



CODE OF CONDUCT UPPER GRADES (6-12)

2026-2027 Academic Year

This Code of Conduct sets forth the initial policies of the Esperanza Academy Charter School ("Academy" or "Charter School" or "EA") and is applicable to students, faculty and staff, and visitors to the school site.

The founders note that all policies contained in this Code of Conduct are consistent with federal, state, and/or local laws, regulations, and guidelines. The Academy has little or no flexibility in applying or enforcing some of these policies due to legal requirements. The majority of policies contained in the Code will, however, reflect the founder's vision as to rules and policies necessary to establish an appropriate academic tone, focus, and environment at the Esperanza Academy.

The Code of Conduct will be key to creating an environment conducive to learning at the Academy. In the following pages, the Code clearly defines expectations and school discipline policies, while focusing on character virtues deemed by the Academy's Trustees to be keys to success in school and throughout life. Among these virtues are:

Responsibility

Thinking before you act and being accountable for your actions. Responsibility emphasizes our positive obligations to care for each other, e.g., ***performing a community service project.***

Perseverance

Doing your best with the talents you have, striving toward a goal and not giving up, e.g., ***putting forth one's best effort when taking an exam or doing homework.***

Respect

Showing regard for the worth and dignity of someone or something, being courteous and polite. Respect takes three major forms: respect for oneself, respect for other people, and respect for all forms of life and the environment, e.g., ***practicing acceptable manners in school.***

Kindness

Being sympathetic, helpful, kind, agreeable and gentle toward people and other living things, e.g., ***helping a fellow student who has been injured.***

Truth

Dealing truthfully with people, being sincere, not deceiving them or stealing from them, not cheating or lying, e.g., ***doing one's own work when taking a test or working on an individual assignment***

Citizenship

Helping to create a society based upon self-governing values including rules of law, equality, logical argument, representation, rights and responsibilities, and democratic decision-making, e.g., ***obeying classroom and school rules.***

Courage

Being open to take on new challenges presented by different subject areas. Standing up what you believe is right, e.g., ***not being afraid to make mistakes, reporting bullying.***

Self-discipline

Knowing what needs to be accomplished and not putting it off to the last minute. Learning to prioritize, e.g., ***starting a project on-time, arriving on time to school and class every day.***

Fairness

Treating people without prejudice, not playing favorites, being open-minded, and maintaining an objective attitude toward those whose actions and ideas are different from our own, e.g., ***treating people the same, regardless of their ethnicity, race, religion, gender, or physical condition.***

Cooperation/true friendship

Being a good neighbor, helping people around us and working together toward goals. Building community takes many forms, including having fun with each other e.g., ***being a member of the team in a class or a field, tutoring a student peer.***

The character virtues listed above will be the basis upon which we teach and gauge appropriate conduct. The school's curriculum will support character building through literature assignments and lessons learned from history. Students will be encouraged to model positive character virtues in their every action and thereby to develop personal habits that characterize a civil society.

The founders believe that daily interactions between staff and students provide the best opportunities for encouraging appropriate behavior and promoting the development of good habits. Thus, staff will be expected to interact with students in a positive manner at all times, and to maintain a high ratio of acknowledging good conduct and performance as contrasted to correcting misbehavior or overly focusing on inadequate performance.

One way in which this will be developed is by implementing Restorative Practices into our school culture. Restorative practices are utilized primarily to build and maintain positive relationships among the school community including students, teachers/faculty, administration and parents. The following is a detailed explanation of Restorative Practices:

Restorative Practices

A restorative approach can be used as both a prevention and intervention measure. Restorative practices can foster positive relationships and empower community members to take responsibility for the well-being of others; prevent or deal with conflict before it escalates; address underlying factors that lead young people to engage in inappropriate behavior and build resiliency; increase the pro-social skills of those who have harmed others; and provide wrong doers with the opportunity to be accountable to those they have harmed and enable them to repair the harm to the extent possible. When used as an intervention measure, taking a restorative approach to discipline changes the fundamental questions that are asked when a behavioral incident occurs. Instead of asking who is to blame and how those engaged in the misbehavior will be punished, a restorative approach asks five key questions:

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

Types of Restorative Practices

- **Informal practices:** This would include the use of *affective statements, affective questions, and small impromptu conferences.* ***Affective statements***—This is where an individual corrects behavior by explaining how such behavior affects them. For example, “When you speak while others are speaking, I become frustrated because I cannot continue my lesson.” ***Affective questions***—promotes natural consequences and a change in thinking. For example, what impact has this situation had on you and others? ***Small impromptu conferences***—these are quick meetings where the restorative and/or affective

questions can be asked of individuals involved in a conflict. The aim is to get each individual to explain their side, what they were thinking and how the matter can be resolved.

- **Circles:** Circles are effective as both a prevention and intervention strategy. Circles may be used as a regular practice in which a group of students (or faculty or students and faculty) participates. A circle can also be used in response to a particular issue that affects the community. The circle process can enable a group to build relationships and establish understanding and trust, create a sense of community, learn how to make decisions together, develop agreements for the mutual good, resolve difficult issues, etc.

I. SCOPE OF CODE OF CONDUCT

This Code of Conduct shall apply to any conduct:

- ◆ On school grounds at any time;
- ◆ On or off school grounds at any school-related activity, function or event;
- ◆ Traveling to and from school, including actions on any school bus, van or public transportation as well as actions taken while waiting for transportation to and from school or any school-related activity, function, or event;
- ◆ **Away from school if it is a continuation, retaliation or initiation of any event or individual related to school.**
- ◆ **Off-campus behavior if such behavior causes a substantial disruption to the school's environment or operations.**
- ◆ **Distance learning, flipped classrooms and/or other modes of virtual education**

II. DEFINITIONS

The following definitions apply to the Code of Conduct:

Student: a person, adult or minor, enrolled in the Esperanza Academy Charter School.

Parent/Guardian: the official caregiver of a minor child, including but not limited to biological or adoptive mother, father, stepparent, grandparent, or court-appointed guardian, including DHS workers and/or group home employees as identified at time of admission or amended in writing thereafter; or an emancipated minor (proof of which is required).

Staff: Any person employed by or volunteering at Esperanza Academy Charter School

III. EXPECTATIONS OF STUDENTS

The Esperanza Academy Charter School will provide our students with skills that they need for the future. The teachers, counselors, administrators and staff members at the Academy are dedicated to the education and well-being of our students. The Academy *expects and requires* all students to show *respect* for the staff, volunteers, visitors, the building, each other, and people of all cultures represented in the school. Academy students are expected to be motivated, serious, and to come to school each day prepared to learn, work hard and interact with adults and other students cooperatively.

Be Prepared – Education requires certain tools.

All students must come to school each day prepared to learn and work whether on site in the school building or participating in remote learning. The expectation is that all students regardless of the mode of educational delivery complete all assignments in order to make adequate progress. Student preparedness is evidenced by:

1. A well-organized notebook
2. Pencils, pens, and paper
3. Having and maintaining all textbooks being used in their classes
4. Specific subject area supplies (i.e., for geometry such supplies would include a protractor, compass, etc.)
5. Maintaining school issued technology

Students and families who are unable to obtain these supplies should contact the building's main office for assistance on acquiring those items/.

Help Keep Our Building Clean, Beautiful, and a Learning Environment

Students are expected to cooperate in maintaining a clean, attractive, and healthy learning/teaching environment. The following are guidelines for behavior inside the Academy and on its grounds:

Electronic Devices- personal electronic devices should be left home, this includes school issued home devices. The term electronic devices may include and is not limited to the following: cell phones, smart watches, portable video game consoles, iPods, iPads/tablets, large headphones/earbuds, speakers, electronic readers, and other electronic devices. Should the need arise to bring a personal electronic device, the following must be adhered to:

- Upon entering the building, the device must be turned off and placed in the student's locker.
- Students who are late to 1st period are responsible to place their cellphones in their locker prior to entering the classroom.
- If the device is found to be on, in use, or within the student's possession during the school day without the prior approval of Charter School administration, the electronic device will be confiscated every time and held to the following consequences:
 - First Offense: the parent will be notified. The device will be returned to the student after successfully serving the agreed upon consequence.
 - Second Offense: The student will serve a detention and a parent meeting will be scheduled to have the device returned. During the meeting, both the student and the parent will sign a contract which indicates that if a device is confiscated for a third time it will be returned at the end of the school year. The device will **only** be returned to the parent/guardian at the conclusion of the meeting and after the student has successfully served the after-school detention.
 - Third Offense: The confiscated electronic device will remain in a LOCKED compartment and returned at the end of the school year. . Should a student refuse to turn over the device upon the request of an administrator, the student may be subject to a suspension for noncompliance.
- Students must adhere to the guidelines delineated in the Student Technology Contract - Board approved 2018-2019 Technology Resource Student Handbook concerning school issued technology.

Food and Drink

- Students are not permitted to bring in glass bottles into the building for safety reasons. Students may bring water to school in containers other than glass. Students bringing food/beverages into the building must have food items closed and/or wrapped and consumed in the cafeteria during their lunch period. At no time should the eating of food become a disruption to the learning environment. Students are not permitted to order food to have it delivered to EA. Parents may bring food in for their child. This needs to be brought in before the student's lunch period, for the student to have ample time to eat. Students will not be given an extension of time to eat food that is brought in well into their lunch period.

