



# 6–12 Code of Student Conduct

UPDATED FOR 2017–2018

  
Expect great things.

## Dear PPS Students, Families and Staff,

I am pleased to provide a revised Code of Student Conduct for the 2017–2018 school year. The revised Code includes substantive changes that are reflective of the following:

- A comprehensive engagement process that involved getting input from students, parents, staff and community partners.
- The benchmarking of other districts across the country seeking to implement progressive discipline.
- An internal audit of our own disciplinary practices.

The revised Code of Conduct is now also aligned with our new strategic plan, Expect Great Things and provides a way to operationalize necessary changes. Four themes emerged from the strategic planning process, which was informed by approximately 3,500 stakeholders. Strategic Theme #1, create a positive and supportive school culture, sets the direction of several strategic initiatives geared to accomplish this important goal.

Through the implementation of a Mutli-Tiered System of Support (MTSS) there will now be an alignment of both academic and behavior interventions. Key behavior interventions such as Positive Behavior Interventions and Supports (PBIS) and Restorative Practices are centerpieces of this effort. The commitment of our Board of Directors to invest in these types of supports and initiatives signals a key shift in how we are supporting schools in reducing exclusionary discipline while scaling up alternatives to suspensions.

As a part of our implementation plan, we understand that buy-in and shared accountability are significant contributing factors to achieving our goals. As such, we will continue to engage the community and staff in ensuring the necessary supports and expectations are in place for our students, families and staff.

I am confident that by working together, we can assure a positive and supportive school culture in every school within the Pittsburgh Public Schools.

We are looking forward to a successful school year.



Dr. Anthony Hamlet  
Superintendent

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## Code of Student Conduct

The School District of Pittsburgh is committed to providing every student with the opportunity to attend school in an environment that is safe, respectful and conducive to learning and community building. This goal is of the highest priority because excellence in education cannot be achieved unless schools and classrooms are welcoming, safe and orderly. The Code of Student Conduct was developed so that all students, staff and parents/guardians within the District fully understand the expectations for student behavior and are aware of supports available while in attendance in our schools, while attending school sponsored activities or while riding on transportation systems serving our school district.

We entrust the safety of each of our children to the principals of our schools. We support principals' efforts to maintain safe and caring learning environments, where students and staff can interact free of disruption and unnecessary distractions. The Code of Student Conduct is applicable in all situations where principals and school staff members have jurisdiction over students—while they are in our schools, on the way to or from our schools, on our school transportation, on our school premises and at all of our school-sponsored events.

The relationship between academic achievement and the social/emotional growth of our students is tightly connected. It is critical that each of our schools develop a safe, orderly and welcoming school plan that ensures not only the safety of each of our students but promotes a safe and orderly academic classroom environment so that we maximize learning for all students. The district is committed to having each of our schools invest in school-wide positive behavioral interventions and supports that all teachers, staff, students and parents embrace. This plan will then encompass the Code of Student Conduct as well as other positive behavior strategies and management techniques that are unique to the individual culture of the school.

The responsibility to create and maintain a safe school environment rests with the principal in collaboration with staff, students, parents/guardians, and the school community. Effective schools have established practices and routines that teach and reinforce appropriate school and classroom behavior, while maximizing learning time and minimizing exclusions from the classroom. These practices and routines are part of each school's safety plan, and we anticipate that they will be fully supported by all members of the school community. The school safety plan represents a proactive approach to safe school development that encourages student self-discipline and in-school interventions, thereby minimizing the use of exclusionary interventions for violations of the Code of Student Conduct.

Like academic growth, growth in social skills is expected of all our students. When a student's alleged behavior falls short of expectations, it must be identified and addressed with evidence-based practices if all students are to obtain maximum benefit from our educational offerings. School principals are tasked with engaging the student and parent/guardian in how future similar behavior can be avoided. The School District of Pittsburgh is prepared to assist these students in the student's and parent's/guardian's preferred language and mode of communication to provide a fair and consistent discipline program designed to address undesired behavior and reinforce positive behavior while ensuring the rights of all. We expect all students, staff and parents/guardians to fully comply with the regulations and procedures contained in this Code, so that our schools will be free of any activity that threatens the health, safety or welfare of the school community.

Good school attendance is another important behavior that contributes to learning and ultimately success at work. Therefore, whenever appropriate, we will exercise a variety of in-school interventions to correct student misbehavior and resolve conflict, in lieu of exclusion from school. Further, a system of supports shall be in place to promote good school attendance.

We understand that some misconduct is of such a serious nature that a student must be removed from the school in order to preserve the safety and order of the school and the well-being of the student and others. When exclusion from school for an extended period of time is necessary, we will afford students and parents other educational and support options outside of the mainstream that include a plan for the student to reintegrate back into the school community with appropriate supports.

For copies in languages other than English, please contact the English as a Second Language (ESL) Department at 412-529-3620. ***If a non-English speaking family has questions or would like an interpreter, they can call 412-529-6463 and request the documents in the language that they prefer.***

### Spanish

Para obtener copias en idiomas distintos del inglés, por favor, póngase en contacto con el Departamento de Inglés como Segundo Idioma (ESL) al 412-529-3620. Si una familia que no habla Inglés tiene preguntas o le gustaría un intérprete, pueden llamar a 412-529-6463 y solicitar los documentos en el idioma que prefieran.

### French

Pour obtenir des copies dans des langues autres que l'anglais, veuillez contacter le Département de l'anglais comme langue secondaire au 412-529-3620. Si les familles, ne parlant pas l'Anglais, ont des questions ou souhaitent un interprète, elles peuvent appeler 412-529-6463 et demander des documents dans la langue qu'ils préfèrent.

### Russian

Для получения копий документов на других языках, кроме английского, пожалуйста, свяжитесь с Отделом английского как второго языка (ESL) по телефону 412-529-3620. Если у родителей, не говорящих по-английски, возникли вопросы или им требуется переводчик, они могут позвонить по телефону 412-529-6463 и запросить документы на языке, который они предпочитают.

### Arabic

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### Chinese

为了得到用不同于英语的其它语言书写的文件，请通过电话 412-529-3620 联系“英语作为第二语言”系（ESL系）。如果一个不说英语的家庭有问题，或者需要翻译，请拨打 412-529-6364，并且使用他们喜欢的语言索要文件。

## Shared Responsibilities and Student Rights

### Shared Responsibilities

For our students to be successful, we must all work together. To be effective it is important for everyone to be on the same page and share a common vision. That's why we created the Pittsburgh Pledge. The Pittsburgh Pledge is our commitment to one another. It recognizes that we each have an important role and responsibilities for preparing all children to achieve academic excellence and strength of character, so that they have the opportunity to succeed in all aspects of life.

### The Pittsburgh Pledge

We know that education is the key to our future. All of us—students, teachers, administrators, families, community, board members and other civic leaders—will take an active role in helping all students. We pledge to:

- Have high expectations,
- Work hard,
- Achieve academic excellence,
- Keep our schools safe and create a positive learning environment,
- Use good judgment to prevent minor incidents from becoming major problems,
- Set a positive example,
- Be respectful and considerate of one another,
- Support student expression.

Our specific responsibilities are listed on the following pages.

### Staff Responsibilities and Commitments

Each member of the school staff must understand and consistently enforce the Code of Student Conduct and all school rules and regulations. In efforts to enforce District and school rules and regulations, staff persons must respect the rights of students and parents. It is the responsibility of each staff member to utilize the various components of progressive discipline and involve students, parents and support staff in the process. Where appropriate each staff person must:

- Respect all members of the school community.
- Work to create an inclusive learning environment and provide culturally competent interactions with students and parents.
- Develop and implement procedures and routines to maintain school and classroom environments conducive to learning.
- Review school and classroom rules and regulations with students regularly.
- Notify parents and administrators when student misbehavior is persistent or of a serious nature.
- Maintain composure when disciplining students and avoid verbal or physical confrontation.
- Respond to disciplinary situations in the school, on school grounds or at school-sponsored events.

### Staff Responsibilities and Commitments (continued)

- Commit and make effort towards helping pps students complete high school with the goal of being promise-ready.
- Work to minimize lost class time and exclusionary discipline and provide opportunities to continue educational progress.
- Treat students and parents in a respectful manner.

### Administrator Responsibilities & Commitments

The principal must develop and implement procedures and routines to ensure that the school maintains a safe and drug free environment. It is the principal's responsibility to make certain that the entire school environment is conducive to learning. The principal must also make sure that all students, staff, and parents are fully aware of school rules, procedures and routines for maintaining student discipline and decorum. Every principal must:

- Respect all members of the school community.
- Consistently apply the code of conduct, guaranteeing clear standards and consequences for student behavior.
- Address rule violations with multiple strategies to keep students in school.
- Develop and implement a school safety plan.
- Provide a copy of school rules and procedures to all students, staff and parents and make available in student's and parent's preferred language and mode of communication.
- Visit classrooms and other areas in and around the school regularly to monitor implementation of the safe school plan.
- Respond to all serious cases of student misconduct and student misbehavior that persists after other appropriate measures of progressive discipline utilized by staff have been exhausted.
- Establish a discipline or school culture and climate committee and convene at least once each month to review available discipline data and discuss strengths and weaknesses of the school's disciplinary climate.
- Ensure that parents and students are afforded the full rights of due process prior to suspensions or expulsions.
- Ensure that various resources and positive behavior supports are available to correct academic and behavioral difficulties and that these resources are used when appropriate, prior to out of school suspensions.
- Submit an annual report to the office of student services specifying the various intervention strategies and corrective measures available at the school for students with academic or behavioral difficulties and make this report available to parents, students, and personnel.
- Provide free translation and interpretation services.
- Use professional judgment to prevent minor incidents from becoming major problems.
- Commit and make a concerted effort toward helping PPS students complete high school with the goal of graduating college, career, and life-prepared to complete a two- or four-year college degree or workforce certification.

## Student Responsibilities and Commitments

Student rights are closely associated with corresponding responsibilities and commitments. All students within the School District of Pittsburgh have the following responsibilities:

- Respect all members of school community.
- To attend school regularly and to make a conscientious effort in the classroom.
- To help maintain a climate within the school that is conducive to wholesome learning and living.
- To respect the rights of teachers, students, administrators, and all others who are involved in the educational process.
- To express ideas and opinions in a respectful manner.
- To be aware of and comply with all rules and regulations for student behavior. Students should assume that, until a rule is waived, altered, or repealed in writing, it is in effect.
- To volunteer information in matters relating to the health, safety and welfare of the school community and the protection of school property.
- To dress and groom to meet fair standards of safety, health and cleanliness and not to cause substantial disruption to the education processes.
- To assist the school staff in operating a safe school for all students enrolled therein.
- To comply with commonwealth and local laws.
- To exercise proper care when using public facilities and equipment.
- To be on time for all classes and other school functions.
- To make up work when absent from school.
- To pursue and attempt to complete satisfactorily the courses of study prescribed by commonwealth and local school authorities.
- To report information accurately and not use indecent or obscene language in student newspapers or publications.
- To be committed to and make effort towards the completion of high school with the goal of graduating college, career, and life-prepared to complete a two- or four-year college degree or workforce certification.

## Parent Responsibilities and Commitments

Parents should teach their children honesty and respect for the law and the property of others. When parents and schools work together as partners toward these obligations, each individual benefits. Every parent should:

- Respect all members of the school community.
- Be familiar with the code of student conduct and discuss its contents with their children.
- Be familiar with the student handbook of the school where their children are in attendance and discuss its contents with their children.
- Become familiar with the services available to students through the school, its partners and community agencies with whom the school collaborates.
- Attend conferences related to their child's academic performance or behavior.

## Parent Responsibilities and Commitments (continued)

- Teach children to respect the rights of others and follow school rules.
- Commit and make effort toward helping their children complete high school with the goal of graduating college, career, and life-prepared to complete a two- or four-year college degree or workforce certification.

## Student Rights

All students within the School District of Pittsburgh have the following rights:

- A.** All persons between the ages of 6 and 21 years are entitled to a free and full education in the public schools. A student has the right to remain enrolled through the end of the school term in which he or she turns 21. A student under the age of 21 can enroll in school even if he or she already has a Graduation Equivalency Diploma ("GED"). A student's perceived citizenship or immigration status cannot be used to deny access to public education.
- B.** Parents or guardians of all children under age 17 who are enrolled in school are required by the compulsory attendance law to insure that their children attend an approved educational institution, unless legally excused. Students that are age 6 within the jurisdiction of Pittsburgh Public Schools are required to enroll in school. Students who have not graduated may not be asked to leave school merely because they have reached 17 years of age if they are fulfilling their responsibilities as students. A student may not be excluded from public schools or from extracurricular activities because of being married, pregnant, or parenting.
- C.** Students have the right to a positive and inclusive learning environment that feels safe, respectful and welcoming for all students. This right extends to students who may be undocumented or have undocumented family members. The school may not inquire as to the immigration status of a student or the student's parent/guardian. The District maintains a protocol for handling inquiries from governmental agencies regarding student and parent/guardian immigration status in a manner that supports a safe and supportive school environment for all students.
- D.** Students have the right to a socially, emotionally, and physically safe and positive school climate, with disciplinary procedures that are evidence-based, informed by youth development, positive behavior interventions, de-escalation techniques and restorative practices.
- E.** Students have the right to participate in school disciplinary committee meetings (where available) to provide input on how disciplinary policies are working in practice.
- F.** Students have the right to be treated with dignity and respect. No student shall be discriminated against on the basis of race, ethnicity, gender, sexual orientation, gender identity or expression, language, national origin, religion, disability or economic status.
- G.** Students have the constitutional right to express themselves unless such expression materially and substantially interferes with the educational process, threatens immediate harm to the welfare of the school or community, encourages unlawful activity, or interferes with another individual's rights. Students have the right to discuss issues that impact their education with school board members, district administration, and school administration.

