which the student is enrolled. The school must provide verification that a School Attendance Improvement Conference was held.
  - b. When a truancy citation is filed against a student and/or a person in parental relation who resides in the same household as the child, the Judge (not the District) shall send written notice of the truancy hearing to the school, to the person in parental relation and to Erie County Office of Children and Youth.
  - c. At the truancy hearing:
    - (i) The District has the burden of proving beyond a reasonable doubt that, while subject to compulsory school attendance, the student was habitually and without justification truant from school.
    - (ii) It is an affirmative defense to a truancy citation filed against a person in parental relation who resides in the same household as the student if the person in parental relation to the student took every reasonable step to ensure attendance of the student at school.
    - (iii) The District, to the extent possible, shall inform the Judge of any prior conviction of the child or person in parental relation who resides in the same household as the student for a violation of compulsory school attendance laws. The District, student and person in parental relation will be given an opportunity to present relevant information to the Judge, specifically including the student's attendance after the citation was filed and while the proceeding is pending.
    - (iv) The Judge will issue a decision on whether the evidence established whether the student or person in parental relation has violated the compulsory school attendance requirements of the School Code.
  - d. Filing subsequent truancy offenses after the initial truancy hearing: No citation may be filed against a child or a person in parental relation with the child who resides in the same household as the child for a subsequent violation of compulsory school attendance if any of the following circumstances apply:
    - (i) The initial truancy proceeding is already pending against the student or a person in parental relation with the student who resides in the same household as the student and

judgment in the first proceeding has not yet been entered, unless a warrant has been issued for failure of the student or person in parental relation to appear before the court and the warrant has not yet been served.

- (ii) A referral for services has been made to the Erie County Office of Children and Youth and OCY has not closed the case.
- (iii) A petition has been filed alleging the child is dependent due to being habitually truant under 42 Pa.C.S. Ch. 63 (relating to juvenile matters) and the case remains under the jurisdiction of the juvenile court.

4. Penalties for Violating Compulsory School Attendance Requirements.

- a. Both a student or a person in parental relation who resides in the same household as the student may be convicted of a truancy violation. In such case, the following penalties may be ordered by the Judge:
  - (i) sentenced to pay a fine for the benefit of the school that is responsible for the truancy proceedings in an amount not exceeding three hundred dollars (\$300) together with court costs except that, in the case of a second offense, the maximum fine for a person in parental relation may be a higher amount within their ability to pay not exceeding five hundred dollars (\$500) together with court costs and, in the case of a third or subsequent offense, the maximum fine for a person in parental relation may be a higher amount within their ability to pay not exceeding seven hundred and fifty dollars (\$750) together with court costs;
  - (ii) sentenced to perform community service; or
  - (iii) required to complete an appropriate course or program designed to improve school attendance which has been approved by the president judge of the judicial district.
- b. The Judge may suspend the sentence of a person convicted of an offense and may remit or waive fines and costs if the student attends school in accordance with a plan devised by the Judge.
- c. Upon a second or subsequent conviction of a student or a person in parental relation with the student who resides in the same household as the student for a violation of the requirements of compulsory school attendance in a Court within this Commonwealth within a three-year period, the Court shall refer the child for services or possible disposition as a dependent child under 42 Pa.C.S. Ch. 63.
- d. Upon failure of a person to satisfy the penalty of a fine imposed by the Court under Paragraph a, above, the person in parental relation may be found in contempt of court and, upon conviction, may be sentenced to the county jail for a period not to exceed three (3) days in any one case. The Court shall make such a determination based on specific finding that the person in parental relation had reasonable ability to comply with the penalty imposed and that noncompliance was willful. The following shall apply:
  - (i) In the case of a student, the failure to satisfy a fine or costs imposed under this section shall not be considered a delinquent act.
  - (ii) The president judge of a judicial district may adopt a local policy under 42 Pa.C.S. § 6304 (relating to powers and duties of probation officers) and the Pennsylvania Rules of Juvenile Court Procedure to provide that a juvenile probation officer may receive allegations that the student who fails to satisfy a fine or costs imposed under this section is dependent for the purpose of considering the commencement of proceedings under 42 Pa.C.S. Ch. 63.
- e. If a student is convicted of a violation of the compulsory school attendance requirements, the Court may send the Pennsylvania Department of Transportation a certified record of the conviction on a form prescribed by the Department only if the student fails to comply with a lawful sentence entered

for the violation and is not subject to an exception to compulsory attendance pursuant to Section 1330 of the School Code.

- f. The Department of Transportation shall suspend for ninety (90) days the operating privilege of a student upon receiving a certified record that the student was convicted of a summary offense under the compulsory school attendance requirements. If the Department of Transportation receives a certified record of a second or subsequent conviction of a student pursuant to this section, the Department shall suspend the student's operating privilege for six (6) months.
- g. A student whose record is received by the Department of Transportation as described above and who does not have a driver's license shall be ineligible to apply for a driver's license under 75 Pa.C.S. § 1505 (relating to learners' permits) and 1507 (relating to application for driver's license or learner's permit by minor) for the time period specified in Paragraph 4(f) above. If the student is under sixteen (16) years of age when convicted, suspension of operating privileges shall commence in accordance with 75 Pa.C.S. § 1541 (relating to period of disqualification, revocation or suspension of operating privilege) for the time specified in Paragraph 4(f).
- h. A student whose driving privileges have been suspended or whose eligibility for a permit or license is delayed under this section may have that license or eligibility restored by providing the Department of Transportation with a form developed by the Department of Transportation containing the following information in the form of a certified record from the student's school that the student:
  - (i) has attended school for a period of at least (2) months after the first conviction or four (4) months after the second conviction without an unexcused absence or unexcused tardy;
  - (ii) is subject to an exception to compulsory attendance under Section 1330 of the School Code; or
  - (iii) has graduated, withdrawn from school pursuant to compulsory attendance requirements under Section 1327 of the School Code, has received a general education diploma or has enlisted in the military.
- i. Expungement of Record for Student Under Certain Conditions. Upon application from a student who has a conviction of a summary offense of compulsory school attendance violations, the Court shall grant an expungement of the conviction from the student's record if all of the following apply:
  - (i) The student has earned a high school diploma, a Commonwealth secondary school diploma or another Department of Education-approved equivalent, or is subject to an exception to compulsory attendance under Section 1330 of the School Code.
  - (ii) The student has satisfied any sentence imposed by the court with respect to the conviction, including payment of fines and costs.

If the Court grants an expungement as described under Paragraph 4(i), the Court shall order the Department of Transportation to expunge all administrative records related to the convictions.

#### **E. UNEXCUSED ABSENCES FOR STUDENTS BEYOND COMPULSORY SCHOOL AGE (students 18 years or older ):**

Students who are beyond compulsory school age are not subject to the truancy provisions of the Pennsylvania Public School Code. However, these students are subject to the following rule- related to attendance:

-Students who have missed days of school or specific classes for reasons that are not considered "excused" shall receive no credit for work or tests missed on the unexcused days of classes except when the building administrator grants an exception on a case-by-case basis.

**F. TARDINESS – Tardiness to school interferes with a student’s learning just as if that student is absent from school. Chronic tardiness is unacceptable both in school and in the workplace.**

**Unexcused tardies may, when added together, constitute the equivalent of an unexcused absence from a day(s) of school, trigger internal District interventions and/or truancy prosecution procedures. NOTE: 330 unexcused tardy minutes constitute one unexcused day of absence in grades 7–12; 300 illegal tardy minutes constitute one unexcused day of absence in grades K–6.**

*Any student who is not present in school within the first 3.5 hours after the start of the school day, regardless of whether the absence is excused or unexcused, will not be permitted to participate in any school or extra-curricular activity that day.*

1. **Grades K – 8** – *A student who is tardy to school after homeroom must report directly to the office where a tardy/excuse form will be completed and given to the student. This form must be presented to all teachers by the student for their signature.*
2. **Grades 9 – 12** – *A student who is tardy to school after the bell rings for first period must report directly to the Attendance Office where a tardy/excuse form will be completed and given to her/him. This form must be presented to all teachers by the student for their signature.*

**G. MISCELLANEOUS PROVISIONS RELATING TO ATTENDANCE**

1. **LEAVING SCHOOL WITHOUT PERMISSION/CUTTING CLASS** – a student must have written permission by the parent/guardian describing a legal reason to be absent from school as set forth in Section 5 of this handbook. He/she is not to leave the building or an assigned class for any reason. Under no circumstances should a student call home and ask his/her parents to come and take him/her home. When necessary, such calls should be made by the school nurse or the appropriate administrator. If the student has forgotten his/her written permission, an administrator may call the parent documenting permission received by phone. Failure to comply with this policy shall result in the student being assigned an illegal or unexcused absence for the time missed from school and/or class. Students may be assigned disciplinary consequences for violation of this policy. A “0” will be given in classes which a student has cut or missed without a legal excuse.
2. **HOMEWORK AND ASSIGNMENTS FOR DAYS OF LEGAL ABSENCES** – When a student is absent (excused), a homework assignment request must be made by parents through the school administrator. At least one day (24 hours) prior notice should be given for instructors to gather all materials requested. Parents may pick up assignments in the office during regular school hours.

After returning to school, the student will have no more than (10) school days to complete all schoolwork.

3. **PARTICIPATION IN SCHOOL ACTIVITIES AND SCHOOL DANCES** – Any student missing any portion of a school day without an excuse setting forth a legally permitted reason for the absence as defined in the Attendance Policy WILL NOT BE PERMITTED to participate in any school activity that day. **ATTENDANCE FOR STUDENTS ON HOME TUTORING PENDING EXPULSION** – For students who are on out of school suspension pending expulsion, the District considers those students legally absent from school for those ten days of suspension. Students will receive home tutoring services after the tenth day of suspension until they return to school or

until they begin their expelled placement. One hour of home tutoring is the equivalent of one day of attendance at school, and a student's attendance record will reflect that. A student's failure to attend or participate in one hour of home tutoring shall be considered one unexcused day of absence, unless the parent/guardian submits an excuse for that absence consistent with the District's Attendance Policy.

Compulsory school attendance (truancy) rules apply to students on home tutoring. This means a student's failure to participate in three hours of home tutoring without a legitimate excuse for those absences will equate to three days of unexcused absences, triggering the truancy provisions outlined in the Attendance Policy.

4. **ATTENDANCE FOR STUDENTS PARTICIPATING IN VIRTUAL OR DISTANCE LEARNING–** Compulsory school attendance (truancy) rules apply to students who may be receiving their instruction through virtual or distance learning. A student's failure to participate in the required number of hours in these alternative learning platforms could result in that lack of participation being categorized as unexcused absences from school, with a possible consequence of truancy prosecution. If students are struggling with participation in distance learning – whether through accessibility issues with technology or any other reason – students and parents are encouraged to communicate with District officials for assistance prior to compulsory attendance becoming an issue.
5. **SPECIAL NEEDS AND ACCOMMODATIONS -** If a truant or habitually truant student may qualify as a student with a disability, and require special education services or accommodations, the Director of Special Education shall be notified and shall take action to address the student's needs in accordance with applicable law, regulations and Board policy. For students with disabilities who are truant or habitually truant, the appropriate team shall be notified and shall address the student's needs in accordance with applicable law, regulations and Board policy.



## SECTION 6 — STUDENT DUE PROCESS RIGHTS AND EXPULSION POLICY

- A. DETENTION** – Detention does not exclude a student from school. Detention is when a student is required to report to a certain location, as a disciplinary consequence, at a designated time (ex., during lunch, during recess, after school, etc.). Prior to a detention, a student shall be informed the reason for the detention and given an opportunity to respond.
- B. SUSPENSION** – Suspension is exclusion from school for a period of one (1) to ten (10) consecutive school days.
1. No student shall be suspended until the student has been informed of the reasons for the suspension and given an opportunity to respond. However, prior notice of the intended suspension need not be given when it is clear that the health, safety or welfare of the school community is threatened.
  2. The student's parents/guardians shall be notified immediately, or as soon as is reasonably practicable, in writing when the student is suspended.
  3. When the suspension exceeds three (3) school days, the student and parent/guardian shall be given the opportunity for an informal hearing. The purpose of the informal hearing is to enable the student and/or parents/guardians to meet with the appropriate school official to explain the circumstances surrounding the event for which the student is being suspended or to show why the student should not be suspended. (NOTE: When a student is referred for expulsion, the informal hearing is used to make the determination of whether the student's presence in his/her normal class during the period of time after the 10 day suspension has run but prior to the Board of Directors making its final determination on expulsion would constitute a threat to the health, safety or welfare of others.)
- The student has the following due process rights in regard to the informal hearing:
- a. *Notification of the reasons for the suspension shall be given in writing to the parents/guardians and to the student.*
  - b. *Sufficient notice of the time and place of the informal hearing shall be given.*
  - c. *A student has the right to question any witnesses present at the hearing.*
  - d. *A student has the right to speak and produce witnesses on his/her own behalf.*
  - e. *The District shall offer to hold the informal hearing within the first five (5) days of the suspension.*
- C. EXPULSION** – Expulsion is exclusion from school by the Board of Education for a period exceeding ten (10) school days and may be permanent expulsion from the school rolls.
1. Students referred to the Board of Directors for expulsion are entitled to a formal hearing.
  2. Formal hearings may be held before the entire Board of Directors, or before a committee of the Board.
  3. Formal hearings shall be scheduled during the ten day suspension period whenever possible. A student will not be excluded from school for longer than fifteen school days without a formal hearing unless mutually agreed upon by the District and the student, although the formal hearing may be delayed for any of the following reasons, in which case the hearing shall be held as soon as reasonably possible:
    - a. *Laboratory reports are needed from law enforcement agencies.*
    - b. *Evaluations or other court or administrative proceedings are pending due to a student invoking his/her rights under the Individuals with Disabilities Education Act (20 U.S.C.A. §1400-1482).*
    - c. *In cases in juvenile or criminal court involving sexual assault or serious bodily injury, delay is necessary due to the condition or best interests of the victim.*

4. When a student is referred for expulsion and after the ten day suspension has run, but before the formal expulsion hearing has been held and/or a final decision has been rendered by the Board of Directors, the student shall be placed in his/her normal class except when 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. Such determination shall be made at the informal hearing. When it is determined that the student may not be returned to his/her normal class during this interim time period, the student shall be provided with alternative education, which may include home tutoring.
5. The following due process requirements shall be observed with regard to formal hearings:
  - a. *Notification of the charges shall be sent to the student's parents/guardians by certified mail.*
  - b. *Sufficient notice, given at least three days prior to the hearing, setting forth the time and place of the hearing must be given. A copy of this expulsion policy and hearing procedures shall be included with the hearing notice, as well as notice that legal counsel may represent the student. A student may request the rescheduling of the hearing when the student demonstrates good cause for an extension.*
  - c. *The hearing shall be held in private unless the student or parent/guardian requests a public hearing.*
  - d. *The student has the right to be represented by counsel.*
  - e. *The student has the right to be presented with the names of witnesses against the student, and copies of the statements and affidavits of those witnesses to the extent permitted by federal law.*
  - f. *The student has the right to request that any such witnesses appear in person and answer questions or be cross-examined.*
  - g. *The student has the right to testify and present witnesses on his/her own behalf.*
  - h. *A written or audio record shall be kept of the hearing. The student is entitled, at the student's expense, to a copy of the transcript, although a copy shall be provided at no cost to a student who is indigent.*
  - i. *Notice of a right to appeal the results of the hearing shall be provided to the student with the expulsion decision.*

**D. FORMAL HEARING PROCEDURE** – At the formal expulsion hearing, the committee of the Board of Directors sits as judge and jury and the Administration presents evidence of the Student Code of Conduct violation to the Board of Directors. The Board of Directors and the Administration are represented by separate counsel. The formal hearings are bifurcated proceedings. The Administration presents evidence of due process and of the alleged Student Code of Conduct behavior violations in the first stage of the hearing. If the Board of Directors feels the Administration has shown substantial evidence exists to support the student's alleged behavior violations, then the second stage of the hearing will commence, at which the Administration recommends a disciplinary consequence. The Administration may present evidence pertaining to the student's prior academic achievement, attendance, discipline history and any other extenuating circumstances it feels relevant to support its recommendation. The student will have an opportunity to cross examine District witnesses in both stages of the hearing, and will be given the opportunity to present his/her own evidence at both stages of the hearing. The committee of the Board of Directors shall make a recommendation to the Board of Directors regarding the outcome of the hearing, which recommendation must be approved by a vote of the Board of Directors at a public meeting.

**E. WAIVER OF EXPULSION HEARING** – Sometimes, the student, the student's parents/legal guardians and the Administration are all in agreement that a specified disciplinary consequence is appropriate, agreeable and may be put into effect without a formal expulsion hearing. In such situations, the student and parent/legal guardian may voluntarily consent to expulsion, without going through an expulsion hearing before the Board of Directors, when the Administration is confident that such consent is being made voluntarily, knowingly and intelligently by the student and parent/legal guardian. The Board delegates to the Superintendent the authority to enter into a written agreement with the student and parents/legal guardians, in which the student and parents/legal guardians waive their rights to the expulsion hearing and stipulate to the material facts on which the expulsion is based. Such expulsion agreement shall not become final and binding until three (3) business days after execution of the parent/legal guardian. If the parents/legal guardians determine they would prefer to exercise

their child's right to have an expulsion hearing during that interim period of time, they shall so notify the District in writing and the Administration shall schedule said expulsion hearing within ten (10) school days from receipt of that notice. Such expulsion agreements are subject to the approval of the Board of Directors, which fact shall be explained to the student and parent/guardian. In the event the Board refuses to approve an expulsion agreement, the Board shall schedule a formal expulsion hearing in an expedited manner but in no event more than ten (10) school days from the date the Board refuses to approve an expulsion agreement. The student will be provided a form of alternative education throughout this period of time.



## SECTION 7 — CONSEQUENCES FOR BEHAVIOR INFRACTIONS

A student's behavior infractions will be consequence as set forth in the Student Code of Conduct section of this Student Handbook. The consequences outlined in the Student Code of Conduct include:

- A. TEACHER DETENTION** – The student must report to the assigned room with appropriate materials as determined by the teacher. A detention notice will be issued to the student 24 hours in advance notifying parent/guardian of date, time and reason for detention. A reasonable amount of time and number of days will be determined by the respective teacher. Students who walk or take the bus are not excused from attending an assigned detention. Parent/guardian will be responsible for transportation at the conclusion of detention.
- B. ADMINISTRATIVE DETENTION** – The grade K – 8 student is assigned forty (40) minutes up to two (2) hours and grade 9-12 student is assigned one (1) or two (2) hours of detention by the appropriate administrator or his/her designee. The student must report to the assigned room on time with schoolwork or academic reading materials. The student will receive a detention notice within 24 hours in advance notifying the parent/guardian of the date, time and reason for detention. A detention notice will be issued to the student 24 hours in advance notifying parent/guardian of date, time and reason for detention. The student will be assigned a date to serve this detention. Students who walk or take the bus are not excused from attending an assigned detention. Parents are responsible for student's transportation.