STUDENT ATTENDANCE POLICY

State law requires all children of schooling age, six (6) through eighteen (18) years old- to be enrolled in school ("compulsory education"), and state law requires the Academy to report any incidences of truancy (i.e., three or more days of unexcused absence). In addition, Esperanza Academy places a high value on student attendance. Regular school attendance is a primary factor in a student's successful academic and social development and lays the groundwork for a successful and productive life beyond school. Frequent absences of pupils from regular classroom learning experiences disrupt the continuity of the instructional process. The benefit of regular classroom instruction is lost and cannot be entirely regained, even by extra after-school instruction. Consequently, many pupils who miss school frequently experience great difficulty in achieving the maximum benefits of schooling. Students are required to make-up their work within one week of returning from an authorized trip. In case of an absence:

- A parent/guardian is expected to call the school before 8:30 a.m. on the day of the absence or as soon as reasonably possible in the event of an emergency or as soon as reasonably possible in the event of an emergency, and a written or electronic absence note explaining the cause for the absence is required within 3 days of the absence. Failure to provide these notices will result in the absence being recorded as "unexcused".
- A student absent from school **may not** participate in any after school activity on the day they were absent.
- Students who have excessive absences may temporarily receive a grade of NG (no grade) until they are in compliance with the guidelines established in their individual Truancy Elimination/School Attendance Improvement Plans or if the student is disabled, the IEP or Section 504 Team shall be convened to address the issue appropriately.
- Students with 20 or more unexcused absences from the school and/or a particular course, may not be permitted to attend summer school unless the absences are medically excused and/or related to a disability or otherwise excused or otherwise excused.

Compulsory School Attendance Requirements

All students of compulsory school age who attend the charter school shall be subject to the compulsory school attendance requirements.

A student shall be considered in attendance if present at any place where school is in session by authority of the Board; the student is receiving approved tutorial instruction, or health or therapeutic services; the student is engaged in an approved and properly supervised independent study, work-related study or career education program; or the student is receiving approved homebound instruction.

The following students shall be excused from the requirements of attendance at schools, upon request and with the required approval:

- On certification by a physician or submission of other satisfactory evidence and on approval of the Department of Education, children who are unable to attend school or apply themselves to study for mental, physical or other reasons that preclude regular attendance.
- Students sixteen (16) years of age regularly employed during the school session and holding a lawfully issued employment certificate.

Excused/Lawful Absence

For purposes of this policy, the following conditions or situations constitute reasonable cause for absence from school:

- Illness, including if a student is dismissed by designated charter school staff during school hours for health-related reasons. An illness or injury resulting three (3) or more days of consecutive absence requires an official physician's statement/medical note upon a student's return to school in order to be excused
- Obtaining professional health care or therapy service rendered by a licensed practitioner of the healing arts in any state, commonwealth or territory.
- Quarantine.
- Family emergency.
- Recovery from an accident .
- Required court attendance.
- Death in the family.
- Participation in a project sponsored by a statewide or countywide 4-H, FFA or combined 4-H and FFA group, upon prior written request.
- Observance of a religious holiday observed by bona fide religious group, upon prior written parental request.
- Non-school-sponsored educational tours or trips, if the following conditions are met:
 - a. The parent/guardian submits a written request for excusal prior to the absence.
 - b. The student's participation has been approved in writing by the Chief Executive Officer or designee.
 - c. The adult directing and supervising the tour or trip is acceptable to the parents/guardians and the Chief Executive Officer.
 - d. College or postsecondary institution visit, with prior approval.

The charter school may limit the number and duration of non-school-sponsored educational tours or trips and college or postsecondary institution visits for which excused absences may be granted to a student during the school year.

Temporary Excusals -

The following students may be temporarily excused from the requirements of attendance at Charter School:

- Students receiving tutorial instruction in a field not offered in the charter school's curricula from a properly qualified tutor approved by the Chief Executive Officer, when the excusal does not interfere with the student's regular program of studies.
- Students participating in a religious instruction program, if the following conditions are met:

- a. The parent/guardian submits a written request for excusal. The request shall identify and describe the instruction, and the dates and hours of instruction.
 - b. The student shall not miss more than thirty-six (36) hours per school year in order to attend classes for religious instruction.
 - c. Following each absence, the parent/guardian shall submit a statement attesting that the student attended the instruction, and the dates and hours of attendance.
- School age children unable to attend school upon recommendation of the school physician and a psychiatrist or school psychologist, or both, and with approval of the Secretary of Education.

Parental Notice of Absence -

Absences shall be treated as unexcused until the Charter School receives a written excuse explaining the absence. The written excuse must be submitted within three (3) days of the conclusion of the absence. Written excuse notes are to be submitted through the designated attendance lead. Families may submit up to 8 parent written notes for absences. Beyond that, official documentation will be required for future absences to be excused (e.g., a doctor's note, court document, etc.). Family vacations are not an excusable absence at Esperanza Academy. Exceptions for students with disability-related absences will be addressed in Student's Section 504 Plan or IEP.

Unexcused/Unlawful Absence

For purposes of this policy, absences which do not meet the criteria indicated above shall be considered an unexcused/unlawful absence.

An out-of-school suspension shall not be considered an unexcused absence.

McKinney-Vento/Foster/Unaccompanied Youth Exception

The Academy recognizes that students experiencing homelessness, foster care placement, or unaccompanied youth status may face barriers in obtaining absence documentation. In such cases, the McKinney-Vento liaison, social worker, or counselor may verify the absence in lieu of traditional documentation, ensuring compliance with federal protections and equitable access to education.

Parental Notification -

Charter school staff shall provide notice to the person in parental relation upon each incident of unexcused absence.

Enforcement of Compulsory Attendance Requirements

Student Truancy

When a student has been absent for three (3) days during the current school year without a lawful excuse, Charter School staff shall provide notice to the person in parental relation who resides in the same household as the student within ten (10) school days of the student's third unexcused absence.

The notice shall:

- Be in the mode and language of communication preferred by the person in parental relation;
- Include a description of the consequences if the student becomes habitually truant; and
- When transmitted to a person who is not the biological or adoptive parent, also be provided to the child's biological or adoptive parent, if the parent's mailing address is on file with the school and the parent is not precluded from receiving the information by court order.
- The notice may include the offer of a Student Attendance Improvement Plan.

If the student incurs additional unexcused absences after issuance of the notice a Student Attendance Improvement Conference will be required.

School Attendance Improvement Conference -

Charter school staff shall notify the person in parental relation in writing and by telephone of the date and time of the School Attendance Improvement Conference.

The purpose of the School Attendance Improvement Conference is to examine the student's absences and reasons for the absences in an effort to improve attendance with or without additional services.

The following individuals shall be invited to the School Attendance Improvement Plan Conference:

- The student;
- The student's person in parental relation;
- Other individuals identified by the person in parental relation who may be a resource;
- Appropriate school personnel;
- Recommended service providers;

Neither the student nor the person in parental relation shall be required to participate, and the School Attendance Improvement Conference shall occur even if the person in parental relation declines to participate or fails to attend the scheduled conference.

The outcome of the Student Attendance Improvement Plan Conference shall be documented in a written School Attendance Improvement Plan. The Plan shall be retained in the student's file. A copy of the Plan shall be provided to the person in parental relation, the student and appropriate charter school staff.

The charter school may not take further legal action to address unexcused absences until after the date of the scheduled Truancy Elimination/ Student Attendance Improvement Plan Conference has passed.

Habitually Truant Student

Any student who accumulates six (6) or more unexcused absences are considered habitually truant.

When a student under fifteen (15) years of age is habitually truant, charter school staff:

Shall refer the student to:

- A school-based or community-based attendance improvement program; or
- The local children and youth agency.
- May notify the school district of residence to file a citation in the office of the appropriate judge against the person in parental relation who resides in the same household as the student.

When a student fifteen (15) years of age or older is habitually truant, charter school staff shall:

- Refer the student to a school-based or community-based attendance improvement program; or May notify the school district of residence to file a citation in the office of the appropriate judge against the student or the person in parental relation who resides in the same household as the student.

Charter School staff may refer a student who is fifteen (15) years of age or older to the local children and youth agency, if the student continues to incur additional unexcused absences after being referred to a school-based or community-based attendance improvement program, or if the student refuses to participate in such program.

Regardless of age, when Charter School staff refer a habitually truant student to the local children and youth agency or file a citation with the appropriate judge, Charter School staff shall provide verification that the school held a School Attendance Improvement Conference.

Filing a Citation -

A citation shall be filed in the office of the appropriate judge whose jurisdiction includes the school in which the student is or should be enrolled.

Additional citations for subsequent violations of the compulsory school attendance requirements may only be filed against a student or person in parental relation in accordance with the specific provisions of the law.

Special Needs and Accommodations

If a truant or habitually truant student may qualify as a student with a disability, and requires special education services or Section 504 accommodations, the Director of Special Education or Special Education Coordinator, or the School Counselor shall be notified and shall take action to address the student's needs in accordance with applicable law, regulations and Board policy.

For students with disabilities who are truant or habitually truant, the appropriate team shall be notified and shall address the student's needs in accordance with applicable law, regulations and Board policy.

Discipline

The Charter School shall not expel or impose out-of-school suspension, disciplinary reassignment or transfer for truant behavior.

It is expected that students arrive at school on time, in full uniform (including ID and lanyard), prepared for the school day. Excessive lateness also impacts students negatively. However, if a student has a disability, the school will address excessive lateness through IDEA and Chapter 711 and/or Section 504 mandates. ***When a student arrives at school late after 8:30 AM, parent notification via telephone or written excuses is required.***

LOCKERS

All lockers are assigned at the discretion of the Director of Student Development for the convenience of each student and remain the property of the Academy. All students who receive permission to use a locker must sign and agree to a contract stating the terms and conditions for locker use. Students are to only use the locker assigned to them. Sharing lockers is not permitted. The school reserves the right to inspect lockers, students must open them upon request. **When deemed necessary, lockers may also be opened and searched by administration and/or School Climate Officers with or without student consent.**

SCHOOL UNIFORM REQUIREMENTS AND DRESS CODE

The administration reserves the right to determine on a case-by-case basis what exceptions to the dress code are permissible. As it is impossible to list every deviation from the uniform, this list should not be considered exhaustive. All students and families seeking an exception to the permissible dress code must submit their request to the Director of Student Development detailing what exception is being requested and for what purpose. Uniform non-compliance will be addressed first through reminders and supportive interventions, including referral to the school's uniform resources. Repeated non-compliance may result in loss of privileges; disciplinary action will only be considered if supportive measures have not resolved the issue.

