

## I. INTRODUCTION

Discipline is synonymous with teaching and learning, and if learning is to prevail, discipline is essential. It sets the stage for learning, and it seeks to develop the process of self-discipline.

Since discipline strives to educate on both an individual and a collective basis, a discipline procedure should teach respect for the dignity of individuals as well as respect for authority and its standards.

Our schools must generate the means by which our students accept responsibility for orderly behavior congruent with their role as responsible citizens. Consequently, they must learn a disciplinary procedure, which would prepare them to be good citizens in the school and community.

## II. STUDENT RESPONSIBILITY

All the students of the Brownsville Area School District are expected to meet the following responsibilities:

- A. Student responsibilities include regular school attendance; conscientious effort in classroom work; and conformance to school rules and regulations. Most of all, students share with the administration and faculty a responsibility to develop within the school a climate 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 so as not to offend or slander others.
- D. Students are forbidden to engage in any acts of bullying, hazing, or harassment towards fellow students or staff members.
- E. Student responsibilities will include, but not necessarily be limited to the following:
  - 1. To report any and all incidents or threats of bullying, hazing, or harassment.
  - 2. Be aware of all rules and regulations for student behavior and conduct themselves in accordance with them.
  - 3. Be willing to volunteer information in matters relating to the health, safety, and welfare of the school community and the protection of school property.

4. Dress and groom themselves so as to meet fair standards of safety and health and so as not to cause disruption to the educational process.
5. Assume that a rule is in full effect until it is waived, altered or repealed.
6. Assist the school staff in operating a safe school for all students enrolled therein.
7. Be aware of and comply with state and local laws.
8. Exercise proper care in the use of public facilities and equipment.
9. Attend school daily and be on time to all classes and other school functions.
10. Make all necessary arrangements for making up work missed during absence from school or class.
11. Pursue and attempt to complete satisfactorily the courses of study prescribed by state and local school authorities.
12. Avoid any inaccuracies in student newspapers or publications.

### **III. AUTHORITY**

Every teacher, assistant principal, principal, and administrator in the Brownsville Area School District shall have the right to exercise the same authority as the parent/guardians or persons in parental relation to such pupils in regard to their conduct and behavior while attending his/her school, during the time they are in attendance. This includes the time required in going to and coming from their homes. Teachers and administrators shall have the same authority and responsibility over the students attending school sponsored activities on or off school properties.

### **IV. STATEMENT OF CODE STRUCTURE**

In reviewing this code, it quickly becomes apparent that it represents a continuum of misbehaviors based on the seriousness of the act and the frequency of occurrence. Therefore, the infractions classified at LEVEL I are relatively minor and involve acts which only minimally disrupt the orderly conduct of the educational process. Often these LEVEL I misbehaviors take the form of simple classroom disturbances which do not materially interfere with the learning of other students or which involve minor infractions of general school rules and represent no threat to the health and safety of others. By contrast LEVEL IV misconducts involve criminal acts and are so serious that they represent a direct and immediate threat to the welfare of other individuals. These acts always require the intervention of law enforcement authorities.

At the two levels between these extremes, the seriousness of the misconduct remains a primary classification factor, but the frequency of occurrence also plays a significant role in determining the most appropriate disciplinary response. For example, a minor misconduct appropriately classified at a higher level where a different set of disciplinary responses could be applied.

## **V. DISCIPLINE PROCEDURES AND RESPONSE OPTIONS**

Accompanying the categories of misconduct in the code are the procedures and disciplinary options for use at each level. Procedures are viewed as minimal actions which must take place at each level. Options, on the other hand, include the range of disciplinary alternatives which might appropriately be applied to the infraction. By way of illustration, LEVEL III infractions call for several procedural actions, among which are the requirement of a disciplinary conference with the parent and restitution for any loss or damage resulting from the misconduct.

