



EXHIBIT BD
SAYRE AREA SCHOOL DISTRICT
TENTATIVE ADOPTION/POLICY REVIEW

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| Book | Policy Manual |
| Section | 200 Pupils |
| Title | Copy of Assault |
| Code | 218.4 |
| Status | draft |
| Adopted | April 11, 2016 |

Purpose

The Board acknowledges the need to protect its teaching staff members, staff members, School Board members, other employees, students, and visitors of the Sayre Area School District from assault by others.

Definitions

Simple Assault – a person is considered guilty of assault if s/he: [\[1\]](#)

1. Attempts to cause or intentionally, knowingly, or recklessly causes bodily injury to another.
2. Negligently causes bodily injury to another with a deadly weapon.
3. Attempts by physical menace to put another in fear of imminent serious bodily injury.

Aggravated Assault - a person is considered guilty of aggravated assault if s/he: [\[2\]](#)

1. Attempts to cause serious bodily injury to another, or causes such injury intentionally, knowingly, or recklessly under circumstances manifesting extreme indifference to the value of human life.
2. Attempts to cause or intentionally or knowingly causes bodily injury to another with a deadly weapon.
3. Attempts to cause or knowingly causes bodily injury to a teaching staff member, School Board member or other employee, including a student employee, of any elementary or secondary publicly-funded educational institution, any elementary or secondary private school licensed by the Department of Education or any elementary or secondary parochial school while acting in the scope of his/her employment because of his/her employment relationship to the school.

Authority

The Commonwealth of Pennsylvania provides criminal penalties for assault and aggravated assault as set forth in 18 Pa. C.S.A. § 2701 and 18 Pa. C.S.A. § 2702 as amended by Act 75 of 1996. [\[1\]](#)[\[2\]](#)

A student found to have committed either a simple or aggravated assault, as defined above, shall receive up to ten (10) days of out-of-school suspension and may be recommended to the Board for expulsion from school. In addition, said student may be reported to appropriate law enforcement officials. [\[1\]](#)[\[2\]](#)
(Act 75 of 1996)

Guidelines

In the Case of an Employee Assault

1. The employee reports the incident to the building principal and school nurse within one (1) hour of the incident.
2. The principal makes an investigation and pursues disciplinary action.
3. The employee is to be examined by nurse and, if necessary, seek other medical assistance. Nurse will send a copy of the report of the incident to the business manager. The employee will also report the incident to the business manager and complete the required insurance forms.
4. The employee may contact state or local police to file charges against the perpetrator.
5. The police may follow procedures for legal prosecution.

Should the Employee be Unable to Resume His/Her Regular Duties?

1. When an absence or disability arises out of the employee's intervention to protect others or from an assault, the employee would be given the time needed for recovery without loss of sick leave days up to the time the employee is eligible for workers' compensation.
2. Employees unable to return to work or resume regular duties from injuries directly related to the incident would be eligible for workers' compensation. The school nurse's report and supporting documentation from attending physicians are provided to the business manager to initiate a workers' compensation claim.
3. Costs of medical care required for injuries resulting from assault would be submitted to the workers' compensation insurance carrier while the district provided medical insurance would be secondary to this coverage. The employee would file a civil suit to recover costs for uncovered medical care expenses.
4. The employee would file a civil suit against the perpetrator to recover any wages lost that were not covered through workers' compensation or other coverage. The district and/or its insurance carrier may join in these suits or file suit to recover financial loss for wages paid during employee's absence, substitute teacher/employee wages, health care and other costs related to the incident.

Property Loss Resulting From Intervention Actions or Assault

1. In the event a teacher or other employee sustains damage to his/her personal property, such as eyeglasses or clothing, while intervening to protect others within the line of duty or as a result of an assault, the district will provide reimbursement for the uncovered costs of repair or replacement of damaged items if they cannot be repaired.
2. Reimbursement for personal property loss resulting from reported incidents shall be submitted to the business manager, documented by applicable receipts and/or bills.

References:

Simple Assault - 18 Pa. C.S.A. Sec. 2701

Aggravated Assault - 18 Pa. C.S.A. Sec. 2702

Individuals With Disabilities Education Act -20 U.S.C. Sec. 1400 et seq. Individuals with Disabilities Education, Title 34, Code of Federal Regulations - 34 CFR Part 300

Board Policy -218, 233

Legal

1. 18 Pa. C.S.A. 2701
 2. 18 Pa. C.S.A. 2702
- 20 U.S.C. 1400 et seq
34 CFR Part 300
Pol. 218
Pol. 233

Last Modified by Patti Ball on April 14, 2016