

Bangor Area School District

Excellence Today-Success Tomorrow

Code of Conduct



NOTICE OF NONDISCRIMINATION

The Bangor Area School District does not discriminate based on race, color, ancestry or national origin, religion, sex, sexual orientation, gender identity, gender expression, marital status, disability, veteran status, genetic information, or age in its programs and activities.

For inquiries regarding the nondiscrimination policies, please contact:

Title IX Coordinator

123 Five Points Richmond Road
Bangor PA, 18013
Phone 610-588-2163 (extension 8822)
Fax 610-599-7040

OR

Director of Special Education and Coordinator – Section 504

123 Five Points Richmond Road
Bangor PA, 18013
Phone 610-588-2163 (extension 8851)
Fax 610-599-7040

If you believe you have been treated differently because of your race or color, national origin or ethnicity, religion or creed, sex or gender, age, physical or mental disability, genetic information, marital status, sexual orientation, or gender identity or expression, you have the right to file a complaint with the Title IX Coordinator. You must file a complaint within 90 days of the most recent act(s) of discrimination or harassment.

Table of Contents

Section 1 – General Information	4
Creating Safe and Supportive Learning Environments	4
Students with Disabilities	4
Behavioral Foundations for Early Learners	5
Application of the Code of Conduct (Board Policy 218)	5
Tiered Levels of Discipline	5
Threat Assessment Team (Board Policy 236.1)	6
Role of School Police (Board Policy 805.2)	6
Searches (Board Policy 226)	6
Bangor Alternative to Support Education (B.A.S.E.)	7
Discipline of Student Convicted/Adjudicated of Sexual Assault (Board Policy 218.3)	7
Student ID	8
Section 2 – Student Rights and Responsibilities (Board Policy 235)	9
Student Rights	9
Student Responsibilities	9
Section 3 – Dress Code (Board Policy 221)	10
Section 4 – Technology Code (Board Policy 815)	11
General Prohibitions	11
Access and Security Prohibitions	12
Operational Prohibitions	12
Personal Electronic Devices (Policy – 237)	13
Section 5 – Reporting and Investigative Procedures	14
Reporting	14
Investigation	14
Section 6 – Infractions and Levels of Intervention and Disciplinary Response	15
Section 7 – Levels of Intervention and Disciplinary Response	19
Section 8 – Procedures for School Exclusions	20
School Exclusions	20
General Guidelines	20
Short-term Exclusion from School	21
Long-term Exclusion from School	21
Expulsion	21
Hearing Procedures	22
Informal Hearing	22
Formal Hearing	22
Section 9 – Dictionary of Disciplinary Interventions and Responses	24
Section 10 – Dictionary of Disciplinary Infractions	26

Section 1 – General Information

The Bangor Area School District's (BASD) Code of Conduct was written in accordance with Pennsylvania law, the policies of the Bangor Area School Board and the supporting District administrative regulations. The Code of Conduct was developed to provide levels of disciplinary action to coincide with the severity of an incident. The Code focuses on ways to teach students appropriate behavior and redirect inappropriate behavior. Disciplinary actions should promote positive relationships, in addition to student learning and responsibility, through preventative and intervention strategies. The use of suspensions and expulsions as disciplinary actions are a last resort and should be implemented in a way that promotes and maintains a student's academic program. All stakeholders, including students, staff, families, and community partners, are entitled to a safe, supportive, positive, and orderly learning environment.

Creating Safe and Supportive Learning Environments

Expectations of Students	Expectations of Families (Parents & Guardians)	Expectations of School Staff
<i>I will...</i>	<i>I will...</i>	<i>I will...</i>
Share with school staff when I feel uncomfortable or threatened.	Share with school staff when I feel that my children feel uncomfortable or threatened.	Share with administrators when I feel uncomfortable or threatened.
Respect and follow the rules for the safety of myself and others.	Respect the rules of safety that were developed specifically for my child's school and community.	Respect the rules of safety that were developed specifically for my school and community.
Share ideas and strategies for improving school climate and discipline practices.	Share ideas and strategies for improving school climate and school discipline practices.	Share ideas and strategies for improving school climate and school discipline practices.
Encourage others to follow school rules.	Send my children to school ready to learn and assist my child with homework and other school assignments.	Come to school prepared to support diverse student learners and deliver engaging lessons that meet the needs of diverse learning styles.

Students with Disabilities

Additional steps must be taken when students with disabilities, including those with Individualized Education Programs (IEP) and Section 504 Plans, are disciplined. The Code of Conduct requires BASD to follow Board policies, administrative regulations, and state and federal laws concerning the discipline of students with disabilities, including procedures for determining manifestation, conducting Functional Behavioral Assessments (FBA), and developing Positive Behavior Support Plans (PBSP).

If a student with an IEP or 504 Plan is suspended or expelled for more than 10 consecutive school days or 15 cumulative days in one school year, the IEP or Section 504 team must meet within 10 school days of the incident for a manifestation determination meeting. At the manifestation determination, the IEP or Section 504 team will determine whether the student's conduct was a manifestation of the student's disability. If the team determines that the behavior is a manifestation and the incident did not involve a weapon, drugs, or serious bodily injury, then the student will be permitted to return to school. The student will also be returned to school if the team determines that the behavior is a direct result of BASD's failure to implement the student's IEP. Inappropriate behaviors related to a student's disability will be addressed through the IEP and Section 504 process to ensure that the student receives services and modifications designed to prevent the behavior's recurrence. The district shall comply with Board Policy 113.1, Discipline of Students with Disabilities.

Behavioral Foundations for Early Learners

BASD's primary education programs are the first step on the path toward school success. The district assumes its responsibility to teach expected behaviors, particularly in grades K-2. In supporting the developmental needs of early learners, BASD generally prohibits the exclusions of kindergarten, first, and second-grade students, subject to exceptions:

- Students (K to Grade 2) are found to be in violation of federal or state law or District policies or who have multiple discipline infractions that progress through the tiered level of responses and reaches a level of exclusion.
- If the school administration, in consultation with a school psychologist or mental health professional, determines that there is an imminent threat of serious harm to other students or staff that cannot be reduced or eliminated through interventions and supports.

Application of the Code of Conduct (Board Policy 218)

This policy and the Code of Student Conduct always apply to the behavior of students during the time they are under the supervision of the school or at any time while on school property, while present at school-sponsored activities, and while traveling to or from school and school-sponsored activities or at other times while riding in school-provided means of transportation ("on-campus"). BASD does not have the authority for incidents of student behavior occurring at other times and places ("off-campus") except when:

1. The conduct involves, threatens, or makes more likely violence, use of force or other serious harm directed at students, staff, or the school environment.
2. The conduct materially and substantially disrupts or interferes with the school environment or the educational process, such as school activities, schoolwork, discipline, safety, and order on school property or at school functions.
3. The conduct interferes with or threatens to interfere with the rights of students or school staff or the safe and orderly operation of the schools and their programs.
4. The conduct involves the theft or vandalism of school property.
5. The proximity, timing, or motive for the conduct in question or other factors pertaining to the conduct otherwise establish a direct connection to attendance at school, to the school community, or to a school-sponsored activity. This would include, for example, but not be limited to, conduct that would violate the Code of Student Conduct if it occurred in school that is committed in furtherance of a plan made or agreed to in school, or acts of vandalism directed at the property of school staff because of their status as school staff.

Tiered Levels of Discipline

When students are disruptive or act inappropriately, school staff and principals must respond restoratively, rationally, appropriately, consistently, and fairly. The BASD Code of Conduct describes four levels of possible response to inappropriate and disruptive behavior.

LEVEL I: CLASSROOM INTERVENTIONS AND RESPONSES – May be appropriate when the behavior is a minor infraction, the student has had no prior incidents, and/or interventions are not in place.

LEVEL III: ADMINISTRATOR ENFORCED HIGHER-LEVEL INFRACTIONS - May be appropriate given the seriousness of the offense and impact on the school community and/or when documented interventions and supports are in place but the behavior is escalating.

LEVEL II: ADMINISTRATOR/TEACHER ENFORCED LOWER-LEVEL INFRACTIONS – May be appropriate when supports are in place in the classroom and/or school community to address behavior, but the behavior has continued to negatively influence the learning of the student or others.

LEVEL IV: SERIOUSLY DANGEROUS/VIOLENT BEHAVIOR, VIOLATION OF PA CRIMINAL CODE – These offenses include behaviors that represent an immediate danger to the safety of the school community. Infractions at this level may require immediate administrator and police referral.

Each infraction is assigned to one or more tiers of response. Administrators and staff must consider all relevant circumstances, including the student's motivation, past discipline record, disability status, and personal circumstances before determining an appropriate intervention and disciplinary response.