Along with these actions is a list of options which may be applied in certain situations to remediate or punish any act of misconduct in that level. Since options included in the chart have been selected so that they fit the types of misbehaviors, the structure begins with those which are the least punitive and progresses through the levels to those which are more severe. Similarly, it should be noted that the amount of formality, flexibility and discretion exercised in applying these disciplinary responses also changes markedly from LEVEL I to LEVEL IV. As the relative seriousness of the act or infraction increase, the responses and options take on a more formal, limited and fixed character.

The previously noted attempt to match the seriousness of the misconduct with the severity of the disciplinary action would suggest that it would be reasonable in some instances to use options from a lower level to deal with higher level infractions. The converse, however, is not recommended. Higher level options are not recommended for use at lower levels. Those more severe options should be employed for less serious infractions only when the offense is repeated or when the lower level options fail to correct the misconduct. In the case of LEVEL IV, the gravity of the misconduct and requirement to involve law enforcement authorities serve to limit the number of options prescribed for the lower levels.

Repeated misbehavior will raise the offense to a higher level. In order for an offense to be moved to a higher level, a proper and accurate record of the offenses and disciplinary actions must be maintained by the staff member who is supervising the student or who observes the misbehavior.

### **A. LEVEL I**

LEVEL I include minor misbehavior on the part of the student which impedes orderly classroom procedures or interferes with the orderly operation of the school. They are the type which disrupts the normal teaching situation. The offenses could also be related to academics.

These misbehaviors can usually be handled by an individual staff member but sometimes require the intervention of other school support personnel.

## EXAMPLES

- Minor classroom disturbances and / or disruptions
- Tardy to class
- Lying
- Dress code violations
- Failing to complete assignments or carrying out instructions given by any staff member
- Violation of classroom rules
- Violating locker privileges
- Misconduct other than classroom (halls, restrooms, cafeteria, etc.)
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## DISCIPLINARY OPTIONS

- A look of disapproval
  - Verbal reprimand
  - Silence on the part of the teacher to gain attention
  - Special assignment
  - Apology
  - Isolation within the classroom
  - \*Detention
  - Strict supervised study
  - Lunch detention
  - Recess detention
  - Personal talk with student
  - Suspensions of classroom privileges not related to academics
  - Eating in designated area
  - Parental notification by phone or letter
  - Conference with parent, teacher, counselor, administrator or any other involved party
  - Removal from social functions during and after school hours
  - If a student does not accept in-school suspension the student will be suspended from the Brownsville Area School District and charges will be filed with the District Magistrate.
- \*Refer to Section V**

## B. LEVEL II

LEVEL II includes misbehavior whose frequency and seriousness tend to disrupt the learning climate of the school. These infractions which usually result from the continuation of LEVEL I misbehaviors may require the intervention of personnel on the administrative level because the execution of LEVEL I disciplinary options has failed to correct the situation. Also, included in this level is corrective action on the part of administrative personnel.

## EXAMPLES

- Tardy to school
- Gambling
- Use of cell phone / electronic devices
- Truancy
- Bullying
- Threatening others
- Cheating
- Snowballing
- Severe classroom disturbance
- Using abusive language or obscene gestures
- Possession of pornographic material
- Inappropriate use of computers
- Possession or use of smoking or smokeless tobacco products
- Class-cutting
- Leaving class without permission
- Disrespect to any staff member
- Falsifying records including notes, excuses, report cards, etc.
- Failure to serve detention and/or in-school suspension
- Unauthorized entering or leaving of school grounds
- Student parking on school property in an unauthorized area
- Any other disruptive behavior whose seriousness impedes the learning climate of the school

## DISCIPLINARY OPTIONS

- \*Detention
  - \*Citation
  - \*In-school suspension
  - \*Temporary out-of-school suspension
  - \*Alternative school placement
  - Referral to supportive services
  - Referral to proper law enforcement agency
  - Parental notification by phone or letter
  - Conference with parent, teacher, counselor, administrators or any other involved party
  - Temporary or permanent suspension from participation in athletics or extracurricular activities and/or other school events
- \*Refer to Section V**

## C. LEVEL III

These offenses sometimes result as a continuation of LEVEL I and LEVEL II misbehaviors. Also included are acts directed against persons or property. Some of the infractions have consequences which might endanger the health or safety of others in the school. These acts might be considered criminal but most frequently can be handled by the disciplinary mechanism in the school.

