

BETHLEHEM AREA SCHOOL DISTRICT

Bethlehem, Pennsylvania

K-12 STUDENT FRAMEWORK FOR CITIZENSHIP

INTRODUCTION

The Bethlehem Area School District (“BASD”) Mission:

The Bethlehem Area School District (BASD), in partnership with the home and community, is committed to providing a safe and supportive environment in which each student will attain the knowledge, skills, and attitudes necessary to become a productive citizen and lifelong learner in our technologically demanding and culturally diverse society.

Pupil Services Department Mission:

In support of the BASD mission and Roadmap to Educational Excellence, Pupil Services is committed to remove barriers and create equitable opportunities for student success by supporting the academic, behavior, social-emotional, and physical health needs of our District. Through various support and services, the department will work collaboratively with all stakeholders to provide what is equitably needed to achieve success and to be productive, socially, culturally responsive citizens.

Philosophy of Leadership and Character Development:

The Bethlehem Area School District believes that all children have a desire to learn and grow. It is the responsibility of the BASD to foster that desire by providing a well rounded Pre K-12 experience through positive learning opportunities that are not limited to academics, but also opportunities to grow in leadership and character. We expect that all schools will foster environments that provide the opportunity for growth through physical, emotional, intellectual, and social experiences that directly impact their ability to become positive citizens in our communities.

Students will learn best by observing positive role models employed by our District, but more importantly, by their own ability to model appropriate behaviors to build good leadership skills and character. Because the BASD believes in personalization for equitable outcomes in building the whole child, students and families can expect that their child will be given the tools they need to accomplish this task of leadership and character development as well.

Because leadership and character development are a process that can be modeled and learned, we believe in using tiered responses, strategies, and interventions to support our students and foster positive behaviors through a leadership and restorative model. Students will not only learn that they are all leaders, but also that when leaders make a mistake, they are accountable for their mistakes, make amends, and restore relationships broken by their misbehaviors. This development may be done through Leader In Me ® and Restorative Practices ®, as well as through other means within their classrooms and school communities.

Appropriate responses to misconduct are expected and students should have a clear understanding of these expectations.

School consequences will be administered in a way that takes into consideration student needs in the same way that academic programming takes into consideration their academic levels.

FRAMEWORK FOR CITIZENSHIP

Framework for Citizenship: Building a safe, caring and respectful learning community is based upon *four components- Universal Values, Excellence, Global Understanding, and Community Service*. Together, these four guiding principles promote the education of the whole student using an integrated approach.

UNIVERSAL VALUES

Experiences in the Bethlehem Area School District will emphasize learning character development and universal values. The first component, *Universal Values*, provides the foundation of our District's direction.

- Compassion: acceptance of beliefs different from one's own
- Courage: mental or moral strength
- Empathy: understanding by putting oneself in another's place
- Friendship: mutual liking or attachment between friends
- Honesty: speaking or seeking truth; sincerity
- Integrity: incorruptibility; honor
- Kindness: being friendly or nice to others
- Loyalty: consistent devotion or allegiance; faithfulness
- Patience: endurance of hardship or trouble without complaint
- Patriotism: love for or devotion to one's country
- Persistence: continuing firmly and steadily in spite of opposition
- Respect for Others and Self: holding in high regard; esteem
- Responsibility: moral, legal or mental accountability
- Self-Discipline: training that molds the moral character of oneself
- Trust: reliance or faith
- Work Ethic: effort applied to produce a desired effect or result

EXCELLENCE

The second component, *Excellence*, is a natural outcome of a student's character development and of universal values. For students, aiming for their very best becomes an internal desire where they can make a positive contribution to their community and society. It is also an emphasis on the joy of learning creates a thirst for knowledge that brings lasting results.

GLOBAL UNDERSTANDING

The third component, *Global Understanding*, is built on the first two. Students are guided to develop respect and appreciation for all peoples and their beliefs. They learn to value the range of cultures, races, and individual characteristics.

COMMUNITY SERVICE

The last component, *Community Service*, encourages the students to become actively involved in activities of their choice which make the world a better place.¹ In addition to the District's academic curriculum, students benefit from engaging within the District community. Many of education's most profound and positive teachings are conveyed in that hidden curriculum which is the unwritten, unofficial, and often unintended lessons, values, and perspectives that students learn in school. It is important to understand that the interactions between adults and students have a direct impact on our students.

SKILLS BASED ON THE UNIVERSAL VALUES:

As research has progressed in the area of value systems, the following social-emotional learning will incorporate the Universal Values narrowed into 5 areas: Empathy, Self-Control, Integrity, Embracing Diversity, and Grit (Hoerr, T., 2017). Because students spend a considerable amount of time in school, we must support students in their journey to become productive citizens in society by teaching and modeling these skills.

Building on BASD's commitment to equity and the building of strong character and leadership in our students, Leader In Me ® and Restorative Practices ® may be used as a basis for teaching and modeling the expected behaviors in all students. Our goal is to provide a safe, warm, and welcoming educational environment by improving the culture and climate of our schools through these universal values and philosophies.

LEADER IN ME

The Leader In Me is based off of Franklin Covey's *7 Habits of Highly Effective People*. It is a transformational model through whole school change. The 7 Habits teach universal principles such as "...responsibility, vision, integrity, teamwork, collaboration and renewal, which are secular in nature and common to all people and cultures." They also teach the expected academic skills of "critical thinking, goal setting, listening and speaking, self-directed learning, presentation-making and the ability to work in groups."

The following 7 Habits may be taught to BASD students:

Habit 1 - Be Proactive: Teaches students that they choose and are responsible for their actions.

Habit 2 - Begin with the End in Mind: Teaches students that they must plan and set their own goals and that everything they do has meaning, which is critical to the success of their classroom and school.

Habit 3 - Put First Things First: Teaches students that they need to set priorities and their education is a priority. School first, then play¹.

Habit 4 - Think Win-Win: Teaches students to balance their wants and needs with those of others, and to seek another alternative when there are conflicts.

Habit 5 - Seek First to Understand, Then to be Understood: Teaches students to listen and try to understand the viewpoints of others, and they can then voice their viewpoints.

Habit 6 - Synergize: Teaches students to value the strengths of other people, seek their ideas, to work well in groups, because better solutions are created when working together

Habit 7 - Sharpen the Saw: Teaches students that taking care of self is important through eating well, exercising, getting sleep, spending time with family and friends, and helping others.

The BASD will use the Leader In Me philosophy to build and develop leadership skills by creating a common language among school staff, students, and parents that helps to build and develop leadership skills in our students. Through this concept, students will gain the necessary skills expected of the post-secondary (business and colleges/universities) world.

¹ Ideas adapted from *A Bold Experiment in Teaching Values* by C. Cottom: Educational Leadership International, May, 1996.

RESTORATIVE PRACTICES/RESTORATIVE JUSTICE

Restorative Practices are processes that proactively create a sense of, and commitment to, community in order to prevent and address conflict and wrongdoing as follows:

- Involve and empower the affected community; however, participation is always voluntary.
- Challenge the mindsets of all involved to examine their roles, attitudes, beliefs and behaviors specifically around wrongdoing.
- Utilize techniques to proactively build community, such as recognizing and celebrating desirable community actions and behaviors, and establishing community expectations.

The fundamental hypothesis of restorative practices is that “people are happier, more cooperative and productive, and more likely to make positive changes in their behavior when those in positions of authority do things with them, rather than to them or for them.”

Restorative Practices/Justice strategies challenge members of a school community to²:

- Focus on the harms of wrongdoing more than on the rule or law that was broken.
- Encourage collaboration and reintegration, rather than punishment and isolation.
- Involve individuals who have harmed others in the decision making around consequences.
- Anticipate and address situations that may challenge a school community, such as physical conflict or re-entry of members into the community who have been apart for disciplinary reasons.

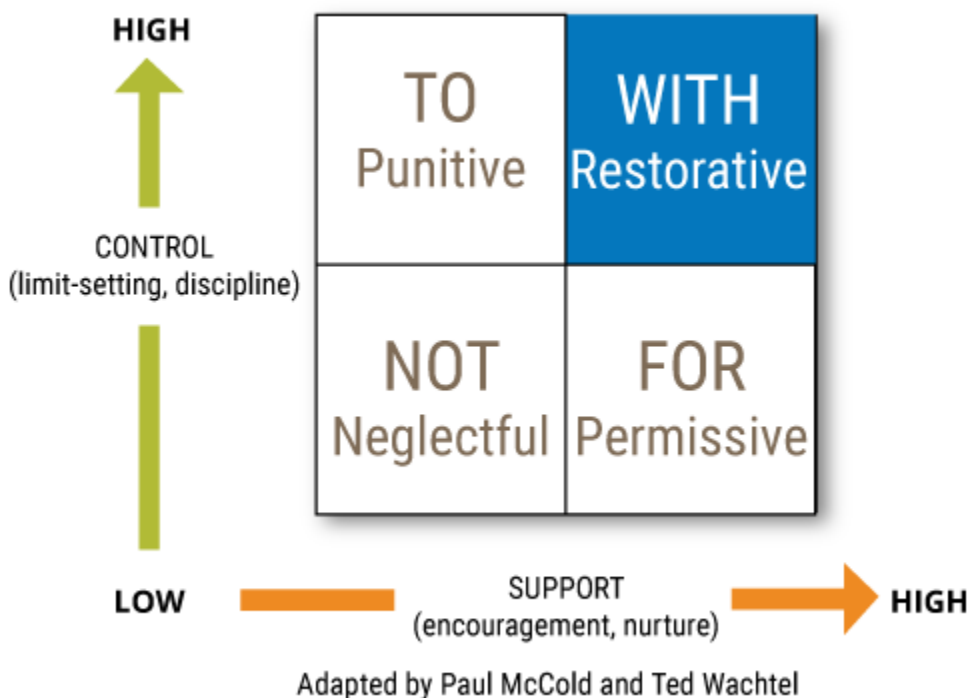
Five practical applications of Restorative Practices (“RP”) may be used³:

² Adapted from the 2016 Student Code of Conduct in Montgomery County Public Schools

³ The information on Restorative Practices and LIM, were adapted from the following articles or websites: Wachtel, T. (2016). Defining Restorative. www.iirp.edu; What is Leader In Me? leaderinme.com.

1. Social Discipline Window: Moving away from only punitive or permissive responses to negative behavior, the social discipline window illustrates the various responses to wrongdoing. Restorative Practices suggest that working WITH students and families provides more successful outcomes when responding to negative behavior and wrongdoing.

Although there will be some instances where a more direct TO approach is necessary (for example, responding to dangerous situations, such as fire, police activity (lockdowns) etc.), the BASD will aim for a WITH approach.



2. Affective Statements/Questions - Affective statements communicate how people feel. Affective questions require reflection on how one's behavior affected others. Students and adults will learn to make affective statements and to ask affective/restorative questions.

We understand that conflicts and disagreements will occur; however, they do serve as opportunities to teach and model how to appropriately respond.