In certain circumstances, disciplinary responses exclude students from the classroom or school environment. In these cases, BASD's goal is to make sure students continue their education, receive appropriate educational services, and learn strategies to replace inappropriate behaviors. Administrators should use the lowest level response that is appropriate for the infraction. When appropriate, exclusion from school, particularly out-of-school suspension, should be used as a last resort after other interventions have been tried. The duration of any school exclusion should align with the anticipated time necessary to achieve the student's individual behavior goal(s).

The principal and/or designee may recommend modifications to interventions and disciplinary responses on a case-by-case basis which may consider the age of the student and the nature of the violation in determining appropriate disciplinary action. Assigned consequences may carry over to the following school year or upon a student's return to BASD.

Threat Assessment Team (Board Policy 236.1)

When a student's behavior indicates a threat to the safety of the student, other students, school employees, school facilities, the community or others, district staff shall report the student to the threat assessment team, in accordance with applicable law and Board policy. The threat assessment team shall document, assess, and respond to reports received regarding students whose behavior may indicate a threat to the safety of the student, other students, school employees, school facilities, the community, or others. The threat assessment team shall assist in assessing and responding to reports that are received through the Safe2Say Something Program identifying students who may be a threat to themselves or others. The threat assessment team shall assist in assessing and responding to reports of students exhibiting self-harm or suicide risk factors or warning signs, as identified in accordance with applicable law and Board policy.

Role of School Police (Board Policy 805.2)

The BASD Police Department exists to ensure safety by building positive relationships with our school community. School administrators handle disciplinary actions for students' behavioral infractions. School police are not involved in matters of routine discipline unless the disciplinary infraction could be considered a crime. If an imminent threat of serious harm cannot be avoided and it is determined that police intervention is necessary to resolve a situation, students are afforded all relevant due process rights guaranteed under federal, state, and local law. For police assistance during a non-emergency, school police should be contacted at 610-588-2163, extension 1850. In an emergency, 911 should be dialed first and school police should be contacted immediately thereafter.

Searches (Board Policy 226)

District personnel may lawfully search students or their belongings including, but not limited to, lockers, automobiles, electronic devices, purses, backpacks, clothing, and other possessions, without a warrant if there is reasonable suspicion of a threat to the health, safety or welfare of the student or the school population. This policy applies whenever students and/or their belongings are in school, on school property, attending school-sponsored functions (including extracurricular or co-curricular activities on or off school premises), on school-sponsored transportation, or otherwise under school supervision.

The district may conduct lawful searches in circumstances where there is a threat to the health, safety, or welfare of the school population. The results of searches may be used as evidence against the student in disciplinary, juvenile, or criminal proceedings. The district must cooperate with law enforcement and may partner with law enforcement to conduct searches by canine units on the premises to search for drugs or other illegal contraband. Students failing to cooperate with searches may be disciplined up to and including expulsion and/or charged with obstruction of justice.

Random or general searches for weapons may be conducted when there are circumstances, information, or events tending to indicate an increased likelihood that students may be armed or headed for physical confrontation because of community strife or tensions, or as a continuation or escalation of a prior incident, in or out of school, which threatens to spill over into school, into a school-sponsored activity, or into other times and places that students are under school supervision. Random or general searches for controlled substances may be conducted when there are circumstances, events or information tending to indicate significant drug use, possession, or trafficking among students in school.

Bangor Alternative to Support Education (B.A.S.E.)

The B.A.S.E. program provides a small, structured learning environment and counseling for students whose behaviors indicate a need for additional support. The B.A.S.E. program is designed as a short-term intervention to address student behaviors. The program provides a combination of academic instruction and counseling. The primary goal is to assist students to return successfully to their traditional education setting. The Bangor Area School District may not use the program to discriminate based on race, national origin, disability, and/or any other category. The B.A.S.E. program will help students work on behaviors while at the same time maintaining their academic program. Once students meet their goal(s) and/or term of placement, they transition back to their traditional education setting.

Discipline of Student Convicted/Adjudicated of Sexual Assault (Board Policy 218.3)

A student who is convicted of sexual assault upon another student enrolled in this district shall be required to notify the Superintendent or designee of the conviction no later than seventy-two (72) hours after the conviction.

Upon report of a conviction or adjudication of sexual assault upon a district student, the Superintendent or designee shall take one (1) of the following actions against the convicted or adjudicated student:

1. Recommend that the Board expel the student, in accordance with law and Board policy.
2. Transfer the student to an alternative education program.
3. Reassign the student to another school or educational program within the district.

If the convicted or adjudicated student has already been expelled, transferred, or reassigned, or if the victim does not attend the same school, no additional action regarding expulsion, transfer or reassignment is required by the district. Although action is not required, the district maintains the authority to make an alternative assignment or provide alternative educational services during or after an expulsion at the discretion of the Superintendent or designee.

Upon report of a conviction or adjudication of sexual assault upon a district student that occurred in the school setting, the Superintendent or designee shall notify the Title IX Coordinator to determine whether the incident has been addressed in accordance with applicable Board policy.

In the case of a student with a disability, including a student for whom an evaluation is pending, prior to implementing any disciplinary removal or considering a change of placement for the student, the district shall coordinate with the student's Individualized Education Program (IEP) team and take all steps required to comply with state and federal laws and regulations, and Board policies.

The district shall ensure that the convicted or adjudicated student is prohibited from taking part in the following activities at the same time as the victim:

1. Being educated in the same school building.
2. Being transported in the same school vehicle.
3. Participating in the same school-sponsored activity.

Return of Student to School

The district may return the student who is expelled, transferred, or reassigned, to the student's originally assigned school if one (1) of the following circumstances occur:

1. The victim is no longer enrolled in the district.
2. The conviction or adjudication has been reversed and is not pending appeal.

Transfer Students

When the school district receives a student, who transfers from a public or private school during or after an expulsion period for an act or offense involving a sexual assault conviction or adjudication, the district may assign that student to an alternative assignment or may provide alternative education services.

Student ID

Students may be required to wear school identification in schools during school hours.

DRAFT

Section 2 – Student Rights and Responsibilities (Board Policy 235)

Student Rights

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.

Parents or guardians of all children between the ages of 6 and 18 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).

Student Responsibilities

Student responsibilities include 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.

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.

Students should express their ideas and opinions in a respectful manner.

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 health and safety 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 for 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. Student media is a structured and practical learning environment to apply skills and knowledge gained in the classroom. Student media reports on events and activities in BASD schools. Examples of student media include school newspapers, school news broadcasts, social media outlets, etc.
- 11) Never use obscene language in student media or on school premises.

Section 3 – Dress Code (Board Policy 221)

The School Board recognizes that each student's mode of dress and grooming is a matter of personal style and individual preference. The School Board will not interfere with the rights of students and their parents/guardians to make decisions regarding their appearance except when their choices affect the educational program of the schools or the health and safety of self and/or others. Under state guidelines, schools have the responsibility to act against improper dress which:

- 1) Is disruptive to the school program.
- 2) Is a health or safety hazard.

These guidelines are offered in a helpful way and the Board wishes to ensure that all rules in implementing the dress code policy impose only minimal restrictions on the exercise of the student's taste and individuality. The School Board, through its administrators, reserves the right to consider the health, sanitation, and safety of the pupils of our schools and it has the responsibility to ensure the fair and consistent application of the dress code in the District.

The following is a list of guidelines for inappropriate articles of clothing or accessories, or how clothing items or accessories are worn, which are expressly forbidden:

- 1) The school reserves the right to prohibit clothing and accessories which disrupt the educational environment; or which indicate, promote, or suggest drugs, alcohol, tobacco, or the distributors of such; or which are offensive, obscene, or immoral; or which are sexually suggestive; or which promote statements that are derogatory to any racial, ethnic, or religious group; or which contain inappropriate double meanings, advocate violent acts, or are gang related.
- 2) Footwear must always be worn and must be designed for outdoor use. Any footwear that damages the floors will not be permitted.
- 3) Visible skin or underwear from the thigh to the level of the armpits is prohibited.
- 4) Clothing with dangerous attachments and accessories such as wrist, ankle, or neck bands and belts with spikes or studs, handcuffs, heavy or thick chains, and/or waist or wallet chains are not permitted.
- 5) Administrators may prohibit certain jewelry or other adornments (including body piercings) that could pose a danger to self or others in crowded halls, rooms, or during class activities.
- 6) Students are to remove head coverings (e.g., hats, bandanas, hoodies) once they enter the building and place them in their lockers for the remainder of the school day. Religious exceptions are permitted upon request of the student or his/her parent(s)/guardian(s). Such requests should be made to the building principal.
- 7) Sunglasses, except with prior administrative permission and required medical verification, are not to be worn indoors.
- 8) Tattoos that are disruptive to the educational process must be covered.

Various instructional departments in the school (e.g., Science, Technology Education, Physical Education, etc.) may institute specific dress code guidelines for demonstration and hands-on activities to ensure student safety during these experiences. Any matters not specifically stated in the dress code are subject to administrative review and regulation. Building administrators reserve the right to individually review student dress and, if found unacceptable, take appropriate action, which may include discipline.