## Student Rights (continued)

**H.** Students may use publications, such as handbills, announcements and other means of common communication, so long as the use of school facilities is approved by the authority in charge of those facilities, under the following conditions:

- Students have the responsibility to obey laws governing libel and obscenity and to be aware of the full meaning of their expression.
- Students have the responsibility to be aware of the feelings and opinions of others and to give others a fair opportunity to express their views.
- Identification of the individual student or at least one responsible person in a student group may be required on any posted or distributed material.
- The school principal may require students to submit for prior approval a copy of all materials to be displayed, posted or distributed on school property.

**I.** Students have the right to use designated bulletin boards; however, such right is subject to the following conditions:

- The school principal may restrict the use of certain bulletin boards.
- Bulletin board space shall be provided for the use of students and student organizations.
- The school principal may require that notices or other communications be officially dated before posting, and that such materials be removed after a prescribed reasonable time to assure full access to the bulletin boards.

**J.** Students have the right to express themselves in an official school newspaper. School newspapers and publications shall conform to the following:

- Students have a right and are as free as editors of other newspapers to report the news and to editorialize within the provisions below.
- School officials shall supervise student newspapers published with school equipment, remove obscene or libelous material and edit other material that would cause a substantial disruption or interference with school activities.
- School officials may not censor or restrict material simply because it is critical of the school or its administration.
- Prior approval procedures regarding copy for school newspapers shall identify the individual to whom the material is to be submitted and shall establish a limitation on the time required to make a decision. If the prescribed time for approval elapses without a decision, the material shall be considered authorized for distribution.
- Students who are not members of the newspaper staff shall have access to its pages.
- Written criteria for submission of material by non-staff members shall be developed and distributed to all students.
- Students have the right to circulate petitions, conduct polls, set up information tables, organize clubs, and sponsor speakers and activities.

**K.** The school principal may set forth the time and place of distribution of materials so that distribution does not materially or substantially interfere with the requirements of appropriate discipline in the operation of the school.

**L.** The constitutional right of freedom of speech guarantees the freedom of public school students to publish materials on their own; however,

- The school has no responsibility to assist students with, or to provide facilities for the publishing of such materials.
- The students themselves have sole responsibility for any statements published.
- Approval procedures must be followed prior to distribution or display of materials on school property. Students have the right to equitable academic resources, including equitable access to accelerated classes and academic counseling.
- Students have the right to effective teachers, who are caring, supportive, and culturally competent.

**M.** It is the responsibility of every citizen to show proper respect to his/her country and its flag. Students may:

- Decline to recite the Pledge of Allegiance and may refrain from saluting the flag on the basis of personal belief or religious convictions.
- Choose to refrain from such participation but shall respect the rights and interests of classmates who do wish to participate.

**N.** Students have the right to decide upon the length or style of their hair, however, this right may be limited by the school principal:

- If the length or style of hair causes a disruption of the educational process or constitutes a health or safety hazard.
- If the length or style of the hair presents a problem, some type of covering may be required.

**O.** If attire or dress causes the disruption of the educational process or constitutes a health or safety hazard, limitations on dress may be imposed by the school principal. Otherwise, no limitations on dress may be imposed.

**P.** Students may be required to wear certain types of clothing while participating in physical education classes, shops, extracurricular activities, or other situations where special attire may be required to insure the health or safety of the student.

**Q.** A confidential communication made by a student to certain school personnel will not be revealed in legal proceedings under the law. However, information received in confidence from a student may be revealed to the student's parents, the principal or other appropriate authority where the health, welfare or safety of the student or other persons is clearly in jeopardy. Confidential communications may also be revealed in the scope of a mandated report of suspected child abuse made in accordance with state law and District policy.

**R.** The school principal may search a student's locker and seize any illegal materials. Such materials may be used as evidence against the student in disciplinary proceedings. Prior to a locker search, students shall be notified and given an opportunity to be present. However, where the school principal has a reasonable suspicion that the locker contains materials that pose a threat to the health, welfare and/or safety of students in the school, student lockers may be searched without prior warning. Nevertheless, students have the right not to be subjected to unreasonable searches or seizures.

## Title IX Notice

Title IX of the Education Amendments of 1972 (Title IX) prohibits discrimination on the basis of sex in all federally assisted education programs and activities, including interscholastic and co-curricular athletics. It is the policy of the School District of Pittsburgh to offer opportunities for participation in interscholastic and co-curricular athletic programs to male and female students on an equal basis and in accordance with federal and state laws and regulations. Title IX further prohibits discrimination and harassment based on sex. For more information regarding Title IX or to report a violation or file a complaint, please contact the District's Title IX Compliance Officer, Dr. Dara Ware Allen, or the Title IX Compliance Officer's Designee. The Compliance Officer's Designee is responsible for handling complaints of sex discrimination and sexual harassment, while ultimate compliance oversight rests with the Title IX Compliance Officer.

### Title IX Compliance Officer

Dr. Dara Ware Allen  
Assistant Superintendent Student Support Services  
341 S. Bellefield Avenue, Pittsburgh, PA 15213  
412-529-3950  
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### Title IX Compliance Officer's Designee

Director of Student Support  
341 S. Bellefield Avenue, Pittsburgh, PA 15213  
412-529-3918

## Nondiscrimination – Transgender and Gender Expansive Students

The School District is committed to creating a safe and inclusive learning environment for all students that is free from discrimination, regardless of sex, sexual orientation, gender identity, or gender expression. To support this commitment, the District has adopted a Nondiscrimination policy specific to protecting the rights of transgender and gender expansive students within its schools. The policy can be found on the District's website, or a copy can be requested through the Title IX Compliance Officer's Designee.

In summary, the policy specifically prohibits discrimination and harassment based upon a person's actual or perceived gender identity or expression and directs all allegations to be handled consistent with Board policies, law and regulation.

The policy sets forth protections for transgender and gender expansive students including:

- The right to privacy, including the right to keep one's transgender status private at school.
- The right to be addressed by a name and pronoun that corresponds to the student's gender identity (i.e., on certain school records and documents such as school IDs, classroom rosters or the yearbook).
- The right to have the student's official/permanent record changed upon presentation of a court-ordered name change or through amendment of state or federally-issued identification.
- Students shall not be required to provide evidence of medical treatments or procedures prior to asserting rights under the Board Policy.
- Students shall have the right to dress in accordance with their gender identity, within the constraints of the dress code adopted by the school.

## Nondiscrimination – Transgender and Gender Expansive Students (continued)

- Upon notification by a student, parent/guardian, or representative that a student is undertaking, planning to undergo, or has completed a gender transition, the school will promptly inform the notifying individual and the student of the right to request a support team, consisting of appropriate school staff such as the school principal or his/her designee, counselor, social worker and teacher(s).
- With respect to all restrooms, locker rooms, changing facilities, or overnight facilities, District students shall have access to facilities that correspond to their gender identity. In any gender-segregated facility, any student who is uncomfortable using a shared facility, regardless of the reason, shall, upon the student's request, be provided with a safe and non-stigmatizing alternative.
- All students shall be permitted to participate in physical education classes, intramural sports, or in any other activity where students are separated by gender, in a manner consistent with their gender identity.
- Each school shall form a point team that will serve as a visible resource for all students who have questions and concerns regarding any issues related to gender identity and expression.
- Training shall be provided for all new and current staff members on their responsibilities under applicable laws and this policy, including teachers, administrators, counselors, social workers, security and health and physical education staff.

## Standards and Procedures for Attendance and Dress Code

### Statement of Purpose

This Policy and its associated guidelines are intended to promote regular school attendance and to facilitate the academic, social, emotional and physical development of students in the School District. The compulsory school attendance law of Pennsylvania requires every child of compulsory school age to be in school unless absent for an approved reason. Parents and/or guardians are charged with the responsibility for their child's/ children's school attendance. The School District realizes that it will be necessary for students to be absent on occasion when a student is prevented from attendance for certain reasons such as illness, health care and religious holidays. It has been proven, however, that students who attend school regularly achieve at a higher level than those who do not. Class attendance and participation are imperative for ensuring a school environment of engagement, academic achievement and necessary for the accomplishment of curriculum objectives. Therefore, it is the policy of the School District that all students be in attendance unless absent for an approved reason. It will be the responsibility of the school principal or designee to implement these guidelines for the attendance policy of the School District and/or to review any exceptions.

### Compulsory School Attendance

Compulsory school age refers to 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 eight (8) years of age until the child reaches seventeen (17) years of age. It is mandatory for all children of compulsory school age to attend and be present at school unless excused from attendance for an approved reason under the Pennsylvania School Code. The School District is responsible for monitoring and maintaining records of attendance of students, and all absences will be treated as unexcused and/or unlawful until the school receives and approves a written excuse explaining the reasons for an absence. Federal law also demands compulsory attendance. The attendance rates at all schools are used to determine School Performance ratings. The School District is required by law to enforce compulsory school attendance. The School District will utilize all lawful methods set forth in the School Code for enforcing attendance, including but not limited to, referring the student to attendance improvement programs, filing truancy charges with the local magistrate and/or contacting the county children and youth agency for assessment.

### Attendance Standards

**Absence:** Absence is defined as non-attendance in school in an individual class, the entire school day or a combination of both. Absence includes tardiness to class and/or school as well as early dismissals. Absences are calculated on a per year basis and are not calculated over multiple academic years.

**Excused Absence:** An "excused absence" includes the absence of a student for any of the following reasons:

**Illness or Other Urgent Reasons:** Upon receipt of satisfactory evidence of mental, physical or other urgent reasons, a parent's written note will excuse a student's absence. A maximum of ten (10) days of cumulative absences verified by parental notification may be permitted during a school year. All absences beyond ten (10) cumulative days require an excuse from a physician. For parenting students, upon receipt of satisfactory evidence of illness of the student's child, related absences will be excused.

**Health Care:** A student may be excused during school hours to obtain non-school professional health care, including emergency care, hospitalization and/or quarantine. A parenting student may be excused during school hours to obtain non-school professional health care, including emergency care, hospitalization and/or quarantine for the student's child. Documentation from the treating licensed health care professional shall be obtained and provided to the school.

**Bereavement:** A student may be temporarily excused from school for bereavement and/or to attend the funeral of a family member. All such excusals must be reported to and approved by the school principal or designee.

**Religious Holidays and Religious Instruction:** A student shall be excused from school for absences occasioned by the observance of the student's religion recognized by the Board of Education as a bona fide religious holiday.

**Weather Emergency:** If a decision is made for schools to remain open, parents/guardians have the option to keep their children home for health and safety reasons. Parents/guardians are ultimately responsible for making this decision. If a parent decides to keep his or her child home in any situation, including inclement weather, he or she should call the school to report his or her child's absence. A written explanation of the absence must be provided to the homeroom teacher upon return to the school within three (3) days. Failure to provide a written explanation of the absence within three (3) days will result in an unlawful or unexcused absence. The school principal or designee determines whether a student's absence will be excused for these reasons.

**Involuntary Exclusions:** A student who is lawfully absent from school or class due to involuntary exclusion shall be excused. An involuntary exclusion includes out-of-school suspensions, temporary alternative education placements and incarceration or home-detention. Attendance at a required in-school suspension shall not be counted as an absence.

**School-Approved Activities:** A student absent from class or school due to participation in a school, principal or teacher approved activity, including, but not limited to field trips, service learning, assemblies, support groups, counseling, mentoring, or tutoring shall be lawfully excused.

**Other Principal-Approved Excusals:** A school principal or his/her designee may excuse a student from attendance for lawful reasons. Administrator – Approved Excusals are: educational vacations, college visitation, counseling or support groups, or social service agency appointments including, but not limited to Children, Youth and Families.

**Unexcused Absence (Unlawful Absence):** All absences that are not excused pursuant to this policy will be considered Unexcused. If a student is under age 17, then an absence that is not excused pursuant to this policy will be considered Unlawful and Unexcused. Tardiness that results in a student missing class without a written lawful excuse will be considered an Unexcused and/or Unlawful absence. Parents/guardians shall submit written explanations for Excused Absences within three (3) calendar days of the absence. If the school does not receive a written explanation within three (3) calendar days of any absence, the absence will be permanently counted as Unexcused and/or Unlawful.

**Truant Students:** Students subject to compulsory school attendance who have incurred three (3) or more school days of unexcused absences during the current school year.

**Habitually Truant Students:** Students subject to compulsory school attendance who have incurred six (6) or more school days of unexcused absences during the current school year.

**Tardy:** Absences from school include full days as well as accumulated tardies which result in the equivalent of full school day(s) absent. Tardiness that results in a student missing a class or subject period will be considered an illegal absence.

**Missed Class Work:** A student shall be permitted to make up any assignments, homework or exams missed due to a lawfully Excused Absence or absence due to involuntary exclusion. Students who are absent from class or school shall NOT be permitted to make up any missed assignments, homework or exams so long as the absence remains an Unexcused Absence. All work completed and grades earned by students assigned to in-school suspension, suspension, or another temporary alternative education placement shall be included in calculating the student's report period grade. Students participating in school approved activities shall be permitted to make-up any missed assignments or exams.

**Eligibility for The Pittsburgh Promise®:** The Pittsburgh Promise® uses attendance as one of several criteria when determining eligibility for scholarships. Out-of-School Suspensions and Unexcused Absences shall count against a student when determining eligibility for the Promise. All other absences are not counted against a student in determining eligibility for the Promise.