Below are the restorative questions that are used when dealing with conflict.

Restorative Questions

To respond to challenging behavior...

- What happened?
- What were you thinking at the time?
- What have you thought about since?
- Who has been affected by what you have done?
 - In what way?
- What do you think you need to do to make things right?

To help those harmed by other's actions...

- What did you think when you realized what had happened?
- What impact has this incident had on you and others?
- What has been the hardest thing for you?
- What do you think needs to happen to make things right?

3. Fair Process - The concept of Fair Process has had productive and effective outcomes. The idea is that when those in charge (Administration, teachers, etc.) work and do things WITH others (including others in the process of decision making), all parties involved are more accepting of the results because they feel it was inclusive and fair. The three principles of Fair Process are:

- Engagement - involving individuals in decisions that affect them by listening to their views and genuinely taking their opinions into account
- Explanation - explaining the reasoning behind a decision to everyone who has been involved or who is affected by it
- Expectation Clarity - making sure that everyone clearly understands a decision and what is expected of them in the future (Kim & Mauborgne, 2003)

As with the Social Discipline Window, there will be times where the adult in charge will need to make unilateral decisions without Fair Process. It is important that all members of the community have their thoughts and opinions heard, and their input respected and utilized when appropriate.

4. Circles - Circles are used to build community and foster relationships. They are used for conflict resolution, decision making (together with Fair Process), relationship building, academic content check ins/check outs, and in many other ways. It is an opportunity for all participants to share equally and without the typical hierarchy of classroom desks and rows with the teacher standing at the head.

5. Restorative Conference - This is a structured meeting, held in a circle, between the student(s) in question and the victim(s) along with family and friends. The offense that occurred is dealt with during the conference. The idea is that all parties learn how the action(s) of the student(s) in question impacted all those in the conference. It allows the victim(s) the opportunity to be supported when confronting the student(s) in question and the student(s) in question to understand their actions had a greater impact than just the victim(s).

In many cases, the circumstances around harm that occurred are not always clear.

Conferences allow for the opportunity to discuss the issue while offering the opportunity for all parties to partake in the conversation and work towards a solution to repair the harm.

BASD's Guidelines

(in relation to the Pennsylvania School Code and Regulations)

STUDENT RESPONSIBILITIES

1. Students have a responsibility to attend school regularly.
2. It is the responsibility of students to be aware of all rules and regulations for student behavior and conduct themselves in accord with them.
3. Students have a responsibility to express their ideas and opinions in a respectful manner so as not to offend or slander others.
4. Students have a responsibility to volunteer information in matters relating to the health, safety, and welfare of the school community and the protection of school property.
5. Students have a responsibility to dress and groom themselves so as to meet fair standards of health, safety, and security, in order to prevent substantial disruption to the educational

process.

6. Until a rule is waived, altered, or repealed, students are responsible for assuming the rule is in full effect.
7. Students are responsible for assisting the school staff in operating a safe school for all students enrolled in the school.
8. Students are responsible for complying with Pennsylvania and local laws.
9. Students are responsible for using public facilities and equipment with proper care.
10. Students/guardians are responsible for submitting a proper excuse for absence from school.
11. Students are responsible for being on time to all classes and other school functions.
12. When absent from school, it is the student's responsibility to make up work when missed work is provided by the teacher/staff.
13. It is a student's responsibility to satisfactorily complete the courses of study prescribed by state and local authorities.
14. Students are responsible for avoiding inaccuracies, indecent, and/or obscene language in all forms of media; i.e: student newspapers, publications, websites, social media, yearbook, etc.
15. Students do not have the right to interfere with the education of their fellow students. It is the responsibility of each student to respect the rights of teachers, administrators, and all others who are involved in the educational process.

ATTENDANCE POLICY REGULATIONS

Being punctual and attending school on a regular basis is an expectation and a necessary practice as a student and a future working citizen. Every student must understand the importance of being on time, prepared, and ready for the school (work) day.

1. The following days of absence are classified as "noncumulative" and are not subject to Attendance Policy:
 - a. Illness verified by a physician's note, including a student dismissed by designated district staff during school hours for health-related reasons.
 - b. Obtaining professional health care and/or therapy service rendered by a licensed

physician.

- c. Death in the family from the date of death until two days after the funeral unless otherwise authorized by the building principal or his/her designee. A signed parental note must be submitted within three days of the student's return to school. Supporting documentation may be requested.
 - d. Observance of a religious holiday observed by a bonafide religious group, upon prior written parental request.
 - e. School-sponsored activities, including participation in a project sponsored by a statewide or countywide 4-H, FFA or combined group upon written request prior to the event. Supporting documentation of the event may be requested.
 - f. Three (3) pre-approved college and/or postsecondary institution visits per school year. The building principal shall have the authority to refuse approval for such visits where absences related to such visits are excessive or may have a negative impact on the student's academic performance.
 - g. Suspension from school.
 - h. Pre-approved educational tours and trips with the school or other(s) as determined by the Principal or designee.
 - i. Justifiable absences including, but not limited to, medical or dental appointments, court appearances, family emergencies, and/or impassable roads with documentation.
 - j. Non School-sponsored educational tours or trips, if the following conditions are met:[\[9\]](#)[\[24\]](#)
 - i. The parent/guardian submits a written request for excusal prior to the absence.
 - ii. The student's participation has been approved by the principal or designee.
 - iii. The adult directing and supervising the tour or trip is acceptable to the parents/guardians and the principal or designee.
2. The following days of legal excused absences are classified as "cumulative" and are not subject to Attendance Policy.
- a. Pre-approved family vacation(s) while school is in session within limits

established by the District:

- i. i. Students at the elementary level will be permitted to take four (4) educational trips, up to a cumulative maximum of fifteen (15) school days during their tenure in elementary school. Education trips do not exceed five (5) days per year.
 - ii. Middle School students will be permitted to take two (2) educational trips, up to a cumulative maximum of (10) school days during their tenure at the middle school level. Educational trips may not exceed five (5) days per year.
 - iii. High school students will be permitted to take two (2) educational trips, up to a cumulative maximum of (10) school days during their tenure at the high school level. Educational trips may not exceed five (5) days per year.
 - b. Pre-approved college visits beyond three days within a school year.
 - c. Family emergency with parent/guardian note.
 - d. Impassable roads with parent/guardian note.
 - e. Any other absence for which a written parental/guardian excuse is submitted within three days of the student's return to school up to ten (10) days. A physician's/legal court documentation will be required on the 11th day unless authorized otherwise by the Principal or designee.
3. The following cumulative absences are classified as "unexcused/unlawful" and are subject to [Attendance Policy 204](#).
- a. Any day of absence for which neither a written parental/guardian or physician's note is submitted within three school days of a student's return from absence.
 - b. Any day of absence not excused by a physician's note after ten days of absence unless authorized otherwise by the building principal or designee.
 - c. School truancy is defined as an unlawful absence by students aged seventeen and under or any unexcused absence by students ages eighteen and over.
 - d. Three unlawful absences result in parent/guardian receipt of a written notice of violation of the Compulsory Attendance Law and may result in further intervention that also may lead to prosecution before a district justice in

accordance with Section 1333 of the Pennsylvania School Code.

- e. Tardy/Early Dismissal from school by parent/guardian may be considered unlawful and unexcused. If a student has a pattern of arriving late or leaving school early (2 or more hours), the student may be considered absent for ½ the day. These ½ day absences may be used to accumulate full days of absence from school when it is impacting the student's academic progress.
 - f. Unlawful and/or unexcused absences **may** result in a grade of "F", "N", or "Zero" for all school responsibilities and class work missed on that day.
 - g. Unlawful absences that reach the truant level will initiate the implementation of [Attendance Policy 204](#), *Procedure When Child is Truant*. Schools will investigate the absences and a **Student Attendance Improvement Conference (SAIC) will be scheduled and developed.**
4. Late to school or class is categorized as an attendance infraction. Late to school may also be categorized as an infraction for students not of Compulsory Age. At the high school level, Lateness to Block 1 will be investigated and the school will determine whether it is "Late to School" or "Late to Class" for purposes of the Policy.
- a. Lateness to school due to physician's appointments, court appearances, or funerals are not infractions when the appropriate written verification is submitted within the allotted three (3) days after the absence. It is expected that students be present in school before/after the appointment when the location of appointment is local and return is allowed by physician.
 - b. An administrative discipline referral **may** be acted upon beginning with the third occurrence of unexcused lateness to class.
 - c. Administration may determine whether students have reached an excessive amount of lateness to school. If it is determined to be an act of truancy, the Attendance Policy will be enacted and a **Student Attendance Improvement Conference (SAIC)** will be scheduled. **A Student Attendance Improvement Plan (SAIP)** will be completed at the Conference. **Any arrival three hours late or departure three hours early may be considered an act of truancy and disciplinary action or requirements of the Attendance Policy may be enacted**

upon.

- d. For students 18 or older who fail to report for unexcused reasons to administratively assigned detention for “Late to Class” violations may become an infraction.
 - e. A schedule modification may be imposed in cases where attendance infractions primarily affect a particular course of study. Students withdrawn from courses are ineligible to earn credit for such courses during the current semester. Such interventions will be determined at a SAIC and become part of the SAIP.
 - f. In-school suspension with a certified teacher can be issued for students of any age as deemed appropriate by the building administrator.
 - g. Students of compulsory age may not be tracked to expulsion due to attendance; however, if other behaviors are determined to be the cause, then other forms of consequences (such as out of school suspensions) may be used.
5. Unexcused class absence (class cutting) may be categorized as a Level II infraction.
- a. Unexcused class absence includes any class missed without authorization.
 - b. After consultation with administration, an unexcused class absence may result in a grade of "F", "N", or "zero" for all school responsibilities and class work missed.
 - c. A schedule modification may be imposed in cases where attendance infractions primarily affect a particular course of study. Students withdrawn from courses are ineligible to earn credit for such courses during the current semester. This could impact graduation.
6. Truancy is classified as a violation of the Compulsory Attendance Law of the Pennsylvania School Code and is subject to procedures outlined in the [Attendance Policy](#) and the Administrative Procedures of the BASD. Any student age 5 that has started school is subject to this section. (Students age 6 prior to September 1st must be enrolled)
- a. Students who are habitually truant **may** be assigned to in-school suspension, Saturday detention, or extended school year after a SAIC and a SAIP has been completed and has not been successful.
 - b. For compulsory age students, after consultation with administration, and after the required steps authorized by the Compulsory Attendance Law of the Pennsylvania

School Code and the [District Attendance Policy](#), an unexcused class absence may result in a grade of "F", "N", or "zero" for all school responsibilities and class work missed.

- c. A schedule change may be authorized as part of the SAIP created during the SAIC.
- 7. Travel to an unauthorized area is classified as a Level III infraction as per the Student Code of Conduct. This includes students who leave the school grounds or who travel to an unsupervised or restricted area within the building without authorization.
- 8. Administrative discretion may be employed in the enforcement of all regulations in this section so long as it conforms with [Attendance Policy 204](#) and the [Compulsory Attendance Law of PA](#).