Community Service Option: Whenever detention is authorized, the building administrator may use his/her discretion and offer the student the option of voluntarily performing a certain number of hours of community service in lieu of serving the period of detention.

- C. IN SCHOOL SUSPENSION (ISS)** – Suspension is the exclusion of a student from his regularly scheduled class(es). Student are permitted to attend school but are assigned to an alternative educational area within the building for the designated time. Prior to a student's referral to ISS, the student must be informed of the reasons for the suspension and has been given an opportunity to respond. The school must communicate to the parents or guardian that the student has been refer to ISS. If the ISS exceeds ten (10) consecutive school days, an "informal hearing" as defined in this Student Handbook with the building principal shall be offered to the student and his/her parent/guardian prior to the 11<sup>th</sup> day of ISS. Student shall be given the ability to complete their work or complete alternative assignments during this time period. All federal and state laws pertaining to students with disabilities will apply to those eligible students who have been referred to ISS.
- D. OUT OF SCHOOL SUSPENSION (OSS)** – Suspension is the exclusion of a student from school for a period of one (1) to ten (10) days and is in the custody of the parent/guardian during school hours. Students shall have the responsibility to make up exams and work missed while on suspension. The Administration will arrange for classroom assignments and parents may pick up assignments at the school office. *It is the responsibility of the parents and students to contact the school to collect assignments during the student's period of suspension.* Teachers must be given one day to prepare assignments. **Students are not permitted on school grounds during the suspension and are excluded from participation in all school-sponsored activities including, but not limited to, sports events, band activities, academic challenges, and cooperative work experience. Violation of this rule shall be considered a defiant trespass, which shall be considered a suspendable or expellable offense, depending on the circumstances.** A conference will be held with the parent, student, and appropriate staff. Students who are on out of school suspension may not attend or participate in any school activities/events including school athletics, graduation ceremonies and proms.

Community Service Option: Whenever out of school suspension is authorized, the building administrator may use his/her discretion and offer the student the option of voluntarily performing a certain number of hours of community service in lieu of serving the period of out of school suspension.

- E. ALTERNATIVE EDUCATION PROGRAM** – The District’s Alternative Education Program/s serve/s as an intervention, the focus being on the development of pro-social behaviors. Students in grades six through 12 (6-12) attend Alternative Education for Disruptive Youth, which is a Pennsylvania Department of Education sanctioned AEDY site. While attending AEDY, student behavioral needs are addressed through a behavioral assessment, behavior management techniques, individual counseling, group therapeutic and/or psychoeducational exercises. The students’ academic needs are served through multiple strategies based on the student’s defined academic needs. The focus of the educational program is to provide the skills and knowledge necessary to be successful in the school setting and to concurrently provide life skills instruction and career guidance. The length of stay in the program will be based on the progress toward achieving the educational and behavioral goals outlined during the student’s intake process.

When a student is enrolled into AEDY, the program administrator will review with the student expectations of student behavior while enrolled in the program. While enrolled in AEDY program, the student Code of Conduct is still applicable and student may receive a consequence consistent with those outlined hereafter including referral to the Board of Directors for expulsion from the District if the student commits any student behavior violation as set forth in the Student Code of Conduct which carries with it a consequence of expulsion. Students may be referred for expulsion at any time should they commit an expellable offense.

**Students who are referred to AEDY are not permitted on school grounds (other than where the Program is located) during their period of enrollment in that program and are excluded from participation in all school-sponsored activities including, but not limited to, school athletics, band activities, academic challenges, graduation ceremonies, proms and cooperative work experience. Violation of this rule shall be considered a defiant trespass, which shall be considered a suspendable or expellable offense, depending on the circumstances.**

**Reasons for Referral to Alternative Education programming and referral process:**

1. Students shall be referred to the Alternative Education Program when they pose a clear threat to the safety and welfare of other students or school staff, or create an unsafe school environment, or whose behavior materially interferes with the learning of other students or disrupts the overall educational process AND for exhibiting to a marked degree any or all of the following behaviors:
  - a. *Disregard for school authority, including persistent violation of school policy and rules;*
  - b. *Display of or use of controlled substances on school property or during school-affiliated activities;*
  - c. *Violent or threatening behavior on school property or during school-related activities;*
  - d. *Possession of a weapon on school property, as defined under 18 Pa. C.S. Section 912 (relating to possession of weapon on school property);*
  - e. *Commission of a criminal act on school property;*
  - f. *Misconduct that would merit suspension or expulsion under District policy;*
2. Students who are referred to Alternative Education programming are entitled to an informal hearing (within the meaning of 22 Pa. Code §12.8(c)) prior to placement in the program. A description of the students’ rights are associated with this informal hearing are set forth in Section 6.B.3 above.
3. Students who are referred to Alternative Education programming for disciplinary reasons are also entitled to access the Level I/Level II hearing process as outlined in the Jordan et al. Consent Decree, Civil Action Number 34-75. Detailed information regarding this Jordan Order hearing process will be provided to the student and family upon a student’s referral to Alternative Education programming.

- F. EXPULSION-** Expulsion is the exclusion of a student from school property, any school-sponsored activity, and any public conveyance providing transportation to a school or school-sponsored activity for any period of time greater than ten (10) school days. Prior to any student being expelled, a formal hearing will be conducted by

members of the School Board, although students may knowingly and voluntarily waive their right to this hearing. **Students who are expelled may not attend or participate in any school activities/events including school dances, graduation and proms, field trips, and athletics. Students who are expelled are not permitted on school property. A violation of this rule shall be considered a defiant trespass and the local police shall be notified.**

Community Service Option: Whenever expulsion is authorized, the Assistant Superintendent or Superintendent may use his/her discretion and offer the student the option of voluntarily performing a certain number of hours of community service in lieu of referring the student for expulsion or to reduce the term of the expulsion period, provided; however, only the Board of Directors may authorize this option in case of a weapon violation.

- G. CHARGES FILED WITH THE POLICE DEPARTMENT-** Any behavior which is in violation of civil or criminal law will be dealt with as the law permits. The District will report incidents to law enforcement officials who may, after investigating the incident, refer the student to the District Diversion Program or file criminal charges against the student when warranted. The District shall comply with the Pennsylvania Safe Schools Act, 24 P.S. §1301301-A *et seq.*, and its implementing regulations at 22 Pa. Code §10.1 *et seq.*, and the Memorandum of Understanding between the District and the City of Erie Police Department regarding communication with local law enforcement and referral of student behaviors to local law enforcement.



## SECTION 8 — INTERVENTIONS

District personnel may utilize various interventions in response to student behaviors in conjunction with disciplinary consequences. The Superintendent reserves the right, due to the age and development of any specific student, to recommend a different disciplinary consequence or use of interventions for that student in response to a disciplinary incident in an effort to promote positive, pro-social change for that student, while at the same time maintaining safety and order within the schools of the District.

Examples of interventions utilized and offered within the District are:

- A. PEER MEDIATION/CONFLICT RESOLUTION** – This program is designed to create awareness with students as to how to resolve differences by talking about them and finding ways to control their anger. This process is used as a method of solving problems which arise among students before these problems reach a point where violence is likely.
- B. PEER MENTORING** – This program is designed to permit a student in a higher grade to promote positive behavior and leadership by mentoring a student(s) in a younger grade. Student would be selected by the building administration to participate in this program.
- C. STUDENT ASSISTANCE PROGRAM (SAP)** – The Student Assistance Program process of working in concert with mental health and drug and alcohol providers maximizes the possibility that a student's problems are properly identified and that the student receives the appropriate services needed to improve his/her prognosis for educational success. The problems that at-risk students face are not always limited to school problems. Students may require services or support outside the realm of the school environment. SAP has proven to reduce student at-risk problems both in and out of the school environment. Additional information is available in Section 19 of this handbook.
- D. AFTER SCHOOL PROGRAMS** – The District provides after school programs that offer tutoring to students.
- E. BEHAVIOR CONTRACTS** – Behavior contracts may be developed to address specific behavior issues of any student in an effort to transform negative patterns of behavior into positive behaviors appropriate for the school setting.
- F. COMMUNITY SERVICE** – The Superintendent, Assistant Superintendent and building administrators (and the Board of Directors, in cases of weapon violations) may use their discretion to offer students the option of voluntarily performing a certain number of hours of community service in lieu of imposing other disciplinary options.
  - 1. The District does not sponsor nor endorse any specific volunteer community service program and the District does not engage in any review of any volunteer community service site.
  - 2. The student is responsible for identifying and participating in an appropriate volunteer community service program/s which is generally intended to benefit issues of poverty, homelessness, hunger, education, the elderly, public health/safety/welfare, and/or any other service work that similarly benefits the community.
  - 3. The District reserves the right not to accept specific community hours if they do not generally fall within the general description set forth above. If the student has a question about the eligibility of any of the community service opportunities he/she wishes to engage in, he/she may ask the building principal of his/her home school as to eligibility prior to commencing the service.

4. The student may not receive payment or any other form of remuneration for his/her performance of the community service hours in order to be eligible to count toward his/her expulsion reduction.

The student will be provided with a "Volunteer Community Service Program" form. The student must provide these forms to an individual in charge of the organization for which he/she is performing community service, and said individual must attest to the type of community service the student has performed, the number of hours he/she performed and the date, time and location those hours were performed. The individual attesting to such information must include contact information so the District may contact said individual to verify the information set forth on the form if/when deemed necessary by the District. It is strongly suggested that the student periodically submit these forms to the building principal of his/her home school prior to the end of the expulsion period to ensure the community service hours he/she is performing are eligible to be applied toward his/her discipline consequence reduction.

**G. SCHOOL WIDE POSITIVE BEHAVIOR SUPPORT PLAN** – A school-based program in which a school may elect to participate which reinforces positive behavior. The intent is to create a positive environment of high expectations where students learn to be respectful, responsible and safe. If implemented in a school, the School Wide Positive Behavior Support Plan will be implemented in conjunction with supplemental aspects of Restorative Practices, Responsive Classrooms, Trauma Sensitive Classrooms and/or Trauma Informed Schools. One or more of these programs MAY be implemented in a school.

**H. CHILDREN/YOUTH EXPERIENCING HOMELESSNESS (McKINNEY-VENTO)** – Pennsylvania's Education for Children and Youth Experiencing Homelessness Program was established to make sure homeless youth have access to a free and appropriate public education while removing barriers that homeless children face. Its goal is to have the educational process continue as uninterrupted as possible while the children are in homeless situations. Section 725(2) of the McKinney-Vento Act defines "homeless children and youths" as individuals who lack a fixed, regular, and adequate nighttime residence.

This includes:

1. Children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason (sometimes referred to as "doubled-up"); living in motels, hotels, trailer parks, or camping grounds due to lack of alternative adequate accommodations; living in emergency or transitional shelters; or abandoned in hospitals.
2. Children and youths who have primary nighttime residence that is a public or private place not designed for, or ordinarily used as, regular sleeping accommodation for human beings.
3. Children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
4. Migratory children who qualify as homeless because they are living in the circumstances described above.
5. Unaccompanied homeless youth including any child who is not in the physical custody of a parent or guardian. This includes youth who have run away from home, been thrown out of their home, been abandoned by parents or guardians, or separated from their parents for any other reason.

If you are experiencing or are aware of any student/children in the school district who may possibly fit the above criteria, please contact the school principal or the school district's McKinney-Vento liaison, Chandra Slocum, at [cslocum@eriesd.org](mailto:cslocum@eriesd.org).

Services and support are available for these students.

#### PROVISIONS OF THE ACT:

##### School Placement

1. Students who are experiencing homelessness and unaccompanied youth have the right to attend either their original school or the school in the area in which they currently reside for the duration of their homelessness, or until the end of the school year if the family finds permanent housing.

2. A school district must provide the family with a written explanation of its position and inform the family of the right to appeal the decision if the district believes that having a student attend their original school is not in the student's best interest.

#### Enrollment of Students

3. Schools are to immediately enroll students experiencing homelessness and unaccompanied youth, even if they are unable to produce records normally required for enrollment, such as previous academic records, medical records, proof of residency, and any other required documentation.

#### Transportation

4. The district shall provide transportation for homeless students to their school of origin or the school in the area in which they reside. If the homeless student lives in another district but will attend their school or origin both school districts shall agree on the responsibility and costs of the transportation. In the case where the educating district is different from the district where the student is temporarily resident, students shall receive transportation to and from the school of origin if necessary.

#### Food Services

5. All students receive free meals (breakfast and lunch) during homeless status.

### **I. THREAT ASSESSMENT**

The State of Pennsylvania is concerned about the safety and security of the students, staff, and community members who enter school buildings. Pennsylvania statute requires that school entities, as defined in 24 P.S. § 1301-1303E, to establish threat assessment teams, procedures, and reporting protocols.

The threat assessment process is a prevention strategy used to identify and assess threats of violence or suicide before the act occurs. The goal of threat assessment is to ensure the safety of the school community, and to ensure that the student presenting the threat to self or others receives assistance.

A threat is defined as any communication or behavior that indicates an individual poses a danger to the safety of school staff, students, or self. The threat may be expressed/communicated behaviorally, orally, visually, in writing, electronically, or through other means. These actions can be considered a threat regardless whether it is observed by or communicated directly to the target of the threat or observed by a third party, and regardless of whether the target of the threat is aware of the threat.

If you are concerned about someone harming themselves or others, please report your concerns to school personnel. Each school has a threat assessment team comprised of school staff to identify, evaluate, intervene, and address threats or potential threats to school and student safety.

### **J. SAFE2SAY SOMETHING**

Safe2Say Something is an anonymous tip line available to students who are worried about a friend or something happening at school. If you see or hear something that makes you uncomfortable, Safe2Say is the easiest way to let someone know. You can find the link to Safe2Say Something on the district's website home page. Click on the blue Safe2Say Something Anonymous Tip Line to make a report.



## **SECTION 9 — DISCRIMINATION, HARASSMENT AND TITLE IX SEXUAL HARASSMENT**

### **COMPLAINT AND GRIEVANCE PROCEDURE**

It is the policy of the District to maintain an environment for learning and working that is free from discrimination and harassment as defined herein and as defined with more specificity in Board Policy 103 and Board Policy 104, and associated Attachments (including Grievance Procedures) to those Policies.

Students are specifically notified that the District does not discriminate on the basis of sex, and prohibits sex discrimination, including sexual harassment, in any education program or activity that it operates, as required by Title IX of the Education Amendments of 1972, 20 U.S.C. §§1681 *et seq.*, and its regulations, 34 C.F.R. Part 106, including in admission and employment.

Inquiries about Title IX may be referred to the District's Title IX Coordinator, the U.S. Department of Education's Office for Civil Rights ("OCR"), or both.

The District's Title IX Coordinator is:

Susan Majocka  
Erie's Public Schools  
148 W. 21<sup>st</sup> St., Erie, PA 16502  
Email: [smajocka@eriesd.org](mailto:smajocka@eriesd.org)  
Telephone Number: (814) 874-6078

The U.S. Department of Education's Office for Civil Rights may be contacted at:

U.S. Department of Education  
Office for Civil Rights  
Lyndon Baines Johnson Department of Education Bldg  
400 Maryland Avenue, SW  
Washington, DC 20202-1100

Telephone: 800-421-3481  
FAX: 202-453-6012; TDD: 800-877-8339  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)

<https://ocrcas.ed.gov/contact-ocr>

To report information about conduct that may constitute discrimination or harassment, including Title IX sexual harassment, or make a complaint of discrimination or harassment, including Title IX sexual harassment, please refer to the District's Nondiscrimination Policies and Grievance Procedures, which can be located on the District's website under Board Policies, Policy 103 (Students) and Policy 104 (Employees): [eriesd.org/titleix](http://eriesd.org/titleix) or contact the District's Title IX Coordinator.

In the event of a conflict between this section and Board Policies 103 and 104, and associated Attachments, the language of Board Policies 103 and 104 and associated Attachments shall prevail.

## Definitions

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

*"Harassment"* is a form of discrimination based on the protected classifications listed above 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 service, activities or opportunities offered by the District or a school.

It shall be a violation of this policy to harass a student or District employee. Bullying can be a form of harassment. A student's sending, sharing, viewing, selling, purchasing or otherwise disseminating of obscene, pornographic, lewd, sexually explicit or nude images, photographs or video content of another student may be considered harassment.

*"Title IX Sexual Harassment"* - means conduct on the basis of sex that satisfies one or more of the following:

1. *Quid pro quo harassment* - a district employee or other person authorized to provide a district aid, benefit or service explicitly or impliedly conditioning the provision of a district aid, benefit, or service on an individual's participation in unwelcome sexual conduct.
2. *Hostile environment harassment* - unwelcome sex-based conduct that 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:
    - 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 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.

- 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.
- 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 exercise substantial control over both the respondent and the context in which the harassment occurs. Title IX applies to all of the district's education programs or activities, whether such programs or activities occur on-campus or off-campus.

Violations of this Discrimination/Harassment Policy, as set forth more fully in Board Policy 103 and 104 and associated Attachments, including acts of retaliation as described in the Policy, or knowingly providing or submitting false information during the Title IX grievance process outlined in Attachment 3 of Policy 103 and/or during other grievance or hearing processes established by Board policy and/or the Student Code of Conduct, may result in disciplinary consequences under applicable Board policy and procedures up to and including referral for expulsion from the District.

#### **Reports of Title IX Sexual Harassment and Other Discrimination and Retaliation and Grievance Procedure:**

The Board encourages students and third parties who believe they or others have been subject to Title IX sexual harassment and any other form of discrimination or harassment or retaliation, to promptly report such incidents to any District employee (but preferably the building principal) or the Title IX Coordinator. 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/guardian or any other person with knowledge of conduct that may violate this Policy is encouraged to immediately report the matter to any District employee (but preferably the building principal) or the Title IX Coordinator.

The complainant (the alleged victim) or the individual making the report may use the Discrimination/Harassment/Bullying/Hazing/Dating Violence/Retaliation Report Form (an Attachment to Policies 103/104) which has been developed 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. A copy of this Report Form can be accessed on the District's website at [eriesd.org/titleix](http://eriesd.org/titleix) and through the building principal or the Title IX Coordinator. The rights of complainants and respondents (the accused) are outlined in detail in Policies 103/104 and associated Attachments, which outline the District's applicable Grievance Procedures.