- ◆ Students must be covered from torso to mid-thigh and all undergarments must be covered by outside clothing.
- ◆ All EA students must wear the appropriate school uniform shirt purchased ONLY FROM authorized Flynn and O'Hara (F&O) uniform vendors. In addition, each EA student must wear their IDs and EA Lanyard as a part of their uniform. **Students and families facing financial hardship or meeting the criteria under McKinney-Vento should contact the students' counselor for the school to provide the necessary support to ensure compliance with the below uniform requirements for free or at a reduced cost.**
- ◆ The uniform is as follows:

HS Students:

- Light blue or yellow button-down Oxford shirt – long or short sleeve, Flynn and O'Hara Only
- Navy blue skort or 4-kick pleated skirt
- Navy blue cotton pants/slacks (no cargo or multi-pocketed pants)
- Untucked Navy sleeveless sweater vest or long-sleeved sweater (vest or sweater must be worn unless otherwise indicated by school's administration) or navy-blue zippered sweater with EA's Logo (can be purchased at the school)
- Navy blue or black socks or tights/leggings
- Navy blue, brown, or black belts, except with skirts.
- Optional Tie
- Black leather dress style shoes (no boots, heels, sneakers, open-toe/back, moccasins, ballerina slippers, slippers, Crocs or slides)

EA issued lanyard and ID

HS Gym Uniform:

Plain navy-blue sweatpants

Navy blue colored Tee shirt (Can be purchased at the school).

Sneakers

MS Students

Light blue button-down Oxford shirt – long or short sleeved, Flynn and O'Hara Only

Navy blue cotton pants/slacks (no cargo or multi-pocketed pants)

Untucked Silver/gray sweater vest, short or long sleeved (vest or sweater must be worn unless otherwise indicated by school's administration) or navy-blue zippered sweater with EA's Logo (can be purchased at the school)

Navy blue or black socks

Navy blue, black or brown belt

Black leather dress style shoes

Optional Tie

EA issued lanyard and ID

MS Gym Uniform:

Plain navy-blue sweatpants

Navy blue colored Tee shirt (Can be purchased at the school).

Sneakers

All students are required to display their school-issued ID on their person at all times while in the school building or while on a school-related function via use of the school issued lanyard. Students must surrender their ID immediately upon request to any staff member requesting it. Refusal or failure to produce the ID will be considered an act of non-compliance. The student is subject to disciplinary action, including exclusion from scheduled assemblies or special events, multiple detentions, loss of extra-curricular privileges, loss of privileges to participate in trips and social events and, in the case of repeated offenses, suspension. If the ID, lanyard or pouch is misplaced, lost or stolen, students are responsible to replace these items. Student IDs may be purchased for \$5. Lanyards are \$3 and ID holders are \$1. Any students with financial hardship and/or qualifying pursuant to McKinney Vento, as homeless or an unaccompanied homeless youth, will be assisted by the School to comply with uniform requirements.

Each student must produce their school-issued ID before entering the school building. Staff posted at the front doors will check for ID's every day. Students who do not have their ID have the option to purchase a new one on the spot, and be admitted into the building with no future consequence. Students without their IDs must sign the uniform/ID log and may receive a detention.

- ◆ Uniform pieces may be purchased at any vendor with the exception of those pieces identified above, which **must** be purchased through Charter School or the authorized vendor or otherwise obtained through the school. Additionally, all clothing must be worn in the appropriate size.
- ◆ Uniforms are always required for school trips, activities, etc., unless determined otherwise by the Director of Instruction or Director of Student Development. If advised that uniforms are not required for a school activity, trip, or other event, appropriate dress must be worn. All other dress code requirements, such as those pertaining to the Dress Code Violations list still apply.

- ◆ Students enrolled in the Physical Education class may be required to wear a uniform that is appropriate for a gym class. All jewelry should be removed as a safety precaution.

Esperanza Academy affirms the rights of all students to wear hairstyles and hair adornments, including braids, locs/dreadlocks, twists, beads, and other protective styles that reflect racial, cultural, or ethnic identity. Such expressions are permitted as long as they do not pose a health or safety hazard in specific instructional settings (e.g., science labs, physical education).

Non-uniform items that pose safety hazards, cause significant disruption, or are inconsistent with Esperanza's uniform requirements may be restricted.

Dress Code Violations:

The following is prohibited by the dress code:

- ◆ Head-coverings, except for religious and/or medical reasons. This applies to all students.
- ◆ Studded bracelets
- ◆ Sunglasses
- ◆ Hoodies
- ◆ Unapproved Buttons or ornaments
- ◆ Sneakers (including foam sneakers), boots, open-toed/heeled shoes, Crocs, sandals, clogs, spiked heels, sling-backs, ballerina slippers, slippers, or shoes without appropriate thickness in the heel (any shoe other than the approved shoe styles)
- ◆ Un-tucked shirts
- ◆ Attire must fully cover the torso and extend to at least mid-thigh. Undergarments should not be visible.
- ◆ Exposure of any undershirt protruding from the sleeves or bottom of uniform shirt
- ◆ White socks
- ◆ Any other deviation from the dress code not identified here.
- ◆ Clothing should be clean and well-maintained. Pants should not have rips, tears, or frayed edges. Items that are damaged should be repaired or replaced to meet uniform expectations.

After School Dress Code

Students participating in any after school activity must adhere to the following guidelines. Unless otherwise specifically directed by the staff supervisor, all students participating in an after-school activity must be in regular school uniform, worn properly, regardless of the time of day. Failure to comply with the uniform may result in suspension from school, and possible removal from the activity. Any activity requiring a change in clothing due to the nature of the activity (art, athletics, etc.) must first secure approval from the administration. Attire changes must follow these guidelines;

- Shirts must be free from references to anything deemed inappropriate according to the Code of Conduct. Such things as drugs, alcohol, sex, profanity, weapons, and violence are deemed inappropriate.
- Shirts must provide full torso coverage. Sleeveless shirts, tank tops, strapless tops, halter tops, or any other shirt which exposes the midriff is not acceptable.
- Shorts must be at a length appropriate for a school setting.
- Shoes must be appropriate for the activity, such as athletic shoes. Sandals, flips-flops, slippers, boots, and any other open-toed shoes are not acceptable.

- Jewelry should be kept to a minimum.

Staff supervisors may determine what changes are to be made to these guidelines when it is appropriate for their group's activity. This would be inclusive of approved dress down days or dress for success days as well as any other special events.

IV. EXTENSIONS TO THE CODE OF CONDUCT

A. Search and Seizure

The Esperanza Academy Charter School reserves the right to search students and their belongings and/or lockers. In addition, students may be asked to empty pockets, purses, etc. If a student is found in the possession of items that are illegal: weapons, drugs, stolen property, and other contraband, the student will be charged with the appropriate school offense, the Philadelphia Police Department may be notified the student may be held for the police, and charges may be pressed. Any student who refuses to cooperate with school authorities may be subject to a formal disciplinary hearing. In accordance with IDEA and in accordance with the Rehabilitation Act of 1972, students with IEPs and/or Section 504 Plans will be provided due process protections, including but not limited to a Manifestation Determination, in order to determine if the student may be considered as a regular education student for discipline purposes.

B. ACT 26

Act 26 of 1995 (the Safe Schools Act) – Creates a mandatory one-year expulsion for the possession of weapons on school property, including buses and school-sponsored events. Pursuant to this Act and the PA School Code, “The superintendent of a school district or an administrative director of an area vocational-technical school may recommend discipline short of expulsion on a case-by-case basis. The superintendent or other chief administrative officer of a school entity shall, in the case of an exceptional student, take all steps necessary to comply with the Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1400 et seq.). Act 26 also requires parents to provide a sworn statement upon registering their child in school as to whether the child had previously been suspended or expelled from another school. Act 26 also requires schools to maintain records on acts of violence and weapon possession and to forward student discipline records when a student transfers to another school.

Act 26 defines the term weapon to, **“including but not limited to, any knife, cutting instrument, cutting tool, nunchaku, firearm, shotgun, rifle, and any other tool, instrument or implement capable of inflicting serious bodily injury.”** The law requires action for documented cases of weapon possession in school or while traveling to and from any school or school program, including public transportation.

A student found in possession of a weapon will be considered to be in violation of the Code of Student Conduct, and the incident will be considered a Level III offense. Schools are to follow the following steps:

1. The student must be detained
2. The police must be contacted
3. The student must be arrested
4. The parent must be contacted
5. The student must be suspended
6. A serious incident report must be filed
7. A disciplinary memorandum must be submitted recommending expulsion

C. ACT 110

Act 110 of 2020 Mandates that a student who is convicted of sexual assault upon another student enrolled in this Charter School shall be required to notify the Chief Executive Officer or designee of the conviction no later than seventy-two (72) hours after the conviction. If the convicted or adjudicated student has already been expelled, or if the victim does not attend the same school, no additional action regarding expulsion, transfer, or reassignment is required by the Charter School. Although action is not required, the Charter School maintains the authority to make an alternative assignment or provide alternative educational services during or after an expulsion at the discretion of the Chief Executive Officer or designee. Upon report of a conviction or adjudication of sexual assault upon a Charter School student that occurred in the school setting, the Chief Executive Officer or designee shall notify the Title IX Coordinator to determine whether the incident has been addressed in accordance with applicable Board policy. The Charter School 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 on the same vehicle; the Charter School shall coordinate with the students' school district of residence if transportation is provided through the school district.
3. Participating in the same school-sponsored activity.

The Charter School 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 Charter School.
2. The conviction or adjudication has been reversed and is not pending appeal.

D. Conduct of Visitors, including Friends and/or Family, at EA activities, functions, and events

All Charter School visitors, including friends and family of EACS students, must adhere to the school's Code of Conduct at all school-related activities, functions, and events. Failure to do so may result in exclusions from school grounds and/or participation in future school activities, functions, and events as well as potential legal consequences.