CLASSIFICATIONS OF STUDENT MISCONDUCT

The Bethlehem Area School District (BASD) understands that students and families have various experiences that influence their thoughts and actions. Traumatic experiences may influence how students respond to others and their environment. The District acknowledges this and is sensitive to the fact that behavior is learned. The BASD is committed to teaching and modeling the skills necessary to reach one's full potential as a contributing member of society.

In order to guide the growth and development of our students, the District will support students through their developmental years using the Framework for Citizenship.

Our Student Framework for Citizenship will protect the right of all students to receive the best education possible in a safe, trauma informed, culturally responsive, developmentally appropriate learning environment. Certain types of behavior are not expected. In order to support our students, inappropriate behaviors will be classified in four (4) levels based upon place of occurrence, frequency of occurrence, and disruptive effect upon the safety and orderliness of the learning environment.

LEVEL I INFRACTIONS

Level I infractions include behaviors which disrupt the learning environment and occur within the classroom and managed by the classroom teacher/team of teachers.

1. Each classroom teacher or team of teachers will provide students with and involve students in the development of a plan of shared beliefs, norms, and values. The plan may include a list or description of expected student behaviors grounded in shared beliefs, norms, and values. Staff will use techniques and strategies outlined in the introduction of our Framework for Citizenship as well as culturally responsive and trauma informed strategies. These strategies will be explicitly discussed and **modeled** by adults across all environments. These plans will be shared with families.
 - a. Strategies and/or supports implemented by classroom staff may include, but are not limited to:
 - i. Explicit teaching and modeling of the Leader In Me ® Habits, as well as shared norms, beliefs, and values
 - ii. Explicit teaching of all aspects of Restorative Practices ® (social discipline window, compass of shame, informal and formal communication techniques, fair process)
 - iii. Explicitly teaching and modeling techniques of identification and regulation of one's emotional state (ex. Zones of Regulation ®)
 - iv. Direct instruction of *SEL Framework*: Self Awareness, Self Management, Social Awareness, Relationship Skills, and Responsible Decision-Making (ex. Second Step ®, Lifesmart ®)
 - v. Restorative circle/conference with student(s)
 - vi. Restorative circle/conference with parent/guardian(s)
 - vii. Conference with school counselors and/or student support staff
 - viii. Positive Behavior Intervention and Supports
 - ix. Student detentions
 - x. Student contract
 - xi. Modified instructional programming

- xii. Specially-designed assignments
 - xiii. Demonstration of achievement towards specific learning goals
 - xiv. Loss of class privileges
 - b. This plan will be reviewed and endorsed by a building administrator.
 - c. All identified special education students who exhibit behaviors that impede their learning and/or the learning of others will have a revision of their Individualized Educational Plan (IEP) which will include a positive behavior support plan developed through a functional behavioral assessment.
2. The BASD expects that students will dress in a way that is supportive of a diverse and inclusive environment. Students' attire should not interfere with the health or safety of the school environment and should not contribute to a hostile or intimidating atmosphere towards any member of the school community. Dress code enforcement should not oppress or marginalize any group, including but not limited to, race, ethnicity, culture, gender identity, gender expression, sexual orientation, household income, and/or body size/type. Students will be informed of any special dress regulations which exist in specialized school programs or activities and will be expected to abide by such regulations unless deemed appropriate by an administrator. Examples may include:
- a. Students shall not wear or display clothing, symbols, pins, or other paraphernalia that: (1) advertise alcohol, tobacco, or other controlled substances; (2) display guns or other weapons, lewd, pornographic or vulgar words or images; (3) invoke hateful, violent, or hostile images or language towards the groups listed above; and/or (4) may cause disruption to any school, class or activity that are not listed above.
 - b. Clothing must cover all major areas of the body. See-through or mesh garments should have appropriate coverage underneath that covers major areas of the body.
 - c. The wearing of caps, hoods, and/or hats is not allowed inside the school building unless it is part of a student's cultural or religious identity, medical requirement, or is authorized by an administrator.
 - d. Shoes, sneakers or other appropriate footwear must be worn in school at all times unless otherwise specified by an adult authority.

3. Students who breach the shared beliefs, norms, and values of the classroom will first be supported by the classroom teacher according to the strategies listed above and/or alternative strategies.
4. Students will be referred to an administrator after repeated interventions from the teacher fail to yield an outcome of a safe and productive learning environment.

LEVEL II INFRACTIONS

Level II infractions include behaviors during school, during school-sponsored activities on and off school property, and while students travel to and from school by district transportation that create disruption to the shared norms, values, and beliefs of our school district community.

Each school and/or department may define additional types of student misconduct to be included as Level II infractions and the consequences for those infractions. Misconduct that meets the definition of a Level II infraction may be referred to an administrator for appropriate action within guidelines established by the building administration.

1. Continued class misconduct may be classified as a Level II infraction and may be referred to an administrator if, after consultation, it is deemed that the repeated interventions from the teacher fail to yield an outcome of a safe and productive learning environment.
2. The possession, furnishing, and/or selling of unauthorized items and materials on school property, including on board school district transportation, is classified as a Level II infraction.
 - a. Such items include but are not limited to electronic/entertainment devices, shoes, clothing, and other communication devices.
 - b. All such items may be confiscated, forwarded to an administrator, and returned only to a parent or guardian.
 - c. All cell phones and unapproved electronic devices will be considered unauthorized and are prohibited when their use is creating a disruption to the school environment, including the arrival, dismissal, and transporting of students. The BASD views cell phones as communication devices to be used outside of the

school environment unless authorized by a District Employee. The school district assumes no responsibility for lost or stolen cellular telephones, smart or communication devices.

3. Dismissal Misconduct - Actions during dismissal that create a disruption to the shared norms, values, and beliefs of our school district community.
4. Hall Misconduct - Actions in the hallway and/or surrounding classroom environment that create a disruption to the shared norms, values, and beliefs of our school district community.
5. Lavatory Misconduct - Actions in the lavatory that create a disruption to the shared norms, values, and beliefs of our school district community.
6. Playground misconduct - Actions on the playground and/or surrounding outside school environment that create a disruption to the shared norms, values, and beliefs of our school district community.
7. School Activity Misconduct - Actions during school activities and/or trips that create a disruption to the shared norms, values, and beliefs of our school district community.
8. Unauthorized class absence - Unexcused class absence includes any class missed without authorization.
9. Inappropriate action/comment - Inappropriate language, gestures, etc.
10. Other - Any general infraction not otherwise defined that creates a disruption to the shared norms, values, and beliefs of our school district community.
11. Transportation Misconduct - Students who violate the District's [Transportation Policy](#) guidelines will be addressed appropriately within the Level I, II or III category of the Framework for Citizenship
12. Defiance - the willful failure or refusal to follow instructions or directions of an adult authority on school property or during school-sponsored activities.
13. Gang Activity - Any violation associated with [Policy 218.3 Gangs](#) may be considered a level II infraction
14. **Computer, Network, and Internet Use Policy Violation** - Violation of the Computer, Network, and Internet Use [Policy No. 815](#) may be acted upon within the level II infractions. The Student Technology Usage Guide is listed in the Appendix of this

document.

15. **Fraud/Cheating** - Misrepresentation of the truth including deceptive completion of school responsibilities. May be acted upon as a Level I Infraction as deemed appropriate by the building administrator.

LEVEL III INFRACTIONS

Level III infractions include prohibited behaviors during school, school-sponsored activities on and off school property, and while students travel to and from school. Level III infractions may be considered for suspension as deemed appropriate by the building administrator.

Level III infractions may apply to *unacceptable use of computers as well as network activity infractions* (See District's Computer, [Network, and Internet Use Policy](#)). Violation of the Computer, Network, and Internet Use Policy may be acted upon appropriately within the Level III infractions included in the Framework for Citizenship.

1. Level III infractions include but are not limited to the following types of behavior:
 - a. **Activating False Fire Alarms** - In addition to the school penalty imposed, students may also be prosecuted under [Section 4905 of the Pennsylvania Penal Code](#), which includes a penalty of up to five years imprisonment.
 - b. **Destruction of School and/or Personal Property Less than \$10** - Willful behavior which damages/destroys property belonging to the school district or to any students, employees, representatives, or visitors of the school district. When it is determined that students are responsible for the destruction of school and/or personal property, the full cost of materials and labor to repair or replace the damaged property will be the responsibility of the student(s) who caused the damage/destruction.
 - c. **Destruction of School and/or Personal Property more than \$10** - Willful behavior which damages/destroys property belonging to the school district or to any students, employees, representatives, or visitors of the school district. When it is determined that students are responsible for the destruction of school and/or personal property, the full cost of materials and labor to repair or replace the

damaged property will be the responsibility of the student(s) who caused the damage/destruction.

- d. **Possession/Use of a Controlled Substance** - The use, possession, or being under the influence of drugs or substances purported to be drugs.
- e. **Sale/Distribution of a Controlled Substance** - Transmission or attempted transmission, or being under the influence of drugs or substances purported to be illegal drugs.
- f. **Sale, Possession, Use, or Under the Influence of Alcohol** - The use, possession, transmission or attempted transmission, or being under the influence of alcohol or substances purported to be alcohol.
- g. **Sale/Distribution/Attempted Sale or Distribution of a Controlled Substance/Alcohol** - Should the student's behavior violate the laws of the Commonwealth of Pennsylvania, in addition to the school penalty imposed, the student may be referred to the proper state or local authorities. The sale, distribution, or attempted sale or distribution of drugs, or alcohol or substances purported to be drugs or alcohol may be classified as a Level IV infraction. Violators may be subject to a formal expulsion hearing before the Board of School Directors.
 - i. Students will be referred to the BASD/Student Assistance Program and may be required to obtain treatment from proper medical or health facilities before receiving permission to re-enter school.
 - ii. Any drug and/or alcohol products found on school property or during school sponsored activities will be confiscated and provided to the local authorities.
 - iii. The use of drug detection dogs may assist school authorities in locating illegal substances in accordance with the District's Locker [Search Policy](#)
- h. **Reckless Endangerment** - Willful, improper behavior which may cause extensive injury or harm to another individual or create an environment where injury or harm would be likely to occur. Should injury or harm to an individual actually occur, the behavior may be considered as an assault.

