



# K-5 Code of Student Conduct

UPDATED FOR 2020-2021



Expect great things.



## Dear PPS Students, Families and Staff,

As we embark on a school year that has already proven especially challenging, we restore our commitment to supporting both the emotional and academic needs of PPS students. The purpose of the Code of Student Conduct is to outline the rights and responsibilities of students within the learning environment.

Our learning environment for the 2020–2021 school year will extend beyond the classroom. This highlights now, more than ever, the need for positive behavior support, intervention when behavior falls short of expectations, and restorative practices. I applaud the students, parents, and dedicated staff of the District for the collaboration they have shown over the past several months of learning in new and expanding ways. The Code of Student Conduct serves a reminder to all members of the PPS school community of the high expectations we hold for students, and the supports that are available to assist students in achieving these high expectations.

Key updates for the 2020–2021 school year include the following:

- Effective this year, the compulsory school age for students begins at age 6 and extends to age 18.
- Clarification of a student's rights to protest peacefully.
- Modified infraction definitions within all Levels of the Code of Student Conduct.
- Separation of computer and electronic device violations into several severity levels, based upon the student's particular conduct.
- Specification of various different types of harassment prohibited in the school setting.
- Continuation of leveled drug infraction interventions to reduce out of school consequences and improve rehabilitation opportunities for students.
- Informal hearings must be held within a 3-day window of the student's infraction.
- Alternative Education for Disruptive Youth (AEDY) provisions now reflect the requirement of a behavioral assessment, academic and behavioral plan, 45-day presumptive exit date, and complaint procedures.

Further, please note that a new Assistant Superintendent for Student Support Services has been appointed—Dr. Rodney Necciai. Dr. Necciai will assume the role of District Title IX Compliance Officer, which is timely since new Title IX regulations have gone into effect.

I wish all of you a safe and productive year of learning.

Sincerely,



Dr. Anthony Hamlet  
Superintendent

## 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 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. The Code of Student Conduct is applicable during all times when 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.

Academic achievement and the social-emotional growth of our students are tightly connected concepts. It is critical that each of our schools develop a safe, orderly and welcoming school plan that ensures not only the safety of each student but promotes a safe and orderly classroom environment so that we maximize student learning. 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 conduct, 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.



# 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,
- Create and support an equitable, inclusive and welcoming 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.

### Safe2SaySomething Program

In keeping with the District's pledge to maintain safe and supportive schools, the District participates in the Safe2Say Something (S2SS) Program. The Safe2Say Program is an anonymous reporting system operated by the Pennsylvania Office of the Attorney General pursuant to state law. The program teaches students, teachers, and administrators how to recognize warning signs and signals, especially within social media, of individuals who may be a threat to themselves or others and say something to a trusted adult or use the anonymous Safe2Say reporting system. The Safe2Say Program offers a 24/7 Crisis Center (1-844-SAF2SAY), mobile app, and website where anonymous tips can be made. District students and staff are provided with education on how to utilize and report concerns through Safe2Say. For more information or to make an online tip, please visit [www.safe2saypa.org](http://www.safe2saypa.org).

## 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/guardians. It is the responsibility of each staff member to utilize the various components of progressive discipline and involve students, parents/guardians and support staff in the process. Each staff person must:

- Respect all members of the school community.
- Work to create an inclusive learning environment.
- Engage in culturally competent interactions with students and parents/guardians.
- 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/guardians 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.
- 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/guardians 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 positive 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/guardians 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/guardians and make the same available in student's and parent's/guardian's preferred language and mode of communication.
- Visit classrooms and other areas in and around the school regularly to monitor implementation of the school safety 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 committee for school culture and climate 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/guardians 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 Support 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/guardians, 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.
- Attend school regularly and make a conscientious effort in the classroom.
- Help maintain a climate within the school that is conducive to wholesome learning and living.
- Respect the rights of teachers, students, administrators, and all others who are involved in the educational process.
- Express ideas and opinions in a respectful manner.
- 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.
- Volunteer information in matters relating to the health, safety and welfare of the school community and the protection of school property.
- Dress and groom to meet fair standards of safety, health and cleanliness and not to cause substantial disruption to the education processes.
- Assist the school staff in operating a safe school for all students enrolled therein.
- Comply with federal, state and local laws.
- Exercise proper care when using public facilities and equipment.
- Be on time for all classes and other school functions.
- Make up work when absent from school.
- Pursue and attempt to complete satisfactorily the courses of study prescribed by state and local school authorities.
- Report information accurately and not use indecent or obscene language in student newspapers or publications.
- 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/Guardian Responsibilities and Commitments

Parents/guardians 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/guardian 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/Guardian 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 the student turns 21. A student under the age of 21 can enroll in school even if they already have a Graduation Equivalency Diploma (“GED”). A student’s citizenship or immigration status cannot be requested, and perceived citizenship or immigration status cannot be used to deny access to public education.
- B.** Parents or guardians of all children between the ages of 6 and 18 are required by the compulsory attendance law to insure that their children attend an approved educational institution, unless the student has graduated high school or is legally excused. Students who have not graduated may not be asked to leave school merely because they have reached 18 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, cohabitating, 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.

**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.** Students are asked to show proper respect to their country and its flag; however, 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.
- By, where justified for health or safety, requiring some type of hair covering.

**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.

**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 to be free from unreasonable searches or seizures.

## Students Rights – Participation in Protests

The District acknowledges the rights of students to freely express their viewpoints and shall not punish or discipline students for exercising these rights, consistent with the United States Constitution, the Constitution of the Commonwealth, and Board policy. At the same time, the District is responsible for protecting the rights of all school community members while maintaining an orderly school environment. While the District respects the right of all students to lawfully and peacefully protest, the safety and security of students and staff must take top priority. If a student chooses to participate in a walkout off of school grounds, staff will not be able to ensure student safety. When students walk out during the school day it can create an unsafe environment for students and disrupt their learning. The District encourages students to work with their school leadership to coordinate a peaceful protest on their school campus. All students must receive signed written permission from their parent/guardian to leave school early or prior to dismissal, including for purposes of engaging in protest activities. Students who leave school without written parent/guardian permission may be in violation of Rule 102. Truancy or Cutting Class. Students who leave school to engage in protest activities can be re-admitted to school following the event with a parent/guardian note.