## SECTION 10 — TRANSPORTATION

### STUDENT TRANSPORTATION

The following subsection outlines what is expected of students who ride any Erie Metropolitan Transit Authority (the "e") bus or school bus or any other transportation provided by the District. All District rules apply to students while they are on school provided transportation.

A violation of any specific provision of the District's discipline policy on District-provided transportation shall result in the disciplinary consequence set forth for that specific policy violation. All bus incident reports will be filed with the Principal who will take appropriate action per written school code. Repeat offenders will be denied bus privileges. The incident may be reported to appropriate law enforcement officials who may file subsequent criminal charges against the student when warranted.



## SECTION 11 — COMPUTER/INTERNET ACCEPTABLE USE POLICY

The District provides students with access to the District's computers, electronic communication systems and network, which includes Internet access, whether wired or wireless, or by any other means. However, a student's use of the District's computers and Internet resources is a privilege, not a right. Student-users of the District's computer network and Internet access are expected to use this technology as an educational resource.

Student computer network/Internet users are expected to behave responsibly in accessing and viewing information that is pertinent to the educational mission of the District. Students are required to abide by the generally accepted rules of network etiquette and rules as outlined in this Acceptable Use Policy.

### A. Definitions

The term **child pornography** is defined under both federal and state law.

**Child pornography** - under federal law, is any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where:

1. The production of such visual depiction involves the use of a minor engaging in sexually explicit conduct;
2. Such visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaging in sexually explicit conduct; or
3. Such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct.

**Child pornography** - under state law, is any book, magazine, pamphlet, slide, photograph, film, videotape, computer depiction or other material depicting a child under the age of eighteen (18) years engaging in a prohibited sexual act or in the simulation of such act.

The term **harmful to minors** is defined under both federal and state law.

**Harmful to minors** - under federal law, is any picture, image, graphic image file or other visual depiction that:

1. Taken as a whole, with respect to minors, appeals to a prurient interest in nudity, sex or excretion;
2. Depicts, describes or represents in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or lewd exhibition of the genitals; and
3. Taken as a whole lacks serious literary, artistic, political or scientific value as to minors.

**Harmful to minors** - under state law, is any depiction or representation in whatever form, of nudity, sexual conduct, sexual excitement, or sadomasochistic abuse, when it:

1. Predominantly appeals to the prurient, shameful, or morbid interest of minors;

2. Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable for minors; and
3. Taken as a whole lacks serious literary, artistic, political, educational or scientific value for minors.

**Obscene** - any material or performance, if:

1. The average person applying contemporary community standards would find that the subject matter taken as a whole appeals to the prurient interest;
2. The subject matter depicts or describes in a patently offensive way, sexual conduct described in the law to be obscene; and
3. The subject matter, taken as a whole, lacks serious literary, artistic, political, educational or scientific value.

**Technology protection measure** - a specific technology that blocks or filters Internet access to visual depictions that are obscene, child pornography or harmful to minors.

## **B. Policy**

The availability of access to electronic information does not imply endorsement by the District of the content, nor does the District guarantee the accuracy of information received. The District shall not be responsible for any information that may be lost, damaged or unavailable when using the network or for any information that is retrieved via the Internet.

The District shall not be responsible for any unauthorized charges or fees resulting from access to the Internet or other network resources.

Student use of the District's computers and network is a privilege, not a right. The District's computer and network resources are the property of the District. Student users shall have no expectation of privacy in anything they create, store, send, delete, receive or display on or over the District's Internet, computers or network resources, including personal files or any use of the District's Internet, computers or network resources. The District reserves the right to monitor, track, and log network access and use; monitor filespace utilization by District users; or deny access to prevent unauthorized, inappropriate or illegal activity and may revoke access privileges and/or administer appropriate disciplinary action. The District shall cooperate to the extent legally required with the Internet Service Provider (ISP), local, state and federal officials in any investigation concerning or related to the misuse of the District's Internet, computers and network resources.

Students must fully comply with this Acceptable Use Policy and must immediately report any violations or suspicious activities to the Superintendent or Building Principal/Administrative staff.

The following materials, in addition to those stated in law and defined in this Policy, are inappropriate for access by students generally and minors specifically:

1. Defamatory.
2. Lewd, vulgar, or profane.
3. Threatening.
4. Harassing or discriminatory.
5. Bullying.
6. Terroristic.

The District reserves the right to restrict access to any Internet sites or functions it deems inappropriate through established Board policy, or the use of software and/or online server blocking. Specifically, the District operates and enforces a

technology protection measure(s) that blocks or filters access to inappropriate matter by minors on its computers used and accessible to adults and students. The technology protection measure shall be enforced during use of computers with Internet access.

Upon request by students or staff, the Superintendent or designee shall expedite a review and may authorize the disabling of Internet blocking/filtering software to enable access to material that is blocked through technology protection measures but is not prohibited by this policy.

Upon request by students or staff, building administrators may authorize the temporary disabling of Internet blocking/filtering software to enable access for bona fide research or for other lawful purposes. Written permission from the parent/guardian is required prior to disabling Internet blocking/filtering software for a student's use. If a request for temporary disabling of Internet blocking/filtering software is denied, the requesting student or staff member may appeal the denial to the Superintendent or designee for expedited review.

### **C. Guidelines**

Network accounts shall be used only by the authorized owner of the account for its approved purpose. Student network users shall respect the privacy of other users on the system.

#### Safety

It is the District's goal to protect student (and other) users of the network from harassment and unwanted or unsolicited electronic communications. Any network user who receives threatening or unwelcome electronic communications or inadvertently visits or accesses an inappropriate site shall report such immediately to a teacher or District administrator. Network users shall not reveal personal information to other users on the network, including chat rooms, email, social networking websites, etc.

The District imposes internet safety measures which address the following:

1. Control of access by minors and students to inappropriate matter on the Internet and World Wide Web.
2. Safety and security of minors students when using electronic mail, chat rooms, and other forms of direct electronic communications.
3. Prevention of unauthorized online access by minors and students, including "hacking" and other unlawful activities.
4. Unauthorized disclosure, use, and dissemination of personal information regarding minors and all other students.
5. Restriction of minors' and all other students' access to materials harmful to them.

#### Prohibitions

Users of the District's computers and network are expected to act in a responsible, ethical and legal manner in accordance with District policy, accepted rules of network etiquette, and federal and state law. Specifically, the following uses are prohibited:

1. Facilitating illegal activity.
2. Commercial or for-profit purposes.
3. Nonwork or non-school related work.
4. Product advertisement or political lobbying.
5. Bullying/Cyberbullying.

6. Hate mail, discriminatory remarks, and offensive or inflammatory communication.
7. Unauthorized or illegal installation, distribution, reproduction, or use of copyrighted materials.
8. Accessing, sending, receiving, transferring, viewing, sharing or downloading obscene, pornographic, lewd, or otherwise illegal materials, images or photographs.
9. Access by students and minors to material that is harmful to minors and students or is determined inappropriate for minors and students in accordance with Board policy.
10. Inappropriate language or profanity.
11. Transmission of material likely to be offensive or objectionable to recipients.
12. Intentional obtaining or modifying of files, passwords, and data belonging to other users.
13. Impersonation of another user, anonymity, and pseudonyms.
14. Fraudulent copying, communications, or modification of materials in violation of copyright laws.
15. Loading or using of unauthorized games, programs, files, or other electronic media.
16. Disruption of the work of other users.
17. Destruction, modification, abuse or unauthorized access to network hardware, software and files.
18. Accessing the Internet, District computers or other network resources without authorization.
19. Disabling or bypassing the Internet blocking/filtering software without authorization.
20. Accessing, sending, receiving, transferring, viewing, sharing or downloading confidential information without authorization.

### Security

System security is protected through the use of passwords. Failure to adequately protect or update passwords could result in unauthorized access to personal or District files. To protect the integrity of the system, these guidelines shall be followed:

1. Students shall not reveal their passwords to another individual.
2. Users are not to use a computer that has been logged in under another student's or employee's name.
3. Any user identified as a security risk or having a history of problems with other computer systems may be denied access to the network.

### Copyright

The illegal use of copyrighted materials is prohibited. Any data uploaded to or downloaded from the network shall be subject to fair use guidelines and applicable laws and regulations.

### District Website

The District shall establish and maintain a website and shall develop and modify its web pages to present information about the District under the direction of the Superintendent or designee. All users publishing content on the District website shall comply with this and other applicable District policies.

Users shall not copy or download information from the District website and disseminate such information on unauthorized web pages without authorization from the building principal.

### Consequences for Inappropriate Use

The network user shall be responsible for damages to the equipment, systems, and software resulting from deliberate or willful acts.

Illegal use of the network; intentional deletion or damage to files or data belonging to others; copyright violations; and theft of services shall be reported to the appropriate legal authorities for possible prosecution.

General rules for behavior and communications apply when using the Internet, in addition to the stipulations of this Acceptable Use Policy.

Vandalism shall result in loss of access privileges, disciplinary action, and/or legal proceedings. **Vandalism** is defined as any malicious attempt to harm or destroy data of another user, Internet or other networks; this includes but is not limited to uploading or creating computer viruses.

Failure to comply with this policy or inappropriate use of the Internet, District network or computers shall result in usage restrictions, loss of access privileges, disciplinary action which include consequences up to and including expulsion from the District, and/or legal proceedings.



## SECTION 12 — ELECTRONIC COMMUNICATION DEVICES (CELL PHONE) POLICY

District students and employees are permitted to possess and use District-owned and Personal Electronic Communication Devices, when in compliance with this policy, other district policies, regulations, rules, and procedures, internet service provider (“ISP”) terms, and local, state, and federal laws, and when that possession and use is supportive of the educational program of the district. However, the possession and use of District-owned and Personal Electronic Communication Devices by students and employees that are (a) found to be disruptive to the educational process and/or environment or (b) used in ways that negatively affect students, employees, and the district's mission and environment, is prohibited in accordance with this Policy, other district policies (including the district's Acceptable Use Policy), regulations, rules and procedures, ISP terms, and local, state, and federal laws.

### A. Definitions

1. Electronic Communication Devices - Electronic Communication Devices shall include, but are not necessarily limited to, all devices that can take photographs; record, play or edit audio or video data; store, transmit or receive calls, messages, text, data or images; operate online applications; or provide a wireless, unfiltered connection to the Internet. Electronic Communication Devices may also be referred to as “electronic devices” in other publications and district policies.
2. Personal Electronic Communication Devices - are Electronic Communication Devices that are owned by the student or employee.

### B. Authority

The Board permits the use of District-owned and Personal Electronic Communication Devices by district students and employees 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 applicable local, state and federal laws, and so long as such use does not interfere with the students' educational requirements, students' or employees' responsibilities/duties and performance, the rights and education of others, and the operation and services of the district.

Students must access the Internet on their Personal Electronic Communication Devices via the district's content-filtered SDCE and EPS-SECURE wireless networks. The SDCE and EPS-SECURE networks are for District users and a user must enter their District login credentials to access either network. Using any means to bypass the district's filter is strictly prohibited. Students are not permitted to connect to the Internet through 3G/4G/LTE or other mobile broadband connections. Failure to comply with this requirement shall result in confiscation of the Personal Electronic Communication Device and loss of privilege to bring/use the Device at school.

**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 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 Personal Electronic Communication Devices at the elementary grade level may be different than that at the middle school, and/or high school grade levels. Teachers shall determine authorized use within their respective classrooms.

Unless a teacher determines otherwise, District-owned and 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 Personal 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 or employee. Students and employees 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 or employees; however, it reserves the right to do so if the communications traverse the district network.

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

### C. Guidelines

1. In accordance with this policy, District-owned and 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 or classroom if authorized by the classroom teacher.
  - c) When the educational, safety, emergency, medical, or security use of 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.

**All use of Personal Electronic Communication Devices shall conform with the district's Use Policy and all other applicable district policies and local, Pennsylvania and federal Acceptable laws.**

3. In accordance with this policy, District-owned and Personal Electronic Communication Devices **may not** be used in unauthorized areas or as determined by the school administration within their schools, on the school's property, and while attending that school's sponsored activities during regular school hours as follows:
  - a) Students and employees are prohibited from connecting Personal Electronic Communications Devices to the District-owned network or other District-owned devices, via a hard-wired connection. Any permissible access to the District-owned network by Personal Electronic Communications Devices is only available through a wireless connection.
  - b) Students and employees are prohibited from attaching a nondistrict owned wireless access point, wireless router, or wireless bridge to the district owned network.
  - c) Students and employees are prohibited from establishing a "mobile hotspot" or otherwise permitting other users to use their Personal Electronic Communications Device as a technological means to gain access to Internet resources or websites.

- d) Students are prohibited from using District-owned or Personal Electronic Devices to make an audio or video recording unless directed by a teacher to do so as part of an educational assignment and when the individuals being recorded give permission to be recorded.
- e) Student use of Personal Electronic Communication Devices in the classroom is at the sole discretion of the classroom teacher and may be prohibited by the teacher. Building administrators and teachers may also prohibit the use of Personal Electronic Communication Devices in classrooms and common areas of the school if they are determined to be disruptive to the educational process.
- f) The Board strictly prohibits the possession by students of any nondistrict-owned laser pointers, or laser pointer attachments, and any Personal Electronic Communication Devices that are hazardous or harmful to students, employees, and the district on school grounds, at district-sponsored activities, and on buses or other vehicles provided by the district. These include, but not limited to, devices that control/interfere with the operation of the buildings' systems, facilities and infrastructure, or network. No exception or permission may be authorized by the principal, or designee, or anyone, for students to possess or use such devices.
- g) During tests, examinations, and/or assessments, unless the teacher authorizes such use. When 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 the desktop, table or on an individual's lap. Building administrators are authorized to require that Personal Electronic Communication Devices be stored outside of the classroom during certain examinations and/or assessments, such as the PSSAs or Keystone Exams.
- h) To cheat, engage in unethical conduct, and threaten academic integrity.
- i) Students and staff may not use Personal Electronic Communication Devices (while on school district property or attending school-sponsored activities) to gain access and/or view Internet resources or websites that are blocked by the district's content filter. Examples include, but are not limited to, social media sites and other prohibited content as defined in the district's Acceptable Use Policy. Although many Personal Electronic Communication Devices provide 3G/4G/mobile broadband connections to the Internet, students and staff use of such connections to access Internet resources or websites which are blocked by the district network is prohibited. Although prohibited by this policy, there are no district technology measures available to block such access if such access is made through 3G/4G/LTE or other mobile broadband connections to the Internet.
- j) 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.
- k) In locker rooms, bathrooms, dressing rooms, and swimming pool areas and in the school nurse office.
- l) To create, send, share, view, or disseminate sexually explicit, lewd images or video content.

- m) To disrupt the educational and learning environment.
4. A student's use of a District-owned or his/her Personal Electronic Communication Device that violates this Policy, other relevant district policies, regulations, rules, and procedures and/or in a manner that is inconsistent with the instructions or directives given by any district official shall be confiscated and returned only to the student's parent or legal guardian.
  5. If a student refuses to comply with a request by a District official/employee to hand over his/her District-owned or personal electronic communication device, that student shall have committed an act of "insubordination" within the meaning of the District's Student Handbook.
  6. 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 District-owned or Personal Electronic Communication Devices and/or that the use of these devices materially and substantially disrupt the school's atmosphere, the devices may be lawfully searched in accordance with applicable law, and/or the Personal Electronic Communication Devices may be turned over to law enforcement, when warranted. The scope of the search shall be limited to finding evidence of the specific suspicion of a violation of rules, policies or laws.
  7. Students and employees should have no expectation of privacy when using the district's wireless network or other service(s). In addition, students and employees should have no expectation of privacy when they use Personal Electronic Communication Devices on any wireless network provided by the District.
  8. When legally required and/or when in the interest of the student, the student's parent/guardian shall be notified.
  9. If a Personal Electronic Communication Device, is suspected of being stolen, it shall be turned over to law enforcement.
  10. Disciplinary consequences shall be in accordance with the district's policies, regulations, rules, and procedures, including but not limited to Student Discipline outlined in this Policy, the Student Handbook, Acceptable Use Policy, Bullying and Harassment Policy and any other policies. Students shall be disciplined in a manner consistent with those policies, discipline ranging from detention, suspension up to and including expulsion, depending on the severity of the infraction. Students may be prohibited on a per student basis from bringing their Personal Electronic Devices to school as a result of violations of this policy.
  11. School district Information Technology (IT) support staff members are not permitted to perform work on or configure Personal Electronic Communication Devices.
    - a) IT support staff members may provide general guidelines on how to wirelessly connect to the district network in accordance with the guidelines in this policy.
    - b) IT support staff members may assist in a lawful investigation of a Personal Electronic Communication Device only when directed by a school district administrator who is responsible for determining the legality of the search.
    - c) IT support staff will assign a lower priority to supporting Personal Electronic Communication Devices versus district-owned and supported network resources. If Personal Electronic Communication Devices are found to adversely impact the performance of the district-owned network, access to the network by those devices may be disabled.
  12. Any authorized wireless access to the district-owned network by Personal Electronic Communication Devices will be subject to content filtering and may have a higher level of security measures applied to the connection than would otherwise be the case with a similar district-owned device.
  13. Violations of this Policy should be reported to a school district administrator.



## SECTION 13 — WEAPONS SEARCH WITH A METAL DETECTOR

1. Walk-through metal detectors and/or use of hand-held metal detecting wands may be used at certain entrances to the district's schools for security reasons. Signs will be posted to notify the students that each student may be required to submit to a screening for metal as a condition of entering or continuing attendance at school. The screening will be conducted by staff of the Erie City School District.
2. When a walk-through or hand-held metal detector is being used, students will be allowed to use only designated entries. If a metal detector activates on a student, the student will be asked to remove metal objects from his/her person and walk through or be scanned by a hand-held metal detector ("wand") again. If the metal detector activates a third time on the student after the removal of other metal, the student will be subjected to a "pat down" search or a further search with a hand-held metal detector under the procedures set forth in Paragraphs a through d below:
  - a. *A "pat down" search conducted by school personnel shall be limited to a feeling of the student's outer clothing for the purpose of discovering only items which may have activated the metal device.*
  - b. *If the school personnel conducting a "pat down" search feel an object which may have activated the metal detecting device or which feels like a weapon, the student will be asked to remove such object. If the student declines to remove the object, it may then be removed by school personnel.*
  - c. *If the object removed from the student could have activated the metal detector, the school personnel must cease performing the "pat down" search. In such event, a student will be subjected to a search with a hand-held metal detector or will be asked to walk through the walk-through metal detector again. The "pat down" search will be continued only if either metal detecting device again yields a positive reading.*
  - d. *Under all circumstances, the "pat down" search will be conducted when at least two school personnel are present.*
3. School personnel may inspect the contents of any briefcase, bag, knapsack, purse, or parcel which activates the metal detector for the limited purpose of determining whether a weapon is concealed therein.
4. All property removed from the student as a result of the above procedure which may be legitimately brought onto school premises will be returned to the student.
5. Property removed from the student, possession of which is in violation of District policy, shall be confiscated and the student shall be disciplined in accordance with the applicable provisions set forth in the Student Handbook.
6. Students who fail to cooperate with school personnel performing their duties under these procedures may be subject to discipline for insubordination, disorderly conduct, or disruptive behavior.
7. Nothing in the procedures set forth above shall limit the authority of school officials to search a student or his/her belongings when there is individualized reasonable suspicion to believe that a particular student is in violation of any District rule or regulation or any local, state or federal law.

