



Book	Policy Manual
Section	200 Pupils
Title	Code of Student Conduct
Code	218
Status	Active
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Purpose

By this Policy, the Board complies with Chapter 12, Section 12.3(c), of the Rules and Regulations of the State Board of Education, which provides that the Board shall adopt a Code of Student Conduct that includes policies governing student discipline and a listing of students' rights and responsibilities as set forth by Chapter 12.[\[1\]](#)

Listing of Student Rights and Responsibilities

The Board hereby adopts as Policy the following sections of Chapter 12 of the Rules and Regulations of the State Board of Education; students shall have the following:

STUDENT RIGHTS AND RESPONSIBILITIES

§ 12.1. Free Education and Attendance

- a. All persons residing in this Commonwealth between the ages of six (6) and twenty-one (21) years are entitled to a free and full education in the Commonwealth's public schools.
- b. Parents/Guardians of all children between the ages of eight (8) and seventeen (17) are required by the compulsory attendance law to ensure that their children attend an approved educational institution, unless legally excused. Students who have not graduated may not be asked to leave school merely because they have reached seventeen (17) years of age if they are fulfilling their responsibilities as students. A student may not be excluded from the public schools or from extracurricular activities because:
 1. The student is married.
 2. The student is pregnant.
 3. The student has a disability as identified by Chapter 15 (relating to protected handicapped students).
 4. The student is an eligible student identified under Chapter 14 (relating to special education services and programs).

§ 12.2. Student Responsibilities.

- a. Student responsibilities include regular school attendance, conscientious effort in classroom work and homework, and conformance to school rules and regulations. Most of all, students are responsible to share with the administration and faculty a responsibility to develop a climate within the school that is conducive to wholesome learning and living.
- b. No student has the right to interfere with the education of fellow students. It is the responsibility of each student to respect the rights of teachers, students, administrators and all others who are involved in the educational process.
- c. Students should express their ideas and opinions in a respectful manner.
- d. It is the responsibility of the students to conform to the following:
 1. Be aware of all rules and regulations for student behavior and conduct themselves in accordance with them. Students should assume that, until a rule is waived, altered or repealed in writing, it is in effect.
 2. Volunteer information in matters relating to the health, safety and welfare of the school community and the protection of school property.
 3. Dress and groom to meet standards of safety and health, and not to cause substantial disruption to the educational processes.
 4. Assist the school staff in operating a safe school for the students enrolled therein.
 5. Comply with Commonwealth and local laws.
 6. Exercise proper care when using public facilities and equipment.
 7. Attend school daily and be on time at all classes and other school functions.
 8. Make up work when absent from school.
 9. Pursue and attempt to complete satisfactorily the courses of study prescribed by local school authorities.
 10. Report accurately in student media.
 11. Not use obscene language in student media or on school premises.

§ 12.3. School Rules.

- a. The governing Board has the authority to make reasonable and necessary rules governing the conduct of students in school. The rulemaking power, however, is not unlimited; it must operate within statutory and constitutional restraints. A governing Board has only those powers that are enumerated in the statutes of the Commonwealth, or that may reasonably be implied or necessary for the orderly operation of the school.
- b. Governing Boards may not make rules that are arbitrary, capricious, discriminatory or outside their grant of authority from the General Assembly. A rule is generally considered reasonable if it uses a rational means of accomplishing some legitimate school purpose.
- c. Each governing Board shall adopt a Code of Student Conduct that includes policies governing student discipline and a listing of students' rights and responsibilities as outlined in this Chapter. This conduct Code shall be published and distributed to students and parents/guardians. Copies of the Code shall also be available in each school library.

§ 12.4. Discrimination.

Consistent with the Pennsylvania Human Relations Act (43 P.S. §§ 951-963), a student may not be denied access to a free and full public education, nor may a student be subject to disciplinary action on account of race, sex, color, religion sexual orientation, national origin or disability.

§ 12.5. Corporal Punishment.

- a. **Corporal punishment** is defined as physically punishing a student for an infraction of the discipline policy. Use of corporal punishment is prohibited.
- b. Teachers and school authorities may use reasonable force under the following circumstances:
 1. To quell a disturbance.
 2. To obtain possession of weapons or other dangerous objects.
 3. For the purpose of self-defense.
 4. For the protection of persons or property.