- i. **Extortion** - Willful behavior which causes any individual to relinquish a personal possession or individual right as a result of threat or fear of violence or personal injury.
- j. **Insubordination** - Repeated acts of level II behaviors.
- k. **Simple Assault** - Any behavior which attempts to cause or intentionally, knowingly, or recklessly causes bodily injury to another. In addition to the school level response, the student may be liable for payment of damages, as well as referral to civil authorities. In the case of serious physical harm or injury, as defined as, but not limited to, broken bones, possible internal injuries, severe lacerations and bleeding, or loss of consciousness, the behavior may constitute a Level IV infraction.
- l. **Aggravated Assault** - Any behavior which 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. In addition to the school penalty imposed, the student may be liable for payment of damages, as well as referral to civil authorities. In the case of serious physical harm or injury, as defined as, but not limited to, broken bones, possible internal injuries, severe lacerations and bleeding, or loss of consciousness, the behavior shall constitute a Level IV infraction.
- m. **Profanity/Obscenity** - Willful behavior which, without reasonable cause, is designed to lessen the reputation, honor, or public opinion of any individual. Any behavior which visually and/or verbally presents ideas which are considered offensive to and/or inappropriate for maintaining an effective school environment.
- n. **Theft/Larceny**
 - i. **Theft/Larceny - Related Offenses Less than \$10** - The taking of property belonging to the school district or any employee, student, representative, or visitor of the school district without permission. In addition to the school penalty imposed, the student will be liable for restitution and may be referred to civil authorities. Additionally, the theft of district property/equipment **may** be immediately referred by the

building principal to the Superintendent of Schools for consideration as a Level IV offense and an expulsion hearing before the Board of School Directors of the Bethlehem Area School District.

- ii. **Theft/Larceny - Related Offenses More than \$10** - The taking of property belonging to the school district or any employee, student, representative, or visitor of the school district without permission. In addition to the school penalty imposed, the student will be liable for restitution and may be referred to civil authorities. Additionally, the theft of district property/equipment **may** be immediately referred by the building principal to the Superintendent of Schools for consideration as a Level IV offense and an expulsion hearing before the Board of School Directors of the Bethlehem Area School District.
- o. **Threats/Harassment/Bullying - Sexual Harassment** - Intentional behavior sexual in nature that results in trouble, worry, or torment to another individual. This includes but is not limited to verbal, nonverbal, or physical conduct of a sexual nature. Sexual harassment can include unwelcomed sexual flirtations, advances, touching, or propositions; verbal abuse of a sexual nature; graphic or suggestive comments about an individual's dress or body; sexually degrading words to describe an individual; jokes; pin-ups; calendars; objects; graffiti; vulgar statements; abusive language; innuendoes; references to sexual activities; or overt sexual conduct. Any report or incident related to sexual harassment will be forwarded to the Title IX Coordinator as specified in [Board Policy: Unlawful Sexual Harassment 248.1](#)
- p. **Threats/Harassment/Bullying - Racial and/or Ethnic Intimidation** - Intentional behavior related to race and/or ethnicity that results in trouble, worry, or torment to another individual. This may include, but is not limited to **Respecting the inherent value and humanity, and dignity of each person. See [Policy #245 unlawful Harassment](#), [Definitions- Board policy 249](#), [Policy #103 Nondiscrimination](#) and [Policy #832 Diversity, Equity, and Inclusion](#)**
- q. **Threats/Harassment/Bullying - All Other Forms of Harassment/Intimidation**

(Must have Offenses comment under Offender Detail) - Intentional behavior that is general in nature but that results in trouble, worry, or torment to another individual. See [Policy #245 unlawful Harassment](#), [Definitions- Board policy 249](#), [Policy #103 Nondiscrimination](#) and [Policy #832 Diversity, Equity, and Inclusion](#)

- r. **Threats/Harassment/Bullying - Bullying** - Intentional behavior general in nature that results in trouble, worry, or torment to another individual repeated over time that may involve a perceived imbalance of power. Refer to [Policy #245 unlawful Harassment](#), [Policy 249 bullying / cyberbullying](#), [Policy #103 Nondiscrimination](#) and [Policy #832 Diversity, Equity, and Inclusion](#).
- s. **Threats/Harassment/Bullying - Cyber Harassment of a Child**-Any report or incident related to sexual harassment will be forwarded to the Title IX Coordinator as specified in [Board Policy: Unlawful Sexual Harassment 248.1](#), [Board Policy 103.1 Nondiscrimination on the Basis of Sex in School and Classroom](#), [Policy #245 unlawful Harassment](#), [Definitions- Board policy 249](#), [Policy #103 Nondiscrimination](#) and [Policy #832 Diversity, Equity, and Inclusion](#).
 - i. Depending upon the actual or apparent nature and intent of the threat, the building administration may modify the intensity of the consequence in order to protect the health, safety, and welfare of the school community. The modification may include disciplinary action up to and including expulsion from school.
 - ii. Students who express, in any manner, any statement(s) which indicate a planned intent to injure or harm another individual will, after consultation with the Office of Pupil Services, be referred to proper state or local authorities should the student behavior appear to violate local, state, or federal law.
 - iii. Students who make threats to injure or harm others may be subject to search of their person, personal belongings, or vehicles, as well as district-supplied lockers.

- t. **Possession, Use, or Sale of Tobacco** - The use, possession, sale or distribution of tobacco, tobacco products or devices/products or assisting in the use, possession, sale or distribution of such items named on school property or during school-sponsored activities. In addition to the school penalty imposed, all products found on school property or during school-sponsored activities in the possession of students will be confiscated. Students in violation may also be issued a citation by a school administrator and be subject to a fine and court costs by a district justice in accordance with state law.
- u. **Possession, Use, or Sale of Vaping Materials** - The use, possession, sale or distribution of vaping devices/products or assisting in the use, possession, sale or distribution of such items named on school property or during school-sponsored activities. In addition to the school penalty imposed, all products found on school property or during school-sponsored activities in the possession of students will be confiscated. Students in violation may also be issued a citation by a school administrator and be subject to a fine and court costs by a district justice in accordance with state law.
- v. **Computer, Network, and Internet Use Policy Violation** Violation of the Computer, Network, and Internet Use [Policy No. 815](#) may be acted upon appropriately as a Level III infraction. The Student Technology Usage Guide is listed in the Appendix of this document.
- w. **Unauthorized Area** - When found intentionally in a location one does not have authority or permission to be in.
- x. **Gang Activity** - Any violation associated with [Policy 218.3 Gangs](#) may be considered a level III infraction
- y. **Open Lewdness** - sexual conduct that is considered indecent or offensive
- z. **Indecent Exposure** - Intentionally showing ones sexual organs in public
- aa. **Obscene or other sexual materials and performances** - Sharing and/or displaying of inappropriate material(s) or performances that are obscene or lewd in nature.
- bb. **Fighting** - a physical altercation that may include physical exchanges between 2 or more individuals.

- cc. Minor Altercation - an argument or disagreement that may be verbal or have minimal physical contact
 - dd. Other - Stalking - a pattern of unwanted behavior, directed at a specific person, which causes that person to change their routine or feel afraid, nervous or in danger.
 - ee. Disorderly Conduct - unruly behavior that intentionally or recklessly results in public inconvenience, annoyance, or alarm.
2. Level III infractions resulting in serious personal injury to any person or substantial damage to property, or which otherwise results in significant actual harm to the health, safety, or welfare of the school community may constitute a Level IV infraction and may be immediately referred by the building principal to the Superintendent of Schools for consideration of referral for an expulsion hearing before the Board of School Directors of the Bethlehem Area School District.
 3. Individuals with a continuation of excessive Level III infractions may be referred to the Board of School Directors of the Bethlehem Area School District for an expulsion hearing.

LEVEL IV INFRACTIONS

Level IV infractions include behaviors which represent an immediate danger to the safety and well-being of individuals within the school community. Level IV infractions include prohibited behaviors during school, during school-sponsored activities on and off school property, and while students travel to and from school.

1. Students cited for Level IV infractions will face the potential of up to a 10 day suspension (unless agreed upon by all parties to extend) from school and/or referral by the administration to the Superintendent of Schools for an expulsion hearing before the Board of School Directors of the Bethlehem Area School District.
2. Level IV infractions include but are not limited to the following types of behavior:
 - a. Possession of a weapon as defined in Section 1317.2 of the Public School Code including, but not limited to any firearm, explosive, knife, or unauthorized cutting

instrument. *Possession of a replica of a weapon and/or look alike objects will be considered on an individualized basis congruent with the totality of circumstances surrounding the event.*

- b. Assault upon a district employee - Intentionally, knowingly, or recklessly causing bodily harm.
 - i. Simple Assault on Staff - **Intentionally or recklessly causing injury to another**; this includes negligently causing bodily injury to another with a deadly weapon and/or attempting to put another in fear of imminent serious bodily injury
 - ii. Aggravated Assault on Staff - 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
 - c. Any offense of such a serious nature, as determined by the administration, that expulsion of a student is justified.
 - d. Infractions **resulting in serious personal injury to any person** or which otherwise results in actual harm to the health, safety, or welfare of the school community may be immediately referred by the administration to the Superintendent for consideration of referral for an expulsion hearing before the Board of School Directors of the Bethlehem Area School District.
 - e. Infractions resulting in **substantial damage to property**, or which otherwise results in actual harm to the health, safety, or welfare of the school community may be immediately referred by the administration to the Superintendent for consideration of referral for an expulsion hearing before the Board of School Directors of the Bethlehem Area School District.
3. Any criminal offense substantially interfering with or negatively affecting the health, safety, and/or welfare of the school community may result in an expulsion hearing. This may include, but is not limited to:
- a. Gang Activity - Any violation associated with Policy 218.3 Gangs may be considered a level IV infraction
 - b. Aggravated Assault on Student

- c. Rape
 - d. Involuntary Sexual Deviate Intercourse
 - e. Statutory Sexual Assault
 - f. Sexual Assault
 - g. Aggravated Indecent Assault
 - h. Indecent Assault
 - i. Obscene and other sexual materials and performances
 - j. Kidnapping/Interference with Custody of Child
 - k. Threatening School Official/Student
 - l. Robbery
 - m. Crimes Related to Criminal Homicide
 - n. Burglary
 - o. Arson and Related Offenses
 - p. Criminal Trespass
 - q. Rioting
 - r. Bomb Threats
 - s. Terroristic Threats (excluding bomb threats)
 - t. Failure of Disorderly Persons to Disperse Upon Official Order
4. Unless recommended otherwise by the Superintendent of Schools, any student found to be in violation of a Level IV infraction as defined in Section 1317.2 of the Public School Code will be expelled from the District for no less than one year.
5. The Board of School Directors must approve any recommendation of the Superintendent of Schools for an expulsion of less than one year for a Level IV infraction involving a weapon as defined in Section 1317.2 of the Public School Code. The Board of School Directors may enact an expulsion of any term from one year to a permanent expulsion.

DISCIPLINARY ACTION SEQUENCE

GUIDELINES

The administration is responsible to keep a record of a student's infractions which shall serve

solely as a reference. It in no way represents a linear sequence of consequences and will be modified if, in the judgment of an administrator, alternative or additional action(s) will serve the best interest of the student and/or school environment.

All the provisions of the Framework for Citizenship shall be interpreted and applied in accordance with all state and federal laws pertaining to students with disabilities.

