

Capital Area School for the Arts
Charter School

SECTION: Pupils
TITLE: Discipline of Student Convicted
or Adjudicated of Sexual Assault Policy
ADOPTED: 4/19/21

Board of Trustees Policy

**DISCIPLINE OF STUDENT CONVICTED/ADJUDICATED OF
SEXUAL ASSAULT POLICY**

Purpose

The Board of Trustees (Board) of Capital Area School for the Arts Charter School (Charter School) 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 enrolled in this Charter School.[1]

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.[1]

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.[1]

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 Charter School.[1]

Sexual assault - means any of the following offenses:[1]

1. Rape.[2]
2. Statutory sexual assault.[3]
3. Involuntary deviate sexual intercourse.[4]
4. Sexual assault.[5]

5. Aggravated indecent assault.[6]
6. Indecent assault.[7]

Authority

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 Charter School, when the sexual assault took place inside the school setting.[1]

Delegation of Responsibility

A student who is convicted of sexual assault upon another student enrolled in this Charter School shall be required to notify the Chief Executive Officer or designee of the conviction no later than seventy-two (72) hours after the conviction.[1]

If the convicted or adjudicated student has already been expelled, or if the victim does not attend the same school, no additional action regarding expulsion, transfer or reassignment is required by the Charter School. Although action is not required, the Charter School maintains the authority to make an alternative assignment or provide alternative educational services during or after an expulsion at the discretion of the Chief Executive Officer or designee.[1]

Upon report of a conviction or adjudication of sexual assault upon a Charter School student that occurred in the school setting, the Chief Executive Officer or designee shall notify the Title IX Coordinator to determine whether the incident has been addressed in accordance with applicable Board 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 Charter School 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 Board policies.[1][8][9]

The Charter School shall ensure that the convicted or adjudicated student is prohibited from taking part in the following activities at the same time as the victim:[1]

1. Being educated in the same school building.
2. Being transported on the same school vehicle; the Charter School shall coordinate with the students' school district of residence if transportation is provided through the school district.

3. Participating in the same school-sponsored activity.

Return of Student to School

The Charter School 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:[1]

The victim is no longer enrolled in the Charter School.

The conviction or adjudication has been reversed and is not pending appeal.

Transfer Students

When the Charter School receives a student who transfers from a public or private school during or after an expulsion period for an act or offense involving a sexual assault conviction or adjudication, the Charter School may assign that student to an alternative assignment or may provide alternative education services.[1]

TO THE EXTENT THAT ANYTHING IN THIS POLICY COULD BE CONSTRUED TO CONFLICT WITH THE SCHOOL'S CHARTER OR APPLICABLE STATE AND/OR FEDERAL LAWS, THE APPLICABLE STATE AND/OR FEDERAL LAWS AND/OR CHARTER CONTROL.

Legal

1. 24 P.S. 1318.1
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. 20 U.S.C. 1400 et seq
9. 34 CFR Part 300