Section 4 – Technology Code (Board Policy 815)

Access to the district's computers/devices, network, Internet, electronic communications, and information systems (collectively known as CIS systems) through school resources is a privilege, not a right. CIS systems, as well as the student accounts and information, are the property of the district, which reserves the right to deny access to prevent further unauthorized, inappropriate, or illegal activity, and may revoke those privileges and/or administer appropriate disciplinary action. The district will cooperate to the extent legally required with Internet Service Provider (ISP), local, state, and federal officials in any investigation concerning or related to the misuse of the CIS systems.

The district reserves the right to restrict access to any Internet sites or functions it may deem inappropriate through established Board policy, software blocking or online server blocking. Specifically, the district operates and enforces technology protection measure(s) that monitor and track online activities of minors on its computers used and accessible to adults and students to filter or block inappropriate matter on the Internet. Inappropriate matter includes, but is not limited to, visual, graphic, text and any other form of obscene, sexually explicit, child pornographic, or other material that is harmful to minors, hateful, illegal, defamatory, lewd, vulgar, profane, rude, inflammatory, threatening, harassing, discriminatory, violent, bullying, terroristic, and advocates the destruction of property.

The use of the district's CIS systems for illegal, inappropriate, unacceptable, or unethical purposes by students is prohibited. Such activities engaged in by students are strictly prohibited and illustrated in this policy. The district reserves the right to determine if any activity not stated in this policy constitutes an acceptable or unacceptable use of the CIS systems.

These prohibitions are in effect any time district resources are accessed whether on district property, when using mobile commuting equipment, telecommunication facilities in unprotected areas or environments, directly from home, or indirectly through another ISP, and if relevant, when an employee or student uses their own equipment.

General Prohibitions

Students are prohibited from using district CIS systems to:

- 1) Send, receive, view, download, access or transmit material that is indecent, obscene, pornographic, child pornographic, terroristic, or advocates the destruction of property.
- 2) Send, receive, view, download, access or transmit inappropriate matter and material likely to be offensive or objectionable to recipients including, but not limited to, that which may be defamatory, inaccurate, obscene, sexually explicit, lewd, hateful, harassing, discriminatory, violent, vulgar, rude, inflammatory, threatening, profane, pornographic, offensive, terroristic and/or illegal.
- 3) Access or transmit gambling or pools for money, including but not limited to, basketball and football, or any other betting or games of chance.
- 4) Send terroristic threats, hate mail, harassing communications, discriminatory remarks, and offensive or inflammatory communications.
- 5) Facilitate any illegal activity.
- 6) Install, distribute, reproduce, or use copyrighted software on district computers, or copy district software to unauthorized computer systems, intentionally infringing upon the intellectual property rights of others or violating a copyright.
- 7) Bypass or attempt to bypass Internet filtering software by any method including, but not limited to, the use of anonymizers/proxies or any websites that mask the content the student is accessing or attempting to access.
- 8) Attempt to/or obtain personal information under false pretenses with the intent to defraud another person.
- 9) Moving or relocation of computers or peripherals. The authority to move or relocate computers is restricted to the Director of Technology or designee.
- 10) Resell District-owned electronic devices.

Access and Security Prohibitions

Students must immediately notify a District staff member if they have identified a possible security problem. The following activities related to access to the district's CIS systems and information are prohibited:

- 1) Misrepresentation (including forgery) of the identity of a sender or source of communication.
- 2) Acquiring or attempting to acquire passwords of another. Students will be held responsible for the result of any misuse of students' names or passwords while the students' systems access were left unattended and accessible to others, whether intentional or through negligence.
- 3) Using or attempting to use computer accounts of others; these actions are illegal, even with consent, or if only for the purpose of "browsing."
- 4) Using district resources to engage in any illegal act, which may threaten the health, safety or welfare of any person or persons, such as arranging for a drug sale or the purchase of alcohol, engaging in criminal activity, or being involved in a terroristic threat against any person or property.
- 5) Disabling or circumventing any district security, program, or device, for example, but not limited to, anti-spyware, anti-spam software, and virus protection software or procedures.
- 6) Transmitting electronic communications anonymously or under an alias unless authorized by the district.
- 7) Students must protect and secure all electronic resources and information, data, and records of the district from theft and inadvertent disclosure to unauthorized individuals or entities when they are under the supervision and control of the district, and when they are not under the supervision and control of the district, for example, but not limited to, working at home, on vacation or elsewhere.

Operational Prohibitions

The following operational activities and behaviors are prohibited:

- 1) Interference with or disruption of the CIS systems, network accounts, services, or equipment of others, including, but not limited to, the propagation of computer worms and viruses, Trojan Horse and trapdoor program code, the sending of electronic chain mail, distasteful jokes, and the inappropriate sending of broadcast messages to large numbers of individuals or hosts. The student may not hack or crack the network or others' computers, whether by parasite ware or spyware designed to steal information, or viruses and worms or other hardware or software designed to damage the CIS systems, or any component of the network, or strip or harvest information, or completely take over a person's computer, or to "look around."
- 2) Altering or attempting to alter files, system security software or the systems without authorization.
- 3) Unauthorized scanning of the CIS systems for security vulnerabilities.
- 4) Attempting to alter any district computing or networking components (including, but not limited to, file servers, bridges, routers, or hubs) without authorization.
- 5) Unauthorized wiring, including attempts to create unauthorized network connections, or any unauthorized extension or retransmission of any computer, electronic communications systems, or network services, whether wired, wireless, cable, or by other means.
- 6) Connecting unauthorized hardware and devices to the CIS systems.
- 7) Loading, downloading, or use of unauthorized games, programs, files, or other electronic media, including, but not limited to, downloading music files.
- 8) Intentionally damaging or destroying the integrity of the district's electronic information.
- 9) Intentionally destroying the district's computer hardware or software.
- 10) Intentionally disrupting the use of the CIS systems.
- 11) Damaging the district's CIS systems or networking equipment through the students' negligence or deliberate act.
- 12) Failing to comply with requests from appropriate teachers or district administrators to discontinue activities that threaten the operation or integrity of the CIS systems.

Personal Electronic Devices (Policy – 237)

Electronic devices shall include all devices that can take photographs; record, play or edit audio or video data; store, transmit or receive calls, messages, text, data, or images; operate online applications; or provide a wireless, unfiltered connection to the Internet. Personal electronic device shall mean any electronic device not provided to the student by the district.

Use shall include carrying or possessing a personal electronic device that is either visible or can be heard, with or without a personal listening device such as earphones, ear buds, Bluetooth, etc. A cell phone set on “vibrate” or “manner mode” shall be in use. A personal electronic device that emits an audible signal, vibrates, displays a message, or otherwise summons the possessor shall be a personal electronic device deemed “in use.” A personal electronic device, even if placed in an “off” position but visible to others, shall be deemed “in use.” A personal electronic device in an “off” position and stored out-of-sight in a backpack, book bag, pocket, purse, vehicle, etc. shall not be deemed “in use.”

The district authorizes the use of personal electronic devices in the classroom, in education-related activities and in other locations at the discretion of staff.

The district shall not be liable for the loss, damage, or misuse of any personal electronic device.

The Board prohibits the taking, storing, disseminating, transferring, viewing, or sharing of obscene, pornographic, lewd, or otherwise illegal images or photographs, whether by electronic data transfer or other means, including but not limited to texting and emailing.

When such violations constitute a crime under state and/or federal law, the district will report such conduct to law enforcement agencies. Personal electronic devices brought onto district property, at district events, or connected to the district’s network, that the district reasonably believes contains district information or information that violates a district policy or contains information/data that the district reasonably believes involves a criminal activity, may be legally accessed to ensure compliance with this policy, other district policies, and applicable laws.

Violations of this Policy by a student may result in disciplinary action up to and including the confiscation of the electronic device and expulsion.

Section 5 – Reporting and Investigative Procedures

Reporting

- 1) A student or staff member who believes s/he has been subject to conduct by any student that constitutes a violation of this Code of Conduct is encouraged to immediately report the incident to the building principal or designee. Any person with knowledge of conduct that may violate this Code of Conduct is encouraged to immediately report the matter to the building principal or designee.
- 2) The complainant may be encouraged to put the complaint in writing; however, oral complaints shall be accepted, documented, and the procedures of this Code of Conduct implemented. The person accepting the verbal or written complaint may provide information on the complaint and the investigative process, the impact of choosing to seek confidentiality and the right to file criminal charges. In all other respects, the person accepting the complaint shall handle the report objectively, neutrally, and professionally, setting aside personal biases that might favor or disfavor the complainant or those accused of a violation of this Code of Conduct.

