

NORTHERN WESTMORELAND CAREER AND TECHNOLOGY CENTER

No. 218.3

SECTION: PUPILS

TITLE: Discipline of Student Convicted/
Adjudicated of Sexual Assault

ADOPTED: February 17, 2022

REVISED:

218.3. DISCIPLINE OF STUDENT CONVICTED / ADJUDICATED OF SEXUAL ASSAULT

Purpose

The Joint Operating Committee 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 student attending the center or participating in a center program.

Definitions

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.

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.

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 center.

Sexual assault – means any of the following offenses:

- Rape.
- Statutory sexual assault.
- Involuntary deviate sexual intercourse.
- Sexual assault.
- Aggravated indecent assault.
- Indecent assault.

Authority

The Joint Operating Committee 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 attending this center or participating in a center program, regardless of whether the sexual assault took place inside or outside of the school setting.

Delegation of Responsibility

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A student who is convicted of sexual assault upon another student attending this center or participating in a center program shall be required to notify the Administrative Director or designee of the conviction no later than seventy-two (72) hours after the conviction.

Upon report of a conviction or adjudication of sexual assault upon a student attending the center or participating in a center program, the Administrative Director or designee, in coordination with the appropriate participating school entity, shall take one (1) of the following actions against the convicted or adjudicated student:

- Recommend that the Joint Operating Committee expel the student from the center, in accordance with law and Joint Operating Committee policy.
- Transfer the student to an alternative education program.
- Reassign the student to another school or educational program.

If the convicted or adjudicated student has already been expelled, transferred or reassigned, or if the victim does not attend the same school or program, no additional action regarding expulsion, transfer or reassignment is required by the center. Although action is not required, the center, in coordination with the appropriate participating school entity, maintains the authority to make an alternative assignment or provide alternative educational services during or after an expulsion at the discretion of the Administrative Director or designee.

Upon report of a conviction or adjudication of sexual assault upon a student that occurred in the school setting, the Administrative Director or designee shall notify the Title IX Coordinator to determine whether the incident has been addressed in accordance with applicable Joint Operating Committee policy.

Guidelines

In the case of a student with a disability, including a student for whom an evaluation is pending, prior to implementing any disciplinary removal or considering a change of placement for the student, the center shall coordinate with the student's Individualized Education Program (IEP) team and take all steps required to comply with state and federal laws and regulations, and Joint Operating Committee policies.

The center shall ensure that the convicted or adjudicated student is prohibited from taking part in the following activities at the same time as the victim:

- Being educated in the same school building.
- Being transported on the same school vehicle.
- Participating in the same school-sponsored activity.

Return of Student to Center

The center, in coordination with the appropriate participating school entity, may return the student who is expelled, transferred or reassigned, to the student's originally assigned school if one (1) of the following circumstances occur:

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1. The victim is no longer attending the center or participating in a center program.
2. The conviction or adjudication has been reversed and is not pending appeal.

Transfer Students

When the center receives a student who transfers from a public or private school during an expulsion period for an act or offense involving a sexual assault conviction or adjudication, the center may assign that student to an alternative assignment or may provide alternative education services, consistent with federal and state laws and regulations.

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Legal

1. 24 P.S. 1850.1
2. 18 Pa. C.S.A. 3121
3. 18 Pa. C.S.A. 3122.1
4. 18 Pa. C.S.A. 3123
5. 18 Pa. C.S.A. 3124.1
6. 18 Pa. C.S.A. 3125
7. 18 Pa. C.S.A. 3126
8. Pol. 218
9. Pol. 233
10. Pol. 103
11. Pol. 252
12. 20 U.S.C. 1400 et seq
13. 34 CFR Part 300
14. Pol. 103.1
15. Pol. 113.1
16. Pol. 113.2
17. Pol. 201
20. Pol. 113.1
21. Pol. 218
22. Pol. 233
23. PA Code 235.1 et seq
24. P.S. 2070.1a et seq
25. Pa. C.S.A. 6301 et seq