IMPLEMENTATION

1. Student Detention Session:

- a. Students assigned a session of detention(s) will be required to report to a designated location at times to be specified by a building administrator. Students may be expected to engage in the following activities during detention unless otherwise defined by the building administrator:
 - i. to reflect
 - ii. restore harm
 - iii. create action plans
 - iv. study
 - v. complete assignments
 - vi. read curriculum-related materials
 - vii. engage in conferencing
 - viii. other designated activities defined by the building administrator
- b. Unless authorized otherwise by an administrator, the serving of administratively assigned detention will take precedence over all other school activities or events.

2. Suspension from School:

- a. Students suspended from school will be removed from the regularly scheduled instructional program.
- b. Suspension is exclusion from educational programming for a period of from one to ten consecutive school days, unless a longer period is agreed upon by all parties. Students suspended will be removed from the regular school program, and assigned to a designated location in school, or assigned to a designated location out of school during the term of the suspension.

- c. Suspension may be issued by the principal or designee in charge of the school.
- d. No student shall be suspended until the student has been informed of the reasons for the suspension and given an opportunity to respond.
- e. Prior notice of the intended suspension need not be given only when it is clear that the health, safety, and/or welfare of the school community is threatened.
- f. After giving the student notice of the intended suspension, the school will immediately attempt to contact the parent/guardian to notify the parent of the suspension, its cause, its duration, and the expected restrictions on the student during the suspension. If the school is unable to contact a parent/guardian, a written confirmation will be mailed to the home.
- g. In those cases where the parent cannot be reached, every effort should be made to keep the child in school until the end of the school day unless the nature of the offense is so severe that other arrangements are necessary. Written notice will be provided to the student. The student will be expected to deliver the written notice to the parent. Written notice will also be mailed to the parent.
- h. When a student is suspended for more than 3 days, the student and the parent/guardian shall be required to attend an informal hearing. The purpose of the informal hearing is to enable the student to meet with the appropriate school official to explain the circumstances surrounding the incident for which the student is being suspended for the parent or the student to show why the student should not be suspended. The informal hearing is meant to encourage the student's parents or guardian to meet with the administrator to discuss ways by which future offenses can be avoided. The informal hearing includes the following due process requirements:
 - i. Notification of the reasons for the suspension shall be given in writing to the parents or guardian and to the student.

- ii. Sufficient notice of the time and place of the informal hearing shall be given.
 - iii. A student has the right to question any witnesses present at the hearing.
 - iv. A student has the right to speak and produce witnesses on his own behalf.
 - v. The district shall offer to hold the informal hearing within the first five days of the suspension.
 - i. Suspensions may not be made to run consecutively beyond a ten school day period unless mutually agreed upon by all parties.
 - j. Students shall have the responsibility to make up exams and work missed while being disciplined by suspension and shall be permitted to complete these assignments within guidelines established by each school.
 - k. Suspension from school of exceptional students will be in accordance with due process requirements as defined by state regulations.
3. Expulsion from School
- a. Expulsion is removal of a student from the regular school program for a period of time exceeding ten school days, up to and including permanent removal from school.
 - b. Unless a written agreement ("Waiver of Expulsion Hearing and Stipulation") is endorsed by the District, parent/guardian, and student, expulsions require a prior formal hearing. The hearing may be held before the Board of School Directors, a duly authorized committee of the Board, or a qualified hearing examiner appointed by the entire School Board. The formal hearing includes the following due process requirements:
 - i. Notification of the charges shall be sent to the student's parent(s) or guardian(s) by certified mail.
 - ii. Sufficient notice of the time and place of the hearing must be given.
 - iii. The hearing shall be held in private unless the student or parent/guardian requests a public hearing.
 - iv. The student has the right to be represented by counsel.

- v. The student has the right to be presented with the names of witnesses against the student, and copies of the statements and affidavits of those witnesses.
- vi. The student has the right to request that any such witnesses appear in person and answer questions or be cross-examined.
- vii. The student has the right to testify and present witnesses on his own behalf.
- viii. A record must be kept of the hearing, either by a stenographer or by tape recorder. The student is entitled, at the student's expense, to a copy of the transcript or audiotape. However, a copy will be provided at no cost to a student who is indigent.
- ix. The hearing must be held in the time required by law.
- c. During the period prior to the hearing and prior to a decision of the Board, the student shall be placed in their normal class unless it is determined, after an informal hearing, that a student's presence in his normal class would constitute a threat to the health, safety, or welfare of others. The student may not be excluded from school for more than 15 school days without a formal hearing unless mutually agreed by all parties. Any student so excluded shall be provided with alternative education, which may include home study.
- d. Where a student disagrees with the results of a hearing, an appeal may be taken to the Court of Common Pleas.
- e. Students who have been expelled who are less than 17 years of age are still subject to the compulsory school attendance law, and they must be provided an education.
 - i. The initial responsibility for providing the required education rests with the student's parent(s) or guardian(s), through placement in another school, through tutorial or correspondence study, or through another educational program approved by the Superintendent of Schools.

- ii. If the parent(s) or guardian(s) are unable to provide for the required education they must, within 30 days, submit to the school district written evidence stating such. The District then has the responsibility to make some provision for the student's education. If 30 days pass without the district receiving satisfactory evidence that the required education is being provided to the student, it must again contact the parent/guardian and pending the parents' or guardian's provision of such education, the District must make some provision for the student's education.
- iii. Expelled students assigned to the District's alternative program will be required to adhere to all procedures and guidelines established specifically for this program.
- iv. Attendance regulations require students to notify the coordinator or a representative of the District's alternative program in advance of any absences from class.

ALTERNATIVE ACTIONS

- 1. In addition to the detentions and days of suspension, alternative action may also be taken by an administrator for violation of the Framework for Citizenship
- 2. In each incident, the administrator will decide on an individual basis if alternative action will best meet the needs of the student, the school district, and/or the employees of the school district.
- 3. Alternative actions which may be taken include but are not limited to:
 - a. Explicit teaching and modeling of the Leader In Me ® Habits, as well as shared norms, beliefs, and values
 - b. Explicit teaching of all aspects of Restorative Practices ® (social discipline window, compass of shame, informal and formal communication techniques, fair process)
 - c. Explicitly teaching and modeling techniques of identification and regulation of one's emotional state (ex. Zones of Regulation ®)

- d. Direct teaching of *SEL Framework*: Self Awareness, Self Management, Social Awareness, Relationship Skills, and Responsible Decision-Making (ex. Second Step ®, Lifesmart ®)
- e. Restorative conference with student(s)
- f. Restorative conference with parent/guardian(s)
- g. Conference with school counselors and/or student support staff
- h. Civil and/or criminal prosecution
- i. Denial of privileges
- j. Design of a unique student educational program
- k. Design of a student behavioral program
- l. Design of a student work or service program
- m. Inclusion in the Saturday detention program
- n. Liability for damages or financial loss
- o. Participation in a conflict resolution program
- p. Referral to alternative education program
- q. Referral to appropriate local, county, and/or state agencies and/or institutions
- r. Referral to psychiatric and/or psychological service staff
- s. Referral to Student Assistance Processes (BASD/SAP and/or PA SAP process)
- t. Scheduling of a parenting improvement course

A Disciplinary Action Summary will be maintained in our student information system for students violating the student Framework For Citizenship. This is typically the Disciplinary

SUSPENSION REINSTATEMENT PROCESS

1. Upon returning from any suspension, the student is required to complete a Student Contract or Personal Improvement Plan prior to reinstatement. The intent of this contract or plan is to improve student behavior.
2. Parents must accompany students upon their return to their regular school program from all suspensions. During the suspension reinstatement hearing:
 - a. The administrator imposing the suspension will review the reason(s) for the suspension.

- b. The administrator will also review the student's discipline record and explain the consequences which will occur for further violations of the Student Code of Conduct.
 - c. The administrator will advise the parent of any current student obligations related to the Student Code of Conduct or lack of academic performance.
 - d. The administrator will assure that an appropriate Student Reinstatement Contract or Personal Improvement Plan is completed and advise the student and parent of the monitoring process which will be employed upon the student's return to school.
 - e. When directed by the administrator, the counselor will review or assist in the development of the contract or improvement plan and establish a schedule for consulting with the student.
3. Students who fail to abide by conditions outlined in the suspension reinstatement contract may be cited for insubordination by an administrator when efforts by the counselor and teaching staff have proven unsuccessful in changing student behavior.

IMPOSITION OF STUDENT CODE OF CONDUCT CONSEQUENCES

- 1. Students who transfer to a different school within the Bethlehem Area School District will be required to fulfill Student Code of Conduct consequences at the school in which the student enrolls.
- 2. Students who withdraw from the Bethlehem Area School District will be required to fulfill Student Code of Conduct consequences upon re-entry into the District. Student expulsion hearings may be conducted for students who withdraw from the District.
- 3. Students concluding the regular school year with Student Code of Conduct consequences yet to be fulfilled will be required to fulfill the consequences following conclusion of the regular school year.

SUMMARY

For the majority of students in the Bethlehem Area School District, good discipline is not a problem. Most students have already learned to respect the rights of others and to take seriously the educational opportunity the school represents. This Student Code of Conduct is designed to neither alarm nor restrict those students.

To those students who already demonstrate good discipline, the Student Code of Conduct, hopefully, assures them a safe and positive school environment in which to learn.

For those students who have yet to develop the self-control and character needed for success, the Student Code of Conduct provides a series of guidelines. The guidelines will, hopefully, assist these students to more clearly understand the rights of others and themselves.

Behavior is a series of decisions and choices. It is hoped that students will make those behavioral decisions and choices with the overall major purpose of school in mind-to prepare for the future by developing into a better person today.

APPENDIX

1. Student Technology Usage Guide
2. Use of School District Transportation Guide
3. Bullying/Cyber bullying Guide for Parents/Guardians
4. Complaint Procedure
5. Pennsylvania School Code Regulations

APPENDIX 1

STUDENT TECHNOLOGY USAGE GUIDE

Revised February 2013

PHILOSOPHY

Bethlehem Area School District provides students with the technology tools and resources to access information around the school and around the world. Use of the electronic information resources in the district shall be to improve and support the educational process, under the guidance of the classroom teacher. Such an environment can provide students with supervised access to a world of resources while maintaining a secure environment for the flow of confidential information, the protection of computing resources, and the protection of the rights of other computer users.

BASD follows these general approaches to encourage the productive educational use of its computer and network resources:

1. All network users will need to learn the technical, ethical, and legal issues that arise from using a school, district, and worldwide network.
2. It is the student's responsibility to use technology according to the direction of their teachers, their parents and this policy. Students will be responsible for their actions in this area as specified in this policy and in the Student Code of Conduct.
3. It is the teacher's responsibility to provide clear guidelines, direction, and supervision for the use of technology tools with their students.

Secondary Student Technology Usage Guide

Students, please read this document carefully. If you have any questions, please ask your teacher.

There are computers and networks in every classroom, office, and library in your school that can access not only other classrooms and schools within the district, but also the global computer

network called the Internet. The Internet is a worldwide network connecting millions of computers. There are countless sources of information on the Internet, including libraries, encyclopedias, government agencies, universities, discussion groups, software, companies, as well as the millions of people who are part of this world---wide network. Bethlehem Area School District is pleased to bring this access to meet the ongoing educational needs of our staff and students. Our goal in providing this service is to promote the educational objectives of the district by facilitating resource sharing, innovation, and communication. Students will participate in teacher-supervised activities on the Internet as part of the regular school curriculum.