Additional information regarding searches of students can be found in Board Policy 226 "Searches" which can be accessed on the District's website, [www.eriesd.org](http://www.eriesd.org).

**NOTE: School personnel include police personnel hired by the Erie City School District.**



## SECTION 14 - HAZING POLICY

The purpose of this policy is to maintain a safe, positive environment for persons 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. (Refer to Board Policy 247 "Hazing" for the full text of the Policy.)

### A. 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. 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 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.

**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.

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

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.

#### B. 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.

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.

#### Discrimination/Discriminatory Harassment

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 and discriminatory harassment shall be handled as a joint, concurrent investigation into all allegations and coordinated with the full participation of the District's Compliance Officer. If, in the course of a hazing investigation, potential issues of discrimination or discriminatory harassment are identified, the District's Compliance Officer 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.

#### Complaint Procedure

A student who believes that s/he has 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.

#### *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.

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.

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.

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.

#### Confidentiality

Confidentiality of all parties, witnesses, the allegations, the filing of a complaint and the investigation shall be handled in accordance with 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 s/he complies with the requirements under law, subject to the limitations set forth in applicable Pennsylvania law.

*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 District's Code of 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.



## SECTION 15 — STUDENT CODE OF CONDUCT

Student Code of Conduct infractions are described and defined below. Code of Conduct infractions are divided into three categories:

**Level I Infractions** are those of a less serious nature that do not necessarily pose a threat to the health, safety, welfare or property of any person or the District. District staff must use appropriate forms of discipline intervention to correct misbehavior manifested in less serious infractions. Students may not always be referred to an administrator for minor Level I infractions, although repeated Level I infractions may be treated as Level II infractions and be assigned Level II consequences. Level I infractions include:

1. *Detention, failure to report*
2. *Disrespect*
3. *Dress Code violations*
4. *False Identification*
5. *Minor violations of Electronic Devices, Personal Electronic Devices and Computer/Internet Acceptable Use policies*
6. *Insubordination*
7. *Loitering*
8. *Profane/vulgar language or gestures*

**Level II Infractions** are those of a serious nature that may pose a threat to the health, safety, welfare or property of any person or the District. Discipline up to and including expulsion is authorized for most Level II infractions, although the building principal may use discretion as to whether to assign that level of consequence. Level II infractions include:

1. *Bullying*
2. *Cheating/plagiarism/forgery*
3. *Classroom/Laboratory/School Safety*
4. *Computer Use*
5. *Discrimination/Harassment/Title IX Sexual Harassment*
6. *Disorderly Conduct*
7. *Disruptive Behavior*
8. *Endangerment*
9. *Extortion/stealing/robbery*
10. *Fighting*
11. *Gambling*
12. *Hazing*
13. *Inappropriate touching*
14. *Indecent exposure*
15. *Retaliation*
16. *School Safety*
17. *Sexual Conduct*
18. *Serious violations of Electronic Devices, Personal Electronic Devices and Computer/Internet Acceptable Use policies*
19. *Smoking/Tobacco Products*
20. *Threats to staff or students*
21. *Trespass*
22. *Vandalism*

*23. Level I infractions which are severe or where more than one offense has occurred*

**Level III Infractions** are infractions of a very serious nature which always pose a threat to the health, safety, welfare and/or property of District staff, students or other persons. Building Administrators must assign Level III Infractions the consequence of expulsion unless otherwise recommended by the Superintendent (and approved by the Board of Directors for weapon violations) on a case by case basis for extenuating circumstances. Level III infractions include:

1. *Assault/physical act of violence*
2. *Terroristic threats*
3. *Unauthorized substances/illegal drugs*
4. *Weapons*

The range of consequences and other interventions which may be assigned to a student for a Code of Conduct infraction are listed in the "Infraction Consequences" charts located after the Code of Conduct list of infractions.

In the event that multiple Code of Conduct infractions are committed during the same incident, consequences will be administered based upon the most serious infraction. These measures will not only create and maintain a safe environment within the school building for all students, but will also ensure the safety of students coming to and going from school.

Those infractions which are in violation of federal, Pennsylvania or local law which may not be included in the Code of Conduct infractions are subject to the consequences set forth in the Infraction Consequences charts and could result in adjudication by various law enforcement agencies.

**The following general rules are applicable to each/every Code of Conduct infraction:**

1. The level of disciplinary consequence assigned by the building administrator or Superintendent to a Code of Conduct infraction will be contingent on a number of factors, including but not limited to: the age and developmental level of the student, whether this was a first, second or subsequent offense, the level of seriousness, severity or disruption of the incident, and any other extenuating circumstances.
2. The Code of Conduct is applicable to students while on school property, at any school sponsored activity (including school dances, field trips, etc.), regardless of whether occurring on or off of District property and on any public conveyance providing transportation to a school or school sponsored activity. The Code of Conduct is also applicable, when relevant, to students receiving their instruction through virtual, online or distance learnings platforms offered by the District. For example, a student participating in online instruction (Google Classroom or a Zoom lesson) with other students and a teacher could violate the insubordination provisions for failing to comply with directives from the teacher during the lesson and/or could violate the disruptive behavior provisions if the student acts in a manner that is distracting or disruptive to the online program or to other participants.
3. The Code of Conduct is applicable to students going to and returning from school.
4. Chronic patterns of any Code of Conduct infractions, or a combination of infractions, will result in the student being referred to the alternative education program or, if warranted, expulsion.
5. Any violation of the Code of Conduct may be reported to appropriate law enforcement officials who may file subsequent criminal charges against the student when warranted.
6. Students who are on out of school suspension, referred to the alternative education program, or expelled, may not participate in any school-sponsored events including, but not limited to, athletic programs, dances, field trips and may not enter school property during this period of time. This rule applies to weekends which occur during the suspension period. Violation of this rule shall be considered defiant trespass and the Erie City School District police will file charges.

## **On and Off-Campus Activities -**

The Student Code of Conduct applies to the behavior of students at all times during the time they are under the supervision of the school or at any time while on school property, while present at school-sponsored activities, and while traveling to or from school and school-sponsored activities or at other times while riding in school-provided means of transportation ("on-campus"). The Student Code of Conduct also applies to student behavior that occurs at other times and places ("off-campus") when:

1. The conduct involves, threatens or makes more likely violence, use of force or other serious harm directed at students, staff or the school environment;
2. The conduct materially and substantially disrupts or interferes with the school environment or the educational process, such as school activities, school work, discipline, safety and order on school property or at school functions;
3. The conduct interferes with or threatens to interfere with the rights of students or school staff or the safe and orderly operation of the schools and their programs;
4. The conduct involves the theft or vandalism of school property; or
5. The proximity, timing or motive for the conduct in question or other factors pertaining to the conduct otherwise establish a direct connection to attendance at school, to the school community, or to a school-sponsored activity. This would include, for example, but not be limited to, conduct that would violate the Code of Student Conduct if it occurred in school that is committed in furtherance of a plan made or agreed to in school, or acts of vandalism directed at the property of school staff because of their status as school staff.

## **Safe Schools Act Notification to parents/guardians.**

Pursuant to the Pennsylvania Safe Schools Act, the Administration shall immediately notify, as soon as practicable, the parent or guardian of a victim or suspect directly involved in an incident listed in 24 P.S. §13 - 1303-A(b)(4.1) and (4.2). In making the notification, the Administration shall inform the parent or guardian as to whether the local police department has been, or may be, notified of the incident. Those student offenses which fall under this mandate are designated in Section 14 as "Safe Schools Act notification" (or "SSA Notification"). A full listing of those offenses which must be reported to parents and guardians of victims or suspect students are listed in Appendix A in this Student Handbook.

## **Discipline of Special Education Students.**

Students eligible for special education services pursuant to IDEA and Chapter 14 of the Pennsylvania Department of Education regulations and Section 504 of the Rehabilitation Act of 1973 must comply with all District rules and regulations. However, eligible students will be afforded all procedural rights granted to them under state and federal law, as outlined more specifically in the Procedural Safeguards Notice which includes a full explanation of all of the rights available to parents of a child with a disability age until the student reaches the age of 22, including an explanation of their rights in relation to discipline of special education students. Copies of the Procedural Safeguards Notice are available at every District school and also may be reviewed online on the Pennsylvania Department of Education, Bureau of Special Education website.

## DESCRIPTION OF CODE OF CONDUCT INFRACTIONS

**Assault/Physical Act of Violence** - the deliberate or reckless attempt to cause or the actual causing of physical pain or injury to another or the deliberate or reckless attempt by physical menace to put another in fear of imminent physical pain or injury. Students are prohibited from assaulting or committing physical acts of violence on another student or school personnel.

**Bullying** – intentional electronic, written, verbal or physical act, or a series of acts:

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

"School setting" shall mean 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.

Bullying is prohibited in the school setting. Bullying may also rise to the level of "Harassment". A student's access, downloading, receipt, creation, sending, sharing, viewing, selling, purchase or dissemination of obscene, pornographic, lewd, sexually explicit or nude images, photographs or video content of another student may be considered bullying.

Students are encouraged to report incidents of bullying to school officials. Students shall report incidents of bullying to the assistant principal/s in each school. If investigation shows the bullying has implicated a student's protected class status, the assistant principal shall notify the District's Title IX Compliance Officer and/or Section 504 Compliance Officer who shall determine if Title IX, any other state or federal law prohibiting discrimination/harassment or Section 504 of the Rehabilitation Act is implicated and shall respond accordingly.

Copies of this Bullying Policy, as well as copies of the Harassment Policy, shall be posted in each classroom in the District, on the District's website, and shall be posted at a prominent location within each school building where such notices are usually posted.

**Bus Infractions** – All District rules apply to students while they are on school-provided transportation. Poor student behavior will result in suspensions from school and/or loss of bus privileges. Discipline assigned will coincide with offense. For example, if the student is fighting on the bus, the disciplinary consequence for fighting will be assigned.

**Cheating/Plagiarism/Forgery** – "*Cheating*" is to violate rules dishonestly, or to deceive, deprive by fraud, pretend, or obtain property/information, answers by distortion of truth, swindle, to copy or plagiarize another student's work or aiding and abetting another student in copying or plagiarizing another's work or all of the above. Cheating includes the use of technologies such as text messaging, cellular telephones, palm pilots, hand held computers, etc. in a deceptive or dishonest manner in the classroom or educational setting.

"*Plagiarize*" – to steal or pass off as one's own the ideas or words or another; to present as one's own idea or product derived from an existing source.

"*Forgery*" is the false or fraudulent making or altering of a writing or other document.

**Classroom/Laboratory Safety** – any actions which endanger oneself or others through the use or misuse of classroom and/or laboratory equipment, or any other object found on school property. Examples of this

offense include inappropriate and dangerous use of chemicals in a science laboratory, intentional inappropriate use of tools in a technical lab, etc.

**Computer/Internet Acceptable Use** – A student's use of the District's computers and Internet resources is a privilege, not a right. Students are required to abide by the rules and regulations set forth in the District's "Computer/Internet Acceptable Use Policy," as outlined in this Student Handbook.

**Conspiracy** – A student commits a conspiracy to violate any provision of the Student Code of Conduct when:

1. the student agrees with another student or person or persons that they or one or more of them will engage in conduct which constitutes a violation of the Student Code of Conduct or an attempt or solicitation to commit such violation of the Student Code of Conduct, or
2. the student agrees to aid such other student or person or persons in the planning or commission of such violation of the Student Code of Conduct or of an attempt or solicitation to commit such violation of the Student Code of Conduct.

Any violation of the Conspiracy infraction will carry with it the same Disciplinary Action as the underlying Student Code of Conduct infraction.

**Discrimination/Harassment/Title IX Sexual Harassment** – Students are prohibited from engaging in discrimination, harassment, including Title IX sexual harassment, as defined herein and in more detail in District Policies 103 and 104 and the Attachments and Grievance Procedures associated with those Policies. A violation of these Policies could result in discipline up to and including referral for expulsion from the District.

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

*"Harassment"* is a form of discrimination based on the protected classifications listed above 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 service, activities or opportunities offered by the District or a school.

It shall be a violation of this policy to harass a student or District employee. Bullying can be a form of harassment. A student's sending, sharing, viewing, selling, purchasing or otherwise disseminating of obscene, pornographic, lewd, sexually explicit or nude images, photographs or video content of another student may be considered harassment.

*"Title IX Sexual Harassment"* - means conduct on the basis of sex that satisfies one or more of the following:

1. *Quid pro quo harassment* - a district employee or other person authorized to provide a district aid, benefit or service explicitly or impliedly conditioning the provision of a district aid, benefit, or service on an individual's participation in unwelcome sexual conduct.

*Hostile environment harassment* - unwelcome sex-based conduct that 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.

2. *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:
  - 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 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.
- 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.
- 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 Title IX sexual harassment. An education program or activity includes the locations, events or circumstances over which the district exercise substantial control over both the respondent and the context in which the harassment occurs. Title IX applies to all of the District's education programs or activities, whether such programs or activities occur on-campus or off-campus.

**Disorderly Conduct** – Fighting, threatening, engaging in violent behavior, making unreasonable noise, using obscene language or gestures, creating a hazardous or physically offensive condition for no legitimate reason, for the purpose of creating or resulting in public inconvenience, annoyance, or alarm.

**Disrespect** – A lack of respect or deference shown by a student to the authority or position of a District official or employee.

**Disruptive Behavior** – Student behavior, including verbal, physical, written, etc., actions, which is distracting, detrimental or not conducive to the learning environment of other students while in school. Disruptive behavior may include (but is not limited to), or may be a combination of, behavior defined as assault/physical act of violence, disorderly conduct, disrespect, profanity, fighting, endangerment, and/or insubordination. It will be considered “disruptive behavior” when a student participates in a fight, and that fight results in the gathering of other students and resulting in disruption to the school. Disruptive behavior may also occur through a student’s use of his/her cellular telephone during class.

**Dress Code** – Students are required to abide by the District’s Dress Code Policy as defined in this Student Handbook. The Administration may impose additional limitations on dress and/or appearance if the attire or appearance causes a disruption of the educational process or constitutes a health or safety hazard. Exceptions to the mandatory dress code will be made on a case by case basis in order to accommodate bona fide religious beliefs and special health conditions.

**Electronic Communication Devices** –shall include, but are not necessarily limited to, all devices that can take photographs; record, play or edit audio or video data; store, transmit or receive calls, messages, text, data or images; operate online applications; or provide a wireless, unfiltered connection to the Internet. Electronic Communication Devices may also be referred to as “electronic devices” in other publications and district policies..

**“Personal Electronic Communication Devices”** - are Electronic Communication Devices that are owned by the student or employee. Any use of electronic communication devices, District-owned or personal, is prohibited except as authorized in the Electronic Communication Devices policy and the Internet/Computer Acceptable Use Policy, as set forth in this Student Handbook.

**Endangerment** (Arson, Bomb Threat, Riot and Other Related Actions) – Deliberate conduct which recklessly causes another person to be placed at risk of death or serious injury, including but not limited to:

**Arson** – The deliberate starting of a fire or explosion, or helping, asking, or telling another person, to start a fire or explosion, which could or does place property in danger of being damaged or a person (including a fire fighter) in danger of injury.

**Bomb Threat** – A threat to detonate an explosive device or a statement that such a device is located in a place where explosion may cause injury to people or damage to property, made to public or school authorities, regardless of whether such an explosive device exists. (NOTE: This does not include informing public or school authorities of such threats or statements made by another person for the purpose of allowing such authorities to take appropriate safety precautions.)

**Riot** – Disorderly conduct by two or more persons for the purpose of committing or facilitating the commission of a crime, for the purpose of preventing or coercing official actions, or when the actor knows a firearm or deadly weapon will be used.

**Creating a Dangerous and Unruly Atmosphere** – when a student chooses to engage in a fight or other altercation with another student or students while at school or at a school sponsored event, which engagement directly results in the attraction and gathering of a number of students and creates dangerous and unruly situation in the school setting.

**Setting Off False Fire Alarms**

**Tampering with Fire Extinguishers**

**Extortion/Stealing/Robbery -**

1. **Extortion** - obtaining money, property, or articles by threats or force.

2. **Stealing** - defined as follows:
  - a. Taking the property of another without the intent of returning the property to the owner.
  - b. Obtaining possession of the property of another by deception, extortion, or blackmail without the intent of returning the property to the owner.
  - c. Failing to return or make reasonable efforts to return property to its owner, or to turn found property in at an appropriate "lost and found".
  - d. Taking possession of property one knows or has reason to know is stolen, without the intent of returning it to the owner.
3. **Robbery** – when, in the course of committing a theft or stealing, a person inflicts bodily injury on another, threatens another with or intentionally puts him in fear of immediate bodily injury, or physically takes or removes property from the person of another by force, however, slight.

**False Identification** – intending to deceive by giving wrong identification to school authorities.

**Fighting** – Any physical conflict between two or more persons.

**Interference** – Any student who interferes with a staff member trying to stop a fight will be treated as fighting.

**Agitate, Instigate, Intimidate, Rumor, Leaving Assigned Area to Watch** - Any student provoking a fight - that is, agitating, instigating, intimidating, or spreading rumors so as to cause a fight, or leaving an assigned area or classroom to watch a fight - will be dealt with in a similar manner as if fighting.

In certain circumstances, an incident which may have begun as a fight could escalate into an act of assault/physical act of violence (an expellable offense). Examples of situations where this occurs is when an individual student refuses to stop fighting or engaging the other student after repeated orders from district staff to do so, or when one student is clearly aggressing on another student after that other student has de-escalated.