All EACS students must adhere to the school's Code of Conduct at all school-related activities, functions, and events. Any EACS student who, either alone in coordination with friends or family members, engages in conduct contrary to the Code of Conduct shall be subject to disciplinary action in accordance with the provisions outlined in the policy.

E. Students requesting administrative support

Any student may request permission from their teacher or supervising adult to leave class and report immediately to the appropriate office to make an appointment to meet with the Director of Instruction, Director of Student Development, Department Chairperson, School Counselor, Operations Manager or Support Services to discuss a problem, prevent a problem, or explain a behavior.

F. Teacher/Parent Communication

If you have a suggestion, concern, or complaint regarding a grade, an assignment or disciplinary actions taken by a teacher, please first contact that teacher directly. Teachers are very willing to listen to your questions and concerns and would like to work with you. Out of courtesy for the teaching staff, please address your questions and concerns with them first rather than immediately going to the administration.

If, however, you do not feel that your question or concern has been correctly addressed, then contact the grade-level Director of Student Development. If after speaking to the Director of Student Development you are still not satisfied, you may contact the Director of Instruction.

If the administration is unable to resolve a single issue with a parent, the administration and/or parent will refer the issue to the CEO for resolution. If, after meeting with the CEO the situation continues to be unresolved, the CEO will refer the issue to the Governing Board for resolution.

G. Special Programs, Events and Graduation

Students should note that special programs and events, including assemblies/showcases, field trips, dances, proms, and even graduation, are privileges, not rights. Participation in special programs and events is subject to the discretion of administration upon considering a student's academic performance and conduct.

- Seniors who have 2 or more Fs may not participate in graduation exercises.
- Seniors may participate in graduation if they have 1 F and did not meet ACT 158 State or EA Graduation Requirements, however their diploma will be held until these requirements are met.
- Students failing more than one major subject area or considered chronic behavior issues may be banned from special events, programs, trips, etc.
- Juniors/Seniors must be in good academic standing (no more than one F) and free of excessive conduct issues in order to attend the Junior and/or Senior Proms. Approval from the CEO or CAO is required.

V. ZERO TOLERANCE POLICY

Esperanza Academy reserves the right to hold a “zero tolerance” stance with regard to particular discipline issues which affect the safety and well-being of members of the school community and the condition of the school building. This policy mandates predetermined consequences for specific offenses, regardless of the circumstances surrounding any specific event or the disciplinary history of any student involved. Incidents of assault and/or fighting, possession of weapons or dangerous weapons/objects, possession, or use of drugs or alcohol in school, on school property, or during school sponsored events, and property damage, will not be tolerated. In the event that one of the above actions has occurred, the following *may* be implemented effective immediately.

1. Any Academy student determined by the building administrator or the administrator's designee to be involved in one of the actions affected by this policy maybe immediately suspended for up to 10 days out of school. Also, any student involved in one of the above actions, which violates state or federal law, maybe referred to the local law enforcement agency and, if deemed necessary by said authority, arrests will be made.
2. Esperanza Academy will comply with all due process measures for students with disabilities who are found to be in violation of a zero-tolerance policy. This would include holding a manifestation determination (MD) meeting prior to recommending a student for a change in placement. Should the offense not be a manifestation of a specific disability, the formal disciplinary process may move forward.
3. Expulsion of students will be considered at a disciplinary hearing of the Esperanza Academy Board of Trustees
4. Board members will vote on the case as it has been heard, and the outcome of said vote will be final, subject to appeal to the Court of Common Pleas, Philadelphia County (See Section X – Expulsion).

VI. Esperanza Academy
Bullying/Cyberbullying Policy
(Revised 8/2026)

Section 1. Purpose

Esperanza Academy Charter School ("EACS") is committed to providing a safe, respectful, and positive learning environment where all students are treated with dignity and respect. Bullying and cyberbullying interfere with a student's ability to learn and the school's ability to provide a safe educational environment. Therefore, bullying and cyberbullying by EACS students are strictly prohibited.

This policy applies to conduct occurring on school property, at school-sponsored activities, on school transportation, and, when permitted by law, off-campus conduct that substantially disrupts the educational process or interferes with a student's educational opportunities.

Section 2. Definition

Bullying is defined by an intentional electronic, written, verbal, nonverbal (including cyber bullying which is bullying that occurs by use of electronic devices and/or through social media), psychological, physical, or electronic act, or a series of acts directed at another student or students, which occurs in and/or outside a school setting, that is severe, persistent or pervasive and has the effect of doing any of the following:

- (1) Substantially interfering with a student's education;
- (2) Creating a threatening or hostile environment; or
- (3) Substantially disrupting the orderly operation of the school

"School Setting" shall mean in the school buildings, on school grounds/property, in school bus or other school vehicles, or during any activity sponsored, school-supervised or sanctioned by the school. Any location where the conduct materially affects the school environment.

Bullying is characterized by and must include all three of the following criteria:

- (1) It is aggressive behavior or intentional harm.
- (2) It is behavior that is carried out repeatedly over time.
- (3) It is behavior by a person or persons with more physical or social power toward a less powerful person.

Acts of bullying may include, but are not limited to:

- Making statements or sending mean, threatening, or inappropriate text messages, chat messages, emails, or other electronic communications.
- Starting or continuing a rumor in person or by email or posted on a social network.
- Sending or resending (reposting, liking, retweeting, etc.) embarrassing pictures or videos.
- Creating fake social media/internet profiles or websites or

- Hacking other student's email or school programs and using to threaten or harass others

Cyberbullying

Cyberbullying is bullying that occurs through the use of electronic devices, digital communications, social media platforms, websites, online gaming, email, text messaging, messaging applications, or any other electronic technology.

Cyberbullying also includes the use of **artificial intelligence (AI)** or other digital technologies to create, modify, manipulate, impersonate, or distribute content intended to intimidate, threaten, harass, embarrass, humiliate, or harm another student.

Examples include, but are not limited to:

- Sending threatening or abusive text messages, emails, or online messages.
- Posting or sharing rumors through social media or electronic communications.
- Posting, forwarding, liking, reposting, or encouraging others to distribute embarrassing photographs or videos.
- Creating fake social media accounts or impersonating another student online.
- Hacking another student's school or personal account.
- Using AI to create fake or manipulated photographs, videos, audio recordings, or other "deepfake" content to embarrass, threaten, harass, or intimidate another student.
- Using AI tools or chatbots to impersonate another student or generate false communications intended to damage another student's reputation.
- Sharing digitally altered or AI-generated images, videos, or recordings without permission for the purpose of bullying or harassment.

Section 3. Authority

Esperanza Academy Charter School encourages students or parents/guardians of students who have been bullied or witnessed bullying to immediately report such incidents to the Director of Student Development, school counselor, or to any other member of the school staff. Any employee who witnesses or receives such a report shall immediately notify the Director of Student Development or designee no later than the next school day. Students or parents/guardians also have the right to report the incident to the School District of Philadelphia's Bully Hotline at 215-400-SAFE.

Esperanza Academy Charter School directs that complaints of bullying shall be investigated promptly and thoroughly, and corrective action shall be taken when allegations can be confirmed. Confidentiality of all parties shall be maintained, consistent with the school's legal and investigative obligations. All parties will be treated with dignity and due process. No penalty or retaliation shall occur as a result of good faith reports of bullying.

Section 4. Guidelines

This policy shall be accessible in every classroom, and posted in a prominent location within each school building and posted on the school's website. The policy shall be made available in English, Spanish and all other languages necessary to facilitate understanding by school pupils. This policy shall be communicated to employees as part of the annual training and reviewed with every student annually at the beginning of each school year during grade level assemblies.

EACS will provide age-appropriate education and prevention activities designed to promote respectful behavior, digital citizenship, responsible technology use, conflict resolution, and bullying prevention.

Section 5. Consequences for Violations

If the allegations of bullying are confirmed, the Director of Student Development or designee(s) shall:

1. Inform the student(s) found to have violated this policy and his/her parents/guardians of the results of the investigation, including the actions of the student and the consequences for his/her actions.
2. Review the definition of bullying and the school's policy on bullying with the students(s) and his/her parents/guardians.
3. Administer the consequences for the behavior relative to the number of offenses and the severity of the behavior. A student who violates this policy shall be subject to appropriate disciplinary action consistent with the Code of Conduct, which shall include:
 - a. First Offense—Restorative conference with involved parties to repair harm, parent/guardian notification/conference, loss of school privileges, exclusion from school sponsored activities (including participation in sports teams), detention or in-school suspension (ISS).
 - b. Second Offense—Restorative circle with students and families involved, referral to mental health support team, ISS and/or Out of School Suspension.
 - c. Third Offense—Mandatory family meeting with school administration, and/or Out of School Suspension.
 - d. Fourth Offense - Mandatory disciplinary hearing before the Board of Trustees or its subcommittee.
 - e. Recommendation for expulsion may be considered.

If the first and/or second offense is notably severe, a student may immediately be disciplined in accordance with the Code of Conduct. This could result in a long-term suspension (4-10 days) and/or expulsion proceedings. Whenever appropriate, restorative practices and re-entry supports shall be incorporated to promote accountability, repair harm and facilitate successful reintegration into the school community.

VII. RULES OF CONDUCT/DISCIPLINARY CODE: OFFENSES AND CORRECTIVE ACTIONS

NOTE: If there is a Title IX investigation, no discipline may be imposed until determination made of a Title IX violation having occurred.

Level One Offenses

Level I offenses are offenses that negatively impact the learning environment and are addressed by the classroom teacher. Level I violations include but are not limited to the following actions:

A. Initial Use of Profanity/Inappropriate Language:

A student shall not use language in physical, electronic, written form or through another student that is profane, obscene, vulgar, insensitive to race, sex, sexual orientation gender, culture or ethnicity, intentionally disruptive, libelous, or offensive to other students, faculty or the community; in any classroom, lunchroom, hallway, yard, or school related venue, school publication, bulletin board, public address system, or on a book bag, book, button or their body etc. The excuses such as but not limited to, "I was only kidding" or that "we use this language all the time", will not be acceptable. The excuses, such as but not limited to "I was only kidding" or that "we use this language all the time", will not be acceptable. Inappropriate language includes: rolling eyes, sucking teeth, talking back, silently mouthing words, etc.