The operation of the network relies upon the proper conduct of the students who must adhere to strict guidelines at all times. While we expect our students to be well behaved and responsible in their network activities, we provide these guidelines so that parents and students are aware of the responsibilities inherent in any network use. If a student violates any of the following provisions, his or her network access will be terminated and future access could possibly be denied.

Violations of this policy may be considered Level III offenses in the *BASD Code of Conduct*. If warranted, the offense may also be referred to local, state, or federal authorities for further action.

Acceptable Use Guidelines

Acceptable Use means that as a student you will promise to use computer resources, including the Internet, with respect and responsibility. As a student you will also promise to abide by school rules, this policy, and classroom rules that will be taught by your teachers and other school staff. You must understand that use of computer resources is designed to support your education. If the rules are broken, you may lose the privilege of using these computer resources.

Educational Use - You may only use school computers for educational purposes that are consistent with the objectives of the Bethlehem Area School District. Educational games assigned by your teacher are permitted, but non---educational games may not be installed or played on school computers. Sending or receiving any information that is in violation of any U.S., state or local regulation is prohibited. This includes, but is not limited to, copyrighted works, threatening messages, and obscene material. Use for commercial activities, commercial product advertisement or political lobbying is also prohibited.

Privileges - The use of the Internet is a privilege, not a right, and inappropriate use will result in a denial of this privilege. Students will receive instruction on appropriate use of the network before receiving access. School staff may suspend or revoke a license any time such action is necessary.

Netiquette - You are expected to abide by the accepted rules of network etiquette. These include (but are not limited to) the following:

- Be polite. Do not harass or bully anyone by sending annoying, threatening, or libelous messages, or any that are sexually, racially, or religiously offensive.
- Know that electronic mail (e---mail) is not guaranteed to be private. Messages relating to or in support of illegal activities may be reported to the authorities.
- Do not make unauthorized copies of copyrighted material.
- Do not disrupt the network for other users.

Security - Security on a computer network is very important. You may not try to defeat or bypass virus protection or security settings on any district computer or network. You may not try to access unauthorized computer files or network services. You may not tamper with, delete, copy, or attempt to access the electronic files of another student or staff member.

Privacy - Students should never share personal information, including full name, address, or telephone number, with anyone on the Internet. Students should never accept an invitation from someone on the Internet who tries to meet with them. If this occurs, students should inform their teachers or parents immediately.

Filtering - In order to provide a safe computing experience, the Internet connection at BASD is filtered as required by federal law. Students are not permitted to bypass content filters. It should be noted that no filtering software is 100% effective and it may be possible to access inappropriate material. Students who encounter inappropriate material should report it to their teacher immediately.

Passwords - Passwords are secret. You may not tell a password to anyone, nor may you try to find out or guess someone else's password.

Vandalism -Vandalism will result in cancellation of privileges. Vandalism is any attempt to harm or destroy data of another user or to harm or destroy computer hardware, software, or configuration. You or your family are responsible for any cost to restore vandalized systems to normal operation.

School -- specific Rules - Individual schools, grades, departments, libraries, or classrooms may have additional rules that govern student computer use. These rules are in addition to, rather than a replacement for the rules on this document.

Violation of these conditions may be considered a Level III offense in the Student Code of Conduct and will result in the loss of your network privileges.

Elementary Student Technology

Usage Guide

Students, please read this document carefully. If you have any questions, please ask your teacher.

Bethlehem Area School District provides access to computers and the Internet for educational use. As a student, I know that I am expected to follow these rules:

1. I will use the Internet and computers only with my teacher's permission, and for the purpose that the teacher has stated.
2. I will respect copyright laws. I will make sure to show where I found information, and I will not copy it without permission.
3. I will not enter inappropriate or hurtful language into the computer.
4. I will stay safe on the Internet by making sure that I never share personal information, including my full name, address, or telephone number. If anyone on the Internet tries to meet with me, I will refuse, and tell my parents or teachers immediately.
5. I will let my teacher know immediately if I see anything on the Internet that is inappropriate or makes me uncomfortable.

6. I will respect the school's computer equipment. I will be sure to take good care of the equipment I use, and I will not change any settings.
7. I will use my own passwords that have been given to me by my teacher. I will not use anyone else's password, and I will not tamper with anyone else's electronic files.
8. I will not put any CDs into the computer unless my teacher approves them. 9. I will not install files or music on school computers unless my teacher approves them.
10. I understand that I will be able to use school computers if I follow these rules. I understand that violation of any of these rules may result in the loss of access, or other disciplinary consequences determined by my teacher or my principal.

This document represents a simplified version of the Bethlehem Area School District Acceptable Use Policy and is intended to make it easier to communicate important points to elementary school students. Copies of the full version may be downloaded from the BASD Policy Manual, located at

http://www.psba.org/districts_policies/b/53/POLBETH815.pdf

APPENDIX 2

USE OF SCHOOL DISTRICT TRANSPORTATION

Transportation of students is an essential part of the education system. The transportation department's goal, therefore, is to provide for the safe, supportive and timely pick-up and delivery of students to and from school every day. A team effort is required by transportation and campus personnel as well as parents and students to ensure that each child travels to and from school safely. A safe and pleasant ride on the school bus lays the groundwork for a positive and productive day of learning.

Students should only ride their assigned bus to and from their assigned bus stop. Students who are waiting at bus stops shall be respectful to property owners by not loitering, trespassing, littering, or creating nuisance conditions for residents of the community.

Band instruments, backpacks, class projects, etc. on the bus can be a concern because large items inhibit the safe evacuation of students in the event of an emergency. Such items will only be allowed if they fit on the student's lap and do not interfere in the space of surrounding students. Carry-on items cannot be allowed to block the aisle, service stairs, or emergency exits. If an object is too large, the student or parent/guardian will be responsible for transporting it. The district employee who oversees safety on the bus may determine an object to be dangerous or cause student disruption, and can refuse service to the student with that object.

All students are expected to adhere to the following expectations and rules when being transported by buses or vehicles owned, operated, controlled, or contracted by the district. Administrators are directed to enforce these safety rules by the appropriate action, which may include the temporary or permanent withdrawal of riding privileges, depending upon the seriousness of the violation and all other circumstances of each individual case.

The core beliefs:

Respect – Students should demonstrate respect to others on the bus.

- Arrive at least five minutes early to the assigned stop.

- Follow directions set forth by the driver and attendant .
- Keep the volume of your voice at a considerate level.
- Keep items in your school bag or to yourself.
- Help keep the bus clean by discarding items only in designated receptacles.

Safety – Students should conduct themselves safely while on or around the bus.

- Refrain from putting hands, feet, and belongings outside of your own personal space and/or outside of the bus.
- Stay seated and keep the aisle clear.
- Wait for the vehicle to stop completely before getting on or off the bus.
- Consumption of food and/or beverages (other than water) is prohibited.

Kindness – Students should demonstrate kindness to others while on the bus.

- Use appropriate language, in line with school district expectations.
- Share the seat with other students.
- Act toward others in a manner that shows empathy and compassion.

Video and Audio Recording on School Buses

Board Policy 810.3 authorizes the use of district-approved video and audio recording on school buses and school vehicles. School district administrators may review video and/or audio recordings from school buses for the purposes of determining whether disciplinary consequences are appropriate. Video or audio capturing inappropriate behavior may be used at conferences

with parents/guardians, students, employees, or other individuals as necessary, and may be used as evidence in disciplinary proceedings.

Disciplinary Actions

Students who do not adhere to the *Universal Values, Excellence, and Global Understanding components of the Framework for Citizenship*, as well as the above mentioned items specific to transportation of students, may be referred for further disciplinary action as defined in the *Framework for Citizenship* inclusive of considering suspension from BASD transportation.

Disciplinary action and response to violations of transportation expectations, as well as all other expectations outlined in the Framework For Citizenship will be determined individually as deemed appropriate by the building administrator.

APPENDIX 3

BULLYING/CYBERBULLYING GUIDE FOR PARENTS/GUARDIANS Tips

For Parents/Guardians: What To Do If Your Child Is Being Bullied

If your child is being bullied at school, this can be a very painful experience for your child and your family. Here are some things you can do to support your child if s/he is being bullied:

1. Never tell your child to ignore the bullying.
2. Don't blame your child for the bullying. Don't assume your child did something to provoke the bullying.
3. Allow your child to talk about his/her bullying experiences. Write down what is shared.
4. Empathize with your child. Tell him/her that bullying is wrong; that it is not his/her fault; and that you are glad s/he had the courage to tell you about it.
5. If you disagree with how your child handled the bullying situation. Don't criticize him/her. It is often very difficult for children to know how best to respond.
6. Do not encourage physical retaliation.
7. Check your emotions. A parent's/guardian's protective instincts stir strong emotions. Although it is difficult, step back and consider the next steps carefully.
8. Contact a teacher, school counselor, or principal at your school immediately and share your concerns about the bullying that your child has experienced.
9. Work closely with school personnel to help solve the problem.
10. Encourage your child to develop interests and hobbies that will help build resilience in difficult situations like bullying.
11. Encourage your child to make contact with friendly students in his/her class, or help your child meet new friends outside of school.

12. Teach your child safety strategies, such as how to seek help from an adult.
13. Make sure your child has a safe and loving home environment.
14. If you or your child needs additional help, seek help from a school counselor and/or mental health professional.

Tips For Parents/Guardians: What To Do If Your Child Bullies Others

If your child bullies other children at school, it will need to be stopped. Here are some things you can do at home to address the issue with your child:

1. Make it clear to your child that you take bullying seriously and that it is not okay.
2. Make rules within your family for your child's behavior. Praise your child for following the rules and use nonphysical and logical consequences when rules are broken. A logical consequence for bullying could be losing rights to use the phone to call friends, using email to talk with friends, or other activities your child enjoys.
3. Spend lots of time with your child and keep close track of his/her activities. Find out who your child's friends are and how and where they spend their free time.
4. Build on your child's talents by encouraging him/her to get involved in positive activities, such as clubs, music lessons, or nonviolent sports.
5. Share your concerns with your child's teacher, counselor, and/or principal. Work together to send a clear message to your child that his/her bullying must stop.
6. If you and your child need more help, talk with a school counselor and/or mental health professional.