**Gambling** – the making of any bet or wager and/or the organization of or participation in any lottery, numbers game, cards, dice, pool, or bookmaking for money or property.

**Hazing** – The School District of the City of Erie supports only those activities which are constructive, educational and that contribute to the intellectual and personal development of students. The District unequivocally opposes any situation created intentionally to produce mental or physical discomfort, embarrassment, harassment or ridicule. **It is therefore the policy of the District that hazing activities of any type are inconsistent with the educational goals of the District and are prohibited at all times.**

**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. 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 regardless of whether: The consent of the student was sought or obtained, or the conduct was sanctioned or approved by the school or organization.

**Inappropriate Touching** – The intentional physical contact with another person without his/her consent. Inappropriate touching may rise to the level of harassment.

**Indecent Exposure** – A student's exposure of his/her genitals in any public place on school district property, at school-sponsored activities and on any provision of transportation to school or school-sponsored activity, or in any place where there are present other persons under circumstances in which the student knows or should know that this conduct is likely to offend, affront or alarm.

**Insubordination** – The outright refusal to obey a directive from any staff member after more than one attempt has been made to encourage students to comply without disciplinary action being initiated. Failure to turn over a cellular telephone (restricted electronic device) when requested by District officials is insubordinate behavior and shall be treated as a second offense or third offense. Refusal to wear a face mask when required to do so shall be considered insubordination.

**Loitering** – To hang around, to lag behind, to aimlessly stop or pause without legitimate purposes, to remain on school property after repeated requests to vacate premises by school personnel.

**Profane, Vulgar Language or Gestures** – Language or gestures which are crude, coarse, gross, or irreverent and inappropriate for the educational setting.

**Retaliation** – when a student intimidates, threatens, coerces, assaults, bullies or discriminates against another student as a result of or in response to that student having reported to District officials violations of the Student Code of Conduct or any other law or rule or having testified, assisted, or participated in any manner in an investigation, proceeding or hearing conducted by the District.

Retaliation protections are designed to preserve the integrity and effectiveness of the District's Student Code of Conduct. Retaliation is prohibited in the District. A student engaging in retaliatory conduct will be subject to discipline up to and including expulsion.

**School Safety** – In order to keep the schools in a safe and orderly condition during the school day and during school-sponsored events, students must comply with the following:

1. *May not be outside of their assigned location or loiter in or around the school buildings or fail to have a hall pass when otherwise required, coupled with engaging in other Level I and/or Level II offenses, including but not limited to being disrespectful to staff, being insubordinate, gambling, fighting, etc;*

2. *May not prop open any door or window of the school building;*
3. *May not let any individual into the school (all persons entering the building shall enter the building through the main entrance and sign in at the office);*
4. *May not leave and re-enter the school building during the school day;*
5. *May not leave their assigned area during the school day and should always remain where they are assigned or authorized to be (this includes leaving their classroom or assigned area to witness a fight or other altercation);*
6. *May not exchange any items with any individual outside of the school (ex., may not order lunch in and receive it through a door or window; may not receive any object through a door or window) – all items brought into the school must flow through the main office.*
7. *May not have a hood up or hat on during the school day (“bell to bell”).*

School safety is of material importance. Engaging in the above behaviors shall result in referral for Level II disciplinary consequences.

**Sexual Conduct** – Any physical contact of a sexual nature between students, even when voluntary, welcome or invited. Sexual conduct is prohibited on school property, at school or District-sponsored events and on District-provided transportation.

**Smoking/Tobacco Products** – Students are prohibited from using, possessing, purchasing or selling tobacco and vaping products, including the product marketed as Juul and other e-cigarettes, regardless of whether such products contain tobacco or nicotine, at any time in school buildings, on buses, vans or other vehicles owned by, leased by or under the control of a school district, and on property owned by, leased by or under the control of the school district, or at school-sponsored activities that are held off school property. 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 District’s Administration of Medication policy. 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.

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 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, 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. 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 the District's policy relating to Administration of Medications.*
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: *Notwithstanding the exclusion from the definition of "tobacco product," 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. Accordingly, this exception shall be governed by District policy relating to Unauthorized Substances/Illegal Drugs.*

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

A student who violates this tobacco products 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.

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.

Any student who serves as a "look out" for students acting in violation of this policy will be deemed to be in violation of this policy.

**Terroristic Threats** – Students are prohibited from communicating a terroristic threat to or about any student or employee of the District, Board member or community member, and are prohibited from committing a terroristic act directed at any student or employee of the District, Board member or community member or toward any school building. **Students are on notice that all threatening comments or actions of this nature will be presumed to be serious and will be consequenced accordingly. When a student makes a terroristic 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. If a student is expelled for making a terroristic threat, the Board may require as a condition of readmission to school that the student provide competent and credible evidence from a behavioral service provider that the student does not pose a risk of harm to others.**

**"Terroristic threats"** are threats to commit any crime of violence to another or to cause evacuation of a building, place of assembly or facility, or to cause serious public inconvenience, or in reckless disregard of the risk of causing such terror or inconvenience. The District considers pictures, drawings or illustrations depicting shooting staff and students or depicting other forms of violence against those individuals to be terroristic threats.

NOTE: Any parent or guardian of a District student who communicates a terroristic threat to any student, teacher, administrator, any other employee of the District, Board member, community member, or toward any school building shall be immediately escorted off School District property and local law officials will be notified. The parent or guardian or individuals will be notified that he or she has lost the privilege of entering school property and of attending any school related functions to which parents or guardians are invited to attend.

**Threats to Staff or Students** – any threatening verbal comment or physically menacing behavior made by a student to or about a District employee or official or another student. Threats to staff or students may not rise to the level of “terroristic threats.” Examples of “physically menacing behavior” include, but are not limited to, raising your fist to a staff member/student, approaching a staff member/student and invading his/her personal space in a menacing or intimidating manner, drawing a “bulls eye” around an image or name of another individual, etc.

**Trespass/Defiant Trespass** – To enter or remain in or on school property or vehicles, knowing or having reason to know that one is not permitted to enter or remain.

Students who have been suspended from school, have been referred to the Alternative Education Program (AEP) and/or who have been expelled from the District are not permitted on school property or at school-sponsored events, including athletic events, extra-curricular activities, graduations, proms, etc.

**Unauthorized Substances (Illegal Drug Policy)** – Students are prohibited from using, possessing, distributing and being under the influence of any unauthorized substance during school hours, at any time while on school property, at any school-sponsored activity, and during the time spent traveling to and from school and to and from school-sponsored activities.

**Definitions:**

**“Look-alike” drugs** – any pill, capsule, tablet, powder, plant matter or other item or substance that is designed or intended to resemble an unauthorized substance prohibited by this policy or is used in a manner likely to induce others to believe the materials is an unauthorized substance. .

**Use (of an unauthorized substance)** – either the actual use during school hours or at school-sponsored activities either during or after school hours; or the use prior to arrival at school or school-sponsored activities which evidences itself by strong odor or any unusual behavior. The District considers being under the influence of an unauthorized substance while at school to fall within the meaning of “use.” For purposes of this policy, **“under the influence”** shall include any consumption or ingestion of unauthorized substances by a student.

**Unauthorized substances** – For purposes of this policy, unauthorized substances shall include all:

1. Controlled substances prohibited by federal and state laws, including but not necessarily limited to any substance (other than food) which affects the structure or function of the human body when introduced to the body by ingestion, injection, inhalation or any other means, the possession, delivery or use of which is prohibited by Pennsylvania and/or federal law.
2. Look-alike drugs.
3. Alcoholic beverages.
4. Anabolic steroids.
5. Drug paraphernalia - regardless of whether there are trace amounts of unauthorized substances contained therein. Electronic devices that deliver a substance to a person inhaling from the device, regardless of whether used to deliver unauthorized substances or look-alike substances such as nicotine, may be considered drug paraphernalia under this Policy.
6. Any volatile solvents or inhalants, such as but not limited to glue and aerosol products.

7. Substances that when ingested cause a physiological effect that is similar to the effect of a controlled substance as defined by state or federal law.
8. Prescription or nonprescription (over-the-counter) medications, except those for which permission for use in school has been granted pursuant to Board policy.

**NOTE:** Nothing in this provision relating to the prohibition of using, possessing, delivering or misrepresenting unauthorized substances is intended to nullify the procedures followed by the District regarding student use of medication.

**Vandalism** – is the deliberate or reckless destruction, damage or defacement of District property or property controlled by the District.

**Weapons** – shall include, but not be limited to any of the following or any replica or look-alike of the following: guns, BB guns; firearms, ammunition, such as bullets; knives; metal knuckles, straight razors and razor blades; noxious, irritating or poisonous gases, including mace and pepper spray; poisons; explosive materials; bombs; missiles; metal objects or any other object, tool, instrument or implement capable of inflicting serious bodily injury.

Students are strictly prohibited from bringing, carrying, using, concealing, or possessing weapons, or any replica or look-alike object thereof, on school property, at any school sponsored activity, or on any public conveyance providing transportation to a school or school-sponsored activity.

NOTE: STUDENTS WHO BRING WEAPONS TO SCHOOL FOR THE PURPOSE OF PROTECTING HIM/HERSELF, EVEN WITH THE PERMISSION OR URGING OF THEIR PARENTS/GUARDIANS, WILL NONETHELESS BE IN VIOLATION OF THIS POLICY AND STATE LAW AND WILL BE REFERRED FOR EXPULSION.

## CONSEQUENCES FOR CODE OF CONDUCT INFRACTIONS

| LEVEL I Infractions |                                                                                                      | Consequences*                                         |                     |                   |                   |                          |                      |                                      |              |                                               |                              |                                                         |
|---------------------|------------------------------------------------------------------------------------------------------|-------------------------------------------------------|---------------------|-------------------|-------------------|--------------------------|----------------------|--------------------------------------|--------------|-----------------------------------------------|------------------------------|---------------------------------------------------------|
| OFFENSES            |                                                                                                      | Verbal warning from teacher or building administrator | Parent Notification | Parent Conference | Teacher Detention | Administrative Detention | In-school suspension | 1 – 10 days out of school suspension | SAP Referral | Internal or external evaluation or counseling | Behavior management contract | Exclusion from school activities or loss of privileges^ |
|                     | Detention, failure to report                                                                         | ●                                                     | ●                   | ●                 | ●                 | ●                        | ●                    | ●                                    | ●            | ●                                             | ●                            | ●                                                       |
|                     | Disrespect                                                                                           | ●                                                     | ●                   | ●                 | ●                 | ●                        | ●                    | ●                                    | ●            | ●                                             | ●                            | ●                                                       |
|                     | Dress Code Violations                                                                                | ●                                                     | ●                   | ●                 | ●                 | ●                        | ●                    | ●                                    | ●            | ●                                             | ●                            | ●                                                       |
|                     | False Identification                                                                                 | ●                                                     | ●                   | ●                 | ●                 | ●                        | ●                    | ●                                    | ●            | ●                                             | ●                            | ●                                                       |
|                     | Minor violations of Electronic Devices, Personal Devices & Computer/Internet Acceptable Use Policies | ●                                                     | ●                   | ●                 | ●                 | ●                        | ●                    | ●                                    | ●            | ●                                             | ●                            | ●                                                       |
|                     | Insubordination                                                                                      | ●                                                     | ●                   | ●                 | ●                 | ●                        | ●                    | ●                                    | ●            | ●                                             | ●                            | ●                                                       |
|                     | Loitering                                                                                            | ●                                                     | ●                   | ●                 | ●                 | ●                        | ●                    | ●                                    | ●            | ●                                             | ●                            | ●                                                       |
|                     | Profane/vulgar language or gestures                                                                  | ●                                                     | ●                   | ●                 | ●                 | ●                        | ●                    | ●                                    | ●            | ●                                             | ●                            | ●                                                       |

*\*This list of infractions and authorized consequences is not all inclusive. The District maintains the right to pursue any necessary consequence to maintain the health, safety and welfare of staff and students. These Consequences may be utilized at the discretion of the teachers and/or building administrators if appropriate, depending on the circumstances.*

*^Exclusion from school activities could mean, for example, removal from the classroom during a classroom party; loss of privileges could mean, for example, loss of privilege to use Internet/District computers and/or any electronic communication devices*

| LEVEL II Infractions |                                                                  | Consequences*      |                     |                                                     |                   |                          |                      |                                      |                                             |                        |                                                           |                                         |              |                                               |                              |                                                         |                             |                             |                                              |                                               |
|----------------------|------------------------------------------------------------------|--------------------|---------------------|-----------------------------------------------------|-------------------|--------------------------|----------------------|--------------------------------------|---------------------------------------------|------------------------|-----------------------------------------------------------|-----------------------------------------|--------------|-----------------------------------------------|------------------------------|---------------------------------------------------------|-----------------------------|-----------------------------|----------------------------------------------|-----------------------------------------------|
| OFFENSES             |                                                                  | Warning to student | Parent Notification | Parent Conference or Informal Hearing when required | Teacher Detention | Administrative Detention | In-school suspension | 1 – 10 days out of school suspension | Referral to alternative education placement | Referral for expulsion | Referral to local law enforcement and/or District Justice | Suspension of transportation privileges | SAP referral | Internal or external evaluation or counseling | Behavior management contract | Exclusion from school activities or loss of privileges^ | Voluntary community service | Restitution when applicable | Safe Schools Act notification (required when | Receipt of no credit/" 0" for assignment/test |
|                      | Bullying                                                         | ●                  | ●                   | ●                                                   | ●                 | ●                        | ●                    | ●                                    | ●                                           | ●                      | ●                                                         | ●                                       | ●            | ●                                             | ●                            | ●                                                       | ●                           |                             |                                              |                                               |
|                      | Cheating/Plagiarism/ Forgery                                     | ●                  | ●                   | ●                                                   | ●                 | ●                        | ●                    | ●                                    | ●                                           | ●                      | ●                                                         |                                         | ●            | ●                                             | ●                            | ●                                                       | ●                           |                             |                                              | ●                                             |
|                      | Classroom/Laboratory/ School Safety                              | ●                  | ●                   | ●                                                   | ●                 | ●                        | ●                    | ●                                    | ●                                           | ●                      | ●                                                         | ●                                       | ●            | ●                                             | ●                            | ●                                                       | ●                           | ●                           |                                              |                                               |
|                      | Computer Use (serious/ multiple infractions)                     |                    | ●                   | ●                                                   |                   |                          |                      | ●                                    | ●                                           | ●                      | ●                                                         |                                         | ●            | ●                                             | ●                            | ●                                                       | ●                           | ●                           |                                              |                                               |
|                      | Discrimination/Harassment (including Title IX Sexual Harassment) |                    | ●                   | ●                                                   | ●                 | ●                        | ●                    | ●                                    | ●                                           | ●                      | ●                                                         | ●                                       | ●            | ●                                             | ●                            | ●                                                       | ●                           |                             | ●                                            |                                               |
|                      | Disorderly Conduct                                               |                    | ●                   | ●                                                   | ●                 | ●                        | ●                    | ●                                    | ●                                           | ●                      | ●                                                         | ●                                       | ●            | ●                                             | ●                            | ●                                                       | ●                           | ●                           | ●                                            |                                               |
|                      | Disruptive Behavior                                              |                    | ●                   | ●                                                   | ●                 | ●                        | ●                    | ●                                    | ●                                           | ●                      | ●                                                         | ●                                       | ●            | ●                                             | ●                            | ●                                                       | ●                           | ●                           |                                              |                                               |
|                      | Electronic communication devices (serious/multiple infractions)  |                    | ●                   | ●                                                   |                   |                          |                      | ●                                    | ●                                           | ●                      | ●                                                         | ●                                       | ●            | ●                                             | ●                            | ●                                                       | ●                           | ●                           |                                              |                                               |
|                      | Endangerment                                                     |                    | ●                   | ●                                                   |                   |                          |                      | ●                                    | ●                                           | ●                      | ●                                                         | ●                                       | ●            | ●                                             | ●                            | ●                                                       | ●                           | ●                           | ●                                            |                                               |
|                      | Extortion/stealing/ robbery                                      |                    | ●                   | ●                                                   |                   |                          |                      | ●                                    | ●                                           | ●                      | ●                                                         | ●                                       | ●            | ●                                             | ●                            | ●                                                       | ●                           | ●                           | ●                                            |                                               |
|                      | Fighting                                                         | ●                  | ●                   | ●                                                   |                   |                          |                      | ●                                    | ●                                           | ●                      | ●                                                         | ●                                       | ●            | ●                                             | ●                            | ●                                                       | ●                           |                             |                                              |                                               |
|                      | Gambling                                                         | ●                  | ●                   | ●                                                   | ●                 | ●                        | ●                    | ●                                    | ●                                           | ●                      | ●                                                         | ●                                       | ●            | ●                                             | ●                            | ●                                                       | ●                           | ●                           |                                              |                                               |
|                      |                                                                  |                    |                     |                                                     |                   |                          |                      |                                      |                                             |                        |                                                           |                                         |              |                                               |                              |                                                         |                             |                             |                                              |                                               |
|                      | Hazing                                                           |                    | ●                   | ●                                                   |                   | ●                        | ●                    | ●                                    | ●                                           | ●                      | ●                                                         | ●                                       | ●            | ●                                             | ●                            | ●                                                       | ●                           | ●                           |                                              |                                               |
|                      | Inappropriate touching                                           | ●                  | ●                   | ●                                                   |                   | ●                        | ●                    | ●                                    | ●                                           |                        |                                                           | ●                                       | ●            | ●                                             | ●                            | ●                                                       | ●                           |                             |                                              |                                               |
|                      | Indecent Exposure                                                |                    | ●                   | ●                                                   |                   |                          |                      | ●                                    | ●                                           | ●                      | ●                                                         | ●                                       | ●            | ●                                             | ●                            | ●                                                       | ●                           |                             | ●                                            |                                               |
|                      | Retaliation                                                      | ●                  | ●                   | ●                                                   | ●                 | ●                        | ●                    | ●                                    | ●                                           | ●                      | ●                                                         | ●                                       | ●            | ●                                             | ●                            | ●                                                       | ●                           | ●                           |                                              |                                               |
|                      | School safety                                                    | ●                  | ●                   | ●                                                   | ●                 | ●                        | ●                    | ●                                    | ●                                           | ●                      | ●                                                         | ●                                       | ●            | ●                                             | ●                            | ●                                                       | ●                           | ●                           |                                              |                                               |
|                      | Sexual Conduct                                                   | ●                  | ●                   | ●                                                   | ●                 | ●                        | ●                    | ●                                    | ●                                           | ●                      | ●                                                         | ●                                       | ●            | ●                                             | ●                            | ●                                                       | ●                           | ●                           |                                              |                                               |

|                                                                                  |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |  |
|----------------------------------------------------------------------------------|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|--|
| Smoking/Tobacco Products                                                         | • | • | • | • | • | • | • | • |   |   | • | • | • | • | • | • |   |   | • |  |
| Threats to staff or students                                                     |   | • | • |   | • | • | • | • | • | • | • | • | • | • | • | • | • |   |   |  |
| Trespass/defiant trespass                                                        | • | • | • |   | • | • | • | • | • | • | • | • | • | • | • | • | • |   | • |  |
| Vandalism                                                                        |   | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • |  |
| Level I infractions which are severe or where more than one offense has occurred |   | • | • |   |   |   | • | • | • | • | • | • | • | • | • | • | • |   |   |  |