Investigation

- 1) The building principal or designee shall:
 - a. Conduct an adequate, reliable, and impartial investigation.
 - b. Gather information by talking to students, teachers, school staff, or other witnesses to the incident.
 - c. If appropriate, conduct a search of the student, his/her locker, desk, or personal belongings, following the Board's Policy 226.
 - d. Identify factors that may have contributed to the incident and seek to understand the full context.
 - e. Determine whether the student's alleged behavior falls within the Code of Conduct and the level of infraction.
 - f. Report initial findings with the student and provide the opportunity to explain his/her actions.
 - g. Decide and assign interventions or consequences according to the Code of Conduct.
 - i. The building principal or designee has the final authority to assign interventions and consequences based on the results of the investigation.
 - ii. Follow the procedures and guidelines contained in the Board policy regarding Discipline of Students with Disabilities (Board Policy 113.1), students with Section 504 Plans, and Pa State regulations regarding disciplinary exclusion (suspension and expulsion) of students who are eligible for special education.
 - h. Contact the student's parents/guardians and discuss the incident, infraction, and interventions and/or consequences.
- 2) If the investigation reveals that the conduct being investigated may involve a violation of criminal law, the building principal or designee shall promptly notify the Bangor Area School District Police Department.
- 3) The person making the report and witnesses shall be informed of the prohibition against retaliation for anyone's participation in the process and that conduct believed to be retaliatory should be reported to the principal or designee.
- 4) All individuals providing statements or other information or participating in the investigation shall be instructed to keep the matter confidential and to report any concerns about confidentiality to the principal or designee.

Section 6 – Infractions and Levels of Intervention and Disciplinary Response

Tiered Levels of Intervention and Disciplinary Response					
LEVEL I: CLASSROOM INTERVENTIONS AND RESPONSES – May be appropriate when the behavior is a minor infraction, the student has had no prior incidents, and/or interventions are not in place.	LEVEL II: ADMINISTRATOR/TEACHER ENFORCED LOWER-LEVEL INFRACTIONS – May be appropriate when supports are in place in the classroom and/or school community to address behavior, but the behavior has continued to negatively influence the learning of the student or others.				
LEVEL III: ADMINISTRATOR ENFORCED HIGHER-LEVEL INFRACTIONS - May be appropriate given the seriousness of the offense and impact on the school community and/or when documented interventions and supports are in place but the behavior is escalating.	LEVEL IV: SERIOUSLY DANGEROUS/VIOLENT BEHAVIOR, VIOLATION OF PA CRIMINAL CODE – These offenses include behaviors that represent an immediate danger to the safety of the school community. Infractions at this level require immediate administrator and police referral.				
Final decisions regarding the type and/or pervasiveness/severity of the behavior and the disciplinary consequences to be applied are at the discretion of the administration. In all cases, the level of disciplinary action may be accelerated for repeat offenders and/or due to the pervasiveness/severity of the offense(s).					
Inappropriate or Disruptive Behavior <small>*State Reportable Infraction</small>	Level I	Level II	Level III	Level IV	Police Referral
Academic Integrity (Policy 145-Academic Integrity)					
Cheating	✓	✓			
Plagiarism	✓	✓			
The student may receive other consequences which may include a failing grade on the assignment, failing the course, the student being dropped from the course.					
Alcohol (Policy 227-Drug Awareness)					
Distributing or Selling*			✓	✓	✓
Possessing (includes empty containers)*			✓	✓	✓
Under the Influence or Using*			✓	✓	✓
Attack/Physical Contact					
Physical Aggression-Student	✓	✓	✓		
Simple Assault-Student*			✓	✓	✓
Aggravated Assault-Student*			✓	✓	✓
Physical Aggression-Staff Member		✓	✓		
Simple Assault-Staff Member*			✓	✓	✓
Aggravated Assault-Staff Member*			✓	✓	✓
Avoiding Class					
Arriving to a Scheduled Class Late	✓	✓			
Eloping		✓	✓		
Failure to Report to a Scheduled Class	✓	✓			
Leaving School		✓	✓		
Bullying/Cyberbullying (Policy 249)					
Name Calling	✓	✓			
Bullying*		✓	✓	✓	✓
Cyberbullying*		✓	✓	✓	✓
Classroom Disruption					
Disruptive Behavior	✓	✓			
Throwing Objects	✓	✓	✓		
Disrespectful Behavior					
Use of Profanity, Vulgarity, or Profane Gestures	✓	✓	✓		
Disorderly Conduct*			✓	✓	✓
Any violation of criminal code not listed, shall be considered a Level IV violation and police referral.					

Tiered Levels of Intervention and Disciplinary Response

LEVEL I: CLASSROOM INTERVENTIONS AND RESPONSES – May be appropriate when the behavior is a minor infraction, the student has had no prior incidents, and/or interventions are not in place.

LEVEL II: ADMINISTRATOR/TEACHER ENFORCED LOWER-LEVEL INFRACTIONS – May be appropriate when supports are in place in the classroom and/or school community to address behavior, but the behavior has continued to negatively influence the learning of the student or others.

LEVEL III: ADMINISTRATOR ENFORCED HIGHER-LEVEL INFRACTIONS - May be appropriate given the seriousness of the offense and impact on the school community and/or when documented interventions and supports are in place but the behavior is escalating.

LEVEL IV: SERIOUSLY DANGEROUS/VIOLENT BEHAVIOR, VIOLATION OF PA CRIMINAL CODE – These offenses include behaviors that represent an immediate danger to the safety of the school community. Infractions at this level require immediate administrator and police referral.

Final decisions regarding the type and/or pervasiveness/severity of the behavior and the disciplinary consequences to be applied are at the discretion of the administration. In all cases, the level of disciplinary action may be accelerated for repeat offenders and/or due to the pervasiveness/severity of the offense(s).

Inappropriate or Disruptive Behavior <small>*State Reportable Infraction</small>	Level I	Level II	Level III	Level IV	Police Referral
Dress Code (Policy 221)					
Failure to Follow the Dress Code	✓	✓			
Drugs or Controlled Substances (Policy 227)					
Distributing or Selling *				✓	✓
Possessing (includes paraphernalia)*				✓	✓
Use/Under the Influence*				✓	✓
False Activation of Fire Alarm					
False Fire Alarm			✓	✓	✓
Fighting					
Minor Altercation*		✓	✓		
Fighting*			✓	✓	✓
Fire Setting/Arson					
Arson*			✓	✓	✓
Fraud					
Dishonesty	✓	✓	✓		
Forgery			✓	✓	✓
Harassment - Based on race, ethnicity, sexual orientation, disability, or religion (Board Policies 103 & 103.1)					
Racial and/or Ethnic Intimidation*		✓	✓		
Racial Harassment			✓	✓	✓
Sexual Harassment*			✓	✓	✓
Cyber Harassment of a Child*			✓	✓	✓
All Other Forms of Harassment or Intimidation*			✓	✓	✓
Stalking*			✓	✓	✓
Hazing (Board Policy 247)					
Hazing		✓	✓	✓	✓
Insubordination					
Failure to Follow Staff Direction	✓	✓			
Insubordination		✓	✓		
Obstruction of Justice			✓	✓	✓
Loitering					
Abuse of pass (hall, bus, etc.)	✓	✓			
Loitering		✓	✓		
Any violation of criminal code not listed, shall be considered a Level IV violation and police referral.					

Tiered Levels of Intervention and Disciplinary Response

LEVEL I: CLASSROOM INTERVENTIONS AND RESPONSES – May be appropriate when the behavior is a minor infraction, the student has had no prior incidents, and/or interventions are not in place.

LEVEL II: ADMINISTRATOR/TEACHER ENFORCED LOWER-LEVEL INFRACTIONS – May be appropriate when supports are in place in the classroom and/or school community to address behavior, but the behavior has continued to negatively influence the learning of the student or others.

LEVEL III: ADMINISTRATOR ENFORCED HIGHER-LEVEL INFRACTIONS - May be appropriate given the seriousness of the offense and impact on the school community and/or when documented interventions and supports are in place but the behavior is escalating.

LEVEL IV: SERIOUSLY DANGEROUS/VIOLENT BEHAVIOR, VIOLATION OF PA CRIMINAL CODE – These offenses include behaviors that represent an immediate danger to the safety of the school community. Infractions at this level require immediate administrator and police referral.

Final decisions regarding the type and/or pervasiveness/severity of the behavior and the disciplinary consequences to be applied are at the discretion of the administration. In all cases, the level of disciplinary action may be accelerated for repeat offenders and/or due to the pervasiveness/severity of the offense(s).

