



SECTION: STUDENTS

POLICY: 218.3

**TITLE: DISCIPLINE OF STUDENT
CONVICTED/ADJUDICATED OF
SEXUAL ASSAULT**

ORIGINAL: June 1, 2021

CURRENT REVISION:

**LAST REVIEWED BY THE
COMMITTEE:**

I. PURPOSE

The Board recognizes the importance of a safe school environment for students who are victims of sexual assault. This policy addresses disciplinary requirements for a student convicted or adjudicated delinquent of sexual assault upon another district student.

II. DEFINITIONS

- A. **Conviction** – means the finding of guilty by a judge or a jury or the entry of a plea of guilty or nolo contendere for sexual assault whether or not judgment of sentence has been imposed.
- B. **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.
- C. **School-sponsored activity** – means any assemblies, field trips, class trips, graduation ceremonies, athletics, extracurricular activities, clubs, groups, teams or any activities sponsored, held or approved by the district.
- D. **Sexual assault** – means any of the following offenses:
 - a. Rape.
 - b. Statutory sexual assault.
 - c. Involuntary deviate sexual intercourse.
 - d. Sexual assault.
 - e. Aggravated indecent assault.
 - f. Indecent assault.

III. POLICY

The Board shall comply with the disciplinary requirements established by state law regarding students who have been convicted or adjudicated delinquent of sexual assault upon another student enrolled in this district, regardless of whether the sexual assault took place inside or outside of the school setting.

IV. DELEGATION OF AUTHORITY

- A. A student who is convicted of sexual assault upon another student enrolled in this district shall be required to notify the Superintendent or designee of the conviction no later than seventy-two (72) hours after the conviction.

- B. Upon report of a conviction or adjudication of sexual assault upon a district student, the Superintendent or designee shall take one (1) of the following actions against the convicted or adjudicated student:
 - a. Recommend that the Board expel the student, in accordance with law and Board policy.
 - b. Transfer the student to an alternative education program.
 - c. Reassign the student to another school or educational program within the district.
- C. If the convicted or adjudicated student has already been expelled, transferred or reassigned, or if the victim does not attend the same school, no additional action regarding expulsion, transfer or reassignment is required by the district. Although action is not required, the district maintains the authority to make an alternative assignment or provide alternative educational services during or after an expulsion at the discretion of the Superintendent or designee.
- D. Upon report of a conviction or adjudication of sexual assault upon a district student that occurred in the school setting, the Superintendent or designee shall notify the Title IX Coordinator to determine whether the incident has been addressed in accordance with applicable Board policy.

V. **REFERENCES**

24 P.S. 1318.1
18 Pa. C.S.A. 3121
18 Pa. C.S.A. 3122.1
18 Pa. C.S.A. 3123
18 Pa. C.S.A. 3124.1
18 Pa. C.S.A. 3125
18 Pa. C.S.A. 3126
Pol. 218
Pol. 233
Pol. 103
Pol. 252
20 U.S.C. 1400 et seq
34 CFR Part 300
Pol. 103.1
Pol. 113.1
Pol. 113.2
Pol. 113.3
Pol. 200