The administrator is directly involved with the disciplinary action by investigating and conferring with the staff concerning the infraction. The administrator meets with the student and confers with the parent about the student's misconduct and the resulting disciplinary action.

Students violating this level will not be permitted to hold any office for the remainder of the school year.

### **EXAMPLES**

- Fighting
- Defacing, destroying or theft of private or school property
- Extorting
- Possessing or transferring objects considered potentially dangerous to the health and safety of students or school personnel
- Inciting or provoking others to fight
- Throwing food

### **DISCIPLINARY OPTIONS**

- \*Citation
  - \*In-school suspension
  - \*Temporary out-of-school suspension
  - \*Restitution
  - \*Recommendation of Alternative school placement
  - Referral to supportive services
  - Referral to proper law enforcement agency
  - Referral to administrator for disciplinary action
  - Suspension from elected or appointed offices for remainder of term of office
  - Temporary or permanent suspension from participation in athletics or extracurricular activities and/or other school events
- \*Refer to Section V**

### **D. LEVEL IV**

Disciplinary action under LEVEL IV could result from the continuation of lower offenses. Also included are acts which result in violence to another person or property or which pose a direct threat to the safety of others in the school.

These acts are clearly criminal and are so serious that they always require administrative actions which result in the removal of the students from the school, the intervention of law enforcement authorities, and possible action by the Board of School Directors.

Students violating this level will not be permitted to hold any office for the remainder of the school year.

The administrator verifies the offense, confers with the staff involved, and meets with the student. Parents are notified and the student is immediately suspended from school. Upon completion of an investigation by the school authorities and following conferences with social agencies and/or parents, the student may be reinstated in good standing after serving his/her suspension, or may be recommended to the Board of School Directors for further action.

### EXAMPLES

- Continuing LEVEL III misconducts
- Making bomb threats
- Setting or attempting to set fires
- Vandalizing school property
- Stealing or possession and/or sale of stolen property
- Inciting to riot
- Falsifying alarms
- \*\*Possessing, using and/or transferring dangerous weapons
- Using, possessing and/or distributing unauthorized substances such as drugs, look-a-like drugs or alcohol (Refer to District Policy #227 )
- Assaulting faculty or students
- Engaging in any other conduct contrary to the criminal code or ordinances of the Commonwealth and/or community, either on school premises or at school functions

### DISCIPLINARY OPTIONS

- \*Restitution
- \*Temporary out-of-school suspension
- \*Recommendation of Alternative school placement
- \*Expulsion
- Other board action which results in appropriate placement
- Citation
- Temporary or permanent suspension from participation in athletics or extracurricular activities

#### **\*Refer to Section V**

\*\*Immediate suspension by the principal. The student must undergo a psychological and/or psychiatric evaluation prior to return to school. The cost of the evaluation to be paid by the parent/guardian. Failure to complete the evaluation will subject the student to expulsion, temporary out-of-school suspension, referral to supportive services and/or referral to proper law enforcement agency. (Adopted by the Brownsville Area Board of School Directors on April 15, 1992.)

## VI. STANDARDS OF BEHAVIOR

### A. BULLYING

**For the purposes of this policy, bullying is defined as a hostile activity which harms or induces fear through the threat of further aggression and/ or creates terror. Bullying may be premeditated or a sudden activity. It may be subtle or easy to identify, done by one person or a group. Bullying includes but not necessarily limited to:**

- Power imbalance – occurs when a bully uses his/her physical or social power over a victim
- Intent to harm – the bully seeks to inflict physical or emotional harm and/or takes pleasure in this activity
- Threat of further aggression – the bully and the victim believe the bullying will continue
- Terror – when any bullying increases, it becomes a “systematic violence or harassment used to intimidate and maintain dominance”

There are at least three kinds of bullying: verbal, physical and social/relational.