A student shall not use force, noise, coercion, threat, intimidation, fear, passive resistance, or engage in any other conduct intentionally or recklessly that will cause the substantial and material disruption or obstruction of the lawful mission, purpose, or function of the Academy.

A student shall not urge other students or outsiders to engage in such conduct as expressed in this Rule A.

B. Disrespect of Staff, other Adult Personnel, or Students

At no time may a student express with words, gestures, body language or through electronic or written means, disrespect for a teacher, employee or volunteer of the Academy, the Academy itself or other students. This policy applies to behavior toward any adults or students taking part in a school-related activity. While cultural differences in expression are recognized, all interactions should maintain professionalism and dignity in every school-related context.

C. Leaving Class Without Permission

No student may leave class (including the cafeteria during lunch periods, the group during field trips, and the student body during assemblies) without the express permission of the teacher, School Climate Officer (SCO) or other school staff. Students must have both verbal and written permission (a "hall pass") to leave the classroom.

D. Disruption of Class

No student may cause, through deliberate action, the disruption of class. This includes, but is not limited to, talking when inappropriate, noncompliance of teacher directives, horseplay, causing a distraction, speaking in an inappropriate manner (cursing, yelling, laughing too loudly), passing of notes, walking around the room without permission. This also applies to students who are not in the classroom who may cause a disruption to another class with their behavior.

E. Noncompliance (Disobeying Lawful or Appropriate Instructions of a staff member)

A student shall not disobey the lawful or appropriate instructions of a teacher, administrator, teacher's aide, School Climate Officer (SCO), or any adult staff member or volunteer of the Academy. Any violation of the Code of Conduct.

F. Sleeping in Class/Head down on desk

Learning being the purpose of school and engagement required for learning, a student shall not sleep and/or rest their head on a desk while in class. The school will consider known extenuating circumstances and provide appropriate interventions before disciplinary action is taken.

G. Uniform

Every day, an EA student must wear the appropriate school uniform. In addition, intentionally damaging or altering your uniform (or another student's uniform) is not permitted. No student shall wear a hat, cap, or other head covering inside the school or when wearing the school uniform. All hats and head coverings must be stored in the student's locker during the school day. This rule may be waived only for religious or medical reasons or as otherwise waived by EACS on a case-by-case basis upon request. (See Section XIV, Uniform Regulations)

H. Defaced Textbooks, Assignments, Electronic Devices and Graffiti

A student shall not deface (tag) assignments, test papers, reports or other works to be displayed or submitted. In addition, a student may not display on school or personal property any symbols or images making references to drugs, drug corners or gangs, sexual conduct, or other illegal activities.

I. Overt Signs of Sexual Affection

A student shall not express overt sexual affection inside the school building, on school grounds, on a school-sponsored trip, or at any school activity. Prohibited behavior includes, but is not limited to, kissing, prolonged embraces, fondling, and suggestive remarks, obscene notes, etc. The prominent display of "hickies" or passion marks is prohibited.

J. Care of the Building

A clean and orderly environment being conducive to learning, students should make sure that all food, spills, and other disposable items be cleaned up and taken care of prior to leaving any space in the building. Refusal to do so may be considered a disruption of the learning environment.

K. Class Cutting or Tardiness

Students may not be tardy, skip or otherwise be absent from class unless warranted by a valid reason. Valid reasons include a parent or doctor's note or other documentation of extenuating circumstances.) Tardiness is defined as arriving to an assigned class, including lunch, after the established start time (usually indicated by the school-wide bell system without a valid, documented excuse from a staff member. Tardiness pertains to all classes once a student has arrived in the building

All students must arrive on time to school in the morning and attend every class on their schedule each day. **A student 15 minutes or more late to class without a valid excuse will be considered cutting.**

L. Failure to Attend an Assigned Detention

Students who are assigned detention by a teacher, administrator, or other staff member must attend the detention on the date assigned or they may face additional consequences. Rescheduling and/or exceptions may be made by the person who assigned the initial detention or by the Director of Student Development.

M. Inappropriate Contact

No student may be inappropriately physical with another student. This includes, but is not limited to excessive horseplay; slap-boxing, rough housing, play fighting, hitting or smacking genitals, and/or any sexually charged contact.

N. Misuse of Technology

Inappropriate use of technology may result in disciplinary action. This includes the use of school computers and Chromebook, as well as school issued email accounts. Students and their parents should be aware that electronic communications—e-mail—and using school computers are not private and are monitored by security applications and school staff. Should a student be found misusing school technology, privileges may be revoked and a student may receive a suspension depending upon the nature of misuse. Parents and students must sign and return the Technology Resource Student/Parent Handbook included in the Parent/Student Handbook to acknowledge their understanding of the policy.

Level One - Corrective Actions:

All level one offense requires a direct parent/guardian outreach by a teacher or staff member in order for a consequence to be given.

The following sets forth the corrective actions that may be taken in the event of a level one offense:

1. The student may be subject to a restorative conference with their teacher.
2. The student may receive a school detention assigned by their teacher.
3. The student may have some classroom privileges suspended.
4. The student's parents/guardians may be contacted regarding action, behavior, and consequences.
5. A student may be temporarily assigned to the BIR (Behavior Intervention Room) or In School Suspension (ISS) Room
6. The student may be required to make appropriate restitution for the offense committed.
7. If the student's parent was contacted and there has been restorative consequences on behalf of the teacher, the teacher may refer the student to DOSD.
8. The student may be referred to MTSS Behavior Support.

Level Two Offenses

Level II offenses are offenses that significantly impact the learning environment that may require administrative intervention/support. Level II violations include but are not limited to the following actions:

A. Smoking and/or Vaping -Nicotine or Nicotine-based products

A student shall not smoke or vape in any part of the building. The City Fire Code prohibits smoking in the school facility. Common sense and health concerns likewise dictate that no smoking or vaping can or will be permitted inside the school building. Additionally, no smoking or vaping is permitted on school grounds. This includes the schoolyard, sidewalks in front of or adjacent to the building, or the area in back of the building. ***No student may possess any cigarettes, e-cigarettes, tobacco products, lighters, matches or any incendiary device on school grounds.*** Smoking includes cigarettes, cigars, vaping, and use of other related paraphernalia.

B. "Out of Bounds"

No student may be in any part of the school building or grounds, including teacher's lounges, bathrooms, classrooms, stairwells, kitchen or elevator unless specifically scheduled to be there or having received permission in advance from an appropriate authority. Students who are found near the school building in unauthorized locations during school time (such as corner stores, Dunkin Donuts, etc.) will also be considered out of bounds.

C. Gambling

At no time may students engage in any form of gambling.

D. Possession of Prohibited Items:

A student may not have in their possession, in a school bag or coat, or in a locker, any of the following items:

- a. Speakers,
- b. Electronic games or lasers
- c. Items associated with gambling (face cards, dice, etc.)
- d. Large markers or spray paint
- e. Pornographic, obscene, or suggestive material
- f. Racist, sexist, homophobic, and/or other material offensive to any ethnic or religious segment of the community

E. Encouraging Others to Violate Rules

Willfully encouraging others to commit any of the acts that are prohibited by the Academy's Code of Conduct will be considered a Level 2 offense.

F. Violations of Fire Drill Instructions:

No student may impede the safe exit of other students in a fire drill or other emergency situation. This includes, but is not limited to, disruption of fire drill by talking, disobedience or inattentiveness. A student who makes a false report of an emergency situation maybe subject to expulsion for cause.

G. Hazing:

Hazing of any sort is forbidden at all times. Hazing is defined as: A person commits the offense of hazing if the person intentionally, knowingly or recklessly, for the purpose of initiating, admitting or affiliating a minor or student into or with an organization, or for the purpose of continuing or enhancing a minor or

student's membership or status in an organization, causes, coerces or forces a minor or student to do any of the following:

- (1) Violate Federal or State criminal law.
- (2) Consume any food, liquid, alcoholic liquid, drug or other substance which subjects the minor or student to a risk of emotional or physical harm.
- (3) Endure brutality of a physical nature, including whipping, beating, branding, calisthenics or exposure to the elements.
- (4) 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.
- (5) Endure brutality of a sexual nature.
- (6) Endure any other activity that creates a reasonable likelihood of bodily injury to the minor or student.

H. Sexual Harassment

Any student, faculty, staff, or adults engaging in behavior that is characterized by the making of unwelcome and inappropriate sexual remarks or physical advances in the school environment or seeking or demanding any sexual favors is forbidden. Harassment can take the form of sending inappropriate images via the internet, data service on a cell phone or tablet, sexual gestures, vulgar language or other ways that are identified by school administration. Appropriate corrective and disciplinary action will be taken and may include expulsion. All reports or concerns of sexual harassment will be reviewed in accordance with the school's **Title IX Grievance Procedures** to ensure a prompt, equitable, and trauma-informed response.

I. Detainment or Obstruction:

Physically detaining or restraining any other person or removing such person from any place where they are authorized to be, or in any way obstructing the free movement of persons or vehicles on school premises or at school activities, is prohibited.

J. Inciting Disorder/Disorderly Assembly/Disorderly Conduct

Participating in, or inciting, a riot or unauthorized or disorderly assembly or conduct is forbidden. Students should refrain from inappropriate behaviors while assembling in front of school buildings while waiting for siblings, family members and/or friends. Students who need to meet a sibling or family member should meet them at 3rd and Bristol streets at the identified locations. Students causing disorderly assemblies while inside of the school or behaving unseemly may be cited with disorderly conduct.

K. Materials Posting, Sale, Solicitation, or Distribution:

No student may post, sell, solicit or distribute materials and/or services without advance written permission of the Director of Student Development. This includes, but is not limited to, selling services for completing assignments (which would also fall under plagiarism).