## 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. Rodney Necciai.

### **Title IX Compliance Officer**

Dr. Rodney Necciai Assistant Superintendent  
Student Support Services  
341 S. Bellefield Avenue, Pittsburgh, PA 15213  
412-529-3950 rnecciai1@pghschools.org

### **Title IX Compliance Officer's Designee**

Director of Student Support Services  
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, laws and regulations.

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.
- 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 their 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

The student attendance 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. 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 and academic achievement. School attendance is also 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 age six (6) until age eighteen (18). 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 that occur without a written lawful excuse. 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.

**Illness or Other Urgent Reasons:** Upon receipt of satisfactory evidence of mental, physical or other urgent reasons, a parent's/guardian's written note will excuse a student's absence. A maximum of ten (10) days of cumulative absences verified by parent/guardian 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 or Other Emergency:** The Superintendent may determine that school closure is necessary to protect the health and safety of students and staff. In such cases, students are not expected to report to school. 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/guardian decides to keep their child home in any situation, including inclement weather, they should call the school to report the 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 their 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 18, 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 without a written lawful excuse 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/guardian, 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 18) in substantially the same format provided by the Pennsylvania Department of Education (available via its website) and in the student's and parent/guardian'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 – i.e., biological or adoptive parent, guardian, or person with whom the student lives who is acting in a parental role; (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/guardian, student and other non-District individuals. The discussion and outcomes of the SAIC shall be reflected in writing in a School Attendance Improvement Plan ("SAIP").

**Students with Disabilities** and those suspected of having disabilities are also 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

**Parent/Guardian 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 the District's attendance policy and associated guidelines.

**School Attendance Improvement Conference (SAIC):** Following the Third 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 written School Attendance Improvement Plan documenting the outcome of the SAIC).

**Referral to the Local Magistrate (Students under age 18):** After convening a SAIC and reflecting the outcome in a written 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 further action will be initiated, which may include a citation being 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.

**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

While the School District recognizes the right of students to freedom of expression in speech and the wearing of apparel, the School District of Pittsburgh has adopted an exclusionary dress code to address issues related to the health, safety and welfare of students and the maintenance of a positive learning environment. Therefore, 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, gender (including gender identity or expression), religion, 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 clothing which is compliant with the District and school dress code at all times while at school and school-sponsored events whether on or off school premises.

In addition, school principals are authorized to establish within their school either an additional exclusionary dress code, prescribed dress code or a uniform policy in accordance with Board policy and administrative guidelines. 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. Schools that choose to include a list of prescribed dress or uniform attire in their school handbook shall not delineate appropriate clothing articles by gender; but, rather, shall create one list of appropriate attire for all students.

Parents/guardians are advised to review their child's school-specific dress code for further information. Individual school dress code provisions must be consistent with Board policy, administrative guidelines, and this Code of Student Conduct.

## 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 Code of Conduct 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 classroom 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, capacity to understand one's own 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)

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 behavior expectations, 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 their 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
<p>Create positive classroom expectations that are clearly defined and taught.</p> <p>Continuously teach and reteach classroom expectations throughout the year (e.g., schedule for teaching by week/month, after breaks).</p> <p>Model and practice expectations in appropriate setting (e.g., group work, individual work).</p> <p>Use precorrection strategies to remind students of expectations before the next task.</p> <p>Use more positive than corrective interactions (at a ratio of 3:1) between staff and students, students to students, and staff to staff.</p> <p>Utilize fluent and consistent corrections for early-stage misbehavior.</p> <p>Create classroom acknowledgment systems to increase responsible student behavior.</p> <p>Maintain positive expectations for all students, in all settings, at all times.</p> <p>Implement effective instructional practices.</p> <ul style="list-style-type: none"> <li>Actively engage students in learning.</li> <li>Provide immediate positive feedback.</li> <li>Build positive relationships with students and families (e.g., utilize RP circles).</li> <li>Teach prevention lessons (e.g., social and emotional learning, bullying prevention, suicide prevention, and trauma-informed practices).</li> </ul>	<p>Provide lessons to teach or reteach the student how to behave responsibly.</p> <p>Change student seating.</p> <p>Pace the lesson more quickly to promote on-task behavior.</p> <p>Actively ignore misbehavior.</p> <p>Respond calmly, restating the desired behavior.</p> <p>Restructure classroom practices based on student needs (e.g., structured recess, structured lunch, visual schedules).</p> <p>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).</p> <p>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).</p> <p>Communicate teacher-based actions with parent.</p> <ul style="list-style-type: none"> <li>Utilize restorative affective statements and affective questions.</li> <li>Student-teacher impromptu conferencing with active listening.</li> </ul>

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

## 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 documented and used to address the same behavior more than three times, an administrator may exercise professional judgment and move to a Level 2 response, as permitted by Board policy. A parent/guardian should be made aware of the repeated Level 1 behaviors and partner with the school on a plan to successfully address the behavior.

The discipline of students with disabilities (students supported through Individualized Education Programs (IEPs) or Section 504 Plans) 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 whether 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 or Section 504 Plan.

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

### Definitions

In an effort to continue to reduce exclusionary discipline, particularly for our youngest learners, the following definitions distinguish non-violent from violent offenses. Graduated responses (i.e., guidance interventions and disciplinary actions) will be provided accordingly. Suspensions for non-violent offenses are strongly discouraged overall, and are specifically prohibited for students in Kindergarten through second grade.