§ 12.6. Exclusions From School.

- a. The governing Board shall define and publish the types of offenses that would lead to exclusion from school. Exclusions affecting certain students with disabilities shall be governed by § 14.143 (relating to disciplinary placements) and 34 CFR 300.519-300.529 (relating to discipline procedures).
- b. Exclusion from school may take the form of suspension or expulsion.
 1. Suspension is exclusion from school for a period of from one (1) to ten (10) consecutive school days.
 - i. Suspensions may be given by the principal or person in charge of the public school.
 - ii. A student may not 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.
 - iii. The parents/guardians and the Superintendent of the District shall be notified immediately in writing when the student is suspended.
 - iv. When the suspension exceeds three (3) school days, the student and parent/guardians shall be given the opportunity for an informal hearing consistent with the requirements in § 12.8(c) (relating to hearings).
 - v. Suspensions may not be made to run consecutively beyond the ten (10) school day period.
 - vi. Students shall have the responsibility to make up exams and work missed while being disciplined by suspension and shall be permitted to complete these assignments within guidelines established by the governing Board.
 2. **Expulsion** is exclusion from school by the governing Board for a period exceeding ten (10) school days and may be permanent expulsion from the school rolls. Expulsions require a prior formal hearing under § 12.8.
- c. During the period prior to the hearing and decision of the governing Board in an expulsion case, the student shall be placed in his/her normal class except as set forth in subsection (d).

- d. If it is determined after an informal hearing that a student's presence in his/her normal class would constitute a threat to the health, safety or welfare of others and it is not possible to hold a formal hearing within the period of a suspension, the student may be excluded from school for more than ten (10) school days. A student may not be excluded from school for longer than fifteen (15) school days without a formal hearing unless mutually agreed upon by both parties. Any student so excluded shall be provided with alternative education, which may include home study.
- e. Students who are under seventeen (17) years of age are still subject to the compulsory school attendance law even though expelled and shall be provided an education.
 - 1. The initial responsibility for providing the required education rests with the student's parents/guardians, through placement in another school, tutorial or correspondence study, or another educational program approved by the District's Superintendent.
 - 2. Within thirty (30) days of action by the governing Board, the parents/guardians shall submit to the School District written evidence that the required education is being provided as described in paragraph (1) or that they are unable to do so. If the parents/guardians are unable to provide the required education, the school entity shall, within ten (10) days of receipt of the notification, make provision for the student's education. A student with a disability shall be provided educational services as required by the Individuals With Disabilities Education Act (20 U.S.C. §§ 1400-1482).
 - 3. If the approved educational program is not complied with, the school entity may take action in accordance with 42 Pa.C.S. Chapter 63 (relating to the Juvenile Act) to ensure that the child will receive a proper education. See § 12.1(b) (relating to free education and attendance).

§ 12.7. Exclusion From Classes-In-School Suspension.

- a. A student may not receive an in-school suspension unless the student has been informed of the reasons for the suspension and has been given an opportunity to respond before the suspension becomes effective.
- b. Communication to the parents/guardians shall follow the suspension action taken by the school.
- c. When the in-school suspension exceeds ten (10) consecutive school days, an informal hearing with the principal shall be offered to the student and the student's parent/guardian prior to the 11th school day in accordance with the procedures in § 12.8 (relating to hearings).
- d. The student's school entity has the responsibility to make provision for the student's education during the period of the in-school suspension.

§ 12.8. Hearings.

- a. *General.* Education is a statutory right, and students shall be afforded due process if they are to be excluded from school. In a case involving a possible expulsion, the student is entitled to a formal hearing.
- b. *Formal hearings.* A formal hearing is required in all expulsion actions. This hearing may be held before the governing Board or an authorized committee of the Board, or a qualified hearing examiner appointed by the Board. When a committee of the Board or a hearing examiner conducts the hearing, a majority vote of the entire governing Board is required to expel a student. The following due process requirements shall be observed with regard to the formal hearing:

1. Notification of the charges shall be sent to the student's parents/guardians by certified mail.
 2. At least three (3) days' notice of the time and place of the hearing shall be given. A copy of the expulsion Policy, notice that legal counsel may represent the student and hearing procedures shall be included with the hearing notice. A student may request the rescheduling of the hearing when the student demonstrates good cause for an extension.
 3. The hearing shall be held in private unless the student or parent/guardian requests a public hearing.
 4. The student may be represented by counsel, at the expense of the parents/guardians, and may have a parent/guardian attend the hearing.
 5. The student has the right to be presented with the names of witnesses against the student, and copies of the statements and affidavits of those witnesses.
 6. The student has the right to request that the witnesses appear in person and answer questions or be cross-examined.
 7. The student has the right to testify and present witnesses on his/her own behalf.
 8. A written or audio record shall be kept of the hearing. The student is entitled, at the student's expense, to a copy. A copy shall be provided at no cost to a student who is indigent.
 9. The proceeding shall be held within fifteen (15) school days of the notification of charges, unless mutually agreed to by both parties. A hearing may be delayed for any of the following reasons, in which case the hearing shall be held as soon as reasonably possible:
 - i. Laboratory reports are needed from law enforcement agencies.
 - ii. Evaluations or other court or administrative proceedings are pending due to a student invoking his/her rights under the Individuals With Disabilities Education Act (20 U.S.C. §§ 1400-1482).
 - iii. In cases in juvenile or criminal court involving sexual assault or serious bodily injury, delay is necessary due to the condition or best interests of the victim.
 10. Notice of a right to appeal the results of the hearing shall be provided to the student with the expulsion decision.
- c. *Informal hearings.* The purpose of the informal hearing is to enable the student to meet with the appropriate school official to explain the circumstances surrounding the event for which the student is being suspended or to show why the student should not be suspended.
1. The informal hearing is held to bring forth all relevant information regarding the event for which the student may be suspended and for students, their parents/guardians and school officials to discuss ways by which future offenses might be avoided.
 2. The following due process requirements shall be observed in regard to the informal hearing:
 - i. Notification of the reasons for the suspension shall be given in writing to the parents/guardians and to the student.

- ii. Sufficient notice of the time and place of the informal hearing shall be given.
- iii. A student has the right to question any witnesses present at the hearing.
- iv. A student has the right to speak and produce witnesses on his/her own behalf.
- v. The school entity shall offer to hold the informal hearing within the first five (5) days of the suspension.

§ 12.9. Freedom of Expression.

- a. The right of public school students to freedom of speech is guaranteed by the Constitution of the United States and the Constitution of the Commonwealth.
- b. Students shall have the right to express themselves unless the expression materially and substantially interferes with the educational process, threatens serious harm to the school or community, encourages unlawful activity or interferes with another individual's rights.
- c. Students may use publications, handbills, announcements, assemblies, group meetings, buttons, armbands and any other means of common communication, provided that the use of public school communications facilities shall be in accordance with the regulations of the authority in charge of those facilities.
 - 1. Students have the responsibility to obey laws governing libel and obscenity and to be aware of the full meaning of their expression.
 - 2. 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.
- d. Identification of the individual student or at least one (1) responsible person in a student group may be required on posted or distributed materials.
- e. School officials may require students to submit for prior approval a copy of materials to be displayed, posted or distributed on school property.
- f. Bulletin boards must conform to the following:
 - 1. School authorities may restrict the use of certain bulletin boards.
 - 2. Bulletin board space should be provided for the use of students and student organizations.
 - 3. School officials may require that notices or other communications be officially dated before posting, and that the materials be removed after a prescribed reasonable time to assure full access to the bulletin boards.
- g. School newspapers and publications must conform to the following.
 - 1. Students have a right and are as free as editors of other newspapers to report the news and to editorialize within the provisions in paragraphs (4) and (5).
 - 2. 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.
 - 3. School officials may not censor or restrict material simply because it is critical of the school or its administration.

4. Prior approval procedures regarding copy for school newspapers must identify the individual to whom the material is to be submitted and 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.
 5. Students who are not members of the newspaper staff shall have access to its pages. Written criteria for submission of material by nonstaff members shall be developed and distributed to all students.
- h. The wearing of buttons, badges or armbands shall be permitted as another form of expression within the restrictions listed in subsection (c).
 - i. School officials may set forth the time and place of distribution of materials so that distribution would not materially or substantially interfere with the requirements of appropriate discipline in the operation of the school.
 1. A proper time and place set for distribution is one that would give the students the opportunity to reach fellow students.
 2. The place of the activity may be restricted to permit the normal flow of traffic within the school and at exterior doors.