*\*This list of infractions and authorized consequences is not all inclusive. The District maintains the right to pursue any necessary consequence to maintain the health, safety and welfare of staff and students. Authorized Consequences for Level II infractions may be utilized at the discretion of the building administrators, depending on the circumstances.*

*^Exclusion from school activities could mean, for example, removal from the classroom for a day for a classroom safety infraction; loss of privileges could mean, for example, loss of privilege to use Internet/District computers and/or any electronic communication devices.*

| LEVEL III Infractions |                                                                                                      | Consequences*        |                                                      |                                                                                                 |                                                                                                                |                                            |                                    |                                                  |              |                                               |                              |                                                     |                                                                                     |             |                                |
|-----------------------|------------------------------------------------------------------------------------------------------|----------------------|------------------------------------------------------|-------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------|--------------------------------------------|------------------------------------|--------------------------------------------------|--------------|-----------------------------------------------|------------------------------|-----------------------------------------------------|-------------------------------------------------------------------------------------|-------------|--------------------------------|
| OFFENSES              | Assault/physical act of violence                                                                     | ●                    | ●                                                    | ●                                                                                               |                                                                                                                | ●                                          | ●                                  | ●                                                | ●            | ●                                             | ●                            | ●                                                   | ●                                                                                   | ●           | ●                              |
|                       | Terroristic threats                                                                                  | ●                    | ●                                                    | ●                                                                                               |                                                                                                                | ●                                          | ●                                  | ●                                                | ●            | ●                                             | ●                            | ●                                                   | ●                                                                                   | ●           | ●                              |
|                       | Unauthorized substances/illegal drugs                                                                | ●                    | ●                                                    | ●                                                                                               |                                                                                                                | ●                                          | ●                                  | ●                                                | ●            | ●                                             | ●                            | ●                                                   | ●                                                                                   | ●           | ●                              |
|                       | Weapons (Board approval required of all disciplinary consequences resulting from weapon violations.) | ●                    | ●                                                    | ●                                                                                               | ●                                                                                                              |                                            | ●                                  | ●                                                | ●            | ●                                             | ●                            | ●                                                   | ●                                                                                   | ●           | ●                              |
|                       |                                                                                                      | Parent notification+ | Parent Conference or Informal Hearing when required+ | 10 days out of school suspension (gr. 6 -12); 1 – 10 days out of school suspension (gr. K – 5)+ | Referral for expulsion for a period of not less than one year (Superintendent may recommend a lesser penalty)+ | Referral for expulsion (11 or more days )+ | Referral to local law enforcement+ | Possible suspension of transportation privileges | SAP referral | Internal or external evaluation or counseling | Behavior management contract | Exclusion from District/school sponsored activities | Voluntary community service, if authorized by Board (for weapons) or Superintendent | Restitution | Safe Schools Act notification+ |

*\*Building Administrators are required to refer students for expulsion for violations of Level III infractions. The Superintendent has the discretion to modify the Consequences on a case by case basis, if it is determined to be in the best interest of the student and/or the District. This list of infractions and consequences is not all inclusive and the District retains the right to pursue any necessary consequence to maintain the health, safety and welfare of staff and students.*

*+Consequences designated with a + are required actions for building administrators for Level III infractions. Consequences without the + designation may be utilized at the discretion of the building administrators and/or Superintendent if appropriate depending on the circumstances.*



## SECTION 16 — STUDENT GRADING/GPA (Grade Point Average) and SCHEDULING PROCEDURES

### KINDERGARTEN

#### Progress Report

Progress Reports offer a snapshot of student performance at the end of the first semester and again at the end of the school year. These reports provide specific information to let parents know how students are progressing with their Listening, Speaking, Reading and Writing Skills; as well as Mathematics and Learning Behaviors. Student progress is noted by Satisfactory, Progressing or Reinforcement Needed. This feedback is designed to help families support the learning targets of their children.

### GRADES 1 – 5 (Percent Grading System)

| Percentage |  | Grade |
|------------|--|-------|
| 93 – 100   |  | A     |
| 85 – 92    |  | B     |
| 74 – 84    |  | C     |
| 65 – 73    |  | D     |
| 51 – 64    |  | F     |

### GRADES 6 – 8 (Percent Grading System)

| Percentage |  | Grade |
|------------|--|-------|
| 95 – 100   |  | A     |
| 90 – 94    |  | A-    |
| 85 – 89    |  | B     |
| 80 – 84    |  | B-    |
| 75 – 79    |  | C     |
| 70 – 74    |  | C-    |
| 65 – 69    |  | D     |
| 51 – 64    |  | F     |

The method of assessment for determining a nine-week grade can include tests, quizzes, labs, projects, homework, etc. Throughout a nine-week grading period, the teacher will record the number of points earned for each assessment measure. A percentage will then be calculated and reported as a nine-week grade. This method must be equally and fairly applied to all students and will be recorded in Infinite Campus.

Homework is not to exceed ten percent (10%) of the total quarter grade. Final grades will be determined by taking the average of the nine-week grades.

### **GRADES 9 – 12 (Percent Grading System)**

| <i>Regular</i> |    |      | <i>Honors</i> |    |     | <i>Advanced Placement</i> |    |     |
|----------------|----|------|---------------|----|-----|---------------------------|----|-----|
| 95 – 100       | A  | 4.0  | 97 – 100      | A  | 4.5 | 97 – 100                  | A  | 5.5 |
| 90 – 94        | A- | 3.75 | 93 – 96       | A- | 4.0 | 93 – 96                   | A- | 5.0 |
| 85 – 89        | B  | 3.5  | 89 – 92       | B  | 3.5 | 89 – 92                   | B  | 4.5 |
| 80 – 84        | B- | 3.0  | 85 – 88       | B- | 3.0 | 85 – 88                   | B- | 4.0 |
| 75 – 79        | C  | 2.5  | 76 – 84       | C  | 2.5 | 76 – 84                   | C  | 3.5 |
| 70 – 74        | C- | 2.0  | 70 – 75       | C- | 2.0 | 70 – 75                   | C- | 3.0 |
| 65 – 69        | D  | 1.0  | *             |    |     | *                         |    |     |
| 51 – 64        | F  | 0    | 51 – 69       | F  | 0   | 51 – 69                   | F  | 0   |

\*NOTE: Students who are enrolled in Honors and/or Advanced Placement courses are expected to maintain a minimum C average.

In order to support student academic achievement, the lowest possible quarter, semester or final grade for students will be a 51%. Those students who receive a failing grade will be expected to meet with guidance, SAP, administration or other support personnel in order to determine a personalized course of action for academic achievement.

The method of assessment for determining a nine-week grade can include tests, quizzes, labs, projects, homework, etc. Throughout a nine-week grading period, the teacher will record the number of points earned for each assessment measure. A percentage will then be calculated and reported as a nine-week grade. This method must be equally and fairly applied to all students and will be recorded in Infinite Campus.

Homework is not to exceed ten percent (10%) of the total quarter grade. Final grades will be determined by taking the average of the nine-week grades.

### **Weighting and Grade-Point Averages**

A student's grade point average and class rank shall be entered on his/her permanent record and transcript.

A system of computing grade point averages and class rank for high school students is used to inform students, parents, and others of a graduate's relative academic placement among peers under relatively similar circumstances. Courses listed as Advanced Placement and Honors shall be weighted by awarding extra quality-point values as shown in the table above.

## Northwest Pennsylvania Collegiate Academy

### Grading

Collegiate Academy uses a 4.0 weighted grading scale. All classes are honors or Advanced Placement. Because of the above-average ability of our student population and the high academic standard at Collegiate Academy, a grade point average of 4.0 or above is more than outstanding. While rank is indicated on each student's high school transcript, GPA is a more accurate indicator of student achievement.

Below is Collegiate Academy's grading system:

| Honors   |     | Advanced Placement |     |
|----------|-----|--------------------|-----|
| 97 – 100 | 4.5 | 97 – 100           | 5.5 |
| 93 – 96  | 4.0 | 93 – 96            | 5.0 |
| 89 – 92  | 3.5 | 89 – 92            | 4.5 |
| 85 – 88  | 3.0 | 85 – 88            | 4.0 |
| 76 – 84  | 2.5 | 76 – 84            | 3.5 |
| 70 – 75  | 2.0 | 70 – 75            | 3.0 |
| 0 – 69   | 0   | 0 – 69             | 0   |

Below is the Visual and Performing Arts Academy's grading system:

|          |       |
|----------|-------|
| 95 – 100 | 4.0   |
| 90 – 94  | 3.75  |
| 85 – 89  | 3.5   |
| 80 – 84  | 3.0   |
| 75 – 79  | 2.5   |
| 70 – 74  | 2.0   |
| 65 – 69  | 1.051 |
| 0 – 64   | 0     |

Other grading Information:

- The academic school year is divided into four quarters.
- Collegiate Academy runs an A/B block schedule.
- Grade point average (GPA) includes all classes, not just core subjects.
- Collegiate Academy does not require community service, but students earn .5 credit for each 60 documented service hours that they perform.
- Advanced Placement (AP) weight is given to grades students earn in college classes.

How to calculate GPA:

- Look at percentage grade for course.
- Write grade point value; be sure to take only half for half-credit courses.
- Add all values. Divide by total credits for quarter.

|              |               |    |     |                        |
|--------------|---------------|----|-----|------------------------|
| For example: | Ceramics      | 92 | 0.5 | one half of 3.5 = 1.75 |
|              | Piano         | 98 | 0.5 | one half of 4.5 = 2.25 |
|              | Chorus        | 97 | 1   | 4.5                    |
|              | Biology       | 93 | 1   | 4.0                    |
|              | Spanish       | 78 | 1   | 2.5                    |
|              | Algebra       | 91 | 1   | 3.5                    |
|              | Civics        | 81 | 1   | 2.5                    |
|              | Language Arts | 93 | 1   | 4.0                    |

7

25.0 (25 divided by 7 = 3.57



## SECTION 17 — PROFICIENCY, RETESTING AND PROMOTION POLICIES

### **Board Policy for Proficiency**

The Pennsylvania General Assembly is currently considering revisions to the Pennsylvania graduation requirements and the Keystone Exams.

### **Board Policy for Retesting for Grades 6-12**

This policy has been developed to promote proficiency/mastery in all curricular areas for students in grades 6-12. Students shall have the opportunity to retake any test (not a quiz), with the exception of a mid-term or final exam. A test is defined as summative, cumulative, an end of chapter or unit and weighted more heavily than a quiz. A test is posted in the teacher's gradebook as such and communicated to the students as a test.

Students may request to retake a test, but must attend a minimum of one study session during the special help night prior to retaking the test. The student must also complete a *Re-Test Prescription Form* and return the completed form to the teacher. Additional information, such as a study log and a self-reflection checklist may be requested by the teacher prior to the retest.

The format of the retest will be at the discretion of the teacher. The retest must be completed within two weeks of the initial test, unless the school is on a block schedule, which will allow a three week window. Students found to be in violation of the Student Code of Conduct — specifically cheating/plagiarism — will not be afforded the opportunity to retest.

Teachers will use a combined calculation of 20% of the lowest grade + 80% of the highest grade = final grade. This retest grade will be reflected in the teacher's gradebook in Infinite Campus.

Parents will be able to view the original grade and the retest grade in the comments section of the Parent Portal of Infinite Campus.

### **BOARD POLICY REGARDING PROMOTION CRITERIA**

#### **Elementary (PreK-5)**

The decision to promote or retain is based primarily on a child's achievement in a particular class or grade level, as noted on the report card. Many factors, such as attendance, age, physical and social maturity and ability are also taken into consideration when considering promotion and retention.

All decisions regarding promotion or retention are made with input from parents/guardians.

#### **Secondary Grades (6-12)**

The program of study for secondary students consists of four (4) core academic subjects and related arts. Retention or promotion of a student shall be determined by the marks attained at the end of the school year in the four (4) academic subjects: English/Language Arts, Social Studies, Math, and Science.

A student may be retained if he/she earns an "F" in multiple core or elective courses.

In order to ensure continued advancement to the next grade and/or toward attaining graduation requirements, a student who fails a course necessary for promotion and/or graduation will be required to acquire credit for that class through one of the following options:

1. Through participation in a summer program.
2. Through re-taking the required class.
3. Through participation in the District's Recovery Academy.

Students will work with the Guidance Office and the Building Administration to determine the most appropriate option for them to acquire the requisite classes and credits.



## SECTION 18 — GRADUATION REQUIREMENTS

### GENERAL GUIDANCE

Students must fulfill all graduation requirements to receive a high school diploma and to be eligible to participate in graduation ceremonies

Credits requirement for graduation from Erie's Public Schools Cyber Academy are the same as graduation requirements established for Erie High School.

### COMMUNITY SERVICE

After sixty (60) hours of pre-approved community service, a high school student (9-12) can earn a half (.50) credit elective. Approval forms and logs can be secured in the Guidance Office.

### EARLY GRADUATION

If a student acquires the District-mandated number of credits required for graduation from high school prior to the end of his/her 4<sup>th</sup> year in high school, that student is eligible to graduate early if s/he chooses to do so. Written notice must be provided by the parent and student by the end of the junior year or before the beginning of the senior year. This may require permission from the Superintendent's office.

### Erie High School (EHS) Requirements

Beginning with the class of 2019, 26 credits will be required for graduation. These credits shall include:

| SUBJECT/CREDITS NEEDED<br><i>Class of 2019 and beyond</i> |                   |
|-----------------------------------------------------------|-------------------|
| English                                                   | 4                 |
| Mathematics                                               | 4                 |
| Science                                                   | 4                 |
| Social Studies                                            | 4                 |
| Wellness/Fitness                                          | 1.5               |
| Electives                                                 | 8.5               |
| <b>Required for Graduation</b>                            | <b>26 Credits</b> |

### CHANGE TO CREDIT REQUIREMENTS

Erie High School has adopted a block schedule which affords students 32 opportunities for course credit. This will align the schedules for our two high schools. Additional elective requirements allow students to explore pathway offerings and delve deeper into content. It is highly encouraged that students make up courses in Summer School. If students do not make courses up in Summer School, they may have room in their schedule to re-take the full course the next calendar year.

## **Career and Technical Education (CTE) Requirements**

### **REQUIREMENTS FOR COMPETENCY CERTIFICATION**

Student must have a minimum score of 80% in all categories of the state issued task list for labs. Student must successfully complete all other requirements of their career and technical program, including NOCTI written and performance tasks.

### **REQUIREMENTS FOR COMPETENCY CERTIFICATION**

PDE requires all secondary concentrators, anticipated to graduate from high school in the current school year from their approved CTE programs and receive diplomas from their high school, to take a state-approved occupational competency test (NOCTI or NIMS). This requirement includes students with Individualized Education Programs (IEP).

### **Act 158: New graduation requirements beginning with the class of 2023:**

Act 158, which was signed into law by Governor Tom Wolf on October 24, 2018, shifts Pennsylvania's reliance on high stakes testing as a graduation requirement to provide alternatives for high school students to demonstrate readiness for postsecondary success. These new graduation requirements take effect with the graduating class of 2023 (originally 2022, postponed one year because of COVID-19).

For students graduating in 2023 and beyond, the options depicted on the following page exist to meet the statewide graduation requirements.



## Pennsylvania Pathways to Graduation

### Keystone Proficiency Pathway *Numeric or Non-Numeric Scores*

**Algebra I**  
Proficient or Advanced

**Biology**  
Proficient or Advanced

**Literature**  
Proficient or Advanced

### Keystone Composite Pathway *Numeric Scores Only*

At least 1 Keystone Exam scaled score is  
**1500 or Greater**

No Keystone Exam score is  
**Below Basic**

The Keystone Exam 3-score composite is  
**4452 or Greater**  
The Keystone Exam 2-score composite is  
**2939 or Greater**  
*(where eligible under §121.1)*

#### CTE Concentrator

Meet locally established, grade-based requirements for Keystone content in which the student is less than Proficient

#### CTE Concentrator

1 Artifact from pathway criteria

#### Alternative Assessment

Meet locally established, grade-based requirements for Keystone content in which the student is less than Proficient

#### Alternative Assessment

1 Artifact from pathway criteria

#### Evidence-Based Pathways

Meet locally established, grade-based requirements for Keystone content in which the student is less than Proficient

#### Evidence-Based

3 Artifacts from pathway criteria

#### Waiver

A student in 12th grade, or experiencing extenuating circumstances, who meets locally established grade-based requirements for Keystone content area(s) in which the student is less than proficient, and is unable to satisfy the requirements of a graduation pathway may be granted a waiver by the chief school administrator.

#### Individualized Education Plan

A student with a disability who is unable to satisfy pathway requirements but who satisfactorily completes a special education program is granted a diploma under Title 22 §4.24.

**NOTE:** Although this infographic displays a sequential progression, students may fulfill criteria under the CTE Concentrator, Alternative Assessment, or Evidence-Based Pathways prior to demonstrating proficiency in Keystone academic content through Keystone Exam scores or locally established grade-based requirements.

### Northwest Pennsylvania Collegiate Academy

A minimum of 29.0 credits (grades 9-12) is required for graduation from Northwest Pennsylvania Collegiate Academy. These credits shall include:

| SUBJECT                        | CREDITS NEEDED    |
|--------------------------------|-------------------|
| Language Arts                  | 4                 |
| Mathematics                    | 4                 |
| Science                        | 4                 |
| Social Studies                 | 4                 |
| Wellness/Fitness               | 1.5               |
| World Language                 | 3                 |
| Research                       | 0.5               |
| Electives                      | 8                 |
| <b>Required for Graduation</b> | <b>29 Credits</b> |

### ADDITIONAL GRADUATION REQUIREMENTS

Students are required to take a minimum of three (3) Advanced Placement or Dual Enrollment courses. All Collegiate Academy graduates will apply to a four-year college or university of their choosing during their senior year. If application fees cause a financial hardship to a student, the District shall provide fee waivers or other appropriate aid to the student to comply with this requirement.