**Non-Violent Offenses:** An infraction or offense that does not necessarily pose a threat to the health, safety or property of others.

**Non-Violent Offenses (continued):** Non-violent offenses include all Level 1 infractions and the following non-violent Level 2 infractions:

- Unauthorized presence of students during school hours (school or private property)
- Possession or use of tobacco or electronic smoking devices
- Academic dishonesty
- Misuse of computers/electronic device
- Undesirable group activity
- Profanity and vulgarity/verbal altercation (to student)
- Profanity and vulgarity/verbal altercation (to staff)
- Inappropriate sexual behavior
- Repeated Level 1 or 2 non-violent infractions
- Terroristic threats
- Threats/Intimidation

**Violent Offenses:** (a) An infraction or offense that is inclusive of any of the following elements: the use, attempted use, or threatened use of physical force against the person or property of another, or (b) any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense. Violent offenses may lead to an out of school suspension. The following Level 2 Infractions are considered **violent offenses**:

- Damage, destruction or vandalism of property
- Harassment
- Fighting
- Bullying/Cyberbullying
- Hazing
- Physical Aggression/Altercation
- Theft/Robbery
- Inciting a Disturbance or Melee

All infractions classified as Level 3 offenses of the Code of Student Conduct, listed below, may lead to out-of-school suspension for students enrolled in Kindergarten through fifth grade:

- Assault on a School Employee, Student or Other Person
- Weapons and Dangerous Instruments
- Drug Offenses
- Arson
- Aggravated Hazing

Additional definitions within this section are as follows:

**1. Parent/Guardian:** The 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:** The principal, assistant principal, director, administrative practitioner, responsible teacher or any other person to whom the principal may legally delegate their authority.



**3. Designee:** Any administrator who has been designated to act on behalf of the Superintendent in matters of student discipline.

**4. Student:** 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:** 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 Learners (ELs):** 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.

## Referral of Incidents to School Police

The School District of Pittsburgh employs its own school police force through the Division of School Safety in an effort to ensure the safety and welfare of students while in school, at school functions, traveling to and from school, and on school grounds. The Board does not authorize its school police officers to carry firearms.

School police officers receive trainings specific to their roles as school police officers, including training in de-escalation and Restorative Practices. The Division of School Safety and the Office of Student Support Services coordinate training programs to ensure school safety staff receive all relevant trainings that counselors and social workers receive.

Prior to referring a student to school police, school administration must consider the following factors: (1) the seriousness of the situation; (2) the school's ability to defuse or resolve the situation; (3) the student's intent; (4) the student's age; (5) whether the student has a disability, the type of disability and its impact on the student's behavior; and (6) any other factors the administrator believes to be relevant. Once an incident is referred to school police, school administration shall provide the following information to responding law enforcement officer(s), if such information is available and applicable:

- Whether the incident is in-progress or has concluded
- Nature of the incident
- Exact location of the incident
- Number of persons involved in the incident
- Names and ages of the individuals involved
- Weapons involved in the incident
- Whether weapons have been secured and the custodian of the weapons
- Injuries
- Whether emergency medical services or the fire department was notified
- Identity of the school contact person

- Identity of the witnesses
- Whether the incident involves a student with a disability, the type of disability and its impact on the student's behavior
- Other information known to the school and believed to be relevant to the incident

Notification to law enforcement shall not be delayed for the purpose of gathering the above information. Please note that referral of an incident to school police does not necessarily mean charges will be filed against the student. In no case will a child 10 years or younger be arrested or criminally charged as a result of their conduct. Further, school administrators are responsible to ensure that any weapon, drug or other item of contraband is secured pending arrival of school police. All such items are to be reported by administration to the Division of School Safety in a timely fashion.

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

LEVEL 1 INFRACTIONS are deemed as non-violent and are considered as less serious. As such, these infractions do not necessarily pose a threat to the health, safety or property of others. 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. Out-of-school suspensions shall not be assigned to students for Level I infractions.

**101. Tardiness:** Arriving late without a written lawful excuse.

**101.A. Tardiness to School:** Arriving late to school after the posted start time without an appropriate excuse.

**101.B. Tardiness to Class:** Arriving after the class start time without an appropriate excuse.

**102. Truancy or Cutting Class:** Failure to be in a place of instruction at the assigned time. It is an absence from class or school for any reason that does not meet the criteria for an excused absence.

**103. Inappropriate Personal Property:** Possession and/or use of items that cause a distraction to learning, damage to persons or property, or otherwise intervene with the learning process. Inappropriate items of personal property may include, but are not limited to, electronic devices, roller blades, skateboards, playing cards, hats, clothing, and unpermitted food.

Inappropriate personal property shall also include 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. Students may only possess or use medications in the school setting in compliance with Policy 229 – Use of Medications, and Policy 229.1 – Possession/Use of Emergency Medications.

**104. Pestering, Teasing, or Horseplay:** Verbal, electronic, or physical contact or communication with another student that is made for non-educational purposes and is 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, and similar behavior.

**105. Inappropriate Language or Gestures:** Written or verbal remarks, or gestures that are inappropriate through the use of words or acts which demean, degrade, or humiliate a person or group of persons.

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

**107. Refusal To Comply With Posted And Published School Rules and Regulations:** Violation of specific posted or written school or class rules and regulations; examples include, but are not limited to: repeated gum chewing, repeatedly unprepared for class, and dress code violations.

**109. Major or Repeated Disruption of School/Bus:** Violation of the posted or written rules of conduct for the bus or school that are disruptive behaviors or repetitive violations of this type.

**111. Possession of Electronic or Telecommunication Devices:** Students may possess electronic devices only as permitted by Board policy and applicable school based electronic device restrictions. The District generally prohibits electronic devices from being visible, used, or turned on by students during the school day in District buildings and on District property.

