

No. 218.3

SECTION: Pupils

TITLE: Consequences For Students  
Convicted or Adjudicated Delinquent of  
Sexual Assault Policy

ADOPTED: 4/19/21

REVISED: 10/16/2023

## Capital Area School for the Arts Charter School

### Board of Trustees Policy

#### CONSEQUENCES FOR STUDENTS CONVICTED OR ADJUDICATED DELINQUENT OF SEXUAL ASSAULT POLICY

The Pennsylvania Legislature enacted Act 110 in an effort to protect student sexual assault victims. Capital Area School for the Arts Charter School (the "Charter School") has complied with the requirements of Act 110 since its passage. In a manner consistent with state law, this Consequences for Students Convicted or Adjudicated Delinquent of Sexual Assault Policy requires the imposition of disciplinary consequences for a student convicted or adjudicated delinquent of sexual assault upon another student enrolled in the Charter School. To the extent that anything in this Policy could be construed to conflict with the Charter School's charter or applicable State and/or Federal laws, the applicable State and/or Federal laws and/or Charter control.

#### Requirements

If a student enrolled in the Charter School is convicted or adjudicated delinquent of committing a sexual assault upon another student enrolled in the Charter School, the Charter School shall, pursuant to applicable laws and regulations, take one of the following actions:

- (i) Expel the convicted or adjudicated student.
- (ii) Transfer the convicted or adjudicated student to an alternative education program.
- (iii) Reassign the convicted or adjudicated student to another educational

program within the Charter School.

The CEO or designee shall ensure that the convicted or adjudicated student is not educated in the same virtual classroom (or have access to the same virtual space), transported on the same vehicle or allowed to participate in the same school-sponsored activities at the same time as the victim.

The Charter School may not expel, transfer or reassign the convicted or adjudicated delinquent student if:

- (i) The Charter School has already expelled, transferred or reassigned the convicted or adjudicated delinquent student for the same sexual assault.
- (ii) The convicted or adjudicated student does not attend the same school as the victim.

The Charter School is not prohibited from taking action under this policy for convictions or adjudications for sexual assaults that occur outside a school setting if the assault:

- (1) was against another student enrolled in the Charter School; and
- (2) has the effect of:
  - (i) substantially interfering with the victim's education;
  - (ii) creating a threatening or hostile educational environment; or
  - (iii) substantially disrupting the orderly operation of the school.

A student expelled, transferred or reassigned pursuant to this policy may return to the student's originally assigned educational placement within the Charter School only if:

- (1) the victim ceases to be enrolled in the Charter School; or
- (2) the conviction or delinquency adjudication on which the expulsion, transfer or reassignment was based is reversed and no appeal is pending.

Nothing in this policy shall be construed as limiting the authority or duty of the Charter School to make an alternative assignment or provide alternative educational services during or after the period of expulsion.

A student convicted of sexual assault upon another student enrolled in the Charter School shall notify the Charter School of the conviction no later than 72 hours after the conviction.

Upon receipt of a student who transfers from a public or nonpublic school during or after the period of expulsion for an act or offense involving a sexual assault conviction or adjudication of

delinquency, the Charter School may assign that student to an alternative assignment or provide alternative education services.

Prior to admission to the Charter School, the parent, guardian or other person having control or charge of a student shall, upon registration, provide a sworn statement or affirmation stating whether the student was previously or is presently expelled under the provisions of this policy. The registration shall include the name of the school from which the student was expelled with the dates of expulsion and shall be maintained as part of the student's disciplinary record. Any willful false statement made pursuant to this requirement shall be subject to 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

The Charter School shall, in the case of students with disabilities, take all steps necessary to comply with the Individuals with Disabilities Education Act.

### **Definitions**

"Adjudicated delinquent" means a youth who has been found guilty by a judge of committing a delinquent act.

"Alternative education program" means any program approved by the Pennsylvania Department of Education and implemented by a school district, an area career and technical school, a charter school, cyber charter school, a group of school districts or an intermediate unit, which removes disruptive students from regular school programs in order to provide those students with a sound educational course of study and counseling designed to modify disruptive behavior and return the students to a regular school curriculum.

"Convicted" means a 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.

"Delinquent act" means any action taken by a juvenile under the age of eighteen years, who has not been previously transferred to adult criminal court and sentenced as an adult for a felony that would be a violation of law or ordinance if committed by an adult.

"Public school entity" means a school district, independent school, area career and technical school, intermediate unit, charter school, regional charter school or cyber charter school.

"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 activities" means any assemblies, field trips, class trips, graduation ceremonies, athletics, extracurricular activities, clubs, groups, teams or any activities sponsored, held or approved by the public school entity.

"Sexual assault" shall include any of the offenses specified under the following provisions of 18 Pa.C.S. (relating to crimes and offenses):

Section 3121 (relating to rape).

Section 3122.1 (relating to statutory sexual assault).

Section 3123 (relating to involuntary deviate sexual intercourse). Section 3124.1 (relating to sexual assault).

Section 3125 (relating to aggravated indecent assault). Section 3126 (relating to indecent assaul