Inappropriate or Disruptive Behavior <small>*State Reportable Infraction</small>	Level I	Level II	Level III	Level IV	Police Referral
Reckless Behavior					
Reckless Behavior (no injury)	✓	✓			
Recklessly Endangering Another Person			✓	✓	✓
Sexually Based Offenses					
Sexual Assault*			✓	✓	✓
Indecent Assault*				✓	✓
Aggravated Indecent Assault*				✓	✓
Institutional Sexual Assault*				✓	✓
Obscene and Other Sexual Materials and Performances*			✓	✓	✓
Indecent Exposure*			✓	✓	✓
Open Lewdness*			✓	✓	✓
Involuntary Sexual Deviate Intercourse*				✓	✓
Statutory Sexual Assault*				✓	✓
Technology Related Offenses (Policy 815)					
Inappropriate Use of Technology	✓	✓	✓		
Unauthorized Use of Technology	✓	✓	✓		
Unlawful Use of Technology			✓	✓	✓
Inappropriate/Unauthorized Recording			✓	✓	✓
Theft Related Offenses					
Stealing - (Grades K-4)	✓	✓	✓		
Theft Less than \$500 – (Grades 5-12)*		✓	✓	✓	✓
Theft Greater than \$500 – (Grades 5-12)*			✓	✓	✓
Threats (Board Policies 218.2 & 920)					
Verbal, Written or Gestures		✓	✓	✓	✓
Terroristic Threat*				✓	✓
Bomb Threat*			✓	✓	✓
Threatening a School Official or Student*			✓	✓	✓
Any violation of criminal code not listed, shall be considered a Level IV violation and police referral.					

Tiered Levels of Intervention and Disciplinary Response

LEVEL I: CLASSROOM INTERVENTIONS AND RESPONSES – May be appropriate when the behavior is a minor infraction, the student has had no prior incidents, and/or interventions are not in place.

LEVEL II: ADMINISTRATOR/TEACHER ENFORCED LOWER-LEVEL INFRACTIONS – May be appropriate when supports are in place in the classroom and/or school community to address behavior, but the behavior has continued to negatively influence the learning of the student or others.

LEVEL III: ADMINISTRATOR ENFORCED HIGHER-LEVEL INFRACTIONS - May be appropriate given the seriousness of the offense and impact on the school community and/or when documented interventions and supports are in place but the behavior is escalating.

LEVEL IV: SERIOUSLY DANGEROUS/VIOLENT BEHAVIOR, VIOLATION OF PA CRIMINAL CODE – These offenses include behaviors that represent an immediate danger to the safety of the school community. Infractions at this level require immediate administrator and police referral.

Final decisions regarding the type and/or pervasiveness/severity of the behavior and the disciplinary consequences to be applied are at the discretion of the administration. In all cases, the level of disciplinary action may be accelerated for repeat offenders and/or due to the pervasiveness/severity of the offense(s).

Inappropriate or Disruptive Behavior <small>*State Reportable Infraction</small>	Level I	Level II	Level III	Level IV	Police Referral
Tobacco/Nicotine (Board Policy 222)					
Distribution and Selling*		✓	✓	✓	✓
Possession*		✓	✓	✓	✓
Use*		✓	✓	✓	✓
Transportation Offenses					
Transportation Safety Misconduct		✓	✓		
Distracting the Driver		✓	✓		
Interfering with the Driver			✓	✓	✓
Careless Driving		✓	✓		✓
Reckless Driving			✓	✓	✓
Trespassing					
Trespassing*			✓	✓	✓
Unauthorized Sale or Distribution					
Unauthorized Distribution of Items	✓	✓			
Unauthorized Sale of Items-Low Value (≤\$50)	✓	✓			
Unauthorized Sale of Items-Great Value (≥\$50)		✓	✓		
Vandalism					
Vandalism				✓	✓
Institutional Vandalism*				✓	✓
Vaping					
Distribution and Selling*			✓	✓	✓
Possession and/or Constructive Possession*			✓	✓	✓
Use*			✓	✓	✓
Weapons (Board Policy 218.1)					
Weapons*				✓	✓
Any violation of criminal code not listed, shall be considered a Level IV violation and police referral.					

Section 7 – Levels of Intervention and Disciplinary Response

Level I	<p>CLASSROOM INTERVENTIONS AND RESPONSES – These interventions aim to teach and correct alternate behaviors so students can learn and demonstrate safe and respectful behavior. Teachers use a variety of teaching and classroom management strategies to support students. They may be appropriate when the behavior is a minor infraction, the student has had no prior incidents, and/or interventions are not in place.</p> <ul style="list-style-type: none"> ▪ Behavior Intervention Plan ▪ Behavior Points Sheet ▪ Behavior Progress Reports ▪ Conflict Resolution ▪ De-escalation ▪ In-Class Time-out ▪ Loss of Privileges ▪ Mentoring Program ▪ Parent or Guardian Notification ▪ Participation in Counseling Group ▪ Peer Mediation ▪ Reminders and Redirection ▪ Seat Change ▪ Teacher Detention ▪ Teacher-Student Conference ▪ Teaching Expectations and Skills ▪ Team Meeting ▪ Verbal Correction ▪ Written Reflection
Level II	<p>ADMINISTRATOR/TEACHER ENFORCED LOWER-LEVEL INFRACTIONS – May be appropriate when supports are in place in the classroom and/or school community to address behavior, but the behavior has continued to negatively influence the learning of the student or others. These interventions involve the school administration and aim to correct behavior.</p> <ul style="list-style-type: none"> ▪ Any Lower-Level Interventions and Responses ▪ Change in Schedule or Class ▪ Confiscation of Materials ▪ Detention (Lunch, recess, after-school) ▪ Functional Behavioral Assessment (FBA) ▪ IEP Revision(s) ▪ Locker Reassignment ▪ Loss of Privileges ▪ Parent/Guardian Conference ▪ Referral to Appropriate Community Agencies ▪ Referral to Threat Assessment Team ▪ Reprimand - Administrator ▪ Restitution ▪ Restricted Movement ▪ SAP Team Referral ▪ Short-term Exclusion from School (up to 3 days) <ul style="list-style-type: none"> ○ In-School Suspension ○ Out-of-School Suspension
Level III	<p>ADMINISTRATOR ENFORCED HIGHER-LEVEL INFRACTIONS - May be appropriate given the seriousness of the offense and impact on the school community and/or when documented interventions and supports are in place but the behavior is escalating.</p> <ul style="list-style-type: none"> ▪ Any Lower-Level Interventions or Responses ▪ Alternative Education Placement (i.e., B.A.S.E.) ▪ Law Enforcement Investigation/Criminal Charges ▪ Long-term Exclusion from School (up to 10 days) <ul style="list-style-type: none"> ○ In-School Suspension ○ Out-of-School Suspension
Level IV	<p>SERIOUSLY DANGEROUS/VIOLENT BEHAVIOR, VIOLATION OF PA CRIMINAL CODE – These offenses include behaviors that represent an immediate danger to the safety and well-being of the school community. Infractions at this level require immediate referral.</p> <ul style="list-style-type: none"> ▪ Any Lower-Level Interventions or Responses ▪ Long-Term Exclusion from School - Expulsion (more than 10 days) ▪ Possible referral to Alternate Education for Disruptive Youth (AEDY)
<p>Final decisions regarding the type and/or pervasiveness/severity of the behavior and the levels of interventions and disciplinary responses to be applied are at the discretion of the administration. In all cases, the level of disciplinary action may be accelerated for repeat offenders and/or due to the pervasiveness/severity of the offense(s).</p>	

Section 8 – Procedures for School Exclusions

School Exclusions

Exclusion from school represents the most severe disciplinary action of the district. Exclusion removes the student from the classroom and revokes all his/her social privileges during the period of the exclusion. The Board approves the types of offenses that would lead to exclusion from school through the District Code of Conduct. Exclusions affecting certain students with disabilities shall be governed by § 14.143 (relating to disciplinary placements) and 34 CFR 300.519—300.529 (relating to discipline procedures).

Exclusion from school may take the form of in-school suspension, out-of-school suspension, or expulsion.

- In-school suspension is the removal of a student from his/her scheduled classes and placement in a supervised study area for the full school day. It may be short-term or long-term up to ten (10) days.
- Out-of-school suspension is the removal of a student from school. It may be short-term or long-term up to ten (10) days.
- Expulsion is exclusion from school by the Board for a period exceeding ten (10) consecutive school days and may be a permanent expulsion from BASD schools.

The administration and the Board have the right to impose and use any combination of school exclusions necessary to address the misconduct in accordance with Board Policy and the applicable student conduct rules.