The District does recognize that the unique needs of its schools may warrant school level electronic device restrictions. School-based Discipline Committees may establish such restrictions in a manner consistent with Board Policy 216 – Electronic Devices, and any corresponding administrative regulations. Specific information regarding electronic device restrictions must be provided to students and parents/guardians in advance of implementing of any restriction. Electronic device restrictions shall not apply when a student (1) is a member of a volunteer fire company, ambulance or rescue squad; or (2) a student who has a need for such a device due to the medical condition of an immediate family member. Students found to be in violation of electronic device restrictions may be subject to disciplinary action and confiscation of the device.

Misuse of electronic devices while on school grounds, at school sponsored activities, or on buses or other vehicles provided by the School District is also prohibited. Misuse of an electronic devices 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.

**112. Disruption of Class:** Verbal or physical behavior which is determined by the classroom teacher to be disruptive to learning. Examples include, but are not limited to: repeatedly talking out in class or out of turn, being exceptionally loud, running, throwing objects, failure to follow classroom rules.

**114. 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 acts that may not necessarily pose a threat to the health, safety, or property of others:

- A. Utilizing computers, computer networks, or electronic devices during times when such conduct is not permitted.
- B. Loading or use of unauthorized games, programs, files, or other electronic media, on District devices.
- C. Impersonation of another user, anonymity and pseudonyms, within District systems.
- D. Creation of links to other networks whose content or purpose would violate the District's Network Usage and Safety Policy.
- E. Offensive and inflammatory communications that do not pose an apparent risk to safety.

#### **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
- 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 After Guidance Interventions Used**

- **Detention:** Assignment to a specified school location outside of school hours (e.g., before school, after school, or on a non-school day)
- **In-school suspension:** Exclusion from classes and assignment to a designated learning space. This assignment may be given a name other than "In-School Suspension" specific to each school's PBIS system.
- **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. For incidents of bullying or harassment, appropriate Bullying and/or Harassment Forms must be completed. Out-of-school suspensions shall not be assigned to students in grades below the third grade for the following non-violent Level 2 infractions, which are denoted below by an asterisk:

- Unauthorized presence of students during school hours (school or private property)
- Possession or use of tobacco or electronic smoking devices
- Academic dishonesty
- Misuse of computers/electronic device
- Undesirable group activity
- Profanity and vulgarity/verbal altercation (to student)
- Profanity and vulgarity/verbal altercation (to staff)
- Inappropriate sexual behavior
- Repeated Level 1 or 2 non-violent infractions
- Terroristic threats
- Threats/Intimidation

**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 private property.

### **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 their 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 shall 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/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:** Students shall be present in school during school hours and shall not enter upon private or public property that is contiguous or nearby school property during designated school hours. 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 & 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:** 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. Specific harassment infractions are further defined as follows:

**213.A. Sexual Harassment:** Unwelcome conduct of a sexual nature. It includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual violence is a form of sexual harassment. Sexual harassment can include unwelcome sexual advances; requests for sexual favors; and other verbal, nonverbal, or physical conduct of a sexual nature, including but not limited to sexual activity. Sexual harassment can rise to a violation of District policy and/or Title IX when such conduct denies or limits a student's ability to receive educational aid, benefits, services, or treatment; or when such conduct is sufficiently severe, persistent or pervasive that it has the purpose or effect of substantially interfering with the student's ability to participate in or benefit from the school's program (i.e., creating an intimidating, hostile or offensive educational environment). Federal law declares sexual violence a form of sexual harassment.

**213.B. Racial/Ethnic Harassment:** Discrimination on the basis of race, color, or national origin includes discrimination based on a person's actual or perceived race, color, national origin, ethnicity, or ancestry. This includes discrimination based on the country, world region, or place where a person or his or her ancestors come from; a person's Limited English Proficiency or English Learner status; or a person's actual or perceived shared ancestry or ethnic characteristics, including membership in a religion that may be perceived to exhibit such characteristics (such as Hindu, Jewish, Muslim, and Sikh individuals).

**213.C. Gender-Based Harassment:** May include acts of verbal, nonverbal, or physical aggression intimidation, or hostility based on sex stereotyping. Thus, harassment of a student for failing to conform to stereotypical notions of masculinity and femininity constitutes sex discrimination.

Gender-based harassment can rise to a violation of District policy and/or Title IX when such conduct denies or limits a student's ability to receive educational aid, benefits, services, or treatment; or when such conduct is sufficiently severe, persistent or pervasive that it has the purpose or effect of substantially interfering with the student's ability to participate in or benefit from the school's program (i.e., creating an intimidating, hostile or offensive educational environment).

**213.D. Disability Harassment:** Intimidation or abusive behavior toward a student based on disability that creates a hostile environment by interfering with or denying a student's participation in or receipt of benefits, services, or opportunities in the institution's program. Harassing conduct may include verbal acts and name-calling, as well as nonverbal behavior, such as graphic and written statements, or conduct that is physically threatening, harmful, or humiliating.

**213.E. Other Forms of Harassment:** Any act that violates the District's Prohibition of Bullying/Harassment Policy which does not meet the definition of sexual harassment, racial/ethnic harassment, or gender-based harassment.

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 Services 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.

A Bullying/Harassment Investigation Report, sometimes referred to as a "packet," must be submitted for sexual instances of harassment as well as ChildLine reporting (depending on the circumstances).

**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 and personal devices:

- A.** Hate mail, discriminatory remarks, as well as offensive and inflammatory communications that pose an apparent risk to safety.
- B.** Using any electronic device to display or access obscene or pornographic materials.
- C.** Transmission of sexually explicit language or images, including images of oneself.
- D.** Destruction, modification or abuse of network hardware, software, or information.
- E.** Videotaping fights or videotaping someone in a place where they have an expectation of privacy.
- F.** 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\*:** The Board prohibits disruptive group activity associated with violence or the threat of violence. Disruption and/or intimidation caused by the following are prohibited:

- 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
- D. Rule 215 Undesirable Group Activity shall not be implemented in a manner which prohibits the free expression or association of students, so long as their expression does not impede the District's responsibility to maintain an orderly school environment and protect the rights of all school community members.