- Verbal bullying includes name calling, insulting remarks, verbal teasing, freighting phone calls, violent threats, extortion, taunting, gossip, spreading rumors, racist slurs, threatening electronic communications, anonymous notes, etc.
- Physical bullying includes poking, slapping, hitting, tripping, or causing a fall, choking, kicking, punching, biting, pinching, scratching, spitting, twisting arms or legs, damaging clothes and personal property, threatening gestures, setting fires, assault with weapon, stealing, etc.
- Social or relational bullying includes someone from a group, isolating, shunning, spreading rumors or gossiping, arranging public humiliation, undermining relationships, teasing about clothing, looks, giving dirty looks, aggressive stares, etc.

While the focus of this policy is on prevention, bullying acts may still occur. In these cases, offenders will be given the clear message that their actions are wrong and the behavior must improve. Offenders will receive in-school guidance in making positive choices in their relationships with others. If appropriate, disciplinary action will be taken by the administration.

Students or employees of the Brownsville Area School District who have been bullied, parents whose children have been bullied, or students who observe bullying behavior are encouraged to make verbal and/or written complaint to a teacher, coach, bus driver, social worker, counselor, supervisor, or administrator. Intervention by adults and bystanders is an important step to prevent escalation and to resolve issues in the earlier stages.

## B. BUS CONDUCT

Riding a school bus is a privilege. To ensure safe conditions while students are on a school bus, acceptable student behavior is a must. The bus drivers must be alert to maintain a safe situation on the school buses.

Students will be expected to conduct themselves in an orderly manner. Courtesy toward others and respect for others and the law are expected.

The school specifically forbids any attempt on the part of any student to haze, initiate or interfere in any way with one's privileges while traveling on the bus.

Parents will be responsible for any damages to a school bus that his/her child may inflict.

It is necessary to adopt the following procedure to deal with violations during the school year when a student is reported to the principal by a bus driver:

1. First violation - A warning or bus suspension will be given to the student by the principal. The parents will be notified with a copy of the Bus Conduct Form.
2. Second violation - Student loss of up to three (3) days riding privileges on the school bus to and from school. Parent or guardian must schedule an appointment with the principal before the end of the three-day period. It is the parent/guardian responsibility to transport the student to and from school during the suspension.
3. Third violation - Student loss of riding privileges on the school bus for an indefinite period. A loss of privileges of riding a bus to school does not excuse a student from attending school. The student's parent/guardian will be fined for every day that the student does not attend school.

A seating chart shall be established on all buses. By having a seating chart on all buses, violations which cause misbehavior and unsafe conditions on the buses can be eliminated.

For a student to ride a different bus to and from school to a different location, he/she must have written notification from his/her parent/guardian and written notification from the family he/she is visiting.

Examples of unsatisfactory conduct on the school buses which could lead to the loss of the privilege of riding the bus to and from school or other disciplinary measures as deemed appropriate by the building principal are as follows:

1. Remaining unseated while the bus is in motion
2. Loud conversation, singing, whistling
3. Fighting
4. Noise making
5. Boisterous conduct, calling to people from the bus, obscene jesters or signs

6. Throwing objects from the bus or within the bus
7. Failing to keep all parts of body inside of the bus and feet on the floor
8. Using profanity
9. Possession and/or use of smoking or smokeless tobacco products
10. Littering on the bus
11. Getting off the bus at other than own bus stop
12. Waiting for the bus at an unsafe distance from road
13. Approaching the bus before it comes to a complete stop

### **C. ATTENDANCE**

The Board believes that regular attendance in the classroom is conducive to learning and that frequent absences of students from regular classes disrupt the continuity of the instructional process. Students with good attendance have greater opportunities to utilize their talents, increase their self-esteem, and acquire more self-discipline. The District cannot educate students or provide them with support and assistance when they are absent. Poor attendance limits accomplishments and reinforces a habit, which could hinder the individual's future education or employment.