General Guidelines

When a student commits an act that results in an exclusion from school for disciplinary reasons the building administrator will:

- 1) Conduct an impartial investigation which may include but is not limited to written statements (e.g. students, staff, parents, community members, etc.), police reports, and video footage.
- 2) Review student information of involved individuals which may include but is not limited to:
 - a. Attendance
 - b. Prior discipline
 - c. Academic performance
 - d. Permissions to evaluate that were issued
 - e. Individualized Education Plans (IEP)
 - f. 504 service agreements
- 3) Determine disciplinary actions based on the investigation, Board policy, administrative regulations, Pennsylvania School Code, applicable federal, state, and local laws, and the District Code of Conduct.
- 4) Notify the Superintendent or designee for long-term exclusions from school (more than three (3) days)
- 5) Notify the parent/guardian by phone or conference of the following:
 - a. Results of the investigation
 - b. Disciplinary action
 - c. Offer an informal hearing (only for exclusions more than three (3) consecutive days)
 - d. Schedule a manifestation determination hearing if required by law
- 6) Notify the parent/guardian in writing of the following:
 - a. Disciplinary action
 - b. Informal hearing (if applicable)
 - c. Manifestation determination (if applicable)
- 7) During an out-of-school suspension, a student is placed into the custody of his/her parents/guardians during the hours of the regular school day, and is not permitted to attend any school functions, to be on school grounds or to participate in any school activities. A student is expected to make up all missed

exams and schoolwork during his/her exclusion within a reasonable time upon his/her return to school, as determined by the building administration and the student's teachers.

Short-term Exclusion from School

A short-term exclusion from school is for a time of one (1) to three (3) consecutive school days. The exclusion is either an in-school or out-of-school suspension.

- The building principal, assistant principals, administrative intern(s), or other administrators in charge of the building may assign a short-term exclusion from school to a student.
- No student may be excluded until the student has been informed of the reasons for the exclusion and given an opportunity to respond.
- Prior notice of the intended exclusion need not be given to the student when the health, safety, or welfare of the school community is threatened.
- The parents/guardians of the student will be notified immediately when a student is excluded short-term by phone and in writing by a formal suspension letter.

Long-term Exclusion from School

A long-term exclusion from school is for a time of greater than three days (3+) up to ten (10) consecutive school days. The exclusion is either an in-school or out-of-school suspension.

- The building principal, assistant principals, administrative intern(s), or other administrators in charge of the building may assign a long-term exclusion from school to a student.
- No student may be excluded long-term until the student has been informed of the reasons for the exclusion, provided an opportunity to respond and an informal hearing.
- Prior notice of the intended exclusion need not be given to the student when the health, safety, or welfare of the school community is threatened.
- Suspensions may not be made to run consecutively beyond the 10-school day period.
- The parents/guardians of the student will be notified immediately when a student is excluded long-term by phone and in writing with a formal suspension letter.
- The student and the student's parent/guardian will be given the opportunity for an informal hearing with a building principal.
- When required by law, a manifestation determination will be scheduled.
- The Superintendent or designee will be notified.

Expulsion

Expulsion is exclusion from school by the Board for a period exceeding ten (10) consecutive school days and may be a permanent expulsion from BASD schools.

- Only the building principal may recommend expulsion proceedings.
 - No student may be expelled until the student has been informed of the reasons for the expulsion, provided an opportunity to respond, and an informal hearing.
 - No student may be expelled without an opportunity for a formal hearing before the Board, a duly authorized committee of the Board, or a qualified hearing examiner appointed by the Board as set forth in Policy 233.
 - All the due process requirements and procedures set forth in Policy 233 will be followed with respect to the Board hearing.

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.

The initial responsibility for providing the required education rests with the student's parents or guardian, through placement in another school, tutorial or correspondence study, or another educational program approved by the district's superintendent. Within 30 days of action by the Board, the parents or guardians shall submit to the school district written evidence that the required education is being provided. 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 provisions for the student's education.

A student with a disability shall be provided educational services as required by the Individuals with Disabilities Education Act. The student or his/her parents/guardians may waive the student's right to a formal expulsion hearing before the Board. If the student or his/her parents/guardians choose to waive the student's right to a formal hearing, the student will be expelled without a hearing for the period recommended to the Board by the Superintendent or designee.

Hearing Procedures

Informal Hearing

The purpose of the informal hearing is to bring forth all relevant information regarding the event for which the student may be suspended and for the student, parent/guardian, and school officials to discuss ways by which future offenses might be avoided.

The building principal will offer to hold the informal hearing within the first five (5) days of the suspension. Delay of the informal hearing will not operate to delay return to school. The following due process requirements are to be observed regarding the informal hearing:

- a. notification of the reasons for the suspension will be given in writing to the parents/guardians and to the student.
- b. sufficient notice of the time and location of the informal hearing will be given.
- c. the student has the right to question any witnesses present at the hearing.
- d. the student has the right to speak and produce witnesses on his/her own behalf.

Formal Hearing

The formal hearing will be held in accordance with Policy 233 and 22 Pa. Code §12.8(b). If it is not possible for the formal hearing to be held and the Board to vote on the expulsion while the student is suspended, the student will be placed in his/her normal class at the end of the suspension period, pending the Board's decision.

During the period prior to the hearing and decisions of the Board in an expulsion case, the student shall be placed in his normal class except if it is determined, after an informal hearing, that the student's presence in his/her 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 suspension. The student may then be excluded from school for more than ten (10) consecutive or fifteen (15) nonconsecutive school days without a formal hearing unless mutually agreed upon by both parties. Any student so excluded will be provided with alternative education, which may include home study.

The following due process requirements will be observed regarding the formal hearing:

- 1) Notification of the charges will be sent to the student's parents/guardians by certified mail.
- 2) At least three (3) days' notice of the time and location of the hearing will be given. A copy of the expulsion policy notice that legal counsel may represent the student and hearing procedures will 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 will be held in private unless the student or parent/guardian requests a public hearing.

- 4) Counsel may represent the student, at the expense of the parents/guardians, and may have a parent/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/her own behalf.
- 8) A written or audio record will be kept of the hearing. The student is entitled, at the student's expense, to a copy. A copy will be provided at no cost to a student who is indigent.
- 9) The proceeding will be held within fifteen (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 will be held as soon as reasonably possible:
 - a. Laboratory reports are needed from law enforcement agencies.
 - b. Evaluations or other court or administrative proceedings are pending due to a student invoking his/her rights under the Individuals with Disabilities Education Act.
 - c. Juvenile or criminal court cases involving sexual assault or serious bodily injury may necessitate a delay due to the condition or best interests of the victim.
- 10) Notice of a right to appeal the results of the hearing will be provided to the student with the expulsion decision.

If the student or his/her parents/guardians decide to waive the student's right to a formal hearing before the Board, they will be asked to sign an Expulsion Hearing Waiver. If the waiver is not executed, a formal expulsion hearing before the Board will be scheduled. In special circumstances under 34 CFR Sec. 300.530(g) specific to drugs, weapons and serious bodily injury, school personnel may unilaterally remove a student to an interim alternative education placement for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability.

Section 9 – Dictionary of Disciplinary Interventions and Responses

Alternative Educational Placement: A placement that enables students to receive services needed to improve their behavior while continuing to access their appropriate academic program. A student may receive an alternative educational placement to receive educational services during an expulsion. Students will receive, as appropriate, behavioral intervention services to address the behavior violation that resulted in the alternative educational placement.

Alternative Educational Setting: An educational setting that enables students with IEPs to receive educational services, including the services and modifications listed on their IEPs, so that the students can continue to participate in the academic program and progress toward meeting their IEP goals. Students will receive, as appropriate, a functional behavioral assessment and behavioral intervention services and/or modifications designed to address the behavior infraction. Students with IEPs may be placed in an alternative educational setting only if a manifestation meeting is held and the behavior is determined not to be related to the student's disability. Students with IEPs may unilaterally be placed in an alternative educational setting if they engage in one of the following behaviors while at school, on school premises, or at a school function: (1) carrying or possessing a weapon; (2) knowingly possessing or using an illegal drug; (3) selling or soliciting the sale of a controlled substance; or (4) inflicting serious bodily injury on another person.

Bangor Alternative to Support Education (B.A.S.E.): The B.A.S.E. program provides a small, structured learning environment and counseling for students whose behaviors indicate a need for additional supports. The B.A.S.E. program is designed as an intervention to address student behaviors. The program provides a combination of academic instruction and counseling. The primary goal is to assist students to return successfully to their traditional education setting. The Bangor Area School District may not use the program to discriminate based on race, national origin, disability, and/or any other category. The B.A.S.E. program will help students work on behaviors while at the same time maintaining their academic program. Once students meet their goal(s) and/or term of placement, they transition back to their traditional education setting.

Conference: Conferences may involve students, teachers, administrators, parents, and guardians in discussion about student misbehavior and potential solutions that address social, academic, and other issues related to the student's behavior.

Confiscate Materials: Take possession of an item(s) from an individual when they are in violation of the law, Board policy or the Code of Conduct. The amount of time the item is withheld from the owner is determined by the administrator in accordance with the Code of Conduct. Depending on the item and the safety of the community, the item may not be returned to the owner.

De-escalation: is the process of reducing the intensity of a conflict, crisis, or emotional reaction by using verbal and non-verbal techniques. The goal of de-escalation is to calm the situation, prevent violence, and promote problem-solving and cooperation.