## Attendance Procedures

**School Principals and Administrators** shall be responsible for implementing these attendance standards and for developing any additional attendance referral procedures needed to implement compulsory attendance for their school.

**Classroom Teachers** shall be responsible for maintaining accurate daily class attendance for all students and must report all unlawful or unexcused class absences to the school principal or designee.

**Homeroom Teachers** shall be responsible for maintaining accurate school attendance records and immediately referring all Unexcused and/or Unlawful Absences to the school principal or designee. Homeroom teachers shall, in addition to the administrative referral required under this section, make every effort to contact a student's parent/guardian via telephone immediately after EACH ABSENCE and inform the parent/guardian that the student has been referred to the administration due to the Unexcused Absence. If contact is not made by telephone, then the Homeroom Teacher shall contact the parent/guardian via mail.

Homeroom teachers shall collect and record all written excuses for student absences. Homeroom teachers shall only accept written excuses from a parent, caregiver, or health professional within FOUR (4) days of the student's most recent absence. Any excuse submitted beyond the FOUR (4) days will not be accepted unless approved by the homeroom teacher. All written excuses shall be maintained by the Homeroom Teacher. Excuses for absences exceeding TEN (10) cumulative school days must be from a licensed treating physician or be approved by the school principal or designee.

**Notices of First and Second Unlawful Absence** shall be sent to parents/guardians of all students of compulsory school age (under age seventeen) in substantially the same format provided by the Pennsylvania Department of Education (available via its website) and in the student's and parent's preferred language and mode of communication. A parent/guardian shall receive legal notice after each instance of Unlawful and Unexcused Absence. The legal notice shall be issued after the First Unlawful Absence and should include the legal penalties established by law for violation of compulsory attendance laws and the name and contact person for attendance at the child's school. The legal notice issued after the Second Unlawful Absence shall contain the same information.

**Notice of Third Unlawful Absence (Truant Students)** shall be sent as soon as practicable after but no later than ten (10) school days of the student's third unexcused absence. The notification must describe what will occur if attendance does not improve and the student is considered "habitually truant," and shall be in the mode and language preferred by the student's parent/guardian.

**School Attendance Improvement Conference:** If a student continues to accrue unexcused absences after a Third Unlawful Absence notice is issued, a school attendance improvement conference ("SAIC") shall occur. The purpose of the SAIC is to examine child's absences and reasons for the absences in an effort to improve attendance, with or without additional services. The following individuals must be invited, in writing, by the school to the conference: (1) the child; (2) the child's person in parental relation; (3) other individuals identified by the person in parental relation who may be a resource; (4) appropriate school personnel; and (5) recommended service providers. So long as the school has invited the appropriate participants to the meeting, the school must hold the SAIC even absent participation from the parent, student and other non-district individuals. The discussion and outcomes of the SAIC shall be reflected in writing in a school attendance improvement plan.

**Notice to Parents/Guardians of Students Not Subject to Compulsory School Attendance (17 and older)** shall be sent after each Unexcused Absence. All notices sent to parents/guardians of students 17 and older are informational and do not constitute a legal notice. However, students seventeen (17) and older are subject to school district action as follows: After the third notice of Unexcused Absence, the school shall invite the required team members to a student attendance improvement conference and reflect the outcome of such conference in writing. If the student continues to accrue Unexcused Absences in violation of this policy and his/her SAIC, and the student and his/her parents wish the student to remain enrolled in school, then the District may consider transferring the student to the Standard Evening High School or other appropriate education program that will meet the needs of the student. Students who are seventeen years of age and older and are absent for ten (10) consecutive school days, shall thereafter be removed from the active membership roll after the school has investigated the situation unless the District is provided with evidence that the absence is legally excused. All students removed from the membership roll can re-enroll until the age of 21.

**Students with Disabilities** and those suspected of having disabilities are subject to compulsory school laws. Prior to filing a citation with the local magistrate, each student's individual circumstances will be reviewed by the appropriate personnel and raised and addressed in the student's IEP or Section 504 Team meeting. A student with disabilities will not be removed from the rolls based on attendance.

## Responses to Violations of Attendance Standards

**Parental Notification:** Parents/guardians shall receive written notification after each instance of Unexcused and/or Unlawful Absence. The Official notice of filing of a truancy citation with the local magistrate shall be sent via regular and certified mail return receipt requested in accordance with this policy. (See Legal Notices and Notices above.)

**School Attendance Improvement Conference (SAIC):** Following the third (3rd) Unexcused and/or Unlawful Absence, the school shall schedule a conference where the child's absences and reasons for the absences are examined in an effort to improve attendance. The school shall develop a school attendance improvement plan documenting the outcome of the SAIC).

**Transfer or Disenrollment (Students age 17 or older):** The school must convene a SAIC and reflect the outcome in a school attendance improvement plan. If additional unexcused absences occur after the SAIC, the school may take additional responsive action to address truancy. If a student has ten (10) consecutive Unexcused Absences, s/he may be permanently removed from the active rolls of attendance.

**Referral to the Local Magistrate (Students under age 17):** After convening a SAIC and reflecting the outcome in a school attendance improvement plan if a student is unlawfully absent at any point within the school year, an official notice of unlawful absence shall be sent home via certified mail return receipt requested. The purpose of the notice is to inform the student's parent/ guardian that the student continued to be truant in violation of the compulsory attendance requirements, and to advise the parent/guardian that a citation has been filed with the local magistrate.

School staff are prohibited from filing additional truancy citations for subsequent violations of compulsory attendance if any of the following apply:

- A. the habitually truant student has a citation currently pending before the magistrate;
- B. a referral was made to the County Children and Youth Agency as outlined below and the case has not yet been closed; or
- C. a petition has been filed alleging the child is dependent due to habitual truancy and the case remains within the jurisdiction of the juvenile court.

**Referral to County Children and Youth Agency (Students under age 15):** Any student who has not attained age 15 who fails to comply with compulsory attendance and is habitually truant, shall be referred to Allegheny County Children, Youth and Families (CYF) for services. The referral may be in addition to filing a citation with the local magistrate, so long as the required school attendance improvement conference has occurred.

**Referral to County Children and Youth Agency (Students over age 15):** The school principal may refer a student 15 years of age or older to CYF in lieu of filing a citation with the local magistrate, if the student has been referred to a school-based or community-based attendance improvement program or refuses to participate in such program as recommended through a school attendance improvement conference. This is often a preferable way to proceed in order to provide needed services to a student to support continued attendance.

**Verification of School Attendance Improvement Conference:** Schools, when referring habitually truant students to CYF or the court through a citation process, must provide verification that a school attendance improvement conference was held.

Penalties for Violations of the Compulsory School Law Possible Sentences:

- Fine of up to \$300 and court costs for first offense
- Fine of up to \$500 and court costs for second offense
- Fine of up to \$750 and court costs for third or subsequent offense
- Community service
- Completion of course or program designed to improve school attendance
- Suspension of student's driving privileges or ineligibility to apply for a driver's license for 90 days for the first offense and 6 months for second or subsequent offense

The magistrate may suspend any of the above sentences if the child attends school in accordance with a plan devised by the court.

## Dress Code/Uniforms

The School District of Pittsburgh has an exclusionary dress code. The Board, therefore, resolves that no student shall wear any apparel or jewelry that by words, signs, pictures or any combination thereof appearing on said clothing or jewelry advocates or promotes sexual activity or violence, or the use of alcohol or drugs or demeans or degrades another because of race, sex, religious persuasion, national origin, handicap or disability. Students shall have the right to dress in accordance with their stated gender identity and/or expression within the constraints of this code.

Students are expected to wear appropriate clothing at all times while at school. Clothing must not be of any style, length or fit that is of a provocative nature. Revealing attire that permits the exposure of undergarments or private body parts is prohibited. This prohibition shall be in effect during regular school hours and at any school-sponsored event whether on or off school premises.

A prescribed dress code or uniform policy is defined as a policy, either in writing or declared verbally by a given school principal, that requires the student to wear a certain mode of dress during school time, or at any school-sponsored event whether on or off school premises. Individual schools within the District may adopt a prescribed dress code or uniform policy in accordance with the Board's policy. (See school's specific dress code.)

## A Focus on Supports: Shifting Culture, Climate, and Practices

The revised Code of Conduct is geared to help transition us from less reactionary and exclusionary practices and toward proactive approaches that focus on building student and staff skills and competencies, which in turn leads to greater productivity and success. Our hope is that it moves us from a singular focus on safety to a comprehensive focus on creating the conditions that help make every classroom and every school a great place to learn and grow.

The handbook embodies our belief as a school district that students learn by pushing and testing limits, getting feedback about their behavioral choices, and making the changes needed to become contributing members of a community of learners. The handbook is also designed to reflect a commitment to student equity. This means that we hold all students to the same high expectations but provide different kinds of support to reach those expectations.

### Local School Rules

PPS is responsible for formulating the Code of Conduct to apply to its students in each school. All schools shall provide a list of local school rules and in-school discipline measures consistent with the handbook as adopted by PPS. The school rules will be developed and adopted by an internal school committee (i.e. CORE team, Discipline or School Culture and Climate Committee, other relevant committees) or by the principal, with help from staff, parents/guardians, and/or students.

Research shows that positive relationships help students learn. Students are more likely to succeed when they feel connected to others in their school and class- room community and are less likely to behave in ways that disrupt the school environment. Skills and strategies to be used by staff for building positive relationships with students include the following:

- Know your students' strengths and cultural identities.
- Communicate understanding and empathy.
- Structure tasks for student success.
- Reinforce behavior in a positive manner.
- Use factual, objective language to define expectations and address behavior.
- Ask open-ended questions.
- Stay calm in tense situations.
- Remain neutral whenever possible.

PPS values its diversity and strives to be inclusive and aware of the cultural differences of our students and staff while providing equitable opportunities and access. In addition, we have taken measures to consider and be sensitive to the age and developmental appropriateness of our Behavior and Range of Corrective Strategies. We know that at different stages of development, a student's capacity to understand his or her behavior develops and grows. Our Code of Student Conduct takes this into consideration and allows for such growth and maturity. As a result of our commitment to sustaining relationships, there is a renewed focus on celebrating and recognizing positive student behaviors, cultural competence, age-appropriate and developmentally appropriate supports and responses, and communication. Restorative Practices (RP) and Positive Behavior Intervention Supports (PBIS) are two of the best-practice frameworks being implemented with our students and staff to develop proactive and positive ways to respond to student behavior. Expanded training and implementation of RP and PBIS assist staff members with addressing antecedent behaviors, restoring potentially damaged relationships, and assisting students in finding replacement behaviors while also taking accountability for their actions.

## Restorative Practices: Building Community While Taking Responsibility

Using RP ensures that people are happier, more cooperative and productive, and more likely to make positive changes in their behavior because those in positions of authority do things with them, rather than to them or for them.

### Fundamental Principles:

- Acknowledging that relationships are central to community building
- Focusing on the harm done rather than only rule breaking
- Creating systems that address misbehavior and harm in a way that strengthens relationships
- Giving voice to the person harmed
- Engaging in collaborative problem solving
- Empowering change and growth
- Enhancing responsibility

### Positive Behavior Intervention Supports

PBIS is a framework used in schools to create positive learning environments wherein all students can experience academic, behavioral, and social-emotional growth. Implementing the core fundamental principles of PBIS can help make schools positive places where students love to learn and staff experience satisfaction in their work.

### Fundamental Principles

- Providing behavior expectations: Students must be provided with clear, consistent, and positively stated expectations for their behavior. The expectations reflect the respect, responsibility, and safety of all.
- Teaching behavior: Schools must be intentional about teaching students what is expected of them at every grade level. This requires teaching them at the beginning of the year and reteaching them throughout the year.
- Celebrating positive behavior: When students meet the behavior expectations set for them, staff acknowledge their efforts. Recognition of positive student behavior and strengths is critical to promoting positive behaviors for all students.
- Responding to behavior: When a student does not meet the behavior expectations set for him or her, staff respond in the moment by using a strategy and by providing an opportunity for the student to regain self-control. They also provide a resolution/ response that supports a student's ability to repair the harm resulting from his or her behavior and actions in order to maintain the safety of the school community.
- Using data: Schools regularly use behavior data to guide the teaching and support that take place at the individual student level, classroom level, and school level.

The following are proactive classroom and school-wide supports to prevent problems.

## Examples of Evidence-Based Classroom Supports

Proactive systems of supports assist all students in achieving social, emotional, and academic success. Proactive supports provide clear, consistent expectations so that every student knows exactly what is expected across school settings. When a student demonstrates an irresponsible behavior, determine a reason for the misbehavior and take action such as teaching replacement behavior to reduce and eliminate the behavior. Modify conditions that perpetuate the misbehavior, or implement corrective responses, thus promoting a safe and respectful learning environment.