The educational program is based on continuous development and progression of learning skills, concepts and knowledge, and predicated upon student presence. Regular student attendance and interaction in the instructional process is essential for optimum development and the share of individual talents and experiences; therefore, regular attendance each day that school is in session is required.

It shall be the policy of the Board to require collaborative efforts between the home, school, and community in effecting good attendance patterns. Communication with parents should provide immediate identification of excessive absenteeism, identification of situations, which may be causing irregular attendance, and delineation of behavior expected of responsible students.

The Compulsory School Attendance Law of the Commonwealth of Pennsylvania requires every student of compulsory school age to be in school attendance unless absent for approved reasons. Parents and/or guardians are charged with the responsibility for this attendance.

The following definitions of terms are listed to clarify meaning in the use of this policy:

#### **Excused Absences**

Excused absences will include the following:

1. Illness as certified by a written explanation signed by a licensed practitioner.
2. Death in family.
3. Court mandated appearance.
4. Impassable roads when certified by the School District.

5. Religious holidays as certified by a written explanation signed by the student's parent/guardian or clergy person.
6. Field trips, special programs, athletic and activity events pre-approved by the administration.
7. Non-school district sponsored educational trips approved in advance by the administration, not to exceed five (5) days.
8. Suspension both in school (ISS) and out of school (OSS)
9. Educational trips pre-approved by the administration, not to exceed five (5) days.
10. Parent excuses not to exceed twelve (12) days total and not to exceed (3) days per quarter.

### **Unexcused/Illegal Absences**

Absence for any reason not listed above in the excused absence definition will be considered unexcused/illegal and constitutes truancy. Absence without a written excuse will be considered unexcused/illegal.

When a student's unlawful absences have accumulated to ten (10) days, a citation with the magistrate will be issued. Citations will continue to be filed upon every three (3) additional days of unexcused absences. At the high school level, students who have accumulated sixteen (16) unexcused/unlawful absences and 10 unexcused tardies, will be denied participation in all school related activities for one (1) calendar year – examples include but are not limited to prom, graduation, practices, homecoming, pep rallies, after-school meetings, dances, performances, athletic competitions, field trips.

After having accumulated twenty (20) consecutive school days of perfect attendance after suspension of participation privileges, with no class cuts, a student may petition the principal or assistant principal for the restoration of his/her participation privileges. If approved, all participation privileges will be restored until the next unexcused/illegal absence or class cut. There will be NO opportunity for a second participation petition. Student's right to participate in all sports and activities sponsored by the district will be revoked for the continuation of the initial suspension of participation privileges.

### **Written Excuses**

Written excuses are due at the time of the student's return to school.

### **Tardy**

Tardiness is the absence of a student at the time after any morning or afternoon session begins, provided the student is in attendance before the close of that session. A parent/guardian excuse will not suffice for tardiness. A physicians excuse shall be the only valid excuse for tardiness.

Any student who arrives to school after the morning session begins, will be counted tardy. After four (4) non-physician excuses for tardiness, the student will be marked for an unexcused absence. If a student arrives to school more than one hour after the start of school, he/she will be marked for ½ day of unexcused/illegal absence.

Students arriving to school late will be required to stay after the school session ends for the amount of time equal to the time they have been tardy. The student will not proceed to any meetings, practice session, performances or school-related activities until the total minutes for being tardy are served.

### **Early Dismissal**

Students must remain in school for the entire day. It is understandable that, on occasion, a student may need to leave early for an occasional physician's or court mandated appointment. However, students leaving early too often miss their last class of the day. Parents should consider scheduling all appointments after the school day has ceased.