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

**217.A. Bullying:** 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

**217.B Cyberbullying:** 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.

**218. Hazing:** Hazing activities of any type are inconsistent with the educational goals of the District and are prohibited. Hazing occurs when a person intentionally, knowingly or recklessly, for the purpose of initiating, admitting, or affiliating a student with an organization, or for the purpose of continuing or enhancing membership or status in an organization, causes, coerces or forces a student to do any of the following:

- 1. Violate federal or state criminal law.
- 2. Consume any food, liquid, alcoholic liquid, drug or other substance which subjects the student to a risk of emotional or physical harm.
- 3. Endure brutality of a mental nature, including activity adversely affecting the mental health or dignity of the individual, sleep deprivation, exclusion from social contact or conduct that could result in extreme embarrassment.



4. Endure brutality of a sexual nature.
5. Endure any other activity that creates a reasonably likelihood of bodily injury to the student.

Any activity, as described above, shall be deemed a violation regardless of whether the consent of the student was sought or obtained.

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

**220. Physical Aggression/Altercation:** 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\*:** A threat communicated either directly or indirectly to commit any crime of violence with the intent to terrorize another; to cause evacuation of a building, place of assembly or facility of public transportation; or to otherwise cause serious public inconvenience, or cause terror or serious public inconvenience with reckless disregard of the risk of causing such terror or inconvenience.

**222. Inappropriate Sexual Behavior\*:** Exposing or touching one's own genitals, breast, or buttocks, or those sexual parts of another person. May also involve engaging in intercourse, oral sex, or simulated sex on school grounds.

**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.

**224. Profanity and Vulgarity/Verbal Altercation (Staff)\*:** Swearing, cursing, making obscene gestures or using verbally abusive language toward staff.

**225. Threats/Intimidation\*:** Students may not make threats 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 threat 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. Threats can be made verbally, in writing, or with gestures.

**226. Theft, Burglary, or Robbery of School Property:** A student shall not engage in or attempt to engage in theft, burglary, or robbery of 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 2 Infraction\*:** If a Level 2 corrective strategy is documented and used to address the same behavior more than three times, an administrator may exercise professional judgment based on the severity of the offense and move to the next leveled response, as authorized by Board policy. 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
- 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

### **Examples of Guidance Interventions/Continuum of Approaches (continued)**

- 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 After or 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) for violent offenses, if student is enrolled in grade three or above.

Violent offenses include:

- Damage, destruction or vandalism of property
- Harassment
- Fighting
- Bullying/Cyberbullying
- Hazing
- Physical Aggression/Altercation
- Theft/Robbery

### 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. The administrator must notify the student and parent of all applicable charges, consequences and due process rights during the disciplinary and investigative process.

**304. Assault on a School Employee:** A student shall not assault a school employee. Assault of a school employee has occurred when a student (1) attempts to cause or intentionally, knowingly or recklessly causes bodily injury to a school employee without physical provocation; (2) negligently causes bodily injury to another with a deadly weapon; or (3) attempts by physical menace to put another in fear of imminent serious bodily injury. The school administrator shall consult with the Office of Student Support Services and consider the totality of the circumstances prior to charging a student with assault of a school employee. Assault on a school employee may result in a criminal conviction for aggravated assault.

**305.A. Simple Assault on a Student or Other Person not Employed by the School:** A student shall not assault any person. A simple assault has occurred when a student (1) attempts to cause or intentionally, knowingly or recklessly causes bodily injury to another without physical provocation; (2) negligently causes bodily injury to another with a deadly weapon; or (3) attempts by physical menace to put another in fear of imminent serious bodily injury. The school administrator shall consult with the Office of Student Support Services and consider the totality of the circumstances prior to charging a student with simple assault. Other physical conduct that does not meet the definition of assault may fall under the prohibition against fighting, physical aggression/altercation, bullying, harassment, and/or inciting a disturbance or melee.

**305.B. Aggravated Assault on a Student or Other Person not Employed by the School:** An aggravated assault has occurred when a student (1) attempts to cause serious bodily injury to another, or causes such injury intentionally, knowingly or recklessly under circumstances manifesting extreme indifference to the value of human life; or (2) attempts to cause or intentionally or knowingly causes bodily injury to another with a deadly weapon. The school administrator shall consult with the Office of Student Support Services and consider the totality of the circumstances prior to charging a student with aggravated assault.

**306. 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.

**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. When determining whether an object is weapon, schools must consider what the object is practically and functionally intended to do. The manner in which a student uses an object does not convert an otherwise non-weapon into a weapon.

**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 they 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 they 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).

**307. 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 considered a violation of Board policy and this Code of Student Conduct. The possession of drug-related paraphernalia 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.*

**308. 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.

**318. Aggravated Hazing:** Occurs when a person commits an act of hazing as defined Rule 218 that results in serious bodily injury or death to a student and:

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

### **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

### **Examples of Guidance Interventions/Continuum of Approaches (continued)**

- 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)