Proactive Classroom Supports	Teacher-Based Action to Reduce and Eliminate Misbehavior
Create positive classroom expectations that are clearly defined and taught.	Provide lessons to teach or reteach the student how to behave responsibly.
Continuously teach and reteach classroom expectations throughout the year (e.g., schedule for teaching by week/month, after breaks).	Change student seating.
Model and practice expectations in appropriate setting (e.g., group work, individual work).	Pace the lesson more quickly to promote on-task behavior.
Use precorrection strategies to remind students of expectations before the next task.	Actively ignore misbehavior.
Use more positive than corrective interactions (at a ratio of 3:1) between staff and students, students to students, and staff to staff.	Respond calmly, restating the desired behavior.
Utilize fluent and consistent corrections for early-stage misbehavior.	Restructure classroom practices based on student needs (e.g., structured recess, structured lunch, visual schedules).
Create classroom acknowledgment systems to increase responsible student behavior.	Use progress-monitoring tools (e.g., on-task monitoring form, replacement behavior worksheet, ratio of interactions tracking form, reflection sheets, behavior contracts, student point sheets).
Maintain positive expectations for all students, in all settings, at all times.	Establish and consistently implement corrective responses for rule violations (e.g., student loses time for valued activity, in-class time-out, time-out in another class, restitution given for property damage, restitution given for relationship damage, positive practice, loss of points or privileges).
Implement effective instructional practices.	Communicate teacher-based actions with parent.
Actively engage students in learning.	Utilize restorative affective statements and affective questions.
Provide immediate positive feedback.	Student-teacher impromptu conferencing with active listening.
Build positive relationships with students and families (e.g., utilize RP circles).	
Teach prevention lessons (e.g., social and emotional learning, bullying prevention, suicide prevention, and trauma-informed practices).	

## Examples of Evidence-Based School-wide Supports

These interventions often involve support staff, both school-based and within the broader community, and aim to engage the student's support system to ensure successful learning and consistency of interventions and to change the conditions that contribute to the student's inappropriate or disruptive behavior. Staff should use these responses in a graduated fashion.

Proactive Classroom Supports	Teacher-Based Action to Reduce and Eliminate Misbehavior
Create positive school-wide expectations that are clearly defined and taught.	Use parent engagement strategies (e.g., newsletters, family nights).
Continuously teach and reteach school-wide expectations throughout the year (e.g., schedule for teaching by week/month, after breaks).	Design support and advisory groups that engage parents, students, and the community.
Model and practice expectations in appropriate settings (e.g., cafeteria, hallways, bus, restroom).	Use universal screeners and assessments to proactively identify students in need of supports (e.g., Strengths and Difficulties Questionnaire, Student Risk Screening Scale).
Establish a school-wide acknowledgment system with opportunities for individual and school-wide recognition.	Use responsive interventions and appropriate referrals (i.e. Student Assistance Program (SAP)); refer to school-based behavioral health counseling.
Effectively and actively supervise in common areas (e.g., all staff in hallways during transition, hallway sweeps).	Mental health evaluation referral.
Increase supervision in non-classroom settings.	Alcohol/Drug evaluation referral.
Refer to before- and after-school programs for additional support.	Threat assessment evaluation referral.
Employ targeted strategies for groups of students (e.g., mentoring programs, bullying prevention lessons for selected students, suicide prevention drop-in centers).	Refer to community organizations, including conferencing and community mediation.
Design social and emotional skills instruction groups (e.g., conflict management, anger-management, aggression replacement, organizational skills).	Parent/Guardian notification.
Establish an individual student-support, response, or problem-solving team.	Community service to school.
Establish in-school conflict resolution programs (e.g., community conferencing, peer mediation).	RP strategies (i.e. affective statements, responsive circles, small impromptu conferences).
RP strategies (e.g., affective statements and questions, conflict resolution, responsive circles).	Use individual student planning tools (e.g., Behavior Support Plan, Behavior Function Identification Worksheet, Behavior Collection Form).

## Progressive Discipline Process

**Progressive Intervention and Discipline:** Every reasonable effort should be made to correct inappropriate student behavior using logical consequences and restorative action. Significant disciplinary responses, such as out-of-school suspension, are used for the most serious situations. When an exclusionary disciplinary response is used (e.g., in-school suspension, out-of-school suspension), it must be paired with one or more interventions. In a progressive approach to intervention and discipline, students have the space to make mistakes, learn from them, and receive support to change their behavior over time. When a specific student behavior does not change using the lowest identified level of intervention and/or discipline—or the behavior increases in frequency, intensity, or duration—the next level of intervention/disciplinary response is used. All interventions and disciplinary responses should be selected, implemented, and assessed to help students do the following:

- Understand why the behavior is unacceptable and the harm it has caused
- Take responsibility for their actions
- Understand what they could have done differently in the same situation
- Learn social strategies and skills to use in the future
- Understand the progression of more serious consequences if the behavior reoccurs

Because inappropriate behavior may be symptomatic of underlying problems that students are experiencing, it is critical that all staff be sensitive to issues that may influence student behavior and respond in ways that are most supportive of student needs. The interventions and disciplinary responses described here should be carefully matched to the needs of the student and the overall context of the situation.

If a Level 1 corrective strategy is used to address the same behavior more than three times, an administrator may use his or her professional judgment and move to a Level 2 response, resulting in a possible short-term suspension of 1–3 days. A parent/ guardian should be made aware of the repeated behaviors and partner with the school on a plan to successfully address the behavior.

The discipline of students with exceptionalities (Program for Students with Exceptionalities (PSE)) is subject to state and federal law in addition to the Code of Conduct. To the extent any conflict exists, state and federal law will prevail. In deciding disciplinary measures, the local school will take into consideration the district's PSE procedures if the conduct in question was caused by or had a direct and substantial relationship to the student's disability or was the direct result of the school's failure to implement the IEP.

## Rules of Student Conduct, Behavior Definitions and Infraction Levels

### Definitions

**1. Parent:** When used in these procedures, the term “parent” shall include every parent, guardian or person in parental relation, having control or charge of any child or children in attendance at a school in the School District of Pittsburgh. The term “parent” also includes a court appointed educational decision maker or surrogate parent under the Individuals with Disabilities Education Act (IDEA).

**2. Administrator:** When used in these procedures, the term “administrator” shall refer to the principal, assistant principal, director, administrative practitioner, responsible teacher or any other person to whom the principal may legally delegate his/her authority.

**3. Designee:** When used in these procedures, the term “designee” shall refer to any administrator who has been designated to act on behalf of the Superintendent in matters of student discipline.

**4. Student:** When used in these procedures, the term “student” shall refer to any person enrolled in any of the District's programs, whether in comprehensive Pre-Kindergarten, elementary, middle, secondary, magnet or vocational schools, or in the alternative education schools or programs that have been established to serve children of school age.

**5. Hearing Officer:** When used in these procedures, the term “hearing officer” shall refer to any board member or contractor authorized by the Board of School Directors to hear cases involving violations of the Code of Student Conduct.

**6. Student With Disabilities:** One who is “eligible” or “thought to be eligible” as a student with disabilities under the IDEA or Section 504 of the Rehabilitation Act of 1973 (Section 504).

**7. English Language Learners (ELL):** Students who are active learners of the English Language and benefit from various types of language support programs.

**8. Limited English Proficient (LEP):** Individuals who do not speak, listen, read, or write English proficiently because it is not their primary language. LEP may be used to refer to parents/guardians, family members, or students.

**9. Alternative Education Placements:** A program where persistently disruptive 6th- through 12th-graders may be temporarily removed from their regular school environment and placed in an alternative program that provides an appropriate educational course of study. Each student in the Alternative Education Placement will have an Educational Support Plan (ESP) that addresses how the student will make normal academic progress toward graduation in their home school, identify behavioral supports and counseling the student will receive aimed at modifying the disruptive behavior, and define the criteria for determining that the student is ready for a successful return to the regular school program.

### I. Level One (Offenses that do not lead to an out-of-school suspension.)

LEVEL 1 INFRACTIONS are those of a less serious nature that do not necessarily pose a threat to the health, safety or property of any person. Staff persons must use appropriate forms of positive, school-wide behavioral interventions and supports to correct misbehavior in less serious infractions. Staff persons should keep a record of interventions and share this documentation at the request of a student, parent/guardian or administrator. In most cases of Level 1 infractions, students may not necessarily be referred to an administrator. If Level 1 behaviors are repetitive after appropriate interventions have been made, the student should then be referred to an administrator. Please refer to the Elementary Behavior Matrix of Infractions, Guidance Interventions, and Disciplinary Actions.

**100. Tardiness:** Arriving late to school or class after the posted school start time without an appropriate excuse.

**101. Truancy and Class Cuts:** A consistent failure to be in a place of instruction at the assigned time. It is an absence from class or school that the reason or excuse is adequate or does not meet the criteria for an excused absence.

**102. Inappropriate Personal Property:** Possession and/or use of items designated by the school as inappropriate materials such as electronic devices (see rule 111), roller blades, skateboards, cards, hats, food, etc. AND any other items that cause distraction or damage to persons or property or otherwise intervene with the learning process.

## I. Level One (continued)

**102. Inappropriate Personal Property (continued):** Or, unauthorized possession or use of one's own prescription medication or over-the-counter mild pain medication including but not limited to items such as aspirin, Advil, Aleve, Midol, NoDoze, or herbal supplements, without parental approval AND school notification (see rule 304).

**103. Pestering, Teasing, or Bothering Other Students:** Non-confrontational activity that is not appropriate in a school setting and disruptive to the educational process. Engaging in rowdy, rough behavior that interferes with the safe and/or purposeful order of a school. Examples: horseplay; chasing another student in the hallway or classroom, etc.

**104. Inappropriate Language or Gestures:** Written or verbal remarks or gestures that show a lack of respect, rudeness, or are inappropriate. The use of words or acts which demean, degrade, antagonize, or humiliate a person or group of persons.

**105. Minor Disruption of School/Bus:** Violation of the posted or written rules of conduct for the bus that are not necessarily disruptive behaviors; examples: not in assigned seat, eating or drinking on the bus, getting on or off the bus at the wrong bus stop.

**107. Refusal to Comply with Posted and Published School Norms and Regulations:** Violation of specific posted or written school or class rules that are not necessarily disruptive behaviors; examples: repeated gum chewing, repeatedly unprepared for class, etc.

**111. Possession of Pagers, Lasers, Radios and Certain Electronic or Telecommunication Devices. Students may possess cell phones, however, they may not be visible, used or turned on.** A student shall not possess any paging device, commonly referred to as a beeper, radio, CD, laser pointer or related electronic equipment or other telecommunication device on school grounds, at school sponsored activities, or on buses or other vehicles provided by the School District. Students shall not have cell phones turned on in school buildings or on school grounds during school hours. Cell phones are generally not permitted to be used or visible. Students may be subject to stricter cell phone procedures established at the individual school level, so long as the school has notified students and parents/guardians in advance of its cell phone policy. Students found to be in violation of this rule may be subject to disciplinary action and confiscation of the device. Misuse of cell phones while on school grounds, at school sponsored activities, or on buses or other vehicles provided by the School District is also prohibited. Misuse of a cell phone includes using a cell phone to commit any act which violates the District's Network Usage and Safety Policy, any individual school computing device use guidelines or mobile computing device program guidelines. School authorities may approve the presence of an electronic communication device, including a cell phone, for a student only under the following circumstances:

**A.** The student has a need for the presence of an electronic communication device due to the medical condition of an immediate family member.

**112. Disruption of Class:** Repeatedly talking out in class or out of turn, being exceptionally loud, running, throwing objects, failure to follow classroom rules, or other disruptive behavior not defined elsewhere among Level 1 Infractions.

## Examples of Guidance Interventions / Continuum of Approaches

- Student/teacher conference
- Parent or guardian/teacher conference
- Reteach/model expectations
- Student/administrator conference
- Intervention by counseling staff/guidance conference
- Written reflection assignment
- Develop, review, or revise individual student planning tools (e.g., Behavior Support Plan)
- Change in schedule or class (with parent/guardian notification)
- Individual/group counseling
- Referral to Student Assistance Program (SAP) for prevention (e.g. social emotional skills instruction groups like anger management, aggression replacement, organizational skills) and/or intervention (e.g. behavioral health counseling) services
- School attendance improvement conference/plan
- Referral to mentoring program
- Referral to District-approved Community-Based Organization (CBO)
- Community service (with parent/guardian consent)
- Use of Restorative Practices (i.e. affective statements, restorative questions, circles, small impromptu conferences, etc.)
- Referral to in-school conflict resolution programs (e.g. peer mediation)

## Examples of Recommended Disciplinary Actions in Addition to Guidance Interventions Used

- Detention
- In-school suspension or other appropriate alternatives to out of school suspension
- Suspension of field trips, assemblies, or other special privileges

## II. Level Two (Offenses that may lead to an out-of-school suspension)

LEVEL 2 INFRACTIONS are those of a serious nature that may pose a threat to the health, safety or property of any person. Staff persons must notify an administrator when a Level 2 infraction occurs. The notification should normally take the form of a discipline referral or statement describing the incident. The administrator must complete an investigation of the incident and gather written statements from all witnesses. The administrator must notify the student and parent/guardian of all charges, consequences and applicable due process rights during the disciplinary process. Please note that italicized items may fall into more than one infraction level depending on the severity.

**202. Damage, Destruction, or Vandalism of School Property:** A student shall not intentionally cause or attempt to cause damage to school property, or steal or attempt to steal school property.

**203. Damage, Destruction, or Vandalism of Private Property:** A student shall not intentionally cause or attempt to cause substantial damage to private property, or steal or attempt to steal private property. Valuable private property should not be brought to school. The District assumes no responsibility for the loss or theft of such property.

## II. Level Two (continued)

### 209. Unauthorized Presence of Students During School Hours

**A. On School Grounds:** A student shall not be on any portion of the school grounds where his/her presence is unauthorized, nor remain after having been either ordered or requested to leave by any school employee possessing apparent authority over student conduct. A student should not be:

1. On the school grounds where the student is regularly enrolled during any period of suspension which includes exclusion from the school of regular enrollment where such order of exclusion has been in fact made known to the student prior to the incident of unauthorized appearance.
2. On the school grounds of any school or site of required school programming other than that student's school of regular enrollment or attendance, at any time other than when a school activity, function, or event is being held and the student's presence is either required or permitted, based on predetermination by the principal of the school at which the activity is being held.