### Visual and Performing Arts (VPA) Academy

A minimum of 27.0 credits (grades 9-12) is required for graduation from the Visual and Performing Arts Academy at Northwest Pennsylvania Collegiate Academy. Students are required to take one AP course or one dual enrollment course. Credits shall include:

| SUBJECT                        | CREDITS NEEDED    |
|--------------------------------|-------------------|
| Language Arts                  | 4                 |
| Mathematics                    | 4                 |
| Science                        | 4                 |
| Social Studies                 | 4                 |
| Wellness/Fitness               | 1.5               |
| World Language                 | 2                 |
| Research                       | 0.5               |
| VPA Courses Focused*           | 7                 |
| <b>Required for Graduation</b> | <b>27 Credits</b> |

\*AP Focus Courses

Art History

Music Theory

Studio Art

Computer Science Principles



## SECTION 19 — HYBRID LEARNING

### A. Erie's Public Schools Cyber Choice Academy

The Erie's Public Schools Cyber Choice Academy provides flexible educational opportunities to all District students in grades K-12. The District's cyber school is designed to be a local education option for Erie students currently attending cyber charter schools across the Commonwealth or those considering such options. The District's online platforms provide district students with opportunities for on-time credit and credit recovery.

What makes Erie's Public Schools Cyber Academy option most attractive is the continuous teacher support and interaction. Students:

- can work at home or have the option of reporting to the cyber lab with cyber teachers present for academic support.
- can work at home with the requirement of online meetings with cyber teachers on a daily basis.
- can choose to have a blended model – take online classes as well as classes in the traditional school (i.e. an Erie High student can take their lab in school and do their core classes online).
- can attend in-person Art, Music, and Physical Education classes at the Patrick J. DiPaolo Student Success Center at Emerson-Gridley.
- can participate in their home school's extracurricular activities, athletics and access other district programs and services.

Criteria for Continued Enrollment and Participation in Erie's Public Schools Cyber Choice Academy, grades K-8:

- Elementary and Middle School Criteria
- Students/families are required to participate in an orientation session. Orientation may be in-person and/or online.
- Families are required to pick up information packets prior to student enrollment.
- Each student is assigned a set of materials. Materials will be shipped to the primary household address as listed in Infinite Campus.
- Students are required to log into K12/Stride each day of the EPS school calendar and must complete their daily plan. Students are expected to complete all parts of each lesson, including workbook pages and Stride Skills Arcade Lessons. This should take a minimum of 5 hours online with additional time for offline assignment completion.
- Students who do not attend daily lab sessions will be required to attend daily, online Class Connect sessions to receive instruction, intervention, Reading and Mathematics fluency practice, and teacher support.
- Erie's Cyber Choice Academy follows all policies of the school district in regard to attendance and immunization.
- Three-Week Trial Period - Simply enrolling in Erie's Public Schools Cyber Choice Academy does not automatically mean you've found your best learning environment or that your success is guaranteed. To help students and families transition from the demands and expectations of a traditional

classroom setting to the unique differences and challenges you'll find in the cyber program, you will be enrolled in a three-week Trial Period. The goal is to make sure that you are in the best possible learning environment to succeed.

- Once you complete the trial period successfully, including meeting Attendance and Academic Progress Goals, you will be enrolled.
- If you fall behind in your coursework and are at risk of failing, you will be placed on an Academic Support Plan that will require daily attendance in the cyber lab at Emerson-Gridley for 15 days.
- Academic Support Plan - if you begin to struggle you will be placed on an Academic Support Plan requiring in-person attendance. Once on a plan, you will receive one-on-one support from teachers and staff while you spend time at Emerson-Gridley. If at the end of the 15 Day Plan,
- you have followed the Academic Support Plan and are now meeting Academic and Attendance Expectations, you will continue your enrollment in EPS Cyber Choice Academy attending Class Connect Sessions daily.
- you have attended in-lab support for your Academic Support Plan, but the team has extended your support plan due to lack of progress, you are required to continue to come into the lab daily until further notice.
- You fail to follow the Academic Support Plan or refuse to come into the labs, we will remove you from the program and re-enroll you at your home school.
- Student progress will be continually monitored and reviewed. Students may be placed on extended Academic Support Plans and additional plans throughout the school year. Following the Academic Support Plans is required to continue enrollment in the EPS Cyber Choice Academy.
- Students are required to come to Emerson-Gridley for District Assessments (Beginning, Middle, and End of Year DIBELS and iReady) and State Assessments (PSSA)

Criteria for Continued Enrollment and Participation in Erie's Public Schools Cyber Choice Academy, grades 9-12:

- High School Cyber Criteria

- High School students must log in and actively participate in their online courses for a minimum of 100 activities weekly, which requires approximately 25 hours of online time weekly.
- High School Students must log in for 5 hours for each school day. Anything less than 5 hours is considered a day of absence.
- Erie's Cyber Choice Academy follows all policies of the school district in regard to attendance and immunizations. Attendance is based on time in the cyber platform and assignment completion NOT time in the lab.
- High School Students should complete -8 full credits each school year. Erie's Cyber Choice Academy students must meet the same graduation requirements as Erie High School students. Twenty-six credits in designed areas and completion of a graduation pathway are needed.
- Three-Week Trial Period- Simply enrolling in Erie's Public Schools Cyber Choice Academy does not automatically mean you've found your best learning environment or that your success is guaranteed. To help students and families transition from the demands and expectations of a traditional classroom setting to the unique differences and challenges you'll find in the cyber program, you will be enrolled in a three-week Trial Period. The goal is to make sure that you are in the best possible learning environment to succeed.
- Once you complete the trial period successfully, including meeting Attendance and Academic Progress Goals, you will be enrolled.

- If you fall behind in your coursework and risk failing, you will be placed on an Academic Support Plan that will require daily attendance in the cyber lab at Emerson-Gridley for 15 days.
- Academic Support Plan- if you begin to struggle you will be placed on an Academic Support Plan requiring in-person attendance. Once on a plan, you will receive one-on-one support from teachers and staff while you spend time at Emerson-Gridley. If at the end of the 15 Day Plan,
  - you have followed the Academic Support Plan and are now meeting Academic and Attendance Expectations, you will continue your enrollment in EPS Cyber Choice Academy attending ZOOM/Class Connect Sessions daily.
  - you have attended in-lab support for your Academic Support Plan, but the team has extended your support plan due to lack of progress, you are required to continue to come into the lab daily until further notice.
  - you fail to follow the Academic Support Plan, or refuse to come into the labs, we will remove you from the program and re-enroll you at your home school.

Student progress will be continually monitored and reviewed. Students may be placed on extended Academic Support Plans and additional plans throughout the school year. Following the Academic Support Plans is required to continue enrollment in the EPS Cyber Choice Academy.

- Students are required to come to Emerson-Gridley for Keystone Testing.

The District reserves the right to deny a student's admission to the Cyber Academy program if the District Administration believes that placement does not serve the best educational interests of the student.

## **B. Newcomer Academy**

### **Educating English Learners (ELs)**

The District provides programs for each student whose dominant language is not English for the purpose of facilitating the student's achievement of English proficiency and the Pennsylvania Academic Standards.

Students in Kindergarten through grade 5 will receive English Language Development (ELD) instruction in their home schools. The English language development instruction will be delivered by ESL teachers and non-ESL teachers. As students transition to middle and high school, they will continue to receive ELD instruction at their home schools.

Middle School and High School students are eligible to participate in the Newcomer Academy in their first year in Erie's Public Schools. The Newcomer Academy Program is an option for students who have recently arrived and are new to the United States and who demonstrate beginning levels of English language proficiency as they acquire English language skills and assimilate to the United States. The Newcomer Academy is intended to provide extensive language instruction while meeting the linguistic, academic, social, and cultural needs of English Learners (EL) prior to them entering the general education classroom. Students have the option to receive ELD instruction in their home schools delivered by ESL teachers and non-ESL teachers.

English Language Proficiency Levels – A student’s English Language Proficiency (ELP) is determined by the student’s performance on the initial WIDA Placement Test and annually WIDA ACCESS Test. There are six ELP levels:

|                 |                 |                   |                  |                 |                 |
|-----------------|-----------------|-------------------|------------------|-----------------|-----------------|
| <b>1</b>        | <b>2</b>        | <b>3</b>          | <b>4</b>         | <b>5</b>        | <b>6</b>        |
| <b>Entering</b> | <b>Emerging</b> | <b>Developing</b> | <b>Expanding</b> | <b>Bridging</b> | <b>Reaching</b> |

- Level 1/Entering students have not learned English. Level 1 and Level 2 students require the most intensive supports and scaffolding to make academic content areas accessible. By Level 4, students should be able to learn with minimal supports in the regular classes.
- The EL students come to the United States with various educational backgrounds. Families will be interviewed and students will be assessed by the staff to determine English Language Development (ELD) programming.

### **Newcomer Academy Program**

- Newcomer students may take English language acquisition classes in English Language Arts, and language development through Social Studies, Math and Science.
- The courses are aligned to state academic content standards for the appropriate grade level of the ELs, incorporating the Pennsylvania English Language Development Standards Framework.

### **C. Eagle’s Nest Program of Academic Distinction**

Eagle’s Nest Program of Academic Distinction is the region’s only African-centered academic program. Enrollment is limited, offered to a select group of Kindergarten- 1<sup>st</sup>, 2<sup>nd</sup> 6<sup>th</sup> , 7<sup>th</sup> and 8<sup>th</sup> grade scholars. The program is open to all students, regardless of race. Some unique aspects of this Program are:

- Students follow a standard curriculum infused with an Afrocentric flare, developing an appreciation for the African-American experience throughout history and the many contributions of African-Americans to the human experience.
- Expectations for student achievement and behavior are high, with emphasis placed on civility and character development. Uniforms are required.
- Small classes allow for personalized instruction.
- Parents are required to take an active role in the entire educational experience.
- Classes are taught at the Eagle’s Nest Program of Academic Distinction. Students are Erie’s Public School students and are taught by Erie’s Public Schools teachers.



## SECTION 20 — SERVICES FOR STUDENTS

### STUDENT HEALTH SERVICES

In accordance with the requirements set forth by the state of Pennsylvania, all students shall receive mandated nursing/health services. These services shall include:

A. **Physical Examination – Grades K, 1, 6 and 11**

This examination is to be done by a properly licensed physician or nurse practitioner or **upon original entry** to school within the Commonwealth. Exam forms may be obtained from the school nurse.

- a. Student's private physician may complete this examination and provide proper documentation to the school nurse; or
- b. Student may receive the exam by the school district physician free of charge.

B. **Dental Examination – Grades K, 1, 3 and 7**

This examination is to be done by a properly licensed dentist or **upon original entry** to school within the Commonwealth. Exam forms may be obtained from the school nurse.

- a. Student's private dentist may complete this examination and provide proper documentation to the school nurse; or
- b. Student may receive the exam by the school district dentist free of charge.

C. **Height, Weight, Body Mass Index (BMI)**

Every year all students will receive height and weight measurement along with calculation of Body Mass Index (BMI).

D. **Vision Screening – All Grades**

Every year all students will receive a vision screening. Additional screening for color blindness in Kindergarten, depth perception in grade 1 and Plus Lens testing in grade 2.

E. **Hearing Screening – Grades K, 1, 2, 3, 7 and 11**

Hearing screenings will be conducted for students in the above grades.

F. **Scoliosis Screening – Grades 6 and 7**

Scoliosis screenings will be conducted for students in the above grades.

Forms for private dental exams, private physical exams, medication forms and special health plans are available on the District website at [www.eriesd.org/health](http://www.eriesd.org/health) or at your home school's main page (select "Departments," "Health Services" then "Forms.")

### MEDICATION POLICY

It is the policy of the Erie City School District that students are **not** permitted to carry any type of prescription or over-the-counter (OTC) medication on their person, purse, book bag, etc., **EXCEPT** in the instance that it is required by the student's IEP or Section 504 plan and/or when it is medically necessary and the student is prescribed to do so by their physician in conformance with applicable Pennsylvania and federal laws and

District policies. Students must follow the requirements of the District's Administration of Medication Policy, Student Possession/Self Administration of Asthma Inhalers and Epinephrine Auto-Injectors Policy and any other relevant policy and be pre-approved by the District Administration before they are authorized to possess medication while at school.

### **IMMUNIZATION REQUIREMENTS**

All immunizations must be up-to-date for the grade the student is entering by the first day of school. Students who do not have up-to-date immunizations will be excluded from school. Immunization requirements for **all** students entering to school within the Commonwealth are as follows:

#### **Diphtheria/Tetanus**

Four (4) doses properly spaced, one (1) dose must be after age 4. If no dose was given after age 4, then a fifth dose is required. Pertussis not required, but often this will be given as DPT or DTap.

#### **Polio**

Four (4) doses properly spaced given by injection or the oral route, with the fourth dose given on or after the fourth birthday and at least six months after previous dose given.

#### **Hepatitis B**

Three (3) doses properly spaced.

#### **Measles**

Two (2) doses properly spaced, given after age 12 months (given as MMR).

#### **Mumps**

Two (2) doses properly spaced, given after age 12 months (given as MMR).

#### **Rubella** (German Measles)

One (1) dose given after age 12 months (given as MMR).

#### **Varicella/Chicken Pox**

Two (2) doses properly spaced after 12 months or the date of the Chicken Pox disease signed by the doctor or the parent.

In addition to the above requirements, **all** students entering Grade 7 must receive:

**Tdap** (Tetanus, Diphtheria and Acellular Pertussis) – One (1) dose, Pertussis is required.

**Meningococcal Conjugate Vaccine** – One (1) dose.

In addition to the above requirements, all students entering Grade 12 must receive:

**Meningococcal Conjugate Vaccine** – One (1) dose, after 16 years of age.

If your child is going into Kindergarten, seventh (7<sup>th</sup>) or twelfth (12<sup>th</sup>) grade, please check with your child's doctor to update these immunizations and submit an updated immunization record to the school nurse.

The only reasons a student may be exempt from the immunization requirements are:

- Medical exemption. Children need not be immunized if a physician or the physician's designee provides a written statement that immunization may be detrimental to the health of the child. When the physician determines that immunization is no longer detrimental to the health of the child, the child shall be immunized according to this policy and Pennsylvania law.

- Religious exemption. Children need not be immunized if the parent, guardian or emancipated child objects in writing to the immunization on religious grounds or on the basis of a strong moral or ethical conviction similar to a religious belief.

**Provisional admittance to school.** If a student has not received all of the required immunizations, the child's parents/guardians must work with the school administration and the school nurse to see if it is possible to enter into a provisional admittance plan as established by the Pennsylvania Department of Health. **Your failure to provide proof of immunization and/or enter into and comply with a provisional admittance plan may result in the student being prohibited from attending school.**

In implementing the immunization requirements, the District shall comply with all relevant laws pertaining to the educational rights of homeless children, the rights of children moving into the Commonwealth of Pennsylvania and the educational rights of children in foster care. (See 28 Pa. Code §23.85(g)).

## **HEAD LICE POLICY**

Students with live head lice will be sent home from school (for treatment) at the direction of the school nurse. Once the student has been appropriately treated, s/he may return to class. Students must be checked by the school nurse upon return to school to ensure they are free from live lice. Students may attend school even if nits persist. Students will continue to be checked periodically by the school nurse to ensure they are free from live lice.

## **ADMINISTRATION OF MEDICATION TO STUDENTS IN SCHOOL**

The Erie City School District and its Board of Directors and administration are not responsible for the diagnosis and treatment of student illness. The administration of prescribed medication to a student during school hours or on school-sponsored activities in accordance with the direction of a parent/guardian and student's physician will be permitted only when failure to take such medicine would jeopardize the health of the student and the student would not be able to attend school if the medicine were not made available during school hours.

The Administration is hereby directed to draft all necessary forms and create all necessary procedures to implement this Policy.

### **Definitions:**

**Medicine/medication** shall include all medicines prescribed by a physician or other licensed prescriber and any over-the-counter medicines, including herbal remedies.

**Asthma inhaler** shall mean a prescribed device used for self-administration of short-acting, metered doses of prescribed medication to treat an acute asthma attack.

An **Epinephrine Auto-Injector** or "EpiPen®" is a medical device used to deliver a measured dose (or doses) of epinephrine (also known as adrenaline) using autoinjector technology, most frequently for the treatment of acute allergic reactions to avoid or treat the onset of anaphylactic shock.

**Long-Term Medication** is any medication to be administered by the District to a student for a period of time greater than two-weeks.

**Self-administration** shall mean a student's use of medication in accordance with a prescription or written instructions from a physician, certified registered nurse practitioner or physician assistant.

**Short-Term Medication** is any medication to be administered by the District to a student for a period of time two-weeks or less.

**Guidelines:**

- A. Restrictions on Student Possession of Medication.** Students may not possess medicine on school property or at school-sponsored activities unless the student possesses an asthma inhaler or EpiPen or diabetes medication for purposes of self-administration as so authorized in the District's Student Possession/Self Administration of Asthma Inhalers and Epinephrine Auto-Injectors Policy and the District's Diabetes Management Policy.
- B. Administration of Medication to Students in School.**
1. **General rule.** Students may only be administered medicine during the school day and at school-sponsored activities *when failure to take such medicine would jeopardize the health of the student and the student would not be able to attend school if the medicine were not made available during school hours*. Physicians and parents/guardians must make every attempt to provide a treatment regimen that does not have to occur in school, during school hours or at school-sponsored activities.
  2. **Persons authorized to administer medication.** If it is determined that medication must be administered to a student while in school (including at school-sponsored events such as field trips), the following individuals are authorized to administer medication to students:
    - a. The Certified School Nurse (CSN) or, in the absence of the CSN, other licensed school health staff such as registered nurses (RNs) or licensed practical nurses (LPNs) — collectively referred to as "licensed school health staff".
    - b. School employees who have received appropriate training may administer EpiPen (epinephrine) medication to students. District staff may also administer diabetes medication to student in conformance with the District's Diabetes Management Policy.
    - c. Students may self-administer asthma inhalers or EpiPens or diabetes medication provided they meet all requirements of the District's "Student Possession/Self-Administration of Asthma Inhalers and Epinephrine Auto-Injectors Policy" (Board Policy 210.1) and the District's Diabetes Management Policy (Board Policy 209.2), which are posted on the District's website and are available in the School Nurses' offices.
    - d. Building administrators may administer medication to students in emergency situations where licensed school health staff are unavailable and the building administrator in good faith believes the student needs emergency care (which may necessitate the administration of medication).
  3. **Administration of medication procedures.** In those cases where it is determined that medication must be administered in school, the following guidelines shall be followed:
    - a. Delivery of Medication to School.
      - (i) Parent/guardian shall personally deliver the medication to the school nurse.