Detention: Students are removed from an activity (such as lunch or recess) or required to remain after or arrive before school as a disciplinary response. A student assigned lunch detention must receive lunch. Recess detention may not be scheduled for the entire scheduled time. Students must have at least 5 minutes of recess. After or before school detention shall not exceed 60 minutes.

Exclusions: Students who are denied access to the general education classroom or school environment for either short-term, long-term or expulsion.

Expulsion: The removal of a student from his or her regular school program for more than ten (10) school days. An expulsion may be permanent.

Extra/Cocurricular Suspension: The temporary removal of a student from an extracurricular or cocurricular activity(ies).

Extra/Cocurricular Termination: The permanent removal of a student from an extracurricular or cocurricular activity(ies).

Functional Behavioral Assessment (FBA): The FBA is a process for identifying problem behaviors and developing interventions to improve or eliminate those behaviors. The information gathered is used to develop an effective and efficient behavior plan.

Imminent Threat of Serious Harm: A likely or immediate danger of negative and significant impact on physical, emotional, or psychological wellbeing.

In-School Suspension: The removal of a student within the school building from his or her regular education program for up to, but not more than, ten (10) consecutive school days.

Law Enforcement Referral: A student who commits an infraction that may violate the law is referred to the police department for investigation.

Locker Reassignment: A student's locker is changed to another locker.

Long-Term Exclusion: The removal of a student from their general education program for more than three (3) school days up to ten (10) school days.

Loss of Privileges: The removal of a nonessential activity(ies) or additional benefit(s) a student earned (i.e. student driving and parking privileges, participation in extra-curricular activities).

Out-of-School Suspension: A temporary, complete exclusion from school and activities for up to, but not more than, ten (10) consecutive school days. A student is banned from being on school property.

Parent/Guardian Communication: Parent/guardian outreach requires school staff to inform parents/guardians of their child's behavior and seek the parents'/guardians' assistance with correcting inappropriate or disruptive behavior.

Peer Mediation: Peer mediation is a form of conflict resolution in which students help other students address and develop solutions to conflicts.

Positive Behavior Support Plans (PBSP): A plan designed by school staff, parents/guardians and when appropriate the student to correct inappropriate or disruptive student behavior through positive behavioral interventions, strategies, and support. This plan is appropriate for both students with and without disabilities.

Referral to Substance Abuse Treatment Services: Students with behavior related to substance abuse and/or when there is reason to believe substance abuse counseling is needed, may be referred to services.

Restitution: Restoring by giving an equivalent or compensation for loss, damage, or injury caused by the student's disciplinary infraction.

Restricted Movement: A temporary restriction placed on students when they transition between classes and/or move through the building.

Short-Term Exclusion: The removal of a student from their general education program for up to, but not more than, three (s) school days.

Student Assistance Program (SAP) Referral: A student recommended for assessment in identifying issues including alcohol, tobacco, other drugs, and mental health issues that pose a barrier to a student's success.

Warning (Verbal or Written): A verbal or written statement that indicates possible or impending danger(s), problem(s), or undesirable consequence(s).

Section 10 – Dictionary of Disciplinary Infractions

Academic Integrity (Policy 145)	
Cheating	Act dishonestly or unfairly to gain or help another gain an academic advantage such with a school project, assignment, test, etc.
Plagiarism	The act of taking someone else's work or ideas and passing them off as your own.
Alcohol (Policy 227)	
Distribution and Selling*	A student who distributes/sell or attempts to distribute/sell alcohol.
Possession*+ (includes empty containers)	A student who has alcohol or empty containers that held alcohol on their person or in an area controlled by the individual.
Under the Influence*	A student who is intoxicated or is so affected by the effects of drinking alcohol.
Attack/Physical Contact	
Physical Aggression-Student	Threatening behavior or behavior causing minor physical harm towards a student.
Simple Assault-Student*	An intentional attempt to cause a student bodily harm.
Aggravated Assault-Student*	Attempt to cause serious bodily harm to a student. Factors include the use of a weapon, status of the victim, intent, and degree of injury.
Physical Aggression-Staff Member	Threatening behavior or behavior causing minor physical harm towards a staff member.
Simple Assault-Staff Member*	An intentional attempt to cause a staff member bodily harm.
Aggravated Assault-Staff Member*	Attempt to cause serious bodily harm to a staff member. Factors include the use of a weapon, status of the victim, intent, and degree of injury.
Unlawful Restraint*	Intentionally holding someone in a confined place and do not let them leave. The person can be detained by threats of violence or physical restraints.
Avoiding Class	
Arriving Late to Class	Student who arrives after the official start of class.
Eloping	A student who leaves the assigned area.
Failure to Report to Class	Student who is in school and does not report to class.
Leaving School	Student who reported to school but leaves improperly without permission.
Bullying/Cyberbullying (Policy 249)	
Name Calling	Verbal intimidation in which insulting or demeaning words are directed at an individual or group using verbal, physical, written, or electronic forms communication.
Bullying*	Intentional written, verbal, or physical act or series of acts directed at another student or students, which occurs in a school setting that is severe, persistent, or pervasive and substantially interferes with the student's education, creates a threatening environment, or substantially disrupts the orderly operation of the school.
Cyberbullying*	An intentional electronic act or series of acts directed at another student or students, which occurs in a school setting that is severe, persistent, or pervasive and substantially interferes with the student's education, creates a threatening environment, or substantially disrupts the orderly operation of the school.
Classroom Disruption	
Disruptive Behavior	Behavior that distracts students from learning.
Throwing Objects	Any instance of a student throwing items that are not designed to be thrown or an item designed for throwing but not thrown in an appropriate setting.

*State Reportable Infraction

+ Possession means the act of having or taking into control. It includes constructive possession which includes objects not in a person's direct physical control but who had knowledge of the object and the ability to control it. (ex. owner of a car may have constructive possession of the trunk contents)

Disrespectful Behavior (Policy 218)	
Use of Profanity or Gestures	Language or gestures that are offensive or obscene.
Disorderly Conduct*	A person with intent to cause public inconvenience, annoyance, or alarm, or recklessly creating a risk thereof, the person: (1) engages in fighting or threatening, or in violent or tumultuous behavior; (2) makes unreasonable noise; (3) uses obscene language, or makes an obscene gesture; or (4) creates a hazardous or physically offensive condition by any act which serves no legitimate purpose of the actor.
Dress Code (Policy 221)	
Dress Code Violation	A student who fails to comply with the BASD's Dress Code.
Drugs and Controlled Substances (Policy 227)	
Distribution and Selling*	A student who distributes/sells or attempts to distribute/sell drugs or controlled substances.
Possession*+ (includes paraphernalia)	A student who has drugs or controlled substances, or drug paraphernalia on their person or in an area controlled by the individual.
Use/Under the Influence*	A student uses drug or controlled substance or whose mental and physical faculties are impaired by the effects of a drug or controlled substance.
False Activation of Fire Alarm	
False Activation of Fire Alarm	A student who activates a fire alarm when there is no fire.
Fighting	
Minor Altercation*	An incident which involves a minor physical act against another individual and the incident does not elevate to a more severe type of incident.
Fighting*	An incident which involves two offenders who commit a physical violent act against one another.
Fire Setting	
Arson*	A student who intentionally starts a fire or causes an explosion, or the student aids, counsels, pays, or agrees to pay another to cause a fire or explosion.
Fraud	
Dishonesty	A student who provides false information.
Forgery	A student who defrauds by signing the name of another person, or of a fictitious person, knowing that the student has no authority to do so. This includes altering of school documents.

*State Reportable Infraction

+ Possession means the act of having or taking into control. It includes constructive possession which includes objects not in a person's direct physical control but who had knowledge of the object and the ability to control it. (ex. owner of a car may have constructive possession of the trunk contents)

Harassment (Policies 103 & 103.1)

Racial and/or Ethnic Intimidation*	A person with malicious intention toward the race, color, religion, or national origin of another individual or group of individuals who attempts to frighten or cause fear to that individual or group of individuals.
Racial Harassment*	Racial harassment is the unwelcome conduct such as graphic, written, electronic, verbal, or nonverbal acts including offensive jokes, slurs, epithets and name-calling, ridicule or mockery, insults or put-downs, offensive objects or pictures, physical assaults or threats, intimidation, or other conduct that may be harmful or humiliating or interfere with a person's school or school-related performance and which relates to an individual's or group's race, color, or ethnic background.
Sexual Harassment*	Sexual harassment is unwelcome sexual advances; requests for sexual favors; and other inappropriate verbal, nonverbal, written, graphic or physical conduct of a sexual nature when: <ul style="list-style-type: none">➤ Submission to such conduct is made explicitly or implicitly a term or condition of a student's status in any educational or other programs offered by a school; or➤ Submission to or rejection of such conduct is used as the basis for educational or other program decisions affecting a student; or
Harassment Continued	
Sexual Harassment (continued)*	<ul style="list-style-type: none">➤ Such conduct deprives a student or group of individuals of educational aid, benefits, services, or treatment; or➤ Such conduct is sufficiently severe, persistent, or pervasive that a reasonable person in the complainant's position would find that it unreasonably interferes with the complainant's performance in school or school-related programs, or otherwise creates an intimidating, hostile, or offensive school or school-related environment such that it unreasonably interferes with the complainant's access to or participation in school or school-related programs.
Cyber Harassment of a Child*	A student with intent to harass, annoy, or alarm, that engages in a continuing course of conduct of making any of the following by electronic means directly to a child or by publication through an electronic social media service: seriously disparaging statement or opinion about the child's physical characteristics, sexuality, sexual activity, or mental or physical health or condition; or threat to inflict harm.
All Other Forms of Harassment or Intimidation*	The unwelcome conduct such as graphic, written, electronic, verbal, or nonverbal acts including offensive jokes, slurs, epithets and name-calling, ridicule or mockery, insults or put-downs, offensive objects or pictures, physical assaults or threats, intimidation, or other conduct that may be harmful or humiliating or interfere with a person's school or school-related performance and which relates to an individual's or group's on the basis of age, creed, religion, sex, sexual orientation, ancestry, national origin, marital status, pregnancy, or disability.