After a student has been dismissed early from school for non-physician or non-court related appointments or by the school nurse/official, he/she will be marked as a ½ day unexcused absence after four (4) such occurrences. If a student is dismissed from school more than one hour prior to the end of the school session, he/she will be marked for ½ day of unexcused/illegal absence.

### **Makeup Work**

The time allotted to complete makeup work will be left to the discretion of the teacher, but will not be less than the total number of days the student was absent for excused reasons.

### **Student Responsibility**

It is the student's responsibility to do the following:

1. Attend all classes daily and on time.
2. Participate in class activities and discussions.
3. Obtain and make-up, with the specified time assignments and tests which have been missed.

## **D. DRESS CODE**

We take pride in the appearance of our students. Student dress reflects the quality of the school, of student conduct, and of school work. Any pattern of dress that is distracting or disruptive to the education process or dangerous to the health and safety of the student will not be permitted.

The following rules shall apply:

1. All head covering and sunglasses shall be removed upon entering any school building.

2. Appropriate classroom footwear must be worn at all times. In grades **Kindergarten – Grade 8**, flip-flops, slippers, and shoes without backs are not permitted. In grades **9-12**, slippers, flip flops and other rubber athletic sandals of any kind are not permitted to be worn.
3. Shirts with thin shoulder straps (Spaghetti straps) and halter tops are not permitted. Shirts or tops which reveal the stomach are not permitted.
4. Any garment that overly exposes the body is not permitted. All skirts, shorts and dresses must be no shorter than 3 inches above the knee. Dresses cannot drag on the floor.
5. Any pants with holes cannot be worn that exposes any skin. Pants with patches covering the holes, leggings or dark tights worn underneath the pants will be permitted.
6. Any article of clothing or jewelry, or any other items with indecent, suggestive, offensive, or obscene language, pictures, or symbols, and depicting or suggesting violence, drugs or alcohol products are not permitted.
7. Students shall wear all items of clothing in a manner for which they are styled or designed.
8. All coats and hats and book bags must be placed in the lockers upon entering the school and remain there during the day. Gym bags are permitted to be used during the gym period only. If warmth is a personal problem without a coat, the student should address his/her problem by wearing a sweater or other applicable garment. In grades **6-12** any garment with a hood is not permitted to be worn during the instructional day.
9. Jewelry or ornamentation that is used to adorn body piercing is limited to the ears. Excessive make-up and other items disruptive to the educational process are not permitted

## **E. CELL PHONE**

The Brownsville Area School District has determined that cell phones have limited or no educational value. Student possession of cell phones in the Brownsville Area School District is only allowable subject to the following rules and regulations. Strict adherence to these rules and regulations are required. Additionally, the Brownsville Area School District prohibits the use of other communication and electronic devices (ie., two way radios, pagers, mp3 players, i-pods) by students. The Brownsville Area School District reserves the right to define the educational value of any new electronic devices that may become available in the future and to prohibit their use if they have no educational value or if such use creates learner distraction or disruption. Upon entering the building, all cell phones must be turned off, stored in student locker and remain there throughout the school day. Cell phones must not be visible, using them as a clock or calculator is not an acceptable excuse.

Cell phone and other electronic devices consequences:

- **First offense** - Device is confiscated; student picks up device at the end of the day. Student is assigned a one (1) day of in-school suspension.
- **Second Offense** - Device is confiscated; parent will be permitted to pick up device after five (5) school days. Student is assigned a one (1) day of in-school suspension.
- **Third Offense** – Device is confiscated; parent will be permitted to pick the device up on the last day of the current school year. Student will be assigned a one (1) day out-of-school suspension.

Students shall be personally and solely responsible for the security of their cell phones and electronic devices. The Brownsville Area School District shall not assume any responsibility for theft, loss, or damage of any of the above mentioned devices.

Any student refusing to give up the electronic device will be faced with the following:

- The student will be given a citation.
- The student will be given an out-of-school suspension until the electronic device is brought back and given to the office.