L. Cheating and Plagiarism:

A student may not cheat, copy, or plagiarize material. This includes, but is not limited to completing another person's assignment whether written or computerized, taking another person's exam, using someone's log-in to complete benchmarking and credit recovery assignments, or inappropriately using technology, including but not limited to Artificial Intelligence created content which is claimed as Student's creation in order to complete an assignment or assessment on your behalf.

This would also include the deliberate action of using another person's research or material for essays/research projects. The consequence for Cheating and Plagiarism will be leveled based on the infraction and will apply within one academic calendar year:

- For a first-time offense, the classroom teacher will determine cheating and/or plagiarism and will document the infraction, notify the student and parent/guardian and require an assignment to be made up
- A second offense by a student in the same course or of a different course will be determined by and documented by a teacher and will result in failure of the assignment and a teacher conference with the student and a notification of the parent/guardian and designated administrator
- A third offense in the same or different course will be determined by the teacher and documented, and will result in an in-school suspension, a parent and student conference with the designated administrator, and a failure of the assignment
- A fourth offense or an offense considered to be egregious will be documented by the teacher and could result in an up to five (5) day out of school suspension and/or failure of the course and/or assignment and will require a parent and student meeting with the Director of Instruction

M. Threatening Language

A student may not threaten another student, staff member or adult personnel. This would include threats that are made verbally, written, non-verbally through body language, or via electronic and/or social media outlets.

N. Inappropriate Digital Images

Electronic devices capable of taking and/or transmitting digital photographic images and/or videos can create a risk factor in locker rooms, restrooms, private areas, classrooms and other locations where students and/or staff have a reasonable expectation of privacy. Capturing of images in the above school locations for the purpose of violating privacy, harassment (sexual or otherwise), or bullying is prohibited. The planning of, collecting of, and/or sharing of unwanted or explicit images during school hours, during school events, and on school property shall also be covered under this rule. Some images may require the school to contact the appropriate authorities. Such a violation may also trigger Title IX depending on location of and/or content of images depicted.

O. Falsification and Forgery of School Documents and Records

No student or family member shall change, alter, modify, or attempt to change any document or form required to be submitted to or used in the operation of the school.

No student or family member shall create or use false school records or other false school documents. This includes, but is not limited to, a forged name and/or signature, whether written or electronic.

Falsification shall include, but is not limited to, any verbal representation that has or has the same effect as any written forgery.

This section will apply to students and their family members who either create materials themselves, use pre-made materials, or furnish items to other students.

A first offense may include a minimum of 2 days of suspension.

A second offense may include up to 5 days of suspension and a recommendation of expulsion.

P. Harassment:

No student shall harass another student or staff member on school grounds, going to or from school, at school sponsored events, or via electronic devices. No student may harass another student or staff member concerning race, ethnicity, gender, sexual orientation, disability, language ability, age, immigration status, or other characteristics protected by law.

Harassment shall be defined as any unwanted or unwelcome language or behavior that creates an intimidating, hostile, or offensive environment for the victim. Harassment need not include intent to harm, involve repeated incidents, or be directed at a specific target.

Harassment shall be distinct from Bullying/Cyberbullying (Code of Conduct, Section VI) or Sexual Harassment (Level 2, Section H) but may be used as evidence towards enforcement of those policies.

Q. Leaving School Building without Permission

No student may leave or attempt to leave the school building and/or premises without the permission of School Administration. Early dismissal forms must be obtained from the Main Office.

Level Two Corrective Actions

All level two offenses require a direct parent/guardian outreach by an administrator or designee and a teacher or staff member (when involved) in order for a consequence to be given.

The following sets forth the corrective actions that may be taken in the event of level two offenses:

1. The student may have a restorative conference with involved parties and/or an administrator.
2. The student may be required to make appropriate restitution for the offense committed.
3. The student may be temporarily assigned to a "cooling off" area, or be given a restorative assignment to be performed within the school.
4. A letter may be sent or a phone call made to the student's parents.
5. The student may be referred to the MTSS Behavior Support Program.
6. The student may have privileges suspended for the remainder of the semester or the academic year, including; extracurricular or athletic activities, school-wide events, field trips, etc.
7. The student may be referred to mandatory counseling at the parent/guardian's expense.
8. The student may receive an in school or out of school suspension and/or receive a special contract between the school, student, and parent.
9. The student may be given mandatory community service hours.
10. The student's parent may be required to chaperone or "shadow" the student for an entire day/s.
11. The student may be required to attend after school detention.
12. The student and parent may have to attend a restorative meeting with appropriate school personnel.
13. The student may be mandated to receive various counseling sessions after school.
14. The student may be referred for mandatory drug screening, and/or to a substance abuse program.

15. The student may be required to appear before the Board of Trustees or subcommittee.
16. The student may be expelled for cause.

Level Three Offenses

Level III offenses are offenses that disrupt the learning environment to such a degree that learning cannot occur and require administrative action. Level III violations may result in an out of school suspension which will become a part of the student's permanent record. Level III violations include but are not limited to the following actions:

A. Indecent Assault or Indecent Exposure

A student shall not touch any other person or cause another person to touch them or on any intimate or sexual part of the body for the purpose of arousing or gratifying sexual desire in either person or to intimidate the other person. Further, a student shall not expose their genitals either in person, online or using any electronic device. (See also Aggravated Offenses below.). Students involved in sexting (the sharing of sexually explicit photos, videos, email, text or chat by cell phone or online) that conveyed a threat, a bullying situation, or substantially disrupted school operations will be given a Level 3 consequence and may be expelled or suspended. In certain situations, the school may be required to contact the appropriate authorities. Such situations are also subject to Title IX investigations.

B. Damage, Destruction, Graffiti, or Theft of School or Private Property

A student shall not cause or attempt to cause, material damage to school or personal property, or attempt to steal school or personal property. It is forbidden to deface school technology by using personal stickers, drawing, or markings (Please see Technology Handbook pg. 5). Theft and destruction of property shall be considered an act of serious misconduct.

C. Damage, Destruction or Tampering of School Security System and Fire Alarms

A student shall not cause or attempt to cause material damage to any component of the school's security system, including, but not limited to, video cameras, panic bars, monitors, etc. This also includes tampering with, destroying or triggering fire alarms within the building. Students should never open an exterior door for anyone, even if they recognize the person desiring access to the building. This action is a breach of the school's security system and will be dealt with seriously.

D. Possession of Drugs, Controlled Substances, or Alcohol for Personal Consumption

A student may not possess, use, or be under the influence of any narcotic drug, hallucinogenic drug, steroid, growth hormone, amphetamine, barbiturate, marijuana, alcoholic beverage or intoxicant of any kind while inside the school, on school grounds, or when engaged in any school activity. A student may not possess items associated with drug use, such as blunts, "roach clips," pipes, rolling papers, "boggles", etc. A student may not possess any controlled substance including, but not limited to, pills, alcohol, inhalants, etc. Any other item(s) that from time to time may be added to this list by the Board of Trustees.

Physician prescribed medications, dispensed by school nurse or designated personnel are permissible. All medications must be delivered to the school nurse or designated personnel immediately upon entering the school building.

E. Fighting or Encouraging Fighting

A student shall neither fight, push, strike, hit, or use violence in any manner against a fellow student, nor shall a student encourage another student to violate this rule. No student may hold another student in order that the held student can be hit. No student may be the "second person" in a fight. Any student encourages a fight verbally or via social media, whether before, during, or after a fight, will be held liable under this rule. Parents and students should keep in mind that the scope of the Code of Conduct covers conduct:

- ◆ On school grounds at any time;
- ◆ On or off school grounds at any school activity, function or event;
- ◆ Traveling to and from school, including actions on any school bus, van or public transportation;
- ◆ Away from school if it is a continuation, retaliation or initiation of any event or individual related to school.

F. Violating the Law

Violation of any local, state, or federal law may result in school sanction and disciplinary action, to include recommendation for expulsion of a student.

G. Intoxication or Being “High”

A student may not arrive at, or become intoxicated or "high" inside the school, on school grounds, at a school activity, or when coming to or leaving from school. The initial determination as to whether a student is in violation of this rule will be at the discretion of the administrators in consultation with the school nurse. When deemed necessary, a drug screening by a licensed medical doctor or at a hospital may be required. Such drug screenings will be at the parents' or legal guardians' expense.

Students who appear to the School Nurse and/or Director of Student Development to be intoxicated may be subjected to a search of their person and possessions.

In the event that school personnel are unable to determine whether a student is under the influence, but the student's presence is deemed to be a distraction to the overall learning environment, the student may be placed in ISS for the remainder of the day or sent home.

H. Assault or Threats:

A student shall not cause, attempt to cause, or threaten to cause physical injury to any student, parent, school employee or volunteer. In addition, a student threatening, conspiring, and/or aiding to cause physical harm towards any members of the school community and/or threatening to carry out acts of violence towards the school building or at school-related events will be immediately recommended for a threat assessment. Such actions will be considered a violation of the law and may be reported to the local law enforcement agency.

