

2021-2022 School Year

K-5

Conduct Rules & Infraction Levels Guide

Level 1 Actions

Level 1 Actions Are Non-Violent

Level 1 actions are non-violent. Level 1 actions do not necessarily pose a threat to the health, safety or property of others. Positive classroom and school-wide interventions and supports are used to address Level 1 actions. Students are not referred to an administrator for Level 1 actions unless they continue after appropriate intervention and support.

101. Tardiness: Arriving late without an appropriate excuse.

101.A. Tardiness to School: Arriving after the posted start time without a written, lawful excuse.

101.B. Tardiness to Class: Arriving after the class start time without a written, lawful excuse.

102. Truancy or Cutting Class: Unexcused absence from class or school.

103. Inappropriate Personal Property: Possession and/or use of items that cause a distraction to learning, damage persons or property, or otherwise interfere with the learning process. Inappropriate items of personal property may include, but are not limited to, electronic device, unpermitted food, medication that is not registered with the school nurse under Policy 229 – Use of Medications, and Policy 229.1 – Possession/Use of Emergency Medications.

104. Pestering, Teasing, or Horseplay: Physical contact or communication with another student that is made for non-educational purposes and either interferes with education or safety of the school environment.

105. Inappropriate Language or Gestures: Written or verbal remarks or gestures that demean, insult, or humiliate a person or group of persons through the use of words or acts, including use of profane or obscene language or gestures.

106. Noncompliance with Posted Bus Rules: Violation of the posted or written rules of conduct for the bus or school; examples: not in assigned seat, not following conduct requests of staff, getting on or off the bus at the wrong bus stop.

107. Noncompliance with Posted School Rules: Violation of specific posted or written school or class rules and regulations; examples include, but are not limited to: repeated gum chewing, repeatedly talking out in class, running, throwing objects, and dress code violations.

111. Possession of Electronic or Telecommunication Devices: Students may possess electronic devices only as permitted by Board policy and school rules.

School-based Discipline Committees may establish such restrictions in a manner consistent with Board Policy 216 – Electronic Devices. Specific information regarding electronic device restrictions will be provided to students and parents/guardians in advance of implementing of any restriction. Electronic device restrictions do not apply when a student has a need for such a device due to the medical condition of an immediate family member. Students who are in violation of electronic device restrictions may be subject to disciplinary action and confiscation of the device.

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. Intentionally 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. Proper virtual etiquette will be taught and reinforced before proceeding to discipline for computer conduct violations.

Examples of Guidance Interventions/ Continuum of Approaches (Level 1) (Alternatives to Exclusionary Discipline)

- Use of Restorative Practices (i.e., affective statements, restorative questions, circles, small impromptu conferences, etc.)
- Referral to Multi-Tiered System of Supports (MTSS) process
- 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
- Student behavior plan
- Referral to mentoring program
- Referral to District-approved Community-Based Organization (CBO)
- Community service (with parent/guardian consent)
- Referral to in-school conflict resolution programs (e.g., peer mediation)
- Other appropriate alternatives to exclusionary discipline (exclusionary discipline includes detention, in-school-suspension, out of school suspension)

Level 2 Actions

Level 2 Actions Are of Serious Nature and may pose a threat to the health, safety, or property of any person. An administrator is notified when a Level 2 action occurs. Students may be suspended for Level 2 actions, except for actions classified as non-violent. Actions listed in italics trigger a mandatory notification to school police pursuant to School Code Section 1303-A(b) and 22 Pa. Code Section 10.22.

202. Damage, Destruction, or Vandalism of School Property: Causing or attempting to cause damage to school property

203. Damage, Destruction, or Vandalism of Private Property: Causing or attempting to cause substantial damage to private property.

209. Unauthorized Presence of Students During School Hours (Nonviolent)

209.A. On School Grounds: Being present on school grounds when student is not authorized to be present (e.g., because student is suspended or has been requested to leave). Presence on the school grounds with a parent/guardian for the purpose of meeting or with prior permission of school administration shall not be considered a violation of this rule.

209.B. On Private or Public Property: Presence on private or public property that is next to school property during designated school hours. During school hours students must be in school unless they have an approved reason for absence.

210. Smoking & Tobacco Use (Nonviolent)*: Smoking, using 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 school.

212. Academic Dishonesty (Nonviolent)*: 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.

213. Harassment: A form of discrimination based on the basis of race, color, age, creed, religion, sex, gender (including gender identity or expression), sexual orientation, ancestry, national origin, marital status, pregnancy or disability consisting of unwelcome conduct, or other conduct that may be harmful or humiliating or interfere with a person's school or school-related performance when such conduct is sufficiently severe, persistent, or pervasive and a reasonable person in the complainant's position would find that it creates an intimidating, threatening or abusive educational environment.