Presence on the school grounds while in the company of a parent or guardian for the purpose of meeting with a school employee to discuss the student's status, or presence on the school grounds for the purpose of proceeding directly to the school office with prior permission of the principal shall not be considered a violation of this rule.

**B. On Private or Public Property:** During school hours students must be in school unless they have an approved reason for absence. Students who are habitually truant from school as described in this Code may be charged with truancy.

**210. Smoking and Tobacco Use:** A student shall not use tobacco or any electronic smoking device in school buildings, school buses, or on any property owned by, leased by or under the control of the Board of Public Education. This property includes, but is not limited to, sidewalks contiguous to school property, parking lots, athletic fields, courtyards and other campus grounds.

**212. Academic Dishonesty:** A student shall not engage in, participate in, nor knowingly provide another student with the opportunity to engage in academic dishonesty related to examinations, as well as laboratory, homework and other projects and assignments, whether done during or outside of school hours. Academic dishonesty shall include, but not be limited to, all forms of cheating, plagiarism, pre-exam access to test forms, representing someone else's work as their own, and the unauthorized use of aids during examinations, projects and assignments. Unauthorized aids include but are not limited to electronic/telecommunication devices.

**213. Harassment (inclusive of racial, ethnic, gender, disability, or sexual harassment):** No student shall engage in harassment on the basis of known or perceived gender (including gender identity or expression), age, race, color, sexual orientation, gender identity expression, national origin, religion, disability, socioeconomic status, or political belief. A student shall not engage in any act that violates the District's Prohibition of Bullying/Harassment Policy, including but not limited to, unwelcome sexual advances, requests for sexual favors, or other verbal, visual or physical conduct of a sexual nature. For more information or for a copy of the District policy prohibiting harassment, please visit the District's website or contact your school principal.

Complaints may be filed directly with your school principal or designee, or with the District's Title IX/Section 504 Compliance Officer's Designee, John O'Connell, Director of Student Support at 412-529-3918. For copies of the policy prohibiting harassment in languages other than English, please contact the English as a Second Language (ESL) Department at 412-529-3516 or the Nine Line at 412-529-6463.

**214. Misuse Of Computers/Computer Networks/Electronic Device:** A student shall not engage in any act that violates the District's Network Usage and Safety Policy, any individual school computer use guidelines or mobile computing device program guidelines, including, but not limited to the following:

#### Non-school-related work

- A. Hate mail, discriminatory remarks, and offensive and inflammatory communications
- B. Sexting or accessing obscene or pornographic materials
- C. Transmission of sexually suggestive language or images
- D. Loading or use of unauthorized games, programs, files, or other electronic media
- E. Destruction, modification or abuse of network hardware, software, or information
- F. Impersonation of another user, anonymity and pseudonyms
- G. Creation of links to other networks whose content or purpose would tend to violate the District's Network Usage and Safety Policy
- H. Videotaping fights or videotaping someone in a place where they have an expectation of privacy
- I. Posting videos of inappropriate student conduct to a social media site that affects the school community or individuals within the school community in a negative manner.

**215. Undesirable Group Activity:** Disruption and/or intimidation caused by the following:

- A. The wearing of any type of clothing or jewelry associated with undesirable groups
- B. The use of undesirable group language or the writing or gesturing of any sign or symbol identified or associated with undesirable groups
- C. Confrontations identified or associated with undesirable groups or their activities

**216. Fighting:** Use of physical violence between two students, whereby it is unclear after an investigation is conducted, which student is the aggressor and which student is the victim. Administrators may use professional judgment in cases where the investigation yields a clear aggressor/ initiator and may differentiate consequences accordingly.

**217. Bullying/Cyberbullying:** The Board prohibits all forms of bullying, including cyberbullying by students. Bullying means an intentional electronic, written, verbal or physical act or series of acts directed at another student or students, which occurs in a school setting, that is severe, persistent or pervasive and has the intent or effect of:

1. Creating an intimidating or hostile environment that substantially interferes with a student's education; or
2. Physically, emotionally or mentally harming a student; or
3. Placing a student in reasonable fear of physical or emotional harm; or
4. Placing a student in reasonable fear of damage to or loss of personal property

Bullying includes cyberbullying and/or bullying through electronic communication devices including but not limited to social networking, email, instant messages, text messages, tweets (via Twitter), blogs, photo and video sharing, chat rooms, dash boards, or websites. Cyberbullying may include acts that occur outside of school if certain criteria are met. The complete Prohibition of Bullying/Harassment Policy, complaint and investigation procedures are posted on the District website at [www.pps.k12.pa.us/Page/481](http://www.pps.k12.pa.us/Page/481), and in every building and classroom. For copies of the bullying policy and procedures in languages other than English, please contact the English as a Second Language (ESL) Department at 412-529-3516 or the Nine Line at 412-529-6463. Please contact the Director of Student Support for guidance and questions regarding completion of the bullying and harassment report.

## II. Level Two (continued)

**218. Hazing:** Hazing activities of any type are inconsistent with the educational goals of the District. Hazing includes any action or situation that recklessly or intentionally endangers the mental or physical health or safety of a person or which willfully destroys or removes of public or private property for the purpose of initiation or admission into or affiliation, or as a condition for continued membership in, any organization. This term shall include, but not be limited to:

- A. Any brutality of a physical nature, such as whipping, beating, branding, forced calisthenics, or exposure to the elements;
- B. Forced consumption of any food, liquor, drug or other substance;
- C. Any other forced physical activity which would subject the individual to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct which could result in extreme embarrassment, or any other forced activity which could adversely affect the mental health or dignity of the individual;
- D. Any willful destruction or removal of public or private property.

**219. Profanity and Vulgarity/ Verbal Altercation (Student):** Swearing, cursing, making obscene gestures, using hate speech, or verbally abusive language toward another student.

**220. Physical Aggression/Altercation:** Threatened or actual use of violence by a student on another person when there is no major injury as determined by the school administrator. Administrators may use professional judgment in cases where the investigation yields a clear aggressor/ initiator and may differentiate consequences accordingly.

**221. Terroristic Threats Or Conspiracies To Commit Violent Acts:** No student shall commit a threat to commit violence. Threats in this infraction level pose a minimal risk to the victim and public safety. The threat is vague and indirect; the information contained within the thread is inconsistent, implausible or lacks detail; the threat lacks realism; and the content of the threat suggests the person is unlikely to carry it out.

**222. Sexual Act/Misconduct:** Exposing or touching one's own genitals, breast, or buttocks, or those sexual parts of another person.

**223. Inciting A Disturbance Or Melee:** Causing a serious disruption or fight amongst a group of individuals, which leads to a major commotion resulting in the involvement of multiple school staff members to quell the disturbance.

**226. Theft, Burglary, or Robbery of School Property:** A student shall not steal or attempt to steal or burglarize school property.

**227. Theft, Burglary, or Robbery of Student or Private Property:** A student shall not steal or attempt to steal from a student or burglarize private property. Valuable property should not be brought to school. A student shall not rob or attempt to rob another student.

**228. Repeated Level I or Level II Infraction:** If a Level 1 or 2 corrective strategy is used to address the same behavior more than three times, an administrator may use his or her professional judgment based on the severity of the offense and move to the next leveled response, resulting in a possible out-of-school suspension (1–3 days). A parent/ guardian should be made aware of the repeated behaviors and partner with the school on a plan to successfully address the behavior. Evidence of intervention or corrective strategy must be documented.

## Examples of Guidance Interventions / Continuum of Approaches

- Student/teacher conference
- Parent or guardian/teacher conference
- Reteach/model expectations
- Student/administrator conference
- Intervention by counseling staff/guidance conference
- Written reflection assignment
- Develop, review, or revise individual student planning tools (e.g., Behavior Support Plan)
- Change in schedule or class (with parent/guardian notification)
- Individual/group counseling
- Referral to Student Assistance Program (SAP) for prevention (e.g. social emotional skills instruction groups like anger management, aggression replacement, organizational skills) and/or intervention (e.g. behavioral health counseling) services
- Referral to mentoring program
- Referral to District-approved Community-Based Organization (CBO)
- Community service (with parent consent)
- Use of Restorative Practices (i.e. affective statements, restorative questions, circles, small impromptu conferences, formal restorative conference, etc.)
- Refer to in-school conflict resolution programs (e.g. peer mediation, restorative conferencing)

## Examples of Recommended Disciplinary Actions in Addition to Guidance Interventions Used

- Detention
- In-school suspension or other appropriate alternatives to out of school suspension
- Suspension of field trips, assemblies, or other special privileges
- Exclusion from extracurricular activities
- Suspension of transportation privileges
- Exclusion from special events or promotion exercises
- Referral for criminal prosecution (for serious assaults, drugs, and other serious offenses)
- Short-term out-of-school suspension (1–3 days)

## III. Level Three (Offenses that lead to an out-of-school suspension)

LEVEL 3 INFRACTIONS are those of a serious nature that pose a threat to the health, safety or property of any person. Staff persons must notify an administrator when a Level 3 infraction occurs. The notification shall normally take the form of a discipline referral or statement describing the incident. The administrator must complete an investigation of the incident, gather written statements from all witnesses and complete appropriate documentation for discipline which may be recommended, such as referral for an out of school suspension of 4–10 days. For incidents of bullying or harassment, appropriate Bullying and/or Harassment Forms must be completed. The administrator must notify the student and parent of all applicable charges, consequences and due process rights during the disciplinary and investigative process.

**302. Damage, Destruction, or Vandalism of School Property:** A student shall not intentionally cause or attempt to cause damage to school property, or steal or attempt to steal school property. Damage, destruction, or theft in this infraction level exceeds one hundred dollars (\$100).

### III. Level Three (continued)

**303. Damage, Destruction, or Vandalism of Private Property:** A student shall not intentionally cause or attempt to cause substantial damage to private property, or steal or attempt to steal private property. Valuable private property should not be brought to school. The District assumes no responsibility for the loss or theft of such property. Damage, destruction, or theft in this infraction level exceeds one hundred dollars (\$100).

**309. Disorderly Conduct:** A student shall not, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof:

1. Engage in fighting or threatening, or in violent or tumultuous behavior;
2. Make unreasonable noise;
3. Use obscene language, or make an obscene gesture; or
4. Create a hazardous or physically offensive condition by any act which serves no legitimate purpose.

Violation of this rule, including fighting, may result in criminal disorderly conduct charges being filed with the local magistrate.

**313. Harassment (inclusive of racial, ethnic, gender, disability, or sexual harassment):** No student shall engage in harassment on the basis of known or perceived gender (including gender identity or expression), age, race, color, sexual orientation, gender identity expression, national origin, religion, disability, socioeconomic status, or political belief. A student shall not engage in any act that violates the District's Prohibition of Bullying/Harassment Policy, including but not limited to, unwelcome sexual advances, requests for sexual favors, or other verbal, visual or physical conduct of a sexual nature.

For more information or for a copy of the District policy prohibiting harassment, please visit the District's website or contact your school principal. Complaints may be filed directly with your school principal or designee, or with the District's Title IX/Section 504 Compliance Officer's Designee, Director of Student Support at 412-529-3918. For copies of the policy prohibiting harassment in languages other than English, please contact the English as a Second Language (ESL) Department at 412-529-3516 or the Nine Line at 412-529-6463.

Harassment in this infraction level is persistent even after being properly addressed by the appropriate school staff members. It may also involve more than one student impacted by another student's harassing behavior. A Prohibition of Bullying/Harassment packet must be submitted for sexual harassment as well as Child Line reporting (depending on the circumstances).

**314. Misuse of Computers/Computer Networks/Electronic Device:** A student shall not engage in any act that violates the District's Network Usage and Safety Policy, any individual school computer use guidelines or mobile computing device program guidelines, including, but not limited to the following:

#### Non-school-related work

- A. Hate mail, discriminatory remarks, and offensive and inflammatory communications
- B. Sexting or accessing obscene or pornographic materials
- C. Transmission of sexually suggestive language or images
- D. Loading or use of unauthorized games, programs, files, or other electronic media
- E. Destruction, modification or abuse of network hardware, software, or information

#### Non-school-related work (continued)

- F. Impersonation of another user, anonymity and pseudonyms
- G. Creation of links to other networks whose content or purpose would tend to violate the District's Network Usage and Safety Policy
- H. Videotaping fights or videotaping someone in a place where they have an expectation of privacy
- I. Posting videos of inappropriate student conduct to a social media site that affects the school community or individuals within the school community in a negative manner.

Misuse of computers/electronic device in this infraction level involves multiple or severe misuses of any of the above guidelines for computer/electronic device use.

**317. Bullying/Cyberbullying:** The Board prohibits all forms of bullying, including cyberbullying by students. Bullying means an intentional electronic, written, verbal or physical act or series of acts directed at another student or students, which occurs in a school setting, that is severe, persistent or pervasive and has the intent or effect of:

1. Creating an intimidating or hostile environment that substantially interferes with a student's education; or
2. Physically, emotionally or mentally harming a student ; or
3. Placing a student in reasonable fear of physical or emotional harm; or
4. Placing a student in reasonable fear of damage to or loss of personal property

Bullying includes cyberbullying and/or bullying through electronic communication devices including but not limited to social networking, email, instant messages, text messages, tweets (via Twitter), blogs, photo and video sharing, chat rooms, dash boards, or websites. Cyberbullying may include acts that occur outside of school if certain criteria are met. The complete Prohibition of Bullying/Harassment Policy, complaint and investigation procedures are posted on the District website at [www.pps.k12.pa.us/Page/481](http://www.pps.k12.pa.us/Page/481), and in every building and classroom. For copies of the bullying policy and procedures in languages other than English, please contact the English as a Second Language (ESL) Department at 412-529-3516 or the Nine Line at 412-529-6463. Bullying and/or cyberbullying in this infraction level includes more than one incident of bullying, multiple victims targeted by the student, and/or the severity of the circumstances mandates the involvement of law enforcement. A bullying and harassment report must be completed.

