

## **Education in Corrections Institutions and AEDY Programs**

### **PDE Overview of Legal Rights and Obligations**

#### **A. Rights of Incarcerated Students and Students in AEDY Programs**

- Young people confined in correctional and rehabilitative institutions who are under the age of 21 and who have not graduated from high school have the right to receive a public education, free of charge, in accordance with the School Code.
- Eligible students with disabilities are entitled to receive special education in corrections and rehabilitative institutions until they reach the age of 21.
- School districts may transfer a student to a PDE approved AEDY program as part of a school disciplinary proceeding. **Some AEDY programs operate in corrections institutions but most do not.** AEDY programs are designed to rehabilitate students so that they may return to the regular classroom.
- AEDY programs may operate outside the normal school day, and may modify the requirements established in Sections 1327, 1501 and 1504 of the School Code concerning the number of days or hours of instruction.
- AEDY programs are available to a school district if it annually is a party to an application to PDE under Article XIX-C of the School Code.
- School districts that do not submit an application to operate an AEDY program must provide basic education programs in corrections settings in conformity with all of School Code requirements, including the days, hours and curriculum.

#### **B. The Roles of the Host School District (*i.e.*, the district in which the corrections institution is located) and the Resident School District**

- The host district provides education for students who are in a county jail or detention center that is located in the district.
- The host district may contract with an entity to conduct the education for incarcerated youth
- The host district must identify students with special needs and must provide for those students' education in accordance with federal special education laws and regulations.
- The resident school district—where the student resided—must pay for the education of students who are confined in a county jail or detention center that is located in another school district

#### **C. The Role of PDE**

- PDE approves and funds only AEDY programs that meet the legal requirements of Articles XIX-C and XIX-E. This funding is **in addition to** basic education funding.
- In order to facilitate the proper local district payment of the costs of AEDY programs, PDE transfers funds from the school district of residence to the host school district in which the local corrections, rehabilitative or detention facility is located. PDE may deduct the appropriate amount from the resident school district's state funding in order to do so.

## **Summary of Laws Concerning Discipline of Students in Public Schools**

Set forth below is a brief summary of the primary laws involving student discipline in Pennsylvania.

### **(1) School Districts - *In loco parentis*.**

Schools and their personnel act *in loco parentis*—or in the place of parents—while students are in school, including time the students go to and from the school. 24 P.S. §13-1317.

### **(2) School Districts - suspensions and expulsions.**

(a) A school principal may temporarily suspend a student (for 3 days or less) because of misconduct or disobedience, and must promptly notify the superintendent or board of this action. 24 P.S. §13-1318.

(b) The school may, after a proper hearing, suspend a student further or expel the student. 24 P.S. §13-1318. Such proceedings, including the grounds for doing so, are controlled by a detailed set of regulations that have been adopted by the State Board of Education. *See* 22 Pa. Code ch. 12.

### **(3) Specific types of student misconduct.**

There are specific provisions in the School Code and other laws concerning specific types of misconduct. Some examples follow:

(a) Possession of weapons. A school district is required to expel for at least one year a student “who is determined to have brought onto or is in possession of a weapon on any school property, any school-sponsored activity” or public transportation to or from any school or school activity. 24 P.S. §13-1317.2.

(b) Assault on staff. The assault of a student on a teacher or other school staff member shall be considered an aggravated assault. 18 Pa.C.S.A. §2702(a) & (c).

(c) Possession of pagers. With very limited exceptions, possession of pagers by students on school grounds or school transportation or at school activities is prohibited. 24 P.S. §13-1317.1.

(d) Smoking. A student’s possession or use of tobacco in a school building, school bus, or on school property constitutes a summary offense. 18 Pa.C.S.A. §6306.1.

### **(4) School district MOUs with local law enforcement.**

School districts and other school entities are required to develop a memorandum of understanding with local law enforcement “which sets forth the procedures to be followed when an incident involving an act of violence or possession of a weapon by any person occurs on school property.” 24 P.S. §13-1303-A(c). Law enforcement protocols “shall be developed in cooperation with local law enforcement” and the State Police. *Id.*

**(5) Department of Education.**

(a) As provided above, the system for discipline of students is a local one.

Pennsylvania statutes provide no role for PDE in the student discipline process.

(b) Pennsylvania school districts and other public schools are required to report annually to PDE incidents involving violence, weapons possession, and drug offenses. 24 P.S. §13-1303-A(b).

(c) Although not currently required by statute, PDE annually publishes a report concerning those incidents reported to it by local school entities.

(d) PDE's office for safe schools is required to provide support and training to schools and school personnel on a variety of subjects concerning school safety. 24 P.S. §13-1302-A.

**(6) Safe Schools Act.**

The Safe Schools Act, article XIII-A of the School Code—which was referred to several times in the summary above—is the subject of pending legislation. Senate Bill 56, which can be found at <http://www.legis.state.pa.us/cfdocs/billinfo/billinfo.cfm?year=2009&kind=0&body=S&type=B&BN=0056>, passed the Senate, 46-4, in June 2009, and is currently awaiting action before the House of Representatives.