Tips For Parents/Guardians: What To Do If Your Child Witnesses Bullying

Many children are observers or bystanders in cases of bullying at school. It is important that even students who are bystanders in a bullying situation take action to get help so the bullying stops. If your child talks to you about the bullying that s/he witnesses at school, you are encouraged to do the following:

1. Teach your child how to get help without getting hurt.

2. Encourage your child to verbally intervene, if it is safe to do so, by saying such things as: “Cool it! This isn’t going to solve anything”.
3. Tell your child not to cheer on or even quietly watch bullying. This only encourages a child who bullies, who wants to be the center of attention.
4. Encourage your child to tell a trusted adult about the bullying. Talking to an adult is not tattling; it is an act of courage and safety. Suggest going to an adult with a friend if that will make it easier.
5. Help your child support others who tend to be bullied.
6. Teach your child to include these children in activities.
7. Praise and reward quiet acts of courage where your child tried to do the right thing to stop bullying, even if s/he was not successful.
8. Work with your child to practice specific ways s/he can help stop bullying. For example, role-play with him/her what s/he could say or do to help someone who is being bullied.

What Can Parents/Guardians Do To Prevent And Address Cyberbullying?

Adults seldom are present in the online environments frequented by children and youth. Therefore, it is extremely important that adults pay close attention to cyberbullying and the activities of children and youth when using these new technologies.

Cyberbullying occurs when children and youth use cyber technologies, such as text messaging, Internet sites, and cell phones, to bully others. Indirect forms of bullying like this can include spreading false rumors, gossip, and verbal taunts or attacks. Like bullying that happens in person, cyberbullying can have serious, and sometimes legal, consequences for the ones doing the bullying.

Here are some ideas of ways to protect your child from cyberbullying or address the issue if you find your child is cyber bullying others.

Suggestions For Parents/Guardians: Tips To Help Prevent Cyberbullying

1. Keep your home computer(s) in easily viewable places, such as a family room or kitchen.
2. Talk regularly with your child about online activities s/he is involved in.
3. Talk specifically about cyberbullying and encourage your child to tell you immediately if s/he is the victim of cyberbullying, cyberstalking or other illegal or troublesome online behaviors.
4. Encourage your child to tell you if s/he is aware of others who may be the victims of such behavior.
5. Explain that cyberbullying is harmful and unacceptable behavior. Outline your expectations for responsible online behavior and make it clear that there will be consequences for inappropriate behavior.

Although adults must respect the privacy of children and youth, concerns for your child's safety may sometimes override these privacy concerns. Tell your child that you may review his/her online communications if you think there is reason for concern. Consider installing parental control filtering software and/or tracking programs, but don't rely solely on these tools.

Tips For Dealing With Cyberbullying That Your Child Has Experienced

Because cyberbullying can range from rude comments to lies, impersonations and threats, your responses may depend on the nature and severity of the cyberbullying. Here are some actions that you may want to take after the fact:

1. Strongly encourage your child not to respond to cyberbullying.
2. Do not erase the messages or pictures; save these as evidence.
3. Try to identify the individual doing the cyberbullying. Even if the cyberbully is anonymous (for example, is using a fake name or someone else's identity), there may be a way to track him/her through your Internet service provider. If the cyberbullying is criminal, or if you suspect that it may be, contact the police and ask them to do the tracking.

4. Sending inappropriate language may violate the terms and conditions of e-mail services, Internet service providers, Web sites, and cell phone companies. Consider contacting these providers and filing a complaint. If the cyberbullying is coming through e-mail or a cell phone, it may be possible to block future contact from the individual who cyberbullied. Of course, s/he may assume a different identity and continue the bullying.
5. Contact your school if the cyberbullying is occurring through your school district's Internet system or during the school day. Even if cyberbullying is occurring off campus, make your school administrators aware of the problem. They may be able to help you by being watchful for face-to-face bullying occurring in school.
6. Consider contacting the cyberbully's parents/guardians. These parents/guardians may be very concerned to learn that their child has been cyberbullying others, and they may effectively put a stop to the bullying. On the other hand, these parents/guardians may react very badly to your contacting them, so proceed cautiously. If you decide to contact a cyberbully's parents/guardians, communicate with them in writing, not face-to-face. Present proof of the cyberbullying (for example, copies of an e-mail message) and ask them to make sure the cyberbullying stops.
7. Contact the police if cyberbullying involves acts such as threats of violence; extortion; obscene or harassing phone calls or text messages; harassment; stalking; or hate crimes; or child pornography. If you are uncertain if cyberbullying violates criminal laws, contact your local police who will advise you

http://www.olweus.org/public/bullied_child.page (2/2010)

This list has been adapted from a publication originally created for "Take a Stand. Lend a Hand. Stop Bullying Now!", a campaign of the Health Resources and Services Administration, U.S. Department of Health and Human Services.

www.StopBullyingNow.hrsa.gov. Used with permission. The names "Olweus" and "Olweus Bullying Prevention Program" are protected as trademarks, and may not be used in any way that involves self promotion or the sale of products without the written permission of Hazelden as the publisher. All rights reserved. Duplicating this material for personal or group use is permissible.

APPENDIX 4

COMPLAINT PROCEDURE

A student who believes he or she has been subject to conduct that constitutes a violation of this policy is encouraged to immediately report the incident to the appropriate building administrator or any other school staff member. The administrator will assist the student in completing a “Student Complaint” in order to provide details related to the incidents.

The appropriate building administrator will conduct an investigation of the incident and determine the appropriateness of imposing consequences as outlined in the Student Code of Conduct as a result of the finding of the investigation.

The appropriate building administrator will also cooperate with police authorities in investigating the incident should the student and/or the student’s parent/guardian decide to file a criminal complaint regarding the incident(s).

If it is concluded that a student has knowingly made a false complaint under this policy, the student shall be cited for “fraud” in accordance with the Student Code of Conduct.

APPEAL PROCEDURE

If a student is not satisfied with a finding of no violation of the policy or with the corrective action recommended upon completion of the investigation by the building administrator, the student may submit a written appeal to the building Principal and/or Director of Student Services within fifteen (15) school days of the administrative decision.

The Principal and/or Director of Student Services shall review the investigation and obtain additional information as necessary to render a decision.

The Principal and/or Director of Student Services shall prepare a written response to the appeal within fifteen (15) school days.

If a student remains dissatisfied following a review by the Principal and/or Director of Student Services, additional appeals may then be filed to the Superintendent of Schools and President of the Board of School Directors who will respond to the appeal in a timely manner.

APPENDIX 5

The Pennsylvania School Code regulatory requirements are the following:

22 PA. CODE SECTION 12.1: FREE EDUCATION AND ATTENDANCE

Regulatory Requirement:

(a) All persons residing in this Commonwealth between the ages of 6 and 21 years are entitled to a free and full education in the Commonwealth's public schools;

(b) Parents or guardians of all children between the ages of six and eighteen are required by the compulsory attendance law to ensure that their children attend an approved educational institution, unless legally excused. Students who have not graduated may not be asked to leave school merely because they have reached 18 years of age, if they are fulfilling their responsibilities as students;

A student may not be excluded from the public schools or from extracurricular activities because:

(1) the student is married;

(2) the student is pregnant;

(3) the student has a disability as identified by Chapter 15 (relating to protected handicapped students);

(4) the student is an eligible student identified under Chapter 14 (relating to special education services and programs).

22 PA. CODE SECTION 12.2: STUDENT RESPONSIBILITIES

Regulatory Requirement: Student responsibilities include:

(a) Regular school attendance, conscientious effort in classroom work and homework and conformance to school rules and regulations. Most of all, students are responsible to share with the administration and faculty a responsibility to develop a climate within the school that is conducive to wholesome learning and living;

(b) No student has the right to interfere with the education of fellow students. It is the responsibility of each student to respect the rights of teachers, students, administrators and all others who are involved in the educational process;

(c) Students should express their ideas and opinions in a respectful manner;

(d) It is the responsibility of the students to conform to the following:

(1) Be aware of all rules and regulations for student behavior and conduct themselves in accordance with them. Students should assume that, until a rule is waived, altered or repealed in writing, it is in effect.

(2) Volunteer information in matters relating to the health, safety and welfare of the school community and the protection of school property.

(3) Dress and groom to meet standards of safety and health, and not to cause substantial disruption to the educational processes.

(4) Assist the school staff in operating a safe school for the students enrolled therein.

(5) Comply with Commonwealth and local laws.

(6) Exercise proper care when using public facilities and equipment.

(7) Attend school daily and be on time at all classes and other school functions.

(8) Make up work when absent from school.

(9) Pursue and attempt to satisfactorily complete the courses of study prescribed by local school authorities.

(10) Report accurately in student media.

(11) Do not use obscene language in student media or on school premises.

22 PA. CODE SECTION 12.3: SCHOOL RULES

Regulatory Requirement:

- (a) The governing board has the authority to make reasonable and necessary rules governing the conduct of students in school. The rulemaking power, however, is not unlimited; it must operate within statutory and constitutional restraints. A governing board has only those powers that are enumerated in the statutes of the Commonwealth, or that may reasonably be implied or necessary for the orderly operation of the school;
- (b) Governing boards may not make rules that are arbitrary, capricious, discriminatory or outside their grant of authority from the General Assembly. A rule is generally considered reasonable if it uses a rational means of accomplishing some legitimate school purpose;
- (c) Each governing board shall adopt a code of student conduct that includes policies governing student discipline and a listing of students' rights and responsibilities as outlined in this chapter. This conduct code shall be published and distributed to students and parents or guardians. Copies of the code shall also be available in each school library.

22 PA. CODE SECTION 12.4: DISCRIMINATION

Regulatory Requirement: Consistent with the Pennsylvania Human Relations Act (43 P. S. §§ 951—963), a student may not be denied access to a free and full public education, nor may a student be subject to disciplinary action on account of race, sex, color, religion, sexual orientation, national origin or disability. [District Policy 103, *Nondiscrimination in School and Classroom Practices*](#), also adds gender identity, gender expression, ancestry, marital status, and pregnancy to the list of protected groups. The Board has also adopted a separate policy, [Policy 103.1](#), which prohibits discrimination on the basis of sex, sexual orientation, or transgender status against students.

22 PA. CODE SECTION 12.5: CORPORAL PUNISHMENT

Regulatory Requirement:

- (a) Corporal punishment is defined as physically punishing a student for an infraction of the discipline policy. Use of corporal punishment is prohibited;
- (b) Teachers and school authorities may use reasonable force under the following circumstances:
 - (1) To quell a disturbance.
 - (2) To obtain possession of weapons or other dangerous objects.
 - (3) For the purpose of self-defense.
 - (4) For the protection of persons or property.

22 PA. CODE SECTION 12.6: EXCLUSION FROM SCHOOL

Regulatory Requirement:

- (a) The governing board shall define and publish the types of offenses that would lead to exclusion from school. Exclusions affecting certain students with disabilities shall be governed by § 14.143 (relating to disciplinary placements) and 34 CFR 300.519—300.529⁴ (relating to discipline procedures);
- (b) Exclusion from school may take the form of suspension or expulsion;
 - (1) Suspension is exclusion from school for a period of from one to 10 consecutive school days.
 - (i) Suspensions may be given by the principal or person in charge of the public school.
 - (ii) A student may not be suspended until the student has been informed of the reasons for the suspension and given an opportunity to respond. Prior notice of the intended suspension need not be given when it is clear that the health, safety or welfare of the school community is threatened.