*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.*

# Elementary (Grades K–2) Behavior Matrix of Infractions, Guidance Interventions, and Disciplinary Actions

## Level 1 Infractions

Rule	Infractions	Mandatory Guidance Intervention/Disciplinary Action	Applicable Guidance Intervention/Disciplinary Action
101	Tardiness	1–3, 11, 12	4, 6–10, 13, 14, 16, 17, 20, 21
102	Truancy or Cutting Class	1–3, 11, 12	4–10, 13, 14, 16, 17, 20, 21
103	Inappropriate Personal Property	1–3	4–8, 10, 16, 17, 20, 21
104	Pestering, Teasing or Horseplay	1–3	4–11, 13–18, 20, 21, 40
105	Inappropriate Language or Gestures	1–3	4–11, 13–18, 20, 21, 40
106	Minor Disruption of School/Bus	1–3	4–11, 13–18, 20, 21, 40
107	Refusal to Comply with Posted and Published School Rules and Regulations	1–3	4–11, 13–17, 20, 21, 40
109	Major or Repeated Disruption of School/Bus	1–3	4–11, 13, 15–18, 20, 21, 40
111	Possession of Electronic Devices	1–3	4–8, 10, 11, 16, 17, 20, 21, 40
112	Disruption of Class	1–3	4–11, 13–17, 20, 21, 40
114	Misuse of Computers/Computer Networks/Electronic Device	1–3	4–11, 13–17, 20, 21, 40

## Level 2 Infractions

Rule	Infractions	Mandatory Guidance Intervention/Disciplinary Action	Applicable Guidance Intervention/Disciplinary Action
202	Damage, Destruction, or Vandalism of School Property	2, 3, 5, 11	1, 4, 6–10, 13–18, 20–23, 30, 40, 41, 50
203	Damage, Destruction, or Vandalism of Private Property	2, 3, 5, 11	1, 4, 6–10, 13–18, 20–23, 30, 40, 41, 50
209	Unauthorized Presence of Students During School Hours (School or Private Property)*	2, 3, 5, 11	1, 4, 6–10, 13, 16, 17, 20–23, 30, 40
210	Possession or Use of Tobacco or Electronic Smoking Devices*	2, 3, 5, 11	1, 4, 6–10, 13, 14, 17, 20–23, 30, 40
212	Academic Dishonesty*	2, 3, 5, 11	1, 4, 6–10, 13–17, 20–23, 30, 40
213	Harassment	2, 3, 5, 11	1, 4, 6–10, 13–18, 20–23, 30, 40, 41, 50
214	Misuse of Computers/Electronic Devices*	2, 3, 5	1, 4, 6–11, 13, 15–18, 20–23, 30, 40
215	Undesirable Group Activity*	2, 3, 5	1, 4, 6–11, 13–18, 20–23, 30, 40
216	Fighting	2, 3, 5, 11	1, 4, 6–10, 13–18, 20–23, 30, 40, 41, 50
217	Bullying/Cyberbullying	2, 3, 5, 11	1, 4, 6–10, 13–18, 20–23, 30, 40, 41
218	Hazing	2, 3, 5, 11	1, 4, 6–10, 13–18, 20–23, 30, 40, 41, 50
219	Profanity & Vulgarity/Verbal Altercation (Student)*	2, 3, 5, 11	1, 4, 6–10, 13–18, 20–23, 30, 40
220	Physical Aggression/Altercation	2, 3, 5, 11	1, 4, 6–10, 13–18, 20–23, 30, 40, 41
221	Terroristic Threats*	2, 3, 5, 11	1, 4, 6–10, 13, 15–18, 20–23, 30, 40, 50
222	Inappropriate Sexual Behavior*	2, 3, 5, 11	1, 4, 6–10, 13, 14, 16–18, 20–23, 30, 40

## Level 2 Infractions (continued)

Rule	Infractions	Mandatory Guidance Intervention/Disciplinary Action	Applicable Guidance Intervention/Disciplinary Action
223	Inciting a Disturbance or Melee	2, 3, 5, 11	1, 4, 6–10, 13–18, 20–23, 30, 40, 41, 50
224	Profanity & Vulgarity/Verbal Altercation (Toward Staff)*	2, 3, 5, 11	1, 4, 6–10, 13–18, 20–23, 30, 40
225	Threats/Intimidation	2, 3, 5, 11	1, 4, 6–10, 13–18, 20–23, 30, 40
226,227	Theft, Burglary, or Robbery of School Property	2, 3, 5, 11	1, 4, 6–10, 13–18, 20–23, 30, 40, 41, 50
228	Repeated Level 2 Infractions*	2, 3, 5, 11	1, 4, 6–10, 13–18, 20–23, 30, 40

## Level 3 Infractions

Rule	Infractions	Mandatory Guidance Intervention/Disciplinary Action	Applicable Guidance Intervention/Disciplinary Action
304	Assault on a School Employee	2, 3, 5, 10, 11, 19, 40, 50	1, 4, 6–9, 13–18, 20–23, 30, 41, 42
305	Assault on a Student or Other Person	2, 3, 5, 10, 11, 40, 50	1, 4, 6–9, 13–17, 20–23, 30, 41, 42
306	Possession of a Weapon	2, 3, 5, 10, 11, 41, 50	1, 4, 6–9, 13–18, 20–23, 30, 40, 42
307	Possession or Use of Drugs or Alcohol	2, 3, 5, 10, 11, 41, 50	1, 4, 6–9, 13–16, 20–23, 30, 40, 42
308	Arson	2, 3, 5, 10, 11, 41, 50	1, 4, 6–9, 13–17, 20–23, 30, 41, 42
318	Aggravated Hazing	2, 3, 5, 10, 11, 41, 50	1, 4, 6–9, 13–17, 20–23, 30, 41, 42

### 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 for students in grades K–2, if violent)
- Level Three (Offenses that lead to an out-of-school suspension).

Please note, the District is aware that infraction numbers may not be sequential and is aligned to student information system coding of disciplinary infractions.

