

## **P1462 PUPIL BEHAVIOR – ASSAULT AND/OR BATTERY OF STAFF MEMBER**

### **BOARD POLICY:**

**Any pupil, other than an elementary school pupil, who is found to have committed battery (as defined in term a.) upon any school district staff member at school, on school property, or at a school supervised activity shall receive a mandatory expulsion from the school district for 186 school days, provided however, pupils who are found to have committed battery upon any staff member based upon transferred intent (as defined in term c.) shall not be expelled for a period of time that results in the loss of more than two (2) semesters of credit and such pupil may be placed in off campus programs.**

**Any elementary school pupil who is found to have committed battery (as defined in term a.) upon any school district staff member at school, on school property, or at a school supervised activity shall be subject to disciplinary action up to and including expulsion from the school district for 186 school days.**

**Any pupil who is found to have committed an assault (as defined in term b.) upon any school district staff member at school, on school property, or at a school supervised activity shall be subject to disciplinary action up to and including expulsion from the school district for 186 school days.**

**For information about the request for school assignments pending a final decision of an extended suspension/expulsion, please see BOE P1472 – *Pupil Makeup Work*.**

The terms used in this policy are defined as follows:

- a. Battery means the unlawful intentional touching or application of force to the person of another when done in a rude, insolent, or angry manner.
- b. Assault means the unlawful, intentional threat or attempt to do bodily harm to the person of another coupled with the apparent ability to do bodily harm and resulting in the immediate placement of a person in fear of bodily harm. No bodily contact is necessary.
- c. Transferred Intent is when an act otherwise constituting battery is committed against a person other than the intended victim, the responsibility of the actor is exactly as it would have been had the act been committed against the intended victim.

Administrative Implemental Procedures:

1. When a violation of this policy occurs, administration or other delegated official will call appropriate law enforcement agencies in accordance with policy entitled School Safety and Security Incident Reporting.
2. When recommending extended suspension or expulsion for special education pupils, refer to additional requirements listed in the Administrative Handbook for Special Education.
3. The administration shall establish a program, which at the discretion of the administration may, based upon the age, the severity of the offense, the past record, and any other relevant factors, be offered to pupils violating this policy with the exception of battery. If the pupil participates in and completes the program, the pupil may, at the discretion of the hearing officer, be reinstated at a district school. In case of such reinstatement, the hearing officer will select the school the pupil attends.
4. A program of educational instruction shall be established for middle and high school pupils who have battered a staff member based upon transferred intent. The program shall not be

conducted upon the premises of any district school. The placement of a pupil in the program shall be made at the discretion of the hearing officer or the Board of Education if an appeal is made to the Board.

5. Every pupil and parent will be required to sign a policy statement yearly informing them of disciplinary action that can and will be taken if a pupil is found to be in violation of this policy.

Board counsel has approved this policy in legal form and content.

Administrative Responsibility: Secondary Education Office

Latest Revision Date: April 2005

Previous Revision: July 2004 P1462

Updated administratively for alignment purposes: January 2014