

Book: Luzerne Intermediate Unit # 18
Section: 200 Pupils
Title: Student Discipline
Code: 218
Status: Active
First Adopted: November 20, 2002
Last Revised: October 23, 2024



Purpose

The Board recognizes that student conduct is closely related to learning. An effective educational program requires a safe and orderly school environment.

Authority

The Board shall establish fair, reasonable and nondiscriminatory rules and regulations regarding the conduct of all students in school or Intermediate Unit programs.[\[1\]\[2\]\[3\]\[4\]](#)

The Board shall adopt a Code of Student Conduct for Intermediate Unit programs to govern student discipline, and students shall not be subject to disciplinary action because of race, sex, color, religion, sexual orientation, national origin or handicap/disability. Each student must adhere to Board policies and the Code of Student Conduct governing student discipline.[\[1\]\[2\]\[3\]\[5\]\[6\]\[7\]](#)

The Board prohibits the use of corporal punishment to discipline students for violations of Board policies, the Code of Student Conduct and Intermediate Unit rules and regulations.[\[8\]\[9\]](#)

Any student disciplined shall have the right to be informed of the nature of the infraction and the applicable rule or rules violated.[\[10\]](#)

When suspensions and expulsions are imposed, they shall be carried out in accordance with Board policy.[\[5\]\[10\]](#)

In the case of a student with a disability, including a student for whom an evaluation is pending, the Intermediate Unit shall take all steps required to comply with state and federal laws and regulations, the procedures set forth in the memorandum of understanding with law enforcement that has jurisdiction over the school property of the Intermediate Unit and Board policies.[\[4\]\[5\]\[11\]\[12\]\[13\]\[14\]](#)

On and Off-Campus Activities

This policy and the Code of Student Conduct apply to behavior of students at all times in school or Intermediate Unit programs, during the time they are under the supervision of the Intermediate Unit or at any time while on school property of the Intermediate Unit, while present at any school function under the jurisdiction of the Intermediate Unit and while traveling on school-provided means of transportation (on-campus). This policy and the Code of Student Conduct also apply to student behavior that occurs at other times and places ("off-campus") when:

1. The conduct involves, threatens or makes more likely violence, use of force or other serious harm directed at students, staff or the school environment;
2. The conduct materially and substantially disrupts or interferes with the school environment or the educational process, such as school activities, school work, discipline, safety and order on school property of the Intermediate Unit or at any school function under the jurisdiction of the Intermediate Unit;
3. The conduct interferes with or threatens to interfere with the rights of students or staff or the safe and orderly operation of the Intermediate Unit or Intermediate Unit programs;
4. The conduct involves the theft or vandalism of Intermediate Unit property; or
5. The proximity, timing or motive for the conduct in question or other factors pertaining to the conduct otherwise establish a direct connection to attendance in school or Intermediate Unit programs, to the school or Intermediate Unit community or to an Intermediate Unit-sponsored activity. This would include, for example, but not be limited to, conduct that would violate the Code of Student Conduct if it occurred in school or in an Intermediate Unit program that is committed in furtherance of a plan made or agreed to in school or in an Intermediate Unit program or acts of vandalism directed at the property of Intermediate Unit staff because of their status as Intermediate Unit staff.

Delegation of Responsibility

The Executive Director or designee shall ensure that reasonable and necessary rules and regulations are developed to implement Board policy governing student conduct.

The Executive Director or designee shall publish and distribute to all staff, students and parents/guardians the rules and regulations for student behavior contained in the applicable Code of Student Conduct, the sanctions that may be imposed for violations of those rules and a listing of students' rights and responsibilities. A copy of the Code of Student Conduct shall be available in the Intermediate Unit office and each school library and school office of a district school that hosts Intermediate

Unit programs, and may be included in student handbooks and on the Intermediate Unit website.[\[1\]](#)[\[6\]](#)

The building administrator, program supervisor or designee shall have the authority to assign discipline to students, subject to the Board policies, administrative regulations, the Code of Student Conduct and rules of the Intermediate Unit and school district of residence, if applicable, and to the student's due process right to notice, hearing and appeal.[\[5\]](#)[\[10\]](#)[\[15\]](#)[\[16\]](#)