**318. Hazing:** Hazing activities of any type are inconsistent with the educational goals of the District. Hazing includes any action or situation that recklessly or intentionally endangers the mental or physical health or safety of a person or which willfully destroys or removes of public or private property for the purpose of initiation or admission into or affiliation, or as a condition for continued membership in, any organization. This term shall include, but not be limited to:

- A. Any brutality of a physical nature, such as whipping, beating, branding, forced calisthenics, or exposure to the elements;
- B. Forced consumption of any food, liquor, drug or other substance;
- C. Any other forced physical activity which would subject the individual to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct which could result in extreme embarrassment, or any other forced activity which could adversely affect the mental health or dignity of the individual;
- D. Any willful destruction or removal of public or private property.

Hazing in this infraction level includes more than one incident of hazing and/or the severity of the circumstances mandates the involvement of law enforcement.

### III. Level Three (continued)

**321. Terroristic Threats or Conspiracies to Commit Violent Acts.** No student shall commit a threat to commit violence communicated with the intent to terrorize another; to cause evacuation of a building; or to cause serious public inconvenience, in reckless disregard of the risk of causing such terror or inconvenience.

**322. Sexual Act/Misconduct:** Sexual misconduct in this infraction level involves engaging in intercourse, oral sex, or simulated sex on school grounds.

**323. Inciting a Disturbance or Melee:** Causing a serious disruption or fight amongst a group of individuals, which leads to a major commotion or riot resulting in the involvement of multiple school staff members and school police to quell the disturbance.

**324. Profanity and Vulgarity/Verbal Altercation Involving Staff:** Swearing, cursing, making obscene gestures or using hate speech toward staff.

**326. Theft, Burglary, or Robbery of School Property:** A student shall not steal or attempt to steal or burglarize school property. Theft, burglary, or robbery in this infraction level exceeds \$100.

**327. Theft, Burglary, or Robbery of Student or Private Property:** A student shall not steal or attempt to steal from a student or burglarize private property. Valuable property should not be brought to school. A student shall not rob or attempt to rob another student. Theft, burglary, or robbery in this infraction level exceeds \$100.

#### Examples of Guidance Interventions / Continuum of Approaches

- Student/teacher conference
- Parent or guardian/teacher conference
- Reteach/model expectations
- Student/administrator conference
- Intervention by counseling staff/guidance conference
- Written reflection assignment
- Develop, review, or revise individual student planning tools (e.g., Behavior Support Plan)
- Change in schedule or class (with parent/guardian notification)
- Individual/group counseling
- Referral to Student Assistance Program (SAP) for prevention (e.g. social emotional skills instruction groups like anger management, aggression replacement, organizational skills) and/or intervention (e.g. behavioral health counseling) services
- Referral to mentoring program
- Referral to District-approved Community-Based Organization (CBO)
- Community service (with parent consent)
- Use of Restorative Practices (i.e. affective statements, restorative questions, circles, small impromptu conferences, formal restorative conference, etc.)
- Positive behavioral management support contract
- Refer to in-school conflict resolution programs (e.g. peer mediation, restorative conferencing)
- Alcohol/drug evaluation referral

#### Examples of Recommended Disciplinary Actions in Addition to Guidance Interventions Used

- Suspension of field trips, assemblies, or other special privileges
- Exclusion from extracurricular activities
- Suspension of transportation privileges
- Exclusion from special events or promotion exercises
- Referral and consultation with school police
- Out-of-school suspension (4–10 days)

### IV. Level Four (Offenses that lead to an out-of-school suspension or exclusion/expulsion)

LEVEL 4 INFRACTIONS are those of a serious nature that pose a threat to the health, safety or property of any person.

Staff persons must notify an administrator when a Level 4 infraction occurs. The notification shall normally take the form of a discipline referral or statement describing the incident. The administrator must complete an investigation of the incident, gather written statements from all witnesses and complete appropriate documentation for discipline, which may be recommended, such as referral for such as referral for out of school suspension of 4–10 days or expulsion. The administrator must notify the student and parent of all applicable charges, consequences and due process rights during the disciplinary and investigative process

**404. Assault on a School Employee:** A student shall not assault a school employee, which may include (1) attempting to cause or intentionally, knowingly or recklessly causing bodily injury to another; (2) negligently causing bodily injury to another with a deadly weapon; or (3) attempting by physical menace to put another in fear of imminent serious bodily injury. Assault on a school employee may result in a criminal conviction for aggravated assault.

**405. Assault on a Student or Other Person not Employed by the School:** A student shall not assault any person, which may include (1) attempting to cause or intentionally, knowingly or recklessly causing bodily injury to another; (2) negligently causing bodily injury to another with a deadly weapon; or (3) attempting by physical menace to put another in fear of imminent serious bodily injury. Other physical conduct that does not meet the definition of assault may fall under the prohibition against fighting, bullying, harassment, and/or disorderly conduct.

**406. Weapons and Dangerous Instruments:** A student shall not possess, handle or transmit a weapon while on any school property, while at any school-sponsored or approved activity or while walking or being transported in any manner to or from a school or school-sponsored or approved activity. "WEAPONS AND DANGEROUS INSTRUMENTS" were revised as follows due to revised Policy 213 – Weapons, new mace protocol, and S.A. v. Pittsburgh Public Schools Common Pleas Court Decision (August 2016) regarding items that are considered "tools, instruments or implements capable of inflicting serious bodily injury":

**A.** The term "weapon," as used in this Code of Student Conduct shall include but shall not be limited to any knife, cutting instrument, cutting tool, explosive, nunchaku, firearm, shotgun, rifle, replica of a weapon and/or any other tool, instrument or implement capable of inflicting serious bodily injury. Mace or pepper spray, when discharged or threatened to be discharged, is considered a weapon as a tool, instrument or implement capable of inflicting serious bodily injury. Schools shall consult with the Office of Student Support Services on any other item considered to be a tool, instrument or implement capable of inflicting serious bodily injury prior to issuing a disciplinary consequence for violation of this rule.

## IV. Level Four (continued)

### 406. Weapons and Dangerous Instruments (continued)

**B.** Look-alike weapons are defined as any toy or model weapon that looks enough like an authentic weapon to be reasonably mistaken for one. Any student who presents a look-alike weapon to a staff member or another student as a real weapon and/or who uses it to intimidate, threaten, or harass someone will be treated as if he or she used a real weapon, according to state and federal laws.

**C.** In cases involving Pre-Kindergarten through Grade 5, the recommendation of the Hearing Officer will be to grant elementary clemency unless additional exclusion is warranted based on extenuating circumstances. Upon receiving clemency, the student will be immediately returned to the school he/she attended prior to the exclusion from school.

(24 P.S. § 13-1317.2). The Superintendent must consider information provided by the student or parent prior to making a recommendation. In the case of a student with disabilities, the Superintendent shall take all steps necessary to comply with the Individuals with Disabilities Education Act, (20 U.S.C. § 1400).

### 407. Drugs Including, But Not Limited To, Alcohol, Amphetamines, Barbiturates, Any Form Of Cocaine,

**Hallucinogens, Designer Drugs, Marijuana And Narcotics:** A student shall not possess, use, distribute, or be under the influence of any intoxicant of any kind. This is a drug free School District; any amount of an illegal drug is unacceptable. The possession of drug-related paraphernalia (ex: rolling papers, roach clips, hemostats, pipes or parts of pipes, and other homemade devices) also constitutes a violation of this rule. Use of a drug as authorized by a medical prescription from a registered physician for the student for whom it is prescribed shall not be considered a violation of this rule, but may be a violation of the Use of Medications policy. Failure to comply with the Use of Medications policy may also result in school discipline. *\*Please note in accordance with IDEA, alcohol is not considered a drug that permits the unilateral removal of an eligible student under the IDEA to an interim alternative education placement.*

**408. Arson:** To willfully and unlawfully, or while in the commission of any felony, by fire or explosion, damage or cause to be damaged: any dwelling, whether occupied or not, or its contents; any structure, or contents thereof, where persons are normally present; and any other structure that the person knew or had reasonable grounds to believe was occupied by a human being.

## Examples of Guidance Interventions / Continuum of Approaches

- Student/Teacher conference
- Parent or guardian/Teacher conference
- Student/Administrator conference
- Intervention by counseling staff/guidance conference
- Written reflection assignment
- Develop, review, or revise individual student planning tools (e.g., Behavior Support Plan)
- Change in schedule or class (with parent/guardian notification)
- Individual/Group counseling
- Referral to Student Assistance Program (SAP) for prevention (e.g. social emotional skills instruction groups like anger management, aggression replacement, organizational skills) and/or intervention (e.g. behavioral health counseling) services
- Referral to mentoring program
- Referral to District-approved Community-Based Organization (CBO)
- Community service (with parent consent)
- Use of Restorative Practices (i.e. affective statements, restorative questions, circles, small impromptu conferences, formal restorative conference, etc.)
- Positive behavioral management support contract
- Refer to in-school conflict resolution programs (e.g. peer mediation, restorative conferencing)
- Alcohol/drug evaluation referral

## Examples of Recommended Disciplinary Actions in Addition to Guidance Interventions Used

- Suspension of field trips, assemblies, or other special privileges
- Exclusion from extracurricular activities
- Suspension of transportation privileges
- Exclusion from special events or promotion exercises
- Referral and consultation with school police
- Out-of-school suspension (4–10 days)
- Exclusion/ expulsion (11 or more days; Permanent)
- Alternative education placement

*Note: Discipline applied should be progressive. For example, unless an egregious or serious offense occurs, a student should not receive the maximum suspension days for a first-time offense.*



## Guidance Interventions and Disciplinary Actions Key

- 01 Student/teacher conversation
- 02 Phone or written notification to parent/family
- 03 Parent/teacher conversation and/or conference
- 04 Reteach/model expectations
- 05 Student/administrator conference
- 06 Intervention by counseling staff/guidance conference(s)
- 07 Written reflection assignment
- 08 Develop, review, or revise individual student planning tools (e.g., Behavior Support Plan)
- 09 Change in schedule or class (with notification to parent/guardian)
- 10 Individual/group counseling
- 11 Referral to Student Assistance Program (SAP) for prevention (e.g. social emotional skills instruction groups like anger management, aggression replacement, organizational skills) and/or intervention (e.g. behavioral health counseling) services
- 12 School attendance improvement conference
- 13 Referral to mentoring program
- 14 Referral to District-approved Community Based Organization (CBO)
- 15 Community service (with parent consent)
- 16 Use of restorative practices (e.g. affective statements, circles, small impromptu conferences, etc.)
- 17 Positive behavioral management support contract
- 18 Refer to in-school conflict resolution programs (e.g. peer mediation)
- 19 Alcohol/drug evaluation referral
- 20 Detention
- 21 Suspension of field trips, assemblies, or other special privileges
- 22 Exclusion from special events or promotion exercises
- 23 Exclusion from extracurricular activities
- 30 Suspension of transportation privileges
- 40 In-school Suspension or other appropriate alternatives to out of school suspension
- 41 Out-of-school suspension (1–3 days)
- 42 Out-of-school suspension (4–10 days)
- 43 Out-of-school suspension (4–10 days) + exclusion/expulsion
- 44 Alternative education placement
- 50 Refer and consult with school police

**Directions/Overview:** When a student has committed an infraction, the misbehavior is to be classified according to the definitions(s) that best describes the event. The Code of Student Conduct was developed so that all students, staff, and parents of the District fully understand the supports available to students as well as expectations and consequences for certain student behaviors. The Code of Student Conduct is applicable in all situations where principals and school staff members have jurisdiction over schools—while they are in our schools, on the way to or from schools, on our school transportation, on our school premises and at all of our school-sponsored events.

### Summary of Infraction Level Consequences:

Level One (Offenses that do not lead to an out-of-school suspension)

Level Two (Offenses that may lead to an out-of-school suspension)

Level Three (Offenses that lead to an out-of-school suspension)

Level Four (Offenses that lead to an out-of-school suspension or exclusion/expulsion)

## General Regulations

In maintaining the safety of our students, staff, families, and visitors to our facilities, the following are general regulations:

**1. Search of School Property:** All school property, such as lockers, desks, etc., assigned to students is the property of the School District. The student is given a temporary privilege to use the property and this privilege may be revoked at any time. School property should not be used to store materials, objects, etc. that are in violation of this Code, school rules, or any statutes or ordinances. The school administrator may authorize school personnel to search school property temporarily assigned to students. Prior to a search of said property, the students involved shall be notified and given an opportunity to be present. However, where school authorities have a reasonable suspicion that the property contains materials that pose a threat to the health, welfare or safety of students in the school, it may be searched without prior warning. Students shall have no expectation of privacy as to lockers, desks, or other school property temporarily assigned for personal use. School personnel may remove from lockers or desks any articles that are prohibited at school or could be used to interfere with or disrupt the educational process.

**2. Search of Student's Person:** The school shall not conduct unreasonable searches and seizures of students. No student may conceal on his/her person or in a purse, handbag, book bag etc., any weapon, narcotic, dangerous drug, drug paraphernalia, alcohol or any other substance or object that is in violation of this Code, local statutes, ordinances or school rules. If the school administrator has reasonable suspicion that a student is in possession of an item that constitutes a violation of law, Board policy, school rules, or which poses a threat to the health, safety or welfare of the school population, he or she may authorize a search of the student's person. The search must be conducted by a District employee of the same gender as the student and in the presence of at least one other District employee. All searches and pat downs that do take place at school should happen (unless emergency situations make it impossible) outside the view of other youth and school staff.