Specific harassment infractions are further defined as follows:

213.A. Sexual Harassment: Conduct on the basis of sex that is both unwelcome and is determined by a reasonable person to be so severe, pervasive and objectively offensive that it denies a person equal access to a District program. Quid pro quo sexual harassment, requiring a person to submit to unwelcome sexual conduct in exchange for an aid, benefit or service is also covered by District policy. Sexual assault, dating violence, domestic violence, and stalking, as defined by District policy are also types 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.

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, gender-based harassment, or disability harassment.

214. Misuse of Computers/Computer Networks/Electronic Device (Nonviolent)*: A student shall not intentionally 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.

Proper virtual etiquette will be taught and reinforced before proceeding to discipline for computer conduct violations.

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.

217.A Bullying: 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, and in every building and classroom.

218. Hazing: 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.

The above activities are considered hazing regardless of whether the consent of the student was sought or obtained.

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

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

220.A. Physical Aggression/Altercation (Student): Use of violence by a student on a student when there is no major injury as determined by the school administrator, but there is a clear aggressor or initiator of the physical aggression.

220.B. Physical Aggression/Altercation (Staff): Use of violence by a student on a staff member when there is no major injury as determined by the school administrator, but there is a clear aggressor or initiator of the physical aggression.

221. Terroristic Threats (Nonviolent)*: 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 (Nonviolent)*: 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, resulting in the involvement of multiple school staff members to quell the disturbance.

225. Threats/Intimidation (Nonviolent)*: A threat to commit violence. Threats in this infraction level pose a minimal risk to the victim and public safety. The threat is vague and indirect; the information contained within the 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.A. 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.

226.B. Theft, Burglary, or Robbery of Student's Private Property: A student shall not steal or attempt to steal from a student or burglarize private property.

Examples of Guidance Interventions/ Continuum of Approaches (Level 2)

- Use of Restorative Practices (i.e., affective statements, restorative questions, circles, small impromptu conferences, etc.)
- Referral to Multi-Tiered System of Supports (MTSS) process
- 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
- Student behavior plan
- Referral to mentoring program
- Referral to District-approved Community-Based Organization (CBO)
- Community service (with parent consent)
- Refer to in-school conflict resolution programs (e.g. peer mediation, restorative conferencing)
- Other appropriate alternatives to exclusionary discipline (exclusionary discipline includes detention, in-school-suspension, out of school suspension)

Examples of Recommended Disciplinary Actions After or in Addition to Guidance Interventions Used (Level 2)

- **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. In-school suspension may only be assigned in accordance with administrative guidance issued by the Superintendent and Assistant Superintendent for Student Support Services.
- 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
- Short-term out-of-school suspension (1–3 days) for violent offenses, if student is enrolled in grade three or above.

Level 3 Actions

Level 3 actions are of a serious nature and may pose a threat to the health, safety, or property of any person.

An administrator is notified when a Level 3 action occurs. Students may be suspended for any Level 3 action. School administrators are required to consult with their assigned Assistant Superintendent before proceeding with a charge of Assault, Aggravated Assault, or Weapon. Actions listed in italics trigger a mandatory notification to school police pursuant to School Code Section 1303-A(b) and 22 Pa. Code Section 10.22.

304. Assault on a School Employee*: When a student engages in any of the following actions against a school employee or contractor: (1) attempts to cause or intentionally, knowingly, or recklessly causes bodily injury without physical provocation; (2) negligently causes bodily injury with a deadly weapon; or (3) attempts by physical menace to put another in fear of imminent serious bodily injury.

305.A. Simple Assault on a Student or Other Person not Employed by the School*: When a student intentionally and without provocation hits, punches, kicks a student or other person not employed by the school. 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*: 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.

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,” includes but is not limited to any knife, cutting instrument, cutting tool, explosive, nunchaku, firearm, shotgun, rifle, 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. 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.

***School administrators are required to consult with their assigned Assistant Superintendent and the Office of Student Support Services before proceeding with a charge of Assault, Aggravated Assault, or Weapon.**

307.A. Possession, Use, or Under the Influence of Alcohol or Drugs: A student shall not possess, use, distribute, or be under the influence of any intoxicant of any kind. 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.

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

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 (Level 3)

- Use of Restorative Practices (i.e. affective statements, restorative questions, circles, small impromptu conferences, formal restorative conference, etc.)
- Referral to Multi-Tiered System of Supports (MTSS) process
- 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
- Student behavior plan
- Referral to mentoring program
- Referral to District-approved Community-Based Organization (CBO)

- Community service (with parent consent)
- Positive behavioral management support contract
- Refer to in-school conflict resolution programs (e.g. peer mediation, restorative conferencing)
- Alcohol/drug evaluation referral
- Other appropriate alternatives to exclusionary discipline (exclusionary discipline includes detention, in-school-suspension, out of school suspension)

Examples of Recommended Disciplinary Actions in addition to Guidance Interventions Used (Level 3)

- 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