## **VII. DISCIPLINARY OPTIONS**

### **A. DETENTION**

Detention will be held after or during school on days of the week as established by the building principal for warranted offenses.

Detention will be supervised by designated personnel who will be given a roster of assigned students.

Detention is a place of strict discipline and study. At the Elementary school level, detention can be assigned either by administrators or by any member of the professional staff with the approval of the building administrator. At the Secondary school level, detention can be assigned by the administrator. Students should fully realize that every teacher has the authority to correct any misconduct at any time. Therefore, it is conceivable that a teacher might assign detention to a student who is not in any of his/her classes.

Students and parents must receive at least one day notice prior to the start of detention. Detention will be assigned to the student upon parent notification. There is no acceptable reason for not attending detention; attendance is mandatory. Parents are responsible for transporting students after detention.

The requirements for detention are promptness, silence and constructive writing or studying for the entire session.

## **B. CITATION**

As defined in Section 24 PS 7-778 of the Pennsylvania Public School Code of 1949, the Brownsville Area School District has appointed a Chief of School Police. This individual has "the authority to detain students until the arrival of local law enforcement or any combination thereof."

At the discretion of the building principal, in accordance with the District's Discipline Code, citations will be issued as a deterrent to acts of violence. Upon receiving a citation, the student will be ordered to appear before the District Justice to determine innocence or guilt. If the student pleads guilty or is found guilty of the summary offense, he/she will be ordered by the Court to pay a fine in the amount of \$25 to \$300 plus court costs.

## **C. IN-SCHOOL SUSPENSION**

In-school suspension is specifically defined as the removal of the student from all daily regular classroom, school activities and extracurricular activities for the period of time designated by the building principal. During this suspension from regular classroom activities, the student involved shall be isolated in a private room under supervision and engaged in constructive work or study. Students involved in in-school suspension will be provided work as assigned by the regular classroom teacher. Provisions shall be made for a segregated lunch period, different from that of the main student body. If a student does not accept in-school suspension the student will be suspended from the Brownsville Area School District and charges will be filed with the District Magistrate.

In-school suspension provides the student the opportunity to continue his/her education.

## **D. OUT-OF-SCHOOL SUSPENSIONS AND EXPULSIONS**

The Board of School Directors has defined and published the types of offenses that would lead to exclusion from school. Exclusion from school may be effected by suspensions or expulsions.

1. Suspensions shall mean exclusion from school and also exclusion from all school-sponsored activities for an offense for a period of up to three (3) school days, by the building principal, without a hearing or for a period of up to ten (10) school days, after an informal hearing. No student may receive a suspension of more than three (3) days unless the student has been informed of the reasons for the suspension and has been given an opportunity to respond to the charges.
2. Students shall be permitted to make up exams and work missed while being disciplined by suspension within guidelines established by the Board of School Directors.
3. Expulsion shall mean exclusion from school for an offense for a period exceeding ten (10) school days, and may be permanent expulsion from

the school rolls. If, when expulsion proceedings are initiated, it is determined, after an informal hearing, that a student's presence in his or her normal class would constitute a threat to the health, safety, morals, or welfare of others, and it is not possible to hold a formal hearing within the period of the full suspension, the student may be excluded from school for more than ten (10) school days, provided the formal hearing is not unreasonably delayed. Any student so excluded shall be provided with alternative instruction.

4. During the period prior to the hearing and decision of the board of school directors in an expulsion case, the student may be placed in his/her normal class or assigned in-school suspension.
5. Students who are less than 17 years of age are still subject to the compulsory school attendance law even though expelled. They must attend school. The responsibility for placing the student in school rests initially with the student's parent/guardian. However, if the student is unable to be accepted at a private school, the district has the responsibility to make provisions for the child's education, either through instruction in the home or by re-admission. If none of these alternatives is acceptable, the school district must take action in accordance with the provisions of the Juvenile Act of 1996 to ensure that the child will receive a proper education.