*\*Cannot include tardiness, truancy and class cuts per Act 138. (Reference Section on Attendance Standards.)*

## Elementary (Grades 3–5) Behavior Matrix of Infractions, Guidance Interventions, and Disciplinary Actions

### Level 1 Infractions

Rule	Infractions	Mandatory Guidance Intervention/Disciplinary Action	Applicable Guidance Intervention/Disciplinary Action
101	Tardiness	1–3, 11, 12	4, 6–10, 13, 14, 16, 17, 20, 21
102	Truancy or Cutting Class	1–3, 11, 12	4–10, 13, 14, 16, 17, 20, 21
103	Inappropriate Personal Property	1–3	4–8, 10, 16, 17, 20, 21
104	Pestering, Teasing or Horseplay	1–3	4–11, 13–18, 20, 21, 40
105	Inappropriate Language or Gestures	1–3	4–11, 13–18, 20, 21, 40
106	Minor Disruption of School/Bus	1–3	4–11, 13–18, 20, 21, 40
107	Refusal to Comply with Posted and Published School Rules and Regulations	1–3	4–11, 13–17, 20, 21, 40
109	Major or Repeated Disruption of School/Bus	1–3	4–11, 13, 15–18, 20, 21, 40
111	Possession of Electronic Devices	1–3	4–8, 10, 11, 16, 17, 20, 21, 40
112	Disruption of Class	1–3	4–11, 13–17, 20, 21, 40
114	Misuse of Computers/Computer Networks/Electronic Device	1–3	4–11, 13–17, 20, 21, 40

### Level 2 Infractions

Rule	Infractions	Mandatory Guidance Intervention/Disciplinary Action	Applicable Guidance Intervention/Disciplinary Action
202	Damage, Destruction, or Vandalism of School Property	2, 3, 5, 11	1, 4, 6–10, 13–18, 20–23, 30, 40, 41, 50
203	Damage, Destruction, or Vandalism of Private Property	2, 3, 5, 11	1, 4, 6–10, 13–18, 20–23, 30, 40, 41, 50
209	Unauthorized Presence of Students During School Hours (School or Private Property)	2, 3, 5, 11	1, 4, 6–10, 13, 16, 17, 20–23, 30, 40, 41
210	Possession or Use of Tobacco or Electronic Smoking Devices	2, 3, 5, 11	1, 4, 6–10, 13, 14, 17, 20–23, 30, 40, 41
212	Academic Dishonesty	2, 3, 5, 11	1, 4, 6–10, 13–17, 20–23, 30, 40, 41
213	Harassment	2, 3, 5, 11	1, 4, 6–10, 13–18, 20–23, 30, 40, 41, 50
214	Misuse of Computers/Electronic Devices	2, 3, 5	1, 4, 6–11, 13, 15–18, 20–23, 30, 40, 41, 50
215	Undesirable Group Activity	2, 3, 5	1, 4, 6–11, 13–18, 20–23, 30, 40, 41, 50
216	Fighting	2, 3, 5, 11	1, 4, 6–10, 13–18, 20–23, 30, 40, 41, 50
217	Bullying/Cyberbullying	2, 3, 5, 11	1, 4, 6–10, 13–18, 20–23, 30, 40, 41
218	Hazing	2, 3, 5, 11	1, 4, 6–10, 13–18, 20–23, 30, 40, 41, 50
219	Profanity & Vulgarity/Verbal Altercation (Student)	2, 3, 5, 11	1, 4, 6–10, 13–18, 20–23, 30, 40, 41
220	Physical Aggression/Altercation	2, 3, 5, 11	1, 4, 6–10, 13–18, 20–23, 30, 40, 41
221	Terroristic Threats	2, 3, 5, 11	1, 4, 6–10, 13, 15–18, 20–23, 30, 40, 41, 50
222	Inappropriate Sexual Behavior	2, 3, 5, 11	1, 4, 6–10, 13, 14, 16–18, 20–23, 30, 40, 41, 50



## Level 2 Infractions (continued)

Rule	Infractions	Mandatory Guidance Intervention/Disciplinary Action	Applicable Guidance Intervention/Disciplinary Action
223	Inciting a Disturbance or Melee	2, 3, 5, 11	1, 4, 6–10, 13–18, 20–23, 30, 40, 41, 50
224	Profanity & Vulgarity/Verbal Altercation (Toward Staff)	2, 3, 5, 11	1, 4, 6–10, 13–18, 20–23, 30, 40, 41, 50
225	Threats/Intimidation	2, 3, 5, 11	1, 4, 6–10, 13–18, 20–23, 30, 40, 41
226,227	Theft, Burglary, or Robbery of School Property	2, 3, 5, 11	1, 4, 6–10, 13–18, 20–23, 30, 40, 41, 50
228	Repeated Level 2 Infractions	2, 3, 5, 11	1, 4, 6–10, 13–18, 20–23, 30, 40, 41

## Level 3 Infractions

Rule	Infractions	Mandatory Guidance Intervention/Disciplinary Action	Applicable Guidance Intervention/Disciplinary Action
304	Assault on a School Employee	2, 3, 5, 10, 11, 40, 50	1, 4, 6–9, 13–18, 20–23, 30, 41, 42
305	Assault on a Student or Other Person	2, 3, 5, 10, 11, 40, 50	1, 4, 6–9, 13–18, 20–23, 30, 41, 42
306	Possession of a Weapon	2, 3, 5, 10, 11, 41, 50	1, 4, 6–9, 13–18, 20–23, 30, 40, 42
307	Possession or Use of Drugs or Alcohol	2, 3, 5, 10, 11, 19, 41, 50	1, 4, 6–9, 13–16, 20–23, 30, 40, 42
308	Arson	2, 3, 5, 10, 11, 40, 50	1, 4, 6–9, 13–18, 20–23, 30, 41, 42
318	Aggravated Hazing	2, 3, 5, 10, 11, 41, 50	1, 4, 6–9, 13–17, 20–23, 30, 41, 42

### 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).

Please note, the District is aware that infraction numbers may not be sequential and is aligned to student information system coding of disciplinary infractions.