§ 12.10. Flag Salute and the Pledge of Allegiance.

It is the responsibility of every citizen to show proper respect for his/her country and its flag.

1. 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.
2. Students who choose to refrain from such participation shall respect the rights and interests of classmates who do wish to participate.

§ 12.11. Hair and Dress.

- a. The governing Board may establish dress codes or require that students wear school uniforms. Policies may apply to individual school buildings or to all school buildings.
- b. Students have the right to govern the length or style of their hair, including facial hair. Any limitation of this right must include evidence that length or style of hair causes disruption of the educational process or constitutes a health or safety hazard. When length or style of the hair presents a health or safety hazard, some types of covering shall be used.
- c. Students may be required to wear certain types of clothing while participating in physical education classes, shops, extracurricular activities or other situations when special attire may be required to ensure the health or safety of the student.
- d. Students have the responsibility to keep themselves, their clothes and their hair clean. School officials may impose limitations on student participation in the regular instructional program when there is evidence that the lack of cleanliness constitutes a health hazard.

§ 12.12. Confidential Communications.

- a. Use of a student's confidential communications to school personnel in legal proceedings is governed by statutes and regulations appropriate to the proceeding. See, for example, 42 Pa.C.S. § 5945 (relating to confidential communications to school personnel).
- b. Information received in confidence from a student may be revealed to the student's parents/guardians, the principal or other appropriate authority when the health, welfare or safety of the student or other persons is clearly in jeopardy.

§ 12.13. [Reserved].

§ 12.14. Searches.

- a. The governing Board of every school entity shall adopt reasonable policies and procedures regarding student searches. The local education agency shall notify students and their parents/guardians of the policies and procedures regarding student searches.
- b. Illegal or prohibited materials seized during a student search may be used as evidence against the student in a school disciplinary proceeding.
- c. Prior to a locker search, students shall be notified and given an opportunity to be present. When school authorities have a reasonable suspicion that the locker contains materials that pose a threat to the health, welfare or safety of students in the school, student lockers may be searched without prior warning.

§ 12.15. [Reserved].

§ 12.16. Definitions.

The following words and terms, when used in this Chapter, have the following meanings, unless the context clearly indicates otherwise.

- a form of physical discipline that is intended to cause pain and fear and in which a student is spanked, paddled or hit on any part of the body with a hand or instrument.

- the Board of School Directors of the Kennett Consolidated School District.

- the Kennett Consolidated School District.

- a systematic process designed to assist school personnel to identify issues, including alcohol, drugs and others, which pose a barrier to a student's learning and school success. Student assistance is a systematic process using effective and accountable professional techniques to mobilize school resources to remove the barriers to learning, and, when the problem is beyond the scope of the school, to assist the parent/guardian and the student with information so they may access services within the community.

Student Disciplinary Policy

The Board hereby defines and publishes the types of offenses that may lead to exclusion from school by adopting the following.

VIOLATION OF BOARD POLICY - violation of any Board Policy that provides for expulsion or suspension.

VIOLATION OF OTHER SCHOOL RULES - violation of any school rule or regulation (such as those set forth by the Student Handbook), so long as a student has received notice of such rule or regulation and the discipline that may be imposed.

CRIMINAL BEHAVIOR - conduct that constitutes a felony, misdemeanor, or summary offense under the prevailing laws of the Commonwealth of Pennsylvania.

Incorporation of Policy 249 - Bullying/Cyber Bullying

As required by Act 61 of 2008 (24 P.S. Sec. 13-1303.1-A(a)), the District hereby incorporates its Policy relating to bullying/cyber bullying adopted on July 14, 2014, into this Code of Student Conduct as follows:

POLICY NO. 249. BULLYING/CYBER BULLYING

Purpose - The Board is committed to providing a safe, positive learning environment for District students. The Board recognizes that bullying creates an atmosphere of fear and intimidation, detracts from the safe environment necessary for student learning, and may lead to more serious violence. Therefore, the Board prohibits bullying by District students.

Definitions - 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 and/or outside a school setting; that is severe, persistent, or pervasive; and that has the effect of doing any of the following:

- a. Substantial interference with a student's education.
- b. Creation of a threatening environment.
- c. Substantial disruption of the orderly operation of the school.