#### **E. RESTITUTION**

Parents will be held responsible for making full restitution when their son/daughter is found guilty of defacing, destroying or theft of private or school property. School property includes but is not limited to school facilities, textbooks, materials, supplies and school bus furnishings. The amount of restitution will be determined by the business manager. Failure to make restitution will result in further disciplinary action for the student.

#### **F. ALTERNATIVE SCHOOL PLACEMENT**

The Brownsville Area School District provides alternative school placements for students who are not finding success in the regular school environment.

These programs are designed to meet the needs of the students who are 1) disruptive, 2) failing academically, 3) attendance problems, 4) non-conformance to school rules/regulations, 5) disrespect for authority or 6) drug and/or alcohol abuse. These students will be taught the academics in mathematics, language arts, social studies and science. The goal of these programs is to keep the students in school, and change behavior so that the student is able to return to the regular school environment.

Once a student is recommended for assignment to one of the schools by a team comprised of the superintendent or his/her designee, a principal or his/her designee and support staff, the student must remain in the alternative placement for a minimum of nine weeks. The executive director of the alternative school will review the status of each student and make recommendations concerning return to the home school. Under no condition will a student be returned to the home school until positive changes are evident in academics, attendance and behavior.

## VIII. HEARINGS

Education is a fundamental right and students must be afforded all appropriate elements of due process if they are to be suspended or expelled from school. As stated above, an informal hearing may be held depending on the length of the suspension and a formal hearing will be held in the event of an expulsion.

### A. Informal Hearing

An informal hearing will be held when a suspension is given for a period of four (4) to ten (10) days. At the informal hearing, the following due process requirements are to be observed:

1. Notification of the reasons for the suspensions in writing, given to the parents/guardian and to the student.
2. The right to cross-examine any witness.
3. The student's right to speak and produce witnesses on his own behalf.

### B. Formal Hearing

A formal hearing will be held before the Education Policy Committee of the Board. The Committee's decision is advisory to the school board when expulsion is recommended. A majority vote of the entire school board is required to expel a student.

At the formal hearing, the following due process requirements are to be observed:

1. Notification of the charges in writing is sent to the parents/guardian and to the student by certified mail.
2. Sufficient notice of the time and place of the hearing.
3. The right to an impartial tribunal.
4. The right to be represented by counsel.
5. 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 right to demand that any such witnesses appear in person and answer questions or be cross-examined.
7. The student's right to testify and produce witnesses on his/her own behalf.

8. A record must be kept of the hearing, either by a stenographer or by a tape recorder. The student is entitled to a copy of the transcript at his/her expense.
9. The proceeding must be held with all reasonable speed.
10. If requested by the student or his/her parents, the hearing shall be held in private.

#### **IX. DISCIPLINARY EXCLUSIONS OF STUDENTS WHO ARE ELIGIBLE FOR SPECIAL EDUCATION 22 PA. CODE SEC. 14.35**

All students in the Commonwealth are protected by due process procedures regarding disciplinary exclusions. The building principal/vice principal should first determine, when contemplating a disciplinary exclusion of any student, whether the student is an eligible student under Chapter 14. If the student is not an eligible student, the principal/vice principal must follow the requirements stated in the above section.

If the student is an eligible student, the principal/vice principal should then determine whether the disciplinary exclusion being contemplated is a change in educational placement. The phrase "change in educational placement" is defined and described in Chapter 14, Sections 14.1 and 14.35. Chapters 14 and 342 and IDEA '97 must be adhered to when disciplining any eligible student.

Further clarification of the above can be found in the Basic Education Circular: Disciplinary Exclusions of Students Who Are Eligible for Special Education 22 Pa. Code 14.35 issued July 1, 1999 with an expiration date of **June 30, 2003**.

Principals and Vice Principals may also contact the Director of Special Education for further clarification.