*\*Cannot include tardiness, truancy and class cuts per Act 138. (Reference page 14 Attendance Standards.)*

## 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
- 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)
- 50 Refer or consult with school police (criminal prosecution only applicable to students age 10 and older on a case by case basis)

### Directions/Overview

When a student has committed an infraction, the misbehavior is to be classified according to the definition(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.

## 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 their 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, the administrator may add 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. Strip searches are NOT permitted. A strip search is defined as being conducted by removing part or all of a student's clothing to inspect private areas and undergarments.

**3. School Violations:** 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 themselves, or their 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, smoking, and vaping 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 and electronic smoking products is further prohibited by law and students may be prosecuted for violations.

**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, 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 school administration deal 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 they think is relevant, and shall be permitted at the student's 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 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, consistent with this Code of Conduct, the principal 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, and the Code of Conduct allows for removal, the following options may be recommended depending on the severity of the infraction:
  - a. In-School Suspension
  - b. Suspension
  - c. Alternative Education Placement
  - d. 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 or designee. In-school suspensions which exceed this allotment will be subject to an informal hearing.

## 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 warranting out-of-school suspension considering the type of offense and student grade level
  - 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 their parent(s), the principal determines that a penalty in excess of a three (3) day suspension is appropriate, the principal shall refer the matter to the Office of Student Support Services and initiate the procedure for obtaining a review and determination consistent with the provisions of the Code.

The Office of Student Support 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 Support 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 Support Services will monitor all student suspension information to ensure that a variety of intervention strategies are utilized to facilitate positive student behavior.

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.

## F. Expulsions – Exclusions Over 10 Days

All expulsions require a Formal Hearing with the procedures and protections outlined in Section H.

## G. Expulsion Procedures – Exclusions Over 10 Days

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 the 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.
- 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 three (3) days for out-of- school suspensions in excess of three (3) days.
- h. Provide a copy of a completed suspension packet to the parent(s). The principal will document how and when the suspension packet is provided.

2. **Expulsion Procedures – Exclusions Over 10 Days**

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



## **2. Long Term Out-Of-School Suspensions And Expulsion Procedures (continued)**

- b.** Prior to suspending any student with a disability for 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.
- c.** 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 or an expulsion, written notice of the recommendation in the student's and parent's preferred language shall be sent to the student and 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 the student.
- b.** A statement that the student has the right to an informal hearing within the first three (3) 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, parent(s)/guardian(s), and the student's 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 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. 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 Support Services shall schedule all hearings involving expulsion, 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 student's representative, the principal concurs therein, and good and sufficient cause is shown for the delay in accordance with the State Board of Education Regulations.

#### 4. Scheduling of the Hearing (continued)

Failure of a student and the student's 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 the student's representative. Written notice shall be provided to the student and parents following the formal hearing. In such cases the hearing officer will provide such written notice at the conclusion of the hearing. The Law Department reviews all hearing notifications before they are sent.

**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 the student's previous behavior record and academic record.

#### 6. Hearings and Attendance

**a.** An informal hearing shall be conducted at the school no later than the third 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 their parent(s)/guardian(s).
- (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 their own behalf. A full review of the student's education records will be conducted following the informal hearing when requested by parent(s)/guardian(s).

**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 cases involving exclusion from school for level 3 infractions.

**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:** All student discipline hearings shall be private unless otherwise requested by the party against whom the complaint is made. 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 acting in the place of the parent(s), at times when deemed appropriate by the parties.

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

## 7. Conduct of the Hearing (continued)

**c. Records of the Hearing:** A written or audio recording of the hearing shall be kept pursuant to state regulations. The student is entitled, at the student's expense, to a copy of the record. A copy shall be provided at no cost to a student who is indigent.

**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. The student and parent/guardian have the right to cross-examine any witnesses who may be called by the school administration in the formal hearing

**e. Adult Representation in Addition to Parent(s):** If the parent(s) cannot attend or if the student or parent(s) think the student's interests can be protected better by the presence at the hearing of another adult in addition to the 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 their accusers and right to cross-examine all witnesses shall be preserved and protected. The non-parent adult representative need not be a lawyer, but can be. 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:** Parents/students have the right to testify and present evidence to the hearing officer on the student's behalf. 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 Support Services the Superintendent may confirm a suspension not to exceed ten (10) school days, and shall 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 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 the student attended prior to the exclusion from school;

(2) **In cases involving a student in grades 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.** The student will be immediately returned to the school they attended prior to the exclusion from school;

(3) 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 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 Support Services.

**e. Requirement for Due Process:** All hearings, informal and formal, shall be held in accordance with the Pennsylvania Board of Education Regulations, 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 that recommendation was dismissed by either the Hearing Officer or the Board of School Directors may apply to the Superintendent or designee to have any 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 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. Provision of Education to Students who Receive Expulsions:** Students serving expulsions shall have an alternative education program made available to them through the District. All students with disabilities will still receive a free and appropriate education while serving expulsion. The District's Discipline Panel, led by the Superintendent's designee, reviews the progress of students referred for expulsion on a quarterly basis to determine whether they have met criteria for accelerated return to the normal school setting, if accelerated return is permitted for the student's original conduct violation. Student files are reviewed for: attainment of passing grades, attendance at the assigned alternative education programming, conduct, completion of required drug and alcohol programming, if applicable based upon conduct violation.

**13. 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 or hearing officer authorization.

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 412-529-3132.

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 their 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 are to be directed to the Program for Students with Exceptionalities at 412-529-3132.





  
**Expect great things.**



Para asistencia con este documento en español, por favor llame a la línea nueve al 412-529-6463 y seleccione la opción #1.

यो दस्तावेज सम्बन्धी सहयोगको नमिती कृपया नाइन लाइन नम्बर (४१२)५२९-६४६ मा फोन गरी अंक # २ चुनुनु होला।

Kwa msaada kwa nyaraka(document) hii katika Swahili , tafadhali piga msitari wa tisa 412-529-6463 kisha chaguwe uchaguzi la #3.

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