(iii) The parents or guardians and the superintendent of the district shall be notified immediately in writing when the student is suspended.

(iv) When the suspension exceeds three school days, the student and parent shall be given the opportunity for an informal hearing consistent with the requirements in § 12.8(c) (relating to hearings).

(v) Suspensions may not be made to run consecutively beyond the 10 school day period.

(vi) Students shall have the responsibility to make up exams and work missed while being disciplined by suspension and shall be permitted to complete these assignments within guidelines established by the governing board.

(2) Expulsion is exclusion from school by the governing board for a period exceeding 10 school days and may be permanent expulsion from the school rolls. Expulsions require a prior formal hearing under § 12.8.

(c) During the period prior to the hearing and decision of the governing board in an expulsion case, the student shall be placed in his normal class except as set forth in subsection (d);

(d) If it is determined after an informal hearing that a student's presence in his normal class would constitute a threat to the health, safety or welfare of others and it is not possible to hold a formal hearing within the period of a suspension, the student may be excluded from school for more than 10 school days. A student may not be excluded from school for longer than 15 school days without a formal hearing unless mutually agreed upon by both parties. Any student so excluded shall be provided with alternative education, which may include home study;

(e) Students who are under 18 years of age are still subject to the compulsory school attendance law even though expelled and shall be provided an education.

(1) The initial responsibility for providing the required education rests with the student's parents or guardians, through placement in another school, tutorial or correspondence study or another educational program approved by the district's superintendent.

(2) Within 30 days of action by the governing board, the parents or guardians shall submit to the school district written evidence that the required education is being provided as described in paragraph (1) or that they are unable to do so. If the parents or

guardians are unable to provide the required education, the school entity shall, within 10 days of receipt of the notification, make provision for the student's education. A student with a disability shall be provided educational services as required by the Individuals With Disabilities Education Act (20 U.S.C.A. §§ 1400—1482).

(3) If the approved educational program is not complied with, the school entity may take action in accordance with 42 Pa.C.S. Chapter 63 (relating to the Juvenile Act) to ensure that the child will receive a proper education. See § 12.1(b) (relating to free education and attendance)

⁴ Following the Reauthorization of the Individuals with Disabilities Education Improvement Act of 2004 and the promulgation of revised implementing regulations, provisions relating to discipline procedures may now be found at 34 C.F.R. §§300.530-300.536

22 PA. CODE SECTION 12.7: EXCLUSION FROM CLASS – IN-SCHOOL SUSPENSION

Regulatory Requirement:

(a) A student may not receive an in-school suspension unless the student has been informed of the reasons for the suspension and has been given an opportunity to respond before the suspension becomes effective;

(b) Communication to the parents or guardian shall follow the suspension action taken by the school;

(c) When the in-school suspension exceeds 10 consecutive school days, an informal hearing with the principal shall be offered to the student and the student's parent or guardian prior to the 11th school day in accordance with the procedures in § 12.8 (relating to hearings);

(d) The student's school entity has the responsibility to make provision for the student's education during the period of the in-school suspension.

Department Expectations: BASD will reflect the requirements set for in Section 12.7 for in-school suspensions in their annual notifications to students and parents. Local policies shall be in compliance with the requirements.

22 PA. CODE SECTION 12.8: HEARING

Regulatory Requirement:

(a) *General.* Education is a statutory right, and students shall be afforded due process if they are to be excluded from school. In a case involving a possible expulsion, the student is entitled to a formal hearing;

(b) *Formal hearings.* A formal hearing is required in all expulsion actions. This hearing may be held before the governing board or an authorized committee of the board or a qualified hearing examiner appointed by the board. When a committee of the board or a hearing examiner conducts the hearing, a majority vote of the entire governing board is required to expel a student. The following due process requirements shall be observed with regard to the formal hearing:

(1) Notification of the charges shall be sent to the student's parents or guardians by certified mail.

(2) At least three days' notice of the time and place of the hearing shall be given. A copy of the expulsion policy, notice that legal counsel may represent the student and hearing procedures shall be included with the hearing notice. A student may request the rescheduling of the hearing when the student demonstrates good cause for an extension.

(3) The hearing shall be held in private unless the student or parent requests a public hearing.

(4) The student may be represented by counsel, at the expense of the parents or guardians, and may have a parent or guardian attend the hearing.

(5) The student has the right to be presented with the names of witnesses against the student, and copies of the statements and affidavits of those witnesses.

(6) The student has the right to request that the witnesses appear in person and answer questions or be cross-examined.

(7) The student has the right to testify and present witnesses on his own behalf.

(8) A written or audio record shall be kept of the hearing. The student is entitled, at the student's expense, to a copy. A copy shall be provided at no cost to a student who is indigent.

(9) The proceeding shall be held within 15 school days of the notification of charges, unless mutually agreed to by both parties. A hearing may be delayed for any of the following reasons, in which case the hearing shall be held as soon as reasonably possible:

(i) Laboratory reports are needed from law enforcement agencies.

(ii) Evaluations or other court or administrative proceedings are pending due to a student invoking his rights under the Individuals With Disabilities Education Act (20 U.S.C.A. §§ 1400—1482).

(iii) In cases in juvenile or criminal court involving sexual assault or serious bodily injury, delay is necessary due to the condition or best interests of the victim.

(10) Notice of a right to appeal the results of the hearing shall be provided to the student with the expulsion decision.

(c) *Informal hearings.* The purpose of the informal hearing is to enable the student to meet with the appropriate school official to explain the circumstances surrounding the event for which the student is being suspended or to show why the student should not be suspended;

(1) The informal hearing is held to bring forth all relevant information regarding the event for which the student may be suspended and for students, their parents or guardians and school officials to discuss ways by which future offenses might be avoided.

(2) The following due process requirements shall be observed in regard to the informal hearing:

(i) Notification of the reasons for the suspension shall be given in writing to the parents or guardians and to the student.

(ii) Sufficient notice of the time and place of the informal hearing shall be given

(iii) A student has the right to question any witnesses present at the hearing.

(iv) A student has the right to speak and produce witnesses on his own behalf.

(v) The school entity shall offer to hold the informal hearing within the first five days of the suspension.

22 PA. CODE SECTION 12.9: FREEDOM OF EXPRESSION

Regulatory Requirement:

(a) The right of public school students to freedom of speech is guaranteed by the Constitution of the United States and the Constitution of the Commonwealth;

(b) Students shall have the right to express themselves unless the expression materially and substantially interferes with the educational process, threatens serious harm to the school or community, encourages unlawful activity or interferes with another individual's rights;

(c) Students may use publications, handbills, announcements, assemblies, group meetings, buttons, armbands and any other means of common communication, provided that the use of public school communications facilities shall be in accordance with the regulations of the authority in charge of those facilities:

(1) Students have the responsibility to obey laws governing libel and obscenity and to be aware of the full meaning of their expression.

(2) Students have the responsibility to be aware of the feelings and opinions of others and to give others a fair opportunity to express their views.

(d) Identification of the individual student or at least one responsible person in a student group may be required on posted or distributed materials;

(e) School officials may require students to submit for prior approval a copy of materials to be displayed, posted or distributed on school property;

(f) Bulletin boards must conform to the following:

(1) School authorities may restrict the use of certain bulletin boards.

(2) Bulletin board space should be provided for the use of students and student organizations.

(3) School officials may require that notices or other communications be officially dated before posting, and that the materials be removed after a prescribed reasonable time to assure full access to the bulletin boards.

(g) School newspapers and publications must conform to the following:

(1) Students have a right and are as free as editors of other newspapers to report the news and to editorialize within the provisions in paragraphs (4) and (5).

(2) School officials shall supervise student newspapers published with school equipment, remove obscene or libelous material and edit other material that would cause a substantial disruption or interference with school activities.

(3) School officials may not censor or restrict material simply because it is critical of the school or its administration.

(4) Prior approval procedures regarding copy for school newspapers must identify the individual to whom the material is to be submitted and establish a limitation on the time required to make a decision. If the prescribed time for approval elapses without a decision, the material shall be considered authorized for distribution.

(5) Students who are not members of the newspaper staff shall have access to its pages. Written criteria for submission of material by non staff members shall be developed and distributed to all students.

(h) The wearing of buttons, badges or armbands shall be permitted as another form of expression within the restrictions listed in Subsection (c);

(i) School officials may set forth the time and place of distribution of materials so that distribution would not materially or substantially interfere with the requirements of appropriate discipline in the operation of the school:

(1) A proper time and place set for distribution is one that would give the students the opportunity to reach fellow students.

(2) The place of the activity may be restricted to permit the normal flow of traffic within the school and at exterior doors.

22 PA. CODE SECTION 12.10: FLAG SALUTE AND PLEDGE OF ALLEGIANCE

Regulatory Requirement: It is the responsibility of every citizen to show proper respect for his country and its flag:

(1) Students may decline to recite the Pledge of Allegiance and may refrain from saluting the Flag on the basis of personal beliefs or religious convictions.

(2) Students who choose to refrain from such participation shall respect the rights and interests of classmates who do wish to participate. The choice to participate or not to participate shall be respected by all members of the BASD community.

22 PA. CODE SECTION 12.11: HAIR AND DRESS

Regulatory Requirement:

(a) The governing board may establish dress codes or require that students wear school uniforms. Policies may apply to individual school buildings or to all school buildings;

(b) Students have the right to govern the length or style of their hair, including facial hair. Any limitation of this right must include evidence that length or style of hair causes disruption of the educational process or constitutes a health or safety hazard. When length or style of the hair presents a health or safety hazard, some types of covering shall be used;

(c) Students may be required to wear certain types of clothing while participating in physical education classes, shops, extracurricular activities or other situations when special attire may be required to insure the health or safety of the student;

(d) Students have the responsibility to keep themselves, their clothes and their hair clean. School officials may impose limitations on student participation in the regular instructional program when there is evidence that the lack of cleanliness constitutes a health hazard.

22 PA. CODE SECTION 12.12: CONFIDENTIAL COMMUNICATIONS

Regulatory Requirement:

- (a) Use of a student's confidential communications to school personnel in legal proceedings is governed by statutes and regulations appropriate to the proceeding. See, for example, 42 Pa.C.S. § 5945 (relating to confidential communications to school personnel);
- (b) Information received in confidence from a student may be revealed to the student's parents or guardians, the principal or other appropriate authority when the health, welfare or safety of the student or other persons is clearly in jeopardy.

22 PA. CODE SECTION 12.14: SEARCHES

Regulatory Requirement:

- (a) The governing board of every school entity shall adopt reasonable policies and procedures regarding student searches. The local education agency shall notify students and their parents or guardians of the policies and procedures regarding student searches;
- (b) Illegal or prohibited materials seized during a student search may be used as evidence against the student in a school disciplinary proceeding;
- (c) Prior to a locker search, students shall be notified and given an opportunity to be present. When school authorities have a reasonable suspicion that the locker contains materials that pose a threat to the health, welfare or safety of students in the school, student lockers may be searched without prior warning.