Teaching staff and other Intermediate Unit and school employees responsible for students shall have the authority to take reasonable actions necessary to control the conduct of students in all situations and in all places where students are within the jurisdiction of the Intermediate Unit, and when such conduct interferes with the educational program of the Intermediate Unit or schools or threatens the health and safety of others, in accordance with Board policy, administrative regulations, the Code of Student Conduct and Intermediate Unit rules.[\[15\]](#)

Reasonable force may be used by teachers and school authorities under any of the following circumstances: to quell a disturbance, obtain possession of weapons or other dangerous objects, for the purpose of self-defense, and/or for the protection of persons or property.[\[9\]](#)

Referral to Law Enforcement and Reporting Requirements

For reporting purposes, the term incident shall mean an instance involving an act of violence; the possession of a weapon; the possession, use or sale of a controlled substance or drug paraphernalia as defined in the Pennsylvania Controlled Substance, Drug, Device and Cosmetic Act; the possession, use or sale of alcohol or tobacco products; or conduct that constitutes an offense listed in the school safety and security provisions of School Code.[\[17\]](#)[\[18\]](#)[\[19\]](#)

The Executive Director or designee shall immediately report required incidents and may report discretionary incidents committed by students at school or Intermediate Unit programs, on school property of the Intermediate Unit, at any school function under the jurisdiction of the Intermediate Unit or on a conveyance providing transportation to or from any school function under the jurisdiction of the Intermediate Unit to the law enforcement agency that has jurisdiction over the school property of the Intermediate Unit, in accordance with state law and regulations, the procedures set forth in the memorandum of understanding with law enforcement and Board policies.[\[14\]](#)[\[17\]](#)[\[19\]](#)[\[20\]](#)[\[21\]](#)[\[22\]](#)

The Executive Director or designee shall notify the parent/guardian of any student directly involved in an incident as a victim or suspect immediately, as soon as practicable. The Executive Director or designee shall inform the parent/guardian whether or not the law enforcement agency that has jurisdiction over the school property of the Intermediate Unit has been or may be notified of the incident. The Executive Director or designee shall document attempts made to reach the parent/guardian.[\[14\]](#)[\[17\]](#)[\[23\]](#)

In accordance with state law, the Executive Director shall annually, by July 31, report all new incidents to the PA Department of Education on the required form.[14][19][22][24][25][26][27]

When a student's behavior indicates a threat to the safety of the student, other students, Intermediate Unit employees, Intermediate Unit facilities, the community or others, Intermediate Unit staff shall report the student to the threat assessment team, in accordance with applicable law and Board policy.[28][29]

The Executive Director shall report to the Board the methods of discipline imposed by administrators and incidences of student misconduct, in the degree of specificity required by the Board.

Legal

1. 22 PA Code 12.3
2. 22 PA Code 12.4
3. Pol. 103
4. Pol. 103.1
5. Pol. 113.1
6. Pol. 235
7. 22 PA Code 12.2
8. Pol. 146.1
9. 22 PA Code 12.5
10. Pol. 233
11. 22 PA Code 10.23
12. 20 U.S.C. 1400 et seq
13. Pol. 113.2
14. Pol. 805.1
15. 24 P.S. 1317
16. 24 P.S. 1318
17. 22 PA Code 10.2
18. 35 P.S. 780-102
19. 24 P.S. 1319-B
20. 22 PA Code 10.21
21. 22 PA Code 10.22
22. 24 P.S. 1306.2-B
23. 22 PA Code 10.25
24. Pol. 218.1
25. Pol. 218.2

26. Pol. 222

27. Pol. 227

28. 24 P.S. 1302-E

29. Pol. 236.1

22 PA Code 12.1 et seq

34 CFR Part 300

Mahanoy Area School District v. B.L., 594 U.S. ____ (2021)

Pol. 122

Pol. 218.3

Pol. 805