**3. School Visitations:** All visitors, whether students or non-students, must register in the school office and state the purpose of the visit. The principal has the prerogative to approve, disapprove or reschedule the visit for a more appropriate time. All visitors or other persons on school premises must identify themselves when requested by school personnel.

This includes school-sponsored activities and events. If the person does not properly identify himself/herself, or his/her purpose, the person is trespassing, and the appropriate legal action will be taken. Any person whose actions or language threatens the health, safety, or welfare of students or staff may be prosecuted to the fullest extent of the law and may be barred from visiting a school or attending a school sponsored event.

Visitors are not permitted to photograph, record audio, or videotape any person or any part of the building or to tape record any conversation, non-public meeting, or event without the express consent of the school principal and each individual meeting/conversation participant. Audio or video recording of individual meetings may be permitted if such recording is required to permit a person with a disability to meaningfully participate in the meeting. Requests for accommodations should be directed to the school principal.

**4. School Smoking and Tobacco Control:** The School District prohibits the use of tobacco and smoking by persons in school buildings, school buses, and on school property owned, leased or under the control of a school district. This prohibition includes the use of electronic smoking devices. Students may be referred to the appropriate tobacco cessation services within the community. The use of tobacco products is further prohibited by law and students may be prosecuted for violations.

## General Regulations (continued)

**5. Use of Reasonable Force:** Corporal punishment of any sort is absolutely prohibited. Reasonable force may only be used by administrators and staff:

- To quell a disturbance.
- To obtain possession of weapons or other dangerous objects.
- For the purpose of self-defense.
- For the protection of persons or property.

The use of excessive force is strictly prohibited.

**6. Mandated Reporting:** The School District is required by the Child Protective Services Law to report all cases of suspected child abuse to ChildLine (1-800-932-0313 or [www.compass.state.pa.us/cwis](http://www.compass.state.pa.us/cwis)), including certain cases of student-on-student abuse that is sexual in nature. The mandatory report made to ChildLine in legally defined cases of student-on-student abuse is in addition to any school discipline and/or criminal charges which may be filed.

## Bus and Bus Stop Rules

- All school rules, including school discipline procedures and protections, apply when students are on the bus and at the bus stop. See Section One, Part Two for additional information.
- Violations that occur involving the school bus and/or incidents that occur while students are on the way to school (bus stop/neighborhood) or returning from school (bus stop/neighborhood) may result in disciplinary action.
- Students are expected to observe the following rules for safety and courtesy:

### At the Bus Stop

- Arrive at the assigned stop ten (10) minutes before bus pickup.
- Stand on the sidewalk or the edge of the street by the curb.
- Stay off private property.
- Do not stand on the traveled part of the road.
- Be respectful and watchful of traffic.
- Wait in a quiet and orderly manner.

### When the Bus Arrives

- Allow the bus to come to a complete stop.
- Board the bus in a quiet and orderly manner.

### On the Bus

- Follow the bus driver's instructions and exhibit orderly conduct.
- Be courteous and respectful of people and property.
- Remain seated at all times.
- Keep head, hands and feet inside the bus.
- Keep the bus clean.

### On the Bus (continued)

- Use of profane language, eating, drinking, smoking, throwing objects, unsafe objects or weapons and vandalism may result in disciplinary action. Criminal conduct may be referred to law enforcement.

### Leaving the Bus

- Remain seated until the bus comes to a complete stop.
- Leave the bus in an orderly manner.
- Leave at your assigned bus stop.
- Cross in front of the bus.
- Leave the bus stop in an orderly manner.

### Video and Audio Recording on School Buses and School Vehicles

- To ensure safety, all school buses and vehicles with passenger capacity of thirty-six (36) and above shall have video cameras installed. Buses and vehicles may also be equipped with audio-recording equipment.

Use of such video and audio recording equipment is authorized for school discipline and security purposes.

# Procedures for Dealing with Student Misconduct

## A. General Provisions

### 1. Coverage

- a. Alleged misconduct shall be addressed by the principal whenever:
- A teacher considers a problem of classroom discipline to be so serious as to warrant the principal's attention.
  - The alleged misconduct constitutes a violation of the rules that govern serious misconduct.
  - The principal deems it advisable that he/she deals personally with the misconduct.

### 2. Principal's Investigation

- a. In addressing alleged misconduct, the principal shall investigate the incident and hear all available accounts of it. The student shall be afforded the opportunity to raise any defense he/she thinks is relevant, and shall be permitted, at his/her option, to submit a written statement of the facts relating to the alleged misconduct. If the student requests that other witnesses be questioned, the principal should talk to them if possible. If the student makes a reasonable claim of other defensive matter, that if true, would free him/her from blame but is not immediately available, the principal may postpone disciplinary action for a reasonable time until such evidence may be presented to him/her provided that the orderly functioning of the school is not adversely affected.
- b. No student shall be suspended until the student has been informed of the reasons for the suspension and given an opportunity to respond. 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.
- c. Progressive discipline such as in-school interventions ranging from positive behavior supports, peer mediation, behavioral contracts, referrals to the Student Assistance Program, and other interventions shall be exhausted when appropriate before imposing a suspension or expulsion. See Rules of Student Conduct, Behavior Management Interventions.
- d. School work must be provided to students when discipline results in the student's removal from the classroom. If a student is suspended from school, the student has the right to access and complete regular academic work during suspension without penalty.
- e. All suspensions, including part-day suspensions, must be documented. Principals shall not utilize informal suspensions (i.e., sending a student home early, assigning the student a "safety day," or assigning additional out-of-school days for failure to return with a parent/guardian or mental health evaluation ).
- f. Students with disabilities have all of the substantive and procedural rights discussed in this Code. In addition, federal laws including the IDEA and Section 504 of the Rehabilitation Act, provide these students with additional substantive rights and procedural protections.
- g. All English Language Learners are entitled to notices and communications in the student's preferred language and mode of communication. Principals are directed to contact the English as Second Language (ESL) Department for assistance and language resources.

## B. Principal's Authority to Suspend Students

1. If the principal investigates a student's alleged misconduct and decides to take disciplinary action, he/she must investigate and take action on all alleged misconduct known to him/her at that time.
2. When a principal has sufficient evidence that a student's misconduct warrants a suspension, the following options may be recommended depending on the severity of the infraction:
  - a. In-School Suspension
  - b. Short-Term Suspension
  - c. Alternative Education Placement
  - d. Long-Term Suspension or Expulsion

## C. In-School Suspensions

1. Parents must be notified of all in-school suspensions.
2. The parent of any student who receives an in-school suspension, which exceeds five (5) consecutive school days, shall be offered a conference with the principal. In-school suspensions exceeding 5 days will trigger a team meeting for students with disabilities.
3. In-school suspensions shall not exceed ten (10) consecutive school days or fifteen (15) school days in total for any individual student without the approval of the Superintendent's or his/her designee. In-school suspensions which exceed this allotment will be subject to the same review as a long-term suspension.

## D. Short-Term Suspensions

1. Out-of-School Suspensions up to three (3) school days:
  - a. For suspensions up to three (3) school days, the principal may act only after investigating the misconduct and only for the following reasons:
    - A violation of the Rules of Student Conduct
    - Misconduct of the same type as that prohibited by the Rules of Student Conduct, but which does not rise to the gravity of the misconduct stated in these rules, or
    - Repeated misconduct of an individually less severe nature that has created a substantial disruption of the educational process within the school
  - b. Parents must be notified regarding the suspension.
  - c. All out of school suspensions must be entered into the student misconduct system.
2. Suspensions shall be served on days when class is in regular session. Suspension shall not be served on school holidays or days that the school is closed for any reason, including, but not limited to inclement weather.

## E. Out-Of-School Suspensions For 4 To 10 Days

1. If upon hearing and reviewing all available accounts of the alleged misconduct and after an informal hearing with the student and his/her parents, the principal determines that a penalty in excess of a three (3) day suspension is appropriate, he/she shall refer the matter to the Office of Student Services and initiate the procedure for obtaining a review and determination consistent with the provisions of the Code.

## E. Out-Of-School Suspensions For 4 To 10 Days (continued)

The Office of Student Services will review the information including the evidence, student grades and attendance, discipline record and behavior management interventions attempted by the school. A determination will then be made of the best discipline option for the student. The principal must provide this information to the Office of Student Services no later than the third day of suspension. A formal case review, including review of the student's full education record, will be scheduled following an informal hearing upon request of the parent/guardian. The Office of Student Services will monitor all student suspension information to ensure that a variety of intervention strategies are utilized to facilitate positive student behavior.

2. Students in grades 6–12 placed on 4-10 day suspensions will be temporarily assigned to a Transition Center after the informal hearing, but no later than the 4th day of the suspension. Attendance at the Transition Center is mandatory. Students will be provided with academic support while in the Transition Center. Students will complete academic assignments from their regular teachers while at the Center. Students will be marked absent from school when not in attendance at the Transition Center.
3. Suspensions shall be served on days when class is in regular session. Suspension shall not be served on school holidays or days that the school is closed for any reason, including, but not limited to inclement weather.

## F. Alternative Education Placements

When students in grades 6–12 are consistently demonstrating behavior that is disruptive to the learning environment, the principal can notify the Office of Student Services that a transfer to an Alternative Education Placement may be warranted. The principal will prepare a document file for review by the Office of Student Services after an informal hearing. The principal must document what other options for improving behavior have been exhausted before considering Alternative Education Placement. If the principal recommends Alternative Education Placement, there must be a transfer hearing before the student is transferred to the Alternative Education Placement, unless the hearing is waived in writing by the student's parent or guardian. In order to refer the student in an Alternative Education Placement, the District must demonstrate in the course of the transfer hearing that student is currently disruptive and demonstrating to a marked degree any of the following conditions:

1. Disregard of school authority, including persistent violations of school policy and rules;
2. Display or use of controlled substances on school property or during school activities;
3. Violent or threatening behavior on school property or during school-affiliated activities;
4. Possession of a weapon on school property, as defined under 18. Pa.C.S. §912;
5. Commission of a criminal act on school property or during school-affiliated activities; and
6. Misconduct that would merit suspension or expulsion under school policy.

The following due process requirements shall be provided in regard to the informal hearing:

1. Written notification of the specific reasons for the recommendation of transfer shall be given to the parents or guardians and to the student.
2. Sufficient notice of the time and place of the transfer hearing shall be given.
3. A student has the right to question any witnesses present at the hearing.
4. A student has the right to speak and produce witnesses on his or her own behalf.

If the student is found to be currently disruptive and upon hearing all relevant information from the student, parent/guardian and school officials, the student may be assigned to the appropriate Alternative Education Program.

An Educational Support Plan (ESP) will be developed for the student. The plan will address how the student will make normal academic progress toward graduation in his or her home school and identify behavioral supports and counseling the student will receive aimed at modifying the disruptive behavior that led to the placement. Students will be provided with necessary academic, counseling, positive behavior supports, and/or social and mental health services necessary to facilitate a successful return to the regular school program.

Each student temporarily transferred to an Alternative Education Placement will be assigned a review team that, at a minimum, will meet at the end of each semester to evaluate the student's academic and behavioral progress toward the goal of returning to the student's regular school environment. When a student returns from a delinquency placement, the school district cannot automatically place a child in an Alternative Education Program merely because the child has been adjudicated delinquent. Each student must be examined on an individual basis, and as with any other student, the parent and student shall be entitled to an informal hearing prior to being placed in an Alternative Education Program to determine if the student currently meets the definition of a disruptive student.

No student eligible for special education pursuant to the IDEA shall be transferred to an Alternative Education Placement except in accordance to all federal and state law and regulations pertaining to discipline of students who are eligible for special education, which include the requirement that a manifestation determination review be held. All students with disabilities will receive a free and appropriate public education while at the Alternative Education Placement and must be appropriately supported in making process toward the goals in his or her Individualized Education Program (IEP).

Out-of-school suspensions, expulsions and transfers to Alternative Education Placements will not be used for isolated Level 1 infractions such as, class cuts, or dress code violations.

## G. Long Term Out-Of-School Suspensions and Expulsions

All long term out-of-school suspensions and expulsions require a Formal Hearing with the procedures and protections outlined in Section H. Students suspended from school in excess of 10 days will attend an Alternative Education Placement for the duration of the suspension or expulsion. The District reserves the right to permanently expel a child in accordance with the law and Board Policy.

## H. Procedures

**1. Suspension Procedures:** When a student is suspended, the principal shall:

- a. Immediately inform the student of the reason for the suspension and provide the student with an opportunity to respond.
- b. Attempt to contact the student's parent (s) to inform them of the child's conduct and the school's action. If the parent(s) cannot be immediately notified of the suspension, the principal will require the student to remain in the school, in suspended status, for the remainder of the school day.
- c. Immediately remove the student to restore order, or to protect persons on the school grounds.
- d. Provide written notice to his/her parent(s) fully describing the student's misconduct, stating the rule violation and stating the principal's reason for the action.
- e. Make every effort to hold a parent conference with the parent(s) before or at the time the student returns to school.

## H. Procedures (continued)

f. Secure written statements when appropriate and keep on file all documents and relevant information received about the misconduct.

g. Schedule an informal hearing within five (5) days for out-of-school suspensions in excess of three (3) days.

h. Provide a copy of a completed suspension packet should be provided to the parent(s). The principal will document how and when the suspension packet is provided.