*State Reportable Infraction

Hazing (Policy 247)**Hazing**

A student intentionally, knowingly, or recklessly, for the purpose of initiating, admitting, or affiliating another student with an organization, or for the purpose of continuing or enhancing membership or status in an organization, causes, coerces, or forces a student to do any of the following:

- Violate federal or state criminal law.
- Consume any food, liquid, alcoholic liquid, drug, or other substance which subjects the student to a risk of emotional or physical harm.
- Endure brutality of a physical nature, including whipping, beating, branding, calisthenics, or exposure to the elements.
- Endure brutality of a mental nature, including activity adversely affecting the mental health or dignity of the individual, sleep deprivation, exclusion from social contact or conduct that could result in extreme embarrassment.
- Endure brutality of a sexual nature.
- Endure any other activity that creates a reasonable likelihood of bodily injury to the student.

Insubordination**Failure to Follow Staff Direction**

Student fails to follow staff direction.

Insubordination

The act of defying authority by refusing to obey directives.

Obstruction of Justice

A student who obstructs the process of justice by providing false information or otherwise hindering an investigation or legal process.

Loitering**Abuse of Pass**

Student does not use a pass (hall, bathroom, etc.) as authorized by staff.

Loitering

The act of remaining in a particular public place for a protracted time, without any apparent purpose.

Reckless Behavior**Reckless Behavior (no injury)**

Careless/irresponsible behavior that disregards a substantial or unjustifiable risk to the individual or others not resulting in injury. No intent to cause harm.

Recklessly Endangering Another Person

Careless/irresponsible behavior that disregards a substantial or unjustifiable risk that may place the individual or others in danger of death or serious bodily injury.

Sexually Based Offenses	
Sexual Assault*	A person engaging in sexual intercourse or deviate sexual intercourse with another person without their consent.
Indecent Assault*	indecent contact with the victim, including the victim's contact with the defendant's seminal fluid, urine, or feces for the purpose of arousing sexual desire in either the victim or defendant, and it is done without the victim's consent, forcibly or under threat of force, or performed under some severe incapacity of the victim.
Obscene and Other Sexual Materials and Performances*	A student who displays or causes or permits the display of any explicit sexual materials or sells, lends, distributes, transmits, exhibits, gives away, or shows any obscene materials or performances in any way including electronic communication.
Indecent Exposure*	Indecent exposure occurs if a person exposes his or her genitals in any public place or in any place where other people are present in circumstances that he or she knows or should know that the exposure will likely offend or alarm others.
Open Lewdness*	Any crude or offensive in a sexual way act which the student knows is likely to be observed by others who would be affronted or alarmed.
Involuntary Sexual Deviate Intercourse*	Deviate sexual intercourse, as defined in the Pennsylvania Crimes Code, encompasses oral sex, anal sex, sexual intercourse with an animal, and penetration of one's genitals with a foreign object.
Statutory Sexual Assault*	A person engaging in sexual intercourse or deviate sexual intercourse with another person without their consent. if the victim was under 16 years of age, and the defendant is more than four years older than the victim, and they were not married to each other at the time of the offense.

Technology Related Offenses (Policy 815)	
Unauthorized Use of Technology	A student uses technology which includes hardware or software when the staff member has not authorized the use.
Inappropriate Use of Technology	Any student violation of the Technology Code.
Unlawful Use of Technology	A student who accesses or exceeds authorization to access, alters, damages, or destroys any technology, devices, or systems or any part thereof, who devises or executes any scheme or artifice to defraud or deceive or control property or services by means of false or fraudulent pretenses, representations or promises. A student who intentionally and without authorization accesses or exceeds authorization to access, alters, interferes with the operation of, damages or destroys any technology, devices, or systems or any part thereof. A student who intentionally or knowingly and without authorization gives or publishes a password, identifying code, personal identification number or other confidential information about any technology, devices, or systems.
Inappropriate/Unauthorized Recording	Use of electronic device to record, share or publish pictures, videos, or recordings, including fights or other disturbances.

Theft Related Offenses	
Stealing	take (another person's property) without permission or legal right and without intending to return it.
Theft Less than \$500*	Grade 5 to 12. A person who intentionally obtains or withholds property of another by deception less than \$500.
Theft Greater than \$500*	Grade 5 to 12. A person who intentionally obtains or withholds property of another by deception greater than \$500.

*State Reportable Infraction

Threats (Policy 218.2)

Verbal, Written or Gestures	Any verbal, written, or gesture that could be interpreted as conveying an intent to cause physical harm to persons or property. Statements such as, "I'll get him." or "She won't get away with this." could be examples of threatening expressions depending on the facts and circumstances involved.
Bomb Threat*	A threat to detonate an explosive or incendiary device to cause property damage, death, or injuries, whether or not such a device actually exists.
Threats Continued (Policy 218.2)	
Terroristic Threat*	A threat communicated either directly or indirectly to commit any crime of violence with the intent to terrorize another; to cause evacuation of a building, place of assembly, or facility of public transportation; or to otherwise cause serious public inconvenience, or cause terror or serious public inconvenience with reckless disregard of the risk of causing such terror or inconvenience.
Threatening a School Official or Student*	A threat (see definition of terroristic threat) directed at a school official or student.
Tobacco/Nicotine (Policy 222)	
Distribution and Selling*	A student who distributes/sells or attempts to distribute/sell tobacco/nicotine.
Possession*+	A student who has tobacco/nicotine on their person or in an area they control.
Use*	A student who uses tobacco/nicotine.
Transportation Offenses	
Transportation Safety Misconduct	Behavior jeopardizing the safety of District transportation.
Distracting the Driver	Behavior that either intentionally or unintentionally distracts a driver.
Interfering with the Driver	Behavior that prevents the driver from safely driving the vehicle.
Careless Driving	A student who drives a vehicle in careless disregard for the safety of persons or property.
Reckless Driving	A student who drives a vehicle in willful or deliberate disregard for the safety of persons on property.
Trespassing	
Trespassing*	A student who does not have permission to enter property and/or remain on the premises.
Unauthorized Sale or Distribution	
Unauthorized Distribution of Items	A student who distributes items to others without permission to promote a purpose. Items may be print materials or other objects.
Unauthorized Sale of Items-Low Value (less than or equal to \$50)	A student who sells items valued at ≤\$50 without permission.
Unauthorized Sale of Items-Great Value (greater than \$50)	A student who sells items valued at >\$50 without permission.
Vandalism	
Vandalism	A student who deliberately destructs or damages personal property.
Institutional Vandalism*	A student that knowingly desecrates, vandalizes, defaces, or otherwise damages property belonging to a church, or school.
Vaping (Policy 222)	
Distribution and Selling*	A student who distributes/sell or attempts to distribute/sell vapes.
Possession *	A student who has vapes on their person or in an area controlled by the individual. This includes all vaping gear, paraphernalia, or cartridges.
Use*	A student who uses vapes.

*State Reportable Infraction

+ Possession means the act of having or taking into control. It includes constructive possession which includes objects not in a person's direct physical control but who had knowledge of the object and the ability to control it. (ex. owner of a car may have constructive possession of the trunk contents)

Weapons (Policy 920)

Weapons*

A person who possesses a weapon on school property, at a school-sponsored activity, or on any public conveyance providing transportation to a school or a school-sponsored activity. The term weapons shall include, but not be limited to any knife, cutting instrument, nun chuck stick, metal knuckles, poisons, drugs, ammunition, firearm, shotgun, rifle, destructive device, and any other tool, instrument or implement capable of or designed to harm, threaten, or harass. The term weapon shall also include any instrument that can reasonably be considered a weapon (e.g., look-a-likes).

*State Reportable Infraction

DRAFT