Bullying, as defined in this Policy, includes cyber bullying.

School setting means in the school; on school grounds; in school vehicles; at a designated bus stop; or at any activity sponsored, supervised, or sanctioned by the school.

Authority - The Board prohibits all forms of bullying by District students.

The Board encourages students who have been bullied to report such incidents promptly to the building principal or designee.

The Board directs that complaints of bullying shall be investigated promptly and corrective action shall be taken when allegations are verified. Confidentiality of all parties shall be maintained consistent with the District's legal and investigative obligations. No reprisals or retaliation shall occur as a result of good faith reports of bullying.

Delegation of Responsibility - Each student shall be responsible to respect the rights of others and to ensure an atmosphere free from bullying.

The Superintendent or designee shall develop administrative regulations to implement this Policy.

The Superintendent or designee shall ensure that this Policy and administrative regulations are reviewed annually with students.

The Superintendent or designee, in cooperation with other appropriate administrators, shall review this Policy every three (3) years and recommend necessary revisions to the Board.

District administration shall annually provide the following information with the Safe School Report:

- a. Board's Bullying/Cyber Bullying Policy.
- b. Report of bullying incidents.
- c. Information on the development and implementation of any bullying prevention, intervention, or education programs.

Guidelines - The Code of Student Conduct, which shall contain this Policy, shall be disseminated annually to students.

This Policy shall be accessible in every classroom. The Policy shall be posted in a prominent location within each school building and on the District website, if available.

Education - The District may develop and implement bullying prevention and intervention programs. Such programs shall provide District staff and students with appropriate training for effectively responding to, intervening in, and reporting incidents of bullying.

Consequences for Violations - A student who violates this Policy shall be subject to appropriate disciplinary action consistent with the Code of Student Conduct, which may include:

- a. Counseling within the school.
- b. Parental conference.
- c. Loss of school privileges.
- d. Transfer to another school building, classroom or school bus.
- e. Exclusion from school-sponsored activities.
- f. Detention.
- g. Suspension.
- h. Expulsion.
- i. Counseling/Therapy outside of school.
- j. Referral to law enforcement officials.

Application of Code of Student Conduct

The Code of Student Conduct shall apply to students not only while on District premises, going to and from school, on school vehicles, or at school-sponsored events and activities, but also off school premises when such conduct has the effect of substantial disruption or interference with the operation of a school or with a student's or employee's rights.

Probation

After a student has completed a period of exclusion from school, the administration may place such student on probation. The administration shall give written notice of the term and conditions of probation to such student and his/her parents/guardians.

Enforcement

The Board authorizes the Superintendent, principals, and assistant principals to enforce this Code of Student Conduct. Teachers and other school employees having authority over students may take such reasonable actions as necessary to control the disorderly conduct of students in all situations and in all places when such students are within the jurisdiction of the Board and when such conduct interferes with the educational program of a school or threatens the health or safety of others.[\[3\]](#)

Searches. To aid in enforcement of this Code of Student Conduct, the Board authorizes the principals and assistant principals, or their designees, to conduct reasonable searches of students and their personal property, including their lockers and vehicles. Prior to conducting a search, an administrator must have a reasonable suspicion that the search will result in the discovery of illegal or prohibited materials or evidence relevant to the commission of an offense. Prior to any search of a student's locker, vehicle, or other personal property, such student shall be notified and given an opportunity to be present. However, when an administrator has a reasonable suspicion that a student's locker, vehicle, or other personal property contains materials that pose a threat to the health, safety, and welfare of students, such property may be searched without prior warning.[4]

Student Discipline Records

Data regarding disciplinary actions may be entered on a student's record when such notations can be used to assist counselors. All such information shall be removed from a student's permanent record except in the case of expulsion from school or the commitment of a felony while under school authority.

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Revised and Adopted – February 9, 1987
Revised and Adopted – February 10, 1997
Revised and Adopted – July 9, 2007
Revised and Adopted – December 1, 2008

Legal

1. 22 PA Code 12.1 et seq
2. 22 PA Code 12.6
3. 24 P.S. 1317
4. Pol. 226

20 U.S.C. 7114
22 PA Code 403.1
24 P.S. 1318
24 P.S. 510
Pol. 103
Pol. 122
Pol. 123
Pol. 233
Pol. 235