### 2. Long Term Out-of-School Suspensions and Expulsion Procedures

a. If after his/her investigation and informal hearing, the principal decides that a long term out-of-school suspension or an expulsion is warranted, a request for the suspension or expulsion shall be set forth in writing on the approved form and forwarded to the Office of Student Services within three (3) school days of the alleged misconduct.

b. Prior to suspending or expelling any child who is in regular education for longer than ten (10) school days or transferring the student to an alternative education program, the School District shall perform a Behavior Performance Review to determine whether the student being disciplined should be referred for to an evaluation to determine whether the student is eligible for special education or accommodations pursuant to the IDEA or Section 504 of the Rehabilitation Act. The student shall remain in his/her regular school environment pending the results of the evaluation if the student was thought to be eligible under the IDEA or Section 504 prior to the behavior underlying the proposed discipline. Parents will be informed of the review and have access to the results as part of the suspension packet.

c. Prior to excluding a student with disabilities for longer than ten (10) school days, suspending a student or more than fifteen (15) days throughout the year, or suspending a student with a disability for eleven (11) to fifteen (15) days throughout the year for the same type of misconduct, the School District must conduct a manifestation determination in accordance with law and regulation.

d. A suspension or expulsion of a student with intellectual disabilities for any length of time is considered a change in placement and requires parental or hearing officer approval.

**3. Notice of Suspension:** Whenever the principal recommends a suspension for a period from four (4) days to ten (10) days, a long term suspension or an expulsion, written notice of the recommendation in the student's and parent's preferred language shall be sent to the student and his/her parent(s) immediately. The notice shall include:

a. The rule violated and the alleged acts of the student that are in violation of the rule, including a summary of the evidence against him/her.

b. A statement that the student has the right to an informal hearing within the first five (5) days of suspension and a tentative time and place for the informal hearing.

c. Notification that written statements about the misconduct, if any, and the student's academic and behavior records are available at the school for examination by the student, his/ her parent(s), and his/her representative.

d. A description of the hearing procedures approved by the School Board.

e. A statement of action that the principal plans to recommend to the Superintendent's designee, and plans to apply if the case review is waived.

f. A statement that the student and his/her parent(s) have the right to present witnesses and be represented by legal counsel or some other adult at the hearing.

g. A copy of a completed suspension packet should be included with the notice of suspension if available or shall be provided to the parents upon completion.

If a non-English speaking family has questions or would like an interpreter, they can call 412-529-6463 and request the documents in the language that they prefer.

The Superintendent's designee shall examine the Notice of Suspension submitted by the principal and shall review both the facts set forth thereon and the action recommended by the principal. In those cases wherein the recommendation of the principal does not exceed an exclusion of ten (10) school days, the matter shall be treated as a Short-Term Suspension. In any case, where either (a) the recommendation of the principal includes an exclusion of more than ten (10) school days, or (b) the Superintendent's designee has substantial reason to believe the student should not be readmitted within ten (10) school days, the matter shall be treated as a long-term suspension or expulsion and referred to the Discipline Office to be scheduled for a formal hearing consistent with all due process requirements.

A Discipline Panel, led by the Superintendent's designee, reviews all disciplinary cases referred for 10 suspension days plus an exclusion/ expulsion/ alternative education placement. The Discipline Panel is comprised of school-based and alternative education staff representatives, a representative from the Program for Students with Exceptionalities, and the Assistant Superintendent of Support Services. The Panel reviews the incident, circumstances, and recommended disciplinary actions to ensure that they are in alignment with the Code of Conduct guidelines and applicable laws.

**4. Scheduling of the Hearing:** The Office of Student Services shall schedule all hearings involving temporary or permanent expulsions, as herein defined, to be held within ten (10) days after the first full day of suspension, provided that a hearing may be held at a later time if a request is made by either a student or his/her representative, the principal concurs therein, and good and sufficient cause is shown for the delay in accordance with the State Board of Education Regulations. Failure of a student and his/her parent(s) or representative to appear at any hearing for which adequate notice has been given will not operate to delay the hearing. The administration shall proceed with the hearing in the absence of the student or his/her representative.

In any case wherein a student has been excluded from school for ten (10) school days pending an expulsion, the student will be temporarily reinstated pending the Board hearing, if they do not pose a threat to the health, safety, morals or welfare of others. In all other cases, they will be assigned to an appropriate Alternative Education program. In all cases of expulsion from school, written notice of the finding that the student constitutes a threat to the health, safety, or welfare of others shall be provided to the student's parents within forty eight (48) hours of the informal hearing. The same written notice shall be provided to the student and parents following the formal expulsion hearing. In such cases the hearing officer will provide such written notice at the conclusion of the expulsion hearing. If such notice is not received, the student will be temporarily reinstated pending a final decision of the Board for all removals exceeding ten (10) days. The Law Department reviews all hearing notifications before they are sent.

## H. Procedures (continued)

**5. Availability of Records:** In addition to being provided with a copy of the notice set forth above, the parent(s) or representative of the student involved shall have access to his/ her previous behavior record and his/her academic record.

### 6. Hearings and Attendance

**a.** An informal hearing shall be conducted at the school no later than the fifth day of suspension in all cases involving exclusion from school of four (4) through ten (10) days. The student and parents will be afforded full due process rights during the informal hearing. Case reviews will be conducted following the informal hearing including:

(1) Written notification of the specific reasons for the recommendation of suspension shall be given to the student and his/her parents or guardians.

(2) Sufficient notice of the time and place of the informal hearing shall be given.

(3) A student has the right to question any witnesses present at the hearing.

(4) A student has the right to speak and produce witnesses on his or her own behalf.

A full review of the student's education records will be conducted following the informal hearing when requested by parents.

**b.** A formal hearing before one (1) or more School Directors of the Board of Public Education, or an independent hearing officer appointed by the Board, shall be held in all cases involving exclusion from school in excess of ten (10) school days.

**c.** Informal and formal hearings may be attended by the appropriate School District personnel, the student, the parents, the student's representative and certain other persons where appropriate.

**d.** Notice of decision will be issued in writing following both the informal and formal hearings.

### 7. Conduct of the Hearing

**a. Closed Hearing:** Witnesses, including teachers involved, should be present only when they are giving information. Conduct of all parties at any hearing shall be under the direct control of the hearing officer, who shall be the School Director, independent hearing officer appointed by the Board, or the administrator conducting the hearing. A minor student may be excluded at the discretion of the hearing officer with the concurrence of the student's parent(s), other representative when he/she acts in the place of the parent(s), at times when deemed appropriate by the parties.

**b. Student May Remain Silent:** The student may speak in his/her own defense and may be questioned on his/her testimony, but he/she may choose not to testify, and in such cases he/she shall not be threatened with punishment or later punished for refusal to testify.

**c. Records of the Hearing:** At the request of the parents or the student's representative, the hearing officer shall provide for making a record of any information orally presented at the hearing.

**d. Use of Witnesses:** The hearing shall consist of the oral examination of all witnesses that the hearing officer determines may provide information on the matters involved, as well as a review of school records when requested by any party.

**e. Adult Representation in Addition to Parent(s):** If the parent(s) cannot attend or if the student or his/her parent(s) think his/her interest can be protected better by the presence at the hearing of another adult in addition to his/her parent(s), the student may bring another adult to the hearing. The non-parent adult may act as a representative in the defense of the student, with the right to present witnesses, question any and all witnesses, make a statement on the nature of evidence and the proper disposition of the case, and otherwise assist the student; provided, however, that in all cases the student's right to confront his/her accusers and right to cross-examine all witnesses shall be preserved and protected. Only one person shall be permitted to act as the representative and the representative shall be designated as such at the start of the hearing.

**f. Evidence and Witnesses:** Determinations of the weight of all evidence, including but not limited to hearsay, and the credibility of witnesses are the responsibility of the hearing officer in all student discipline hearings.

### 8. Disposition of the Case

**a. Actions of the Superintendent:** Upon the recommendation of the Office of Student Services the Superintendent may confirm a suspension not to exceed ten (10) school days, and shall forthwith notify both the student and the parents in writing of the decision reached and the sanction imposed. A list of available positive behavior supports and services available to help mitigate future behavior will accompany a Notice of Suspension.

#### b. Actions of the Hearing Officer:

(1) In all cases of long term suspension or expulsion, the Hearing Officer may dismiss some or all of the school charges against the student at the conclusion of the formal hearing. If all of the school charges are dismissed, the student shall immediately return to the school he/she attended prior to the exclusion from school;

(2) In cases involving a student in grades Pre-Kindergarten through Grade 5, the recommendation of the Hearing Officer will be to grant elementary clemency unless additional exclusion is warranted based on extenuating circumstances. Long-term suspension or expulsion recommendations may only be made for students in grades Pre-Kindergarten through Grade 2 for offenses that are violent or sexual in nature. If the recommendation is for elementary clemency, the student will be immediately returned to the school he/she attended prior to the exclusion from school;

(3) If the Hearing Officer does not dismiss all of the charges or grant clemency, s/he shall determine at the end of the formal hearing whether the student's presence in his/her normal classes would constitute a threat to the health, safety, or welfare of others. The Hearing Officer shall give the student and parent immediate written notice of the threat determination at the conclusion of the formal hearing or within forty-eight (48) hours if the student and parent fail to appear for the formal hearing;

(4) If the Hearing Officer concludes the student would not be a threat to the health, safety, or welfare of others, the student shall immediately return to his/her normal classes pending a final decision by the School Board. A student who has been found to constitute a threat will not be permitted to return and will be provided an appropriate alternative education, pending a final decision of the School Board;

(5) The Hearing Officer shall mail its written decision and recommendation to the student and parents no later than the fourth day after the formal hearing. The written decision may be mailed electronically upon request of the parties.

**c. Actions of the Board of Public Education:** In all cases of long-term suspension or expulsion, the action of the Board shall not be final until the report and recommendations of the Hearing Officer have been reviewed and approved by a majority of the full membership of the Board. Both the student and the parents shall be immediately notified in writing of the final decision of the Board.

**d. Reinstatement Pending a Hearing:** Notwithstanding any other provision contained herein, any student who has been excluded for a period of ten (10) school days without being afforded an opportunity for a hearing will be automatically reinstated pending a hearing and proper disposition thereon, unless there has been a determination that student poses a threat to the health, safety and welfare of the school and the hearing has been delayed for reasons permitted by law. Any determination that a hearing cannot be convened within ten (10) school days of the notification of charges must be made by the Office of Student Services.

**e. Requirement for Due Process:** All hearings, informal and formal, shall be held in accordance with 22 Pa. Code § 12.8.

**9. Appeal:** A decision by the Board of Public Education to expel a student for a period of time in excess of ten (10) school days may be appealed to a court of law within thirty (30) days of the final decision of the Board.

**10. Role of Hearing Officer:** Designees of the Board will conduct all expulsion hearings. Expulsion hearing officers will determine if due process requirements were met and determine if sufficient evidence was presented for each rule violation cited. Their recommendations will be communicated promptly to the board office and considered by the Board at the monthly legislative meetings.

**11. Applying for Expungement of School Discipline Record:** A student who has been recommended for expulsion, but where the recommendation was dismissed may apply to the Superintendent or designee to have his or her records of proposed expulsion erased from the student's school records, or expunged. Some cases where a student was recommended for expulsion but was granted clemency may also qualify for expungement. In these cases, a student must also apply to the Superintendent or his/her designee. Students who have been expelled after a formal hearing may also apply to have their discipline records expunged prior to transitioning to a new school or new grade configuration. Requests for expungement should be made in writing to the Office of Student Support Services.

**12. Suspension or Expulsion Of Students With Disabilities:** Students eligible under the IDEA or Section 504 of the Rehabilitation Act cannot be suspended for more than 10 consecutive school days, 11–15 cumulative school days if the removals constitute a pattern, or 15 cumulative school days in one school year for conduct that is a manifestation of their disabilities. A student diagnosed with intellectual disabilities may not be suspended from school unless the school administrator has received written approval by the parent/guardian on the appropriate Notice of Recommended Educational Placement (NOREP) form. If the misconduct includes possession of weapons or drugs, or the student inflicts serious bodily injury on another person, then a student, including a student with intellectual disabilities, may be removed for 45 school days regardless of whether the behavior is a manifestation of the student's disability.

Removals of more than 10 consecutive school days, 11–15 days if a pattern exists or more than 15 cumulative school days are subject to special rules and limitations.

Any record of proposed discipline for disruptive behavior that is determined to be the manifestation of a student's disability should be removed from the student's discipline record. Specific questions regarding the discipline of students with disabilities should be directed to the Program for Students with Exceptionalities at 412-323-3950.

School teams shall initiate a Functional Behavioral Assessment (FBA) for students with disabilities immediately once the student has reached eight (8) days of suspension in one school year.

The student's IEP team will then determine whether, based upon data, the student demonstrates behaviors which impede his/her learning or the learning of others, and, if so, subsequently develop or revise a Positive Behavior Support Plan for the student. This provision shall not prevent school teams from initiating an FBA based upon parent or school team request prior to reaching eight (8) days of suspension.

Specific questions regarding the discipline of students with disabilities should be directed to the Program for Students with Exceptionalities at 412-323-3950.





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The Pittsburgh Public Schools (PPS) does not discriminate on the basis of race, color, national origin, sex, disability or age in its programs, activities or employment and provides equal access to the Boy Scouts and other designated youth groups. Inquiries may be directed to the Title IX Coordinator or the Section 504/ADA Title II Coordinator at 341 S. Bellefield Avenue, Pittsburgh, PA 15213 or 412.529.HELP (4357).