I. Possession of a Weapon Capable of Causing Death or Serious Injury

A student shall not possess on their person, in their personal effects, or in any storage area provided by the school, including a student's locker, any weapon or sharp object, any weapon capable of causing death or serious injury. Such weapons shall include, but are not limited to, fire arms, knives, razors, box cutters, BB guns, stun guns, throwing stars, baseball bats, mace, pepper sprays, explosive or incendiary devices (see Act 26, Section IVB)

J. Aggravated Offenses

A student shall not engage in, attempt to engage in, or encourage others to engage in conduct which threatens the health, safety or welfare of any member of the school community. Conduct in violation of this rule shall include, but is not limited to:

- a. Deliberate assaults on school personnel where injury results or where a substantial likelihood of serious injury was present, including but not limited to use of a weapon;
- b. Sale or distribution of any controlled substance including, but not limited to, a narcotic drug, hallucinogenic, amphetamine, barbiturate, steroid, growth hormone, marijuana, alcoholic beverage or intoxicant. Possession of any of the above substances in a quantity indicating that possession is with the intent to sell or deliver is subject to the same disciplinary penalties as are actual sale or delivery;
- c. Arson
- d. Rape or involuntary deviate sexual intercourse See Section IV. Extensions to the Code of Conduct Section C – Act 110
- e. Robbery or extortion
- f. Assault on another student or school visitor which results in serious bodily injury or involves the use of a weapon
- g. Vandalism which results in the damage to, or destruction of, school property which substantially disrupts or prevents the school from carrying out any of its primary educational responsibilities or programs
- h. Retaliation or threat of retaliation against a school employee, witness or anyone else for their part in any school investigation, academic or disciplinary proceeding, or in the course of exercising their lawful responsibilities. This rule applies equally to a student or the student's parent(s) in the event conduct by either takes the form of intentional assault, threats of bodily injury or death, repeated telephone or physical harassment or stalking, or property damage.
- i. Sharing of any sexually suggestive, partially and/or fully nude, images of an Esperanza student, employee, or volunteer.

Level Three - Corrective Actions:

The following sets forth the corrective actions that can or will be taken in the event of level three offenses:

1. The designated administrator may choose to impose any combination of Level One corrective actions as well as Level Two corrective actions at their discretion
2. The student may be referred for mandatory drug screening, and/or to a substance abuse program at the parent/guardian's expense.
3. The student may be recommended for expulsion.
4. The Academy will notify the Philadelphia Police Department pursuant to their required Memorandum of Understanding with local law enforcement or other appropriate state or federal authority.
5. If conduct merits an exclusion from School as defined by the Code of Conduct, the exclusion from School may take the form of suspension or expulsion.

Internal school disciplinary actions shall not in any way deprive the Academy from pursuing any legal remedies available in the Criminal or Delinquency Courts of the Commonwealth.

VIII. SUSPENSION

Suspension is exclusion from school for a period of from one (1) to ten (10) consecutive school days:

- (i) Suspensions may be given by the CEO/Director of Instruction or their designee;
- (ii) A student may not be suspended until the student has been informed of the reasons for the suspension and given an opportunity to respond. Prior notice of the intended suspension need not be given when it is clear that the health, safety or welfare of the school community is threatened.
- (iii) The parents or guardians shall be notified immediately in writing when the student is suspended.
- (iv) When the suspension exceeds three (3) school days, the student and parent shall be given the opportunity for an informal hearing consistent with the requirements of the Pennsylvania Code.
- (v) Suspensions may not be made to run consecutively beyond the ten (10) school day period.
- (vi) Students shall have the responsibility to make up exams and work missed while being disciplined by suspension and shall be permitted to complete these assignments within guidelines established by the Board of Trustees ("Board").

A student may be suspended "In-School" or "Out of School."

If a student is issued an out-of-school suspension, they will be prohibited from attending school, being on school grounds or participating in or attending school activities until a parent/guardian attends a reinstatement meeting. The student, along with a parent/guardian must both attend a reinstatement meeting. After the school notifies the parent/guardian of suspension and schedules an appointment, the parent/guardian of the suspended student must appear at the time of reinstatement. **In all cases, students will be offered a restorative re-entry process to promote accountability and reintegration into the school community.** Reinstatement occurs on the first day of school after the suspension is completed. In addition, a contract outlining future student expectations must be signed.

Students are required to make-up all class work and tests missed during a suspension. This will, in all likelihood, require make-up work after-school or on weekends. The time period to make-up all missed work may not exceed one (1) week from the date of reinstatement, unless otherwise approved by the Director of Student Development or Director of Instruction in writing.

IX. EXPULSION

The Chief Executive Officer will have final authority in recommending the expulsion of a student to the Board. If a student withdraws from the school before suspension or expulsion action, the student may be permitted to reapply to the school for admission subject to available space, lottery timelines and waiting list. Should the student withdraw prior to a disciplinary hearing, and reapply the student may be subjected to the disciplinary actions that were outlined prior to the withdrawal. A student who is under potential expulsion for the possession or use of a weapon on school property, at a school sponsored event, or to and from school, will not be permitted to withdraw prior to an expulsion hearing.

Expulsion is an exclusion from school by the Board for a period exceeding ten (10) school days and may be permanent expulsion from the school rolls. Expulsions require a prior formal hearing pursuant to the Pennsylvania Code:

- (i) During the period prior to the hearing and decision of the Board in an expulsion case, the student shall be placed in their normal class except as set forth in subsection (ii).
- (ii) If it is determined after an informal hearing that a student's presence in their normal class would constitute a threat to the health, safety or welfare of others and it is not possible to hold a formal hearing within the period of a suspension, the student may be excluded from school for more than ten (10)

school days. A student may not be excluded from school for longer than fifteen (15) school days without a formal hearing unless mutually agreed upon by both parties. Any student so excluded shall be provided with alternative education, which may include home study.

(iii) 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 thirty (30) days of action by the Board, the parents or guardians shall submit to Charter School written evidence that the required education is being provided as described in paragraph (1) or that they are unable to do so. If the parents or guardians are unable to provide the required education, Charter School, within the (10) days of receipt of the notification, make provision for the student's education. A student with a disability shall be provided educational services as required by the Individuals with Disabilities Education Act 2004.

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

An exclusion may also take the form of exclusion from classes or in-school suspension. A student may not receive an in-school suspension unless the student has been informed of the reasons for the suspension and has been given an opportunity to respond before the suspension becomes effective. Communication to the parents or guardian shall follow the suspension action. When the in-school suspension exceeds ten (10) consecutive school days, an informal hearing with the CEO/Director of Instruction or his/her designee shall be offered to the student and the student's parent or guardian prior to the eleventh (11th) school day in accordance with the procedures in the Pennsylvania Code. The charter school has the responsibility to make provision for the student's education during the period of the in-school suspension.

Hearings

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

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

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

(2) Charter School shall offer to hold the informal hearing within the first five (5) days of the suspension.

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

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

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

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

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

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

- (1) Notification of the charges shall be sent to the student's parents or guardians by certified mail.
- (2) At least three (3) days' notice of the time and place of the hearing shall be given. A copy of the expulsion policy, notice that legal counsel may represent the student and hearing procedures shall be included with the hearing notice. A student may request the rescheduling of the hearing when the student demonstrates good cause for an extension.
- (3) The hearing shall be held in private unless the student or parent requests a public hearing.
- (4) The student may be represented by counsel, at the expense of the parents or guardians, and may have a parent or guardian attend the hearing.
- (5) The student has the right to be presented with the names of witnesses against the student, and copies of the statements and affidavits of those witnesses.
- (6) The student has the right to request that the witnesses appear in person and answer questions or be cross-examined.
- (7) The student has the right to testify and present witnesses on their own behalf.
- (8) A written or audio record shall be kept of the hearing. The student is entitled, at the student's expense, to a copy. A copy shall be provided at no cost to a student who is indigent.
- (9) The proceeding shall be held within 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 shall be held as soon as reasonably possible:
 - (i) Laboratory reports are needed from law enforcement agencies.
 - (ii) Evaluations or other court or administrative proceedings are pending due to a student invoking his/her rights under the Individuals with Disabilities Education Act 2004 (20 U.S.C.A. § § 1400—1482).
 - (iii) In cases in juvenile or criminal court involving sexual assault or serious bodily injury, delay is necessary due to the condition or best interests of the victim.
- (10) Notice of a right to appeal the results of the hearing shall be provided to the student with the expulsion decision.

If the Board of Trustees decides to expel the student from school, the student/parent or guardian can appeal this decision to the Court of Common Pleas in Philadelphia County.

X. DISCIPLINE AND STUDENTS WITH DISABILITIES

There are special rules in Pennsylvania for excluding children with disabilities for disciplinary reasons as set forth in Chapter 711 of Title 22 of the Pennsylvania Code as well as the Procedural Safeguards Notice available through PaTTAN. The Board of Trustees directs compliance with these requirements and directs the Chief Executive Officer/Director of Instruction or their designee to implement procedures necessary to effectuate the following:

A. Authority of School Personnel (34 CFR §300.530)

Case-by-case determination

School personnel may consider any unique circumstances on a case-by-case basis, when determining whether a change of placement, made in accordance with the following requirements related to discipline, is appropriate for a child with a disability who violates a school code of student conduct.

B. General

To the extent that they also take such action for children without disabilities, school personnel may, for not more than 10 consecutive school days, remove a child with a disability (other than a child with mental retardation) who violates a code of student conduct from his or her current placement to an appropriate interim

alternative educational setting, another setting, or suspension. School personnel may also impose additional removals of the child of not more than 10 consecutive school days in that same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement (see Change of Placement Because of Disciplinary Removals for the definition, below) or exceed 15 cumulative school days in a school year. Once a child with a disability has been removed from his or her current placement for a total of 10 school days in the same school year, Charter School must, during any subsequent days of removal in that school year, provide services to the extent required below under the sub-heading Services.

C. Additional authority

If the behavior that violated the student code of conduct was not a manifestation of the child's disability (see Manifestation determination, below) and the disciplinary change of placement would exceed 10 consecutive school days, school personnel may apply the disciplinary procedures to that child with a disability in the same manner and for the same duration as it would to children without disabilities, except that the school must provide services to that child as described below under Services. The child's IEP Team determines the interim alternative educational setting for such services. Under PA special education regulations, a disciplinary exclusion of a student with a disability for more than 15 cumulative school days in a school year will be considered a pattern so as to be deemed a change in educational placement (explained under Change of Placement Because of Disciplinary Removals). The Charter School is required to issue a NOREP/Prior Written Notice to parents prior to a removal that constitutes a change in placement (removal for more than 10 consecutive days or 15 cumulative days).

D. Services

The services that must be provided to a child with a disability who has been removed from the child's current placement may be provided in an interim alternative educational setting. A charter school is only required to provide services to a child with a disability who has been removed from his or her current placement for 10 school days or less in that school year, if it provides services to a child without disabilities who has been similarly removed. Students may have the responsibility to make up exams and work missed while being disciplined by suspension and may be permitted to complete these assignments within guidelines established by their charter school.