- (ii) Students **are not** permitted to transport medication to school, unless they are authorized to self-administer medication pursuant to District policy and Pennsylvania law. If the student is given the medication by his/her parent/guardian, student shall immediately deliver the medication to the school nurse. If the school nurse is unavailable, student should deliver the medication to the building principal or assistant principal.
- b. Parent Request form. When requesting administration of Long-Term Medication and Short-Term Medication, Parent/guardian must submit a written request in which the parent/guardian is requesting the District to administer medication to student. Parent must fill out a "Parent Medication Administration Consent" form. Parent request form must contain the following information:
  - (i) Parent/guardian's printed name, signature and an emergency phone number;
  - (ii) Request for the District to administer medication to the student in the manner prescribed by a licensed prescriber;
  - (iii) Request and approval to have officials from the District administer the medication to the student as so authorized in this Policy;
  - (iv) A list of all other medications the student is presently taking.
- c. Request for Administration of Long-Term Medication: Parent/guardian must submit a written order from a physician or other licensed prescriber before any medication may be administered. Physician or licensed prescriber must fill out District's "Licensed Prescriber Medication Order" form. The Medication Order form must contain the following information:
  - (i) Student's name;
  - (ii) Name and signature of the licensed prescriber and phone number;
  - (iii) Name of medication to be administered;
  - (iv) Diagnosis/reason for medication being administered;
  - (v) Route and dosage of medication;
  - (vi) Frequency and time of medication administration;
  - (vii) Date of the order and discontinuation date;
  - (viii) Specific directions for administration, if necessary;
  - (ix) Statement that it is medically necessary to administer medication during school hours and that dosage and administration of medication cannot be accomplished outside of school setting/school hours due to the nature of the medication condition and the treatment;
  - (x) Any specific side effects, contraindications and adverse reactions to be observed;
  - (xi) Any other medications (prescribed or over-the-counter) being taken by the student.
- d. Request for Administration of Short-Term Medication: Parent/guardian must submit a written order from a physician or other licensed prescriber. Physician's own written

order may be utilized in this situation, provided the order contains the following information:

- (i) Student's name;
  - (ii) Name and signature of the licensed prescriber and phone number;
  - (iii) Name of medication to be administered;
  - (iv) Route and dosage of medication;
  - (v) Frequency and time of medication administration;
  - (vi) Date of the order and discontinuation date.
- e. Original containers. Medication must be in the original container from the licensed prescriber and/or pharmacist.
- f. Renewed or revised orders. Physician or licensed prescriber shall renew the written order form each school year. Additionally, a new written order is required if there is a change in medication or dosage during the school year. A physician or licensed prescriber must provide an order for discontinuation of a medication.
- g. EpiPens are available for nurses to give if your child has symptoms of an anaphylactic emergency – an allergic reaction that can be fatal. **If you would prefer that the nurse does not give your child this life-saving medication, you must write a note refusing this care with your signature and the date and send it to your school nurse.** The District's physician has written a standing order for EpiPen administration for anaphylactic symptoms. However, the District cannot guarantee it will have EpiPens on site at all times. Students with known allergies must submit an individual order and their own EpiPen to the school nurse yearly for their own use and protection.
- h. Naloxone (Narcan) – The Board has authorized the use of Naloxone (Narcan) at the District's high schools, which will be used in accordance with District policy in emergencies related to opioids. The District cannot guarantee, however, the availability of Naloxone at each high school at all times.

### C. Confidentiality.

1. All physician/licensed prescriber orders, Medication Order forms and Request for Medication Administration forms shall be kept on file in the school nurse's office until the end of each school year, at which time these forms shall be filed in the student's comprehensive/aggregate school health record file. In all cases, these records will be maintained in compliance with the Family Educational Rights and Privacy Act, the Health Insurance Portability and Accountability Act (HIPAA) and any other applicable Pennsylvania and federal law.
2. If the student transfers to another school during the school year, the physicians' orders, Medication Order Forms and Request for Medication Administration forms shall be transferred with the student's health records so that the receiving school will continue administration of the medication ordered.

- D. Compliance with Pennsylvania and federal laws pertaining to students with disabilities.** The District's Administration shall, in the case of students with disabilities within the meaning of the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act, take all steps necessary to comply with those and any other applicable state or federal law in its implementation of this Policy.

## **STUDENT SERVICES**

The Student Services offered by Erie's Public Schools are a collection of intervention and prevention services designed to increase student retention and academic success. Student Services staff work closely with principals, teachers, parents, and students to assist with students' non-academic barriers to their education. Referrals to Student Services are made for a variety of reasons to help students to have a successful academic experience.

In addition to these direct services, the Student Services Department provides trainings to school staff and students on bullying prevention, peer mediation and asset development. Below you will find information about the Office's primary services. However, Student Services is also available to provide guidance and support to students, parents and schools on a variety of issues. If you have questions, please call (814) 874-6122.

### **Student Assistant Program (SAP)**

In Pennsylvania, every middle and high school and allw elementary schools have a Student Assistance Program (SAP) team. A SAP team is made up of school and community agency staff and they are here to help you access school and community services.  
Students:

#### **Do any of these apply to you?**

- Withdrawing from family, friends and/or school
- Changing friends; no longer spending time with old friends
- Unexplained physical injuries
- Talking about suicide
- Depressed
- Defying authority, both at home and at school
- Acting aggressively
- Lying
- Needing money without an explanation
- Sudden drop in grades
- Experimenting with drugs or alcohol

#### **Are you dealing with?**

- A recent death of a loved one
- Divorce of parents
- Family relocation
- A relationship problem
- Other traumatic event
- Bullying

If you are having trouble in or out of school, SAP can help you. There may be times when you just don't know what to do. That's okay; someone else may know how to help. Don't feel embarrassed or uncomfortable about asking for help. When extra help is needed, not knowing how and where to find help can be uncomfortable, frustrating and overwhelming.

Your school's SAP team will help you find services and assistance within the school and, if needed, in the community. We do not diagnose, treat, or refer you for treatment. Rather, we will provide you and your parents with information — together you make the choices.

Our goal is to help you succeed in school. Student referrals come to the SAP team in different ways. Anyone can refer a student to the Student Assistance Program. Some students are referred by teachers or other school personnel. Any school staff member, a student's friend or family member can let the SAP team know that they are worried about someone. You can even go directly to the SAP team to ask for help.

However, the SAP team cannot become involved unless we receive your parent's permission in writing (or the permission of emancipated students or students legally authorized to consent to these services under Pennsylvania or federal law). If appropriate permission is not granted, the SAP team can still make recommendations for services. In cases of imminent danger, the SAP team can get involved without parent permission. When in doubt, we encourage you to discuss your situation with a member of the SAP team.

If you feel that you may need help, check with any staff at your school and ask to speak with a member of the SAP team. Someone will be there to help. The SAP team will respect your privacy as much as the law allows us to. In cases of abuse or threats to your physical safety and health, we may have to break confidentiality.

Throughout the year some of our students and families face a number of challenges. If you or your family has to leave your home for any reason beyond your control, (a natural disaster, fire, flood, eviction, domestic violence, etc.) you may be eligible for support. If you have run away from home for any reason, you may be entitled to academic support services. Through the Student Support Services, students who are not living with their legal guardian can receive supports to help them stay in school and graduate. If you or a friend is in this situation, you should contact Student Services to learn about your rights.

Student Services can provide advocacy and support (transportation, school supplies, tutoring, clothing & other necessary support) to students, with or without their parents, that are not living in a fixed, regular and adequate living situation (hotels, motels, shelters, couch surfing, frequent moves between family and friends, etc.). The main goal is to reduce or eliminate barriers to the student's educational success. These services are provided in compliance with federal law.

## **PREGNANT STUDENTS**

The District prohibits discrimination in a school's education program or activity against any student based on that student's current, potential or past pregnancy or related conditions. Students who are pregnant or who have pregnancy related conditions have a right to equal access to the District's educational programs and activities. The District shall make reasonable modifications as necessary to prevent sex discrimination and ensure equal access to the District's education programs and activities. Schools may not require supporting documentation of pregnancy or related conditions unless it is necessary and reasonable for the school to determine what reasonable modifications to make or whether to take additional specific actions. Additional information regarding the rights of students who are pregnant or have pregnancy-related conditions is outlined in District Policy 103 and accompanying attachments.

## **STUDENT PARENTING PROGRAM**

Our Student Parenting Program helps female and male students navigate pregnancy and parenting roles while still being a school student. Through education, support and encouragement, we help young parents prepare for the birth of their child and assist them in learning positive parenting skills. Our goals are for students to be healthy, have a healthy baby, have a positive relationship with their child and to help students

realize their own potential. The Program helps each student graduate with a plan for employment and/or further education after high school. Through individualized education and coordination of services, students learn about prenatal health, health care, nutrition, parenting, child development, school/career choices, relationships, and learn how to access child care, transportation, and other community services. Confidential program referrals can be made through the school nurse or by calling 814-874-6461.



## SECTION 21 — ATHLETIC EVENT GUIDELINES

Guests of Erie's Public Schools sporting events are required to cooperate with security personnel to ensure the safety of all spectators.

*Per the EPS security screening procedures, all patrons and their belongings will be searched upon entry into the gymnasium, and prohibited items may be confiscated. Security screening includes hand-held metal-detecting wands, pat-downs and/or bag searches. If individuals elect not to consent to the searches, they will be denied entry.*

- **All visitors must comply with the District's Event Clear Bag Policy.**
- **Unnecessary face coverings must be removed prior to entry.**
- **No admittance is permitted after half-time.** In the case of a double-header, tickets will remain on sale until half-time of the second game.
- **Once you leave the building, you are not able to re-admit.**
- **No admittance for any student on OSS, currently in AEP, or currently expelled from EPS.**

*The Erie's Public Schools' Student Handbook & Code of Conduct applies and is enforced at all athletic events.*



## SECTION 22 — VISITOR PROCEDURES

To ensure the safety and security of students and staff, as well as the orderly operation of the Erie Public Schools' educational programs, all parents, guardians and other individuals who plan to visit a building during the school day are required to follow the registration and check-in/check-out procedures. Please take time to review the following:

- All visitors to any district school will be required to walk through metal detectors and are subject to search of their belongings.
- All visitors must enter through the designated VISITOR ENTRY location. Anyone planning to visit a classroom or other area of the school building during the school day should call the main office and pre-register for an appointment prior to the date of the visit. Unless it is an emergency, requests to meet with a classroom teacher or other staff member should be made at least 48 hours in advance to allow the school sufficient time to make arrangements for substitute coverage, if necessary.
- Upon arrival at the school building, all visitors must register in the office before proceeding to any other part of the building.
- As part of the registration process in the front office, all visitors will be asked to sign the Visitor Register and provide their driver's license or other state-issued photo identification.
- Once registered, the visitor will be issued a visitor identification badge, which must be displayed at all times while the visitor remains in the school building or on school premises.
- Visitors must remain in approved areas only and act in a manner appropriate to the safe functioning of the school environment at all times. Any individual who engages in uncooperative or disruptive behavior will be required to leave the premises.
- Upon conclusion of the visit, the visitor must return to the building office, sign out on the Visitor Register and return the visitor ID badge.
- A minor child who is not enrolled as a student in the district will be permitted to attend/visit a school in the district as long as the above mentioned procedures are followed and those listed below
  - The child's legal guardian has obtained prior approval;
  - The building administrator has determined the nature and length of the visit will not disrupt the school's classroom activities;
  - The child's legal guardian accompanies the child while on district property

Please note that parents and guardians who are dropping off items for a student in the front office, and who will not otherwise be proceeding into the school building proper, may do so without advance registration.

*The district reserves the right to deny an individual entry to any school building, when there is reason to believe that such individual's presence would be detrimental to the operation of the school and the learning environment*



## **SECTION 23 - STUDENT EXPRESSION/DISSEMINATION OF MATERIALS**

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 of Pennsylvania. The Board respects the right of students to express themselves in word or symbol and to disseminate non-school materials to others as a part of that expression. The Board also recognizes that the exercise of that right is not unlimited and must be balanced with the district's responsibility to maintain a safe and orderly school environment and to protect the rights of all members of the school community.

For the purposes of this policy, "dissemination" shall mean students distributing or publicly displaying non-school materials to others:

- On school property or during school-sponsored activities by placing such materials upon desks, tables, on or in lockers, walls, doors, bulletin boards, or easels; by handing out such materials to other persons; or by any other manner of delivery to others; or
- At any time or location when creating or sending information using email, websites, online platforms, social media channels or other technological means that are owned, provided or sponsored by the school district.

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

"Non-school materials" means any printed, technological or written materials, regardless of form, source or authorship, 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, online discussion areas and digital bulletin boards, personal websites and the like.

### **A. Limitations on Student Expression**

Students have the right to express themselves unless such expression is likely to or does materially and substantially disrupt or 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. Student expression is prohibited to the extent that it:

1. Violates federal, state or local laws, Board policy or district rules or procedures;
2. Is defamatory, obscene, lewd, vulgar or profane;
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/vaping products, alcohol or illegal drugs;
4. Incites violence, advocates use of force or threatens serious harm to the school or community;
5. Materially and substantially disrupts or interferes 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; or
7. Violates written district procedures on time, place and manner for dissemination of otherwise protected expression.

Student expression that occurs on school property or at school-sponsored events, or occurs at any time or place when created or communicated using district-provided equipment, email, websites or other technological resources, is subject to this policy. The limitations, prohibitions and requirements of this policy shall apply to expression that occurs outside the foregoing circumstances only when and to the extent that the out-of-school expression:

1. Incites violence, advocates use of force or otherwise threatens serious harm directed at students, staff or the school environment;
2. Materially and substantially disrupts or interferes with the educational process, such as school activities, school work, discipline, safety and order on school property or at school functions; or
3. Interferes with, or advocates interference with, the rights of any individual or the safe and orderly operation of the schools and their programs.

#### **B. Dissemination of Non-school Materials**

Dissemination of non-school materials shall occur only at the places and during the times set forth in the District's written procedures, which permit the safe and orderly operation of schools, while recognizing the rights of students to engage in protected expression.

Students who wish to disseminate non-school materials on school property shall obtain pre-approval by submitting them at least one (1) school day in advance to the building principal or designee, who shall forward a copy to the Superintendent.

If the non-school materials include matters prohibited by this policy, the building principal or designee shall promptly notify the student/s of the nature of the violation and that they may not disseminate the materials until the violation is corrected and the materials are resubmitted for approval.

If notice of disapproval is not given during the period between submission and the time for the planned dissemination, students may consider the request approved and proceed with dissemination as requested, subject to all other established procedures and requirements relating to time, place and manner of dissemination. Students may nonetheless be directed to cease or suspend dissemination if it is later determined that the materials or the dissemination of them are in violation of this policy or implementing rules and procedures.

Students who disseminate printed non-school 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.

Printed non-school materials displayed in a fixed location of a school building shall bear the date when placed in each location. The district may remove the materials within ten (10) days of the posting or other reasonable time as stated in applicable procedures.

### **C. Review of Student Expression**

Review of non-school materials proposed for dissemination shall be conducted promptly so as to avoid unreasonable delay in dissemination.

School officials shall not censor or restrict non-school 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 apart from regarding time, place and manner, shall not be restricted unless the expression violates some other aspect of this policy, e.g., because it is independently determined to be in violation of this policy for reasons other than the religious nature of the content.

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.

## APPENDIX A — SAFE SCHOOLS ACT PARENT NOTIFICATIONS

The Pennsylvania Department of Education regulations, at 22 Pa. Code §10.25 requires school districts to immediately notify, as soon as practicable, the parent or guardian of a victim or suspect directly involved in an incident listed in section 1303-A(b)(4.1) or (4.2) of the Safe Schools Act. Those sections are set forth below:

(4.1) A list of criminal offenses which shall, at a minimum, include:

(i) The following offenses under 18 Pa.C.S. (relating to crimes and offenses):

- Section 908 (relating to prohibited offensive weapons).
- Section 912 (relating to possession of weapon on school property).
- Chapter 25 (relating to criminal homicide).
- Section 2702 (relating to aggravated assault).
- Section 2709.1 (relating to stalking).
- Section 2901 (relating to kidnapping).
- Section 2902 (relating to unlawful restraint).
- Section 3121 (relating to rape).
- Section 3122.1 (relating to statutory sexual assault).
- Section 3123 (relating to involuntary deviate sexual intercourse).
- Section 3124.1 (relating to sexual assault).
- Section 3124.2 (relating to institutional sexual assault).
- Section 3125 (relating to aggravated indecent assault).
- Section 3126 (relating to indecent assault).
- Section 3301 (relating to arson and related offenses).
- Section 3307 (relating to institutional vandalism)  
when the penalty is a felony of the third degree.
- Section 3502 (relating to burglary).
- Section 3503(a) and (b)(1)(v) (relating to criminal trespass).
- Section 5501 (relating to riot).
- Section 6110.1 (relating to possession of firearm by minor).

(ii) The possession, use or sale of a controlled substance or drug paraphernalia as defined in "The Controlled Substance, Drug, Device and Cosmetic Act."

(iii) Attempts, solicitation or conspiracy to commit any of the offenses listed in subclauses (i) and (ii).

(iv) An offense for which registration is required under 42 Pa.C.S. § 9795.1 (relating to registration).

(4.2) The following offenses under 18 Pa.C.S., and any attempt, solicitation or conspiracy to commit any of these offenses:

- Section 2701 (relating to simple assault).
- Section 2705 (relating to recklessly endangering another person).
- Section 2706 (relating to terroristic threats).
- Section 2709 (relating to harassment).
- Section 3127 (relating to indecent exposure).
- Section 3307 (relating to institutional vandalism)  
when the penalty is a misdemeanor of the second degree.
- Section 3503(b)(1)(i), (ii), (iii) and (iv), (b.1) and (b.2)  
(relating to criminal trespass).
- Chapter 39 (relating to theft and related offenses).
- Section 5502 (relating to failure of disorderly persons to disperse upon official order).
- Section 5503 (relating to disorderly conduct).
- Section 6305 (relating to sale of tobacco).
- Section 6306.1 (relating to use of tobacco in schools prohibited).
- Section 6308 (relating to purchase, consumption, possession or transportation of liquor or malt or brewed beverages).

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