A child with a disability who is removed from the child's current placement for more than 10 consecutive school days must:

1. Continue to receive educational services, so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP; and
2. Receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not happen again.

After a child with a disability has been removed from their current placement for 10 school days during one school year, or if current removal is for 10 consecutive school days or less, and if the removal is not a change of placement (see definition below), then school personnel, in consultation with at least one of the child's teachers, determine the extent to which services are needed to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP.

If the removal is a change of placement (see definition below), the child's IEP Team determines the appropriate services to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP.

E. Manifestation determination

Within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct (except for a removal that does not constitute a change in educational placement i.e., is for 10 consecutive school days or less and not a change of placement), Charter School, the parent, and relevant members of the IEP Team (as determined by the parent and Charter School) must review all relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents to determine:

- If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or
- If the conduct in question was the direct result of Charter School's failure to implement the child's IEP.
- If Charter School, the parent, and relevant members of the child's IEP Team determine that either of those conditions were met, the conduct must be determined to be a manifestation of the child's disability and the School cannot take any further disciplinary action.
- If Charter School, the parent, and relevant members of the child's IEP Team determine that the conduct in question was the direct result of Charter School's failure to implement the IEP, Charter School must take immediate action to remedy those deficiencies and the School cannot take any further disciplinary action. .

Determination that behavior was a manifestation of the child's disability: If Charter School, the parent, and relevant members of the IEP Team determine that the conduct was a manifestation of the child's disability, the IEP Team must either:

1. Conduct a functional behavioral assessment, unless Charter School had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan for the child; or
2. If a behavioral intervention plan has already been developed, review the behavioral intervention plan, and modify it, as necessary, to address the behavior.

Except as described below under the sub-heading Special circumstances, the Charter School must return the child to the placement from which the child was removed, unless the parent and Charter School agree to a change of placement as part of the modification of the behavioral intervention plan.

F. Special circumstances

Whether or not the behavior was a manifestation of the child's disability, school personnel may. remove a student to an interim alternative educational setting (determined by the child's IEP Team) for up to 45 school days, if the child:

Carries a weapon (see the Definitions below) to school or has a weapon at school, on school premises, or at a school function under the jurisdiction of Charter School;

Knowingly has or uses illegal drugs (see the Definitions below), or sells or solicits the sale of a controlled substance, (see the Definitions below), while at school, on school premises, or at a school function under the jurisdiction of Charter School; or

Has inflicted serious bodily injury (see the Definitions below) upon another person while at school, on school premises, or at a school function under the jurisdiction of the State Educational Agency or a charter school.

Definitions:

- (a) Controlled substance means a drug or other substance identified under schedules I, II, III, IV, or V in section 202 (c) of the Controlled Substances Act (21 U.S.C. 812(c)).
- (b) Illegal drug means a controlled substance; but does not include a controlled substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under that Act or under any other provision of Federal law.
- (c) Serious bodily injury has the meaning given the term “serious bodily injury” under paragraph (3) of subsection (h) of section 1365 of title 18, United States Code.
- (d) Weapon has the meaning given the term “dangerous weapon” under paragraph (2) of the first subsection (g) of section 930 of title 18, United States Code.

G. Notification

On the date it makes the decision to make a removal that is a change of placement of the child because of a violation of a code of student conduct, Charter School must notify the parents of that decision, and provide the parents with a procedural safeguards notice.

H. Change of Placement Because of Disciplinary Removals

A removal of a child with a disability from the child’s current educational placement is a change of placement requiring a NOREP/prior written notice if:

- The removal is for more than 10 consecutive school days; or
- The removal is for 15 cumulative school days total in any one school year;
- The child has been subjected to a series of removals that constitute a pattern because:
 - The series of removals total more than 10 school days in a school year;
 - The child’s behavior is substantially similar to the child’s behavior in previous incidents that resulted in a series of removals;
- Of such additional factors as the length of each removal, the total amount of time the child has been removed, and the proximity of the removals to one another; and
- Whether a pattern of removals constitutes a change of placement is determined on a case-by-case basis by Charter School and, if challenged, is subject to review through due process and judicial proceedings.

I. Determination of Setting

The IEP team must determine the interim alternative educational setting for removals that are changes of placement, and removals under the headings. Additional authority and Special circumstances, above.

- The parent of a child with a disability may file a due process complaint (see above) to request a due process hearing if they disagree with:
 - Any decision regarding placement made under these discipline provisions; or
 - The manifestation determination described above.

- Charter School may file a due process complaint (see above) to request a due process hearing if it believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others.

J. Special Rules for Students with Intellectual Disability

The disciplinary removal of a child with Intellectual Disability attending a charter school for any amount of time is considered a change in placement and requires a NOREP/prior written notice (if the disciplinary event does not involve drugs, weapons and/or serious bodily injury). However, a student with an intellectual disability cannot be suspended for any amount of time without agreement from the parent, agreement from the state Department of Education, or an order from a hearing officer or judge. A removal from school is not a change in placement for a child who is identified with Intellectual Disability when the disciplinary event involves weapons, drugs, and/or serious bodily injury.

According to certain assurances the Commonwealth entered into related to the PARC consent decree, a charter school may suspend on a limited basis a student with Intellectual Disability who presents a danger to himself or others upon application and approval by the Bureau of Special Education and only to the extent that a student with a disability other than Intellectual Disability could be suspended. Therefore, applicable due process protections for disabled students, including, but not limited to a Manifestation Determination, must be conducted by the LEA.

K. Protections for Children Not Yet Eligible for Special Education and Related Services

If a child has not been determined eligible for special education and related services and violates a code of student conduct, but Charter School had knowledge (as determined below) before the behavior that brought about the disciplinary action occurred, that the child was a child with a disability, then the child may assert any of the protections described in this notice.

1. Basis of knowledge for disciplinary matters

A charter school must be deemed to have knowledge that a child is a child with a disability if, before the behavior that brought about the disciplinary action occurred:

- The parent of the child expressed concern in writing that the child is in need of special education and related services to supervisory or administrative personnel, or a teacher of the child;
- The parent requested an evaluation related to eligibility for special education and related services under Part B of the IDEA; or
- The child's teacher, or other Charter School personnel expressed specific concerns about a pattern of behavior demonstrated by the child directly to Charter School's director of special education or to other supervisory personnel of the Charter School.

2. Exception

A charter school would not be deemed to have such knowledge if:

- The child's parent has not allowed an evaluation of the child or refused special education services; or
- The child has been evaluated and determined to not be a child with a disability under Part B of the IDEA.

3. Conditions that apply if there is no basis of knowledge

If prior to taking disciplinary measures against the child, a charter school does not have knowledge that a child is a child with a disability, as described above under the sub-headings Basis of knowledge for disciplinary matters and Exception, the child may be subjected to the disciplinary measures that are applied to children without disabilities who engaged in comparable behaviors.

However, if a request is made for an evaluation of a child during the time period in which the child is subjected to disciplinary measures, the evaluation must be conducted in an expedited manner.

Until the evaluation is completed, the child remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services. If the child is determined to be a child with a disability, taking into consideration information from the evaluation conducted by Charter School, and information provided by the parents, Charter School must provide special education and related services in accordance with Part B of the IDEA, including the disciplinary requirements described above.

4. Referral to and Action by Law Enforcement and Judicial Authorities

The state and federal regulations do not:

- Prohibit an agency from reporting a crime committed by a child with a disability to appropriate authorities; or
- Prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability.

Subsequent to a referral to law enforcement, an updated functional behavior assessment and positive behavior support plan are required.

5. Transmittal of records

If a charter school reports a crime committed by a child with a disability, the charter school: must ensure that copies of the child's special education and disciplinary records are transmitted for consideration by the authorities to whom the agency reports the crime; and may transmit copies of the child's special education and disciplinary records only to the extent permitted by FERPA.

Student Withdrawal Policy

EA will permit a parent or guardian of a student to withdraw the student from EA. A parent or guardian may also withdraw a student at any time prior to a decision to suspend or expel a student unless the violation involves a weapons offense. The formal hearing with administrative recommendation may take place even if the Parent withdraws the student.

XI. LIMITATIONS TO ENROLLMENT/CONTINUED ENROLLMENT

A student may be dropped immediately from the rolls of the Academy if:

- a) Their parent falsified any information on the application for enrollment regarding the student's school district of residence;

- b) The student may be excluded from school if that student is not in compliance with school immunization requirements and the required proof thereof, unless the parent/student have provided, in writing, a valid objection for medical, religious or strong moral/ethical convictions similar to a religious belief.

XII. EXECUTION AND INTERPRETATION OF THESE RULES

The first line of execution and interpretation of these rules and regulations is always the individual classroom teacher or supervising adult. All adult employees and volunteers are charged with the carrying out of these rules. ***The school reserves the right, from an administrative standpoint, to override any teacher or staff decision.***

School Administration shall be the primary authority for administering the Code of Conduct and ensuring compliance with its provisions. Nevertheless, the Chief Executive Officer of the Academy is the final decision maker, and the sole final interpreter of the Code of Conduct and these rules and regulations on a day-to-day basis.

Student's Name _____

Grade _____

Acknowledgement of Receipt and Review

Each parent/guardian of a student and each student enrolled in Esperanza Academy Charter School must sign and return this page to the student's home room teacher to acknowledge that you have received the Code of Student Conduct. In addition, this page serves as acknowledgement that you have reviewed the Code of Student Conduct with your child. Each school will maintain records of such signed statements.

I acknowledge receipt of the Code of Student Conduct and that I have read and discussed the Code of Student Conduct with my child.

Parent's/Guardian's Signature_____
Date

I acknowledge receipt of the Code of Student Conduct and that I have read and discussed the Code of Student Conduct with my parent/guardian.

Student's Signature_____
Date