



CODE OF CONDUCT

Elementary Grades

2019-20 Academic Year

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

The founders would note that certain policies contained in this Code of Conduct stem from federal, state, or local laws, regulations, or guidelines, and thus the Academy has little or no flexibility in applying or enforcing these policies. 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:

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| <u>Responsibility</u> | Thinking before you act and being accountable for your actions. Responsibility emphasizes our positive obligations to care for each other, e.g., <i>performing a community service project</i> . |
| <u>Perseverance</u> | Doing your best with the talents you have, striving toward a goal and not giving up, e.g., <i>putting forth one's best effort when taking an exam or doing homework</i> . |
| <u>Respect</u> | 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., <i>practicing acceptable manners in school</i> . |
| <u>Kindness</u> | Being sympathetic, helpful, kind, agreeable and gentle toward people and other living things, e.g., <i>helping a fellow student who has been injured</i> . |
| <u>Truth</u> | Dealing truthfully with people, being sincere, not deceiving them or stealing from them, not cheating or lying, e.g., <i>doing one's own work when taking a test or working on an individual assignment</i> |

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 by what you believe is right, e.g., not being afraid to make mistakes, reporting bullies.

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 faculty will support character building through instructional and classroom management strategies. 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 Responsive Classroom practices into our school culture. Responsive Classroom approach is a way of teaching that emphasizes social, emotional, and academic growth in a strong and safe school community. The following is a detailed explanation of Responsive Classroom Practices:

Responsive Classroom

Responsive Classroom was developed by classroom teachers, the approach consists of practical strategies for helping students build academic and social-emotional competencies day in and day out. The Core Belief is that in order to be successful in and out of school, students need to learn a set of social and emotional competencies—cooperation, assertiveness, responsibility, empathy, and self-control—and a set of academic competencies—academic mindset, perseverance, learning strategies, and academic behaviors.

There are Six Guiding Principles

- Teaching social and emotional skills is as important as teaching academic content.
- How we teach is as important as what we teach.
- Great cognitive growth occurs through social interaction.
- What we know and believe about our students—individually, culturally, developmentally—informs our expectations, reactions, and attitudes about those students.
- How we work together as adults to create a safe, joyful, and inclusive school environment is as important as our individual contribution or competence.
- Partnering with families—knowing them and valuing their contributions—is as important as knowing the children we teach.

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 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, or retaliation any event or individual related to school.
- ◆ Off-campus behavior if such behavior causes a substantial disruption to the school’s environment or operations.

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 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.

Students are asked to

- Encourage parents to become a part of the student's educational experience.
- Question, in the appropriate way and at the appropriate time, those parts of learning that are not understood.
- Take home materials and information needed to complete all assignments.
- Complete homework in a thorough, legible and timely manner.
- Return homework on time.
- Respect the personal rights and property of others.
- Respect cultural, racial and ethnic differences.
- Be aware of all rules and regulations for student behavior and conduct themselves in accordance with them. Students should assume that, until a rule is waived, altered or repealed in writing, it is in effect.
- Volunteer information in matters relating to the health, safety and welfare of the school community and the protection of school property.
- Dress and groom to meet standards of safety and health, and not to cause substantial disruption to the educational processes.
- Assist Esperanza Academy Charter School staff in operating a safe school for the students enrolled therein.
- Comply with federal, state and local laws.
- Exercise proper care when using public facilities and equipment.
- Attend school daily and be on time at all classes and other school functions.
- Not use obscene language in student media or on school premises.

Be Prepared – Education requires certain tools.

All students must come to school each day prepared to learn and work. Student preparedness is evidenced by:

1. Completing with their best effort and returning in a timely manner all assignments
2. Take an active role in their learning by asking questions and staying engaged
3. Make up work when absent from school
4. Come prepared to class with proper supplies (i.e., pencil, books, etc.)

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--electronic devices should be left home.

Food and Drink

- Students are not permitted to bring in glass bottles into the building for safety reasons. Students bringing food/beverages into the building must have food items closed and/or wrapped. All beverages brought into the building must be sealed or should be consumed/discarded prior to entering the building.
- All food and drink must be consumed in the cafeteria. No food or drink may be taken out of the cafeteria or any other designated eating area. Absolutely no food or drink is allowed in classrooms and hallways (unless special permission is granted by administration). Students are not permitted to order food to have it delivered to EA. A parent may bring food in for his/her 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.

A Building committee will be formed each year to help ensure that the facility is safe and clean. The members of the committee will work with the facility and maintenance staff throughout the school year to ensure that the building is maintained.

STUDENT ATTENDANCE POLICY

State law requires all children of schooling age 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 9:00 a.m. on the day of the absence, and a written note explaining the cause for the absence is required on the day of return. 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.

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.
- 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 accident.
- Required court attendance.
- Death in 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.
- Nonschool-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 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 nonschool-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 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 unlawful until the charter school receives a written excuse explaining the absence, to be submitted within three (3) days of the absence.

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 may not be considered an unexcused absence.

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 is Truant -

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.

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 School Attendance Improvement Conference.

If the student incurs additional unexcused absences after issuance of the notice and a School Attendance Improvement Conference was not previously held, charter school staff shall offer a School Attendance Improvement Conference.

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 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 School Attendance Improvement 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.

Charter school may not take further legal action to address unexcused absences until after the date of the scheduled School Attendance Improvement Conference has passed.

Student is 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 require special education services or accommodations, the Director of Special Education 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.

In addition, it is expected that students arrive to school on time, in full uniform (including ID and lanyard), prepared for the school day. Excessive lateness also impacts students negatively and therefore will result in consequences. These consequences are outlined in section VIII, Level Two offenses, letter I. ***When a student frequently arrives to school late after 8: 8:15 AM, parent notification via telephone, a written excuse, or brief conference is required.***

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 EA students must wear the appropriate school uniform within the guidelines below. In addition, **each EA student must wear their IDs and EA Lanyard as a part of their uniform.** For younger age students, EA IDs and EA lanyards can be placed in storage areas in the classroom during the school day. The uniform is as follows:

Girls: Yellow- short or long sleeve polo shirt w/ LOGO
Yellow- short or long sleeve peter pan collar blouse w/ LOGO
Navy drop waist jumper, or
Navy pull on elastic waist pants
Navy flat front girls slack
Navy V-Neck cardigan sweater w/ LOGO
Navy Elastic Walking Shorts
Navy Girl's Twill Walking Shorts

Black shoes or sneakers (no boots, open-toe/back, moccasins, ballerina slippers, slippers or slides)
EA issued lanyard and ID
No hoodies, jackets or outerwear

Boys: Yellow- short or long sleeve polo shirt w/ LOGO
Navy pull on elastic waist pants
Navy Twill Pants
Navy pull on elastic walking shorts
Navy Twill walking shorts
Navy V-Neck cardigan sweater w/ LOGO
Black leather shoes or sneakers (no boots, open-toe/back, moccasins or slides)
No hoodies, jackets or outerwear
EA issued lanyard and ID

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. For younger age students, EA IDs and EA lanyards can be placed in storage areas in the classroom during the school day. 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.

Each student must produce their school-issued ID before entering the school building. Students are not permitted to enter the building without their current ID. 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.

- ◆ Uniform pieces may be purchased through various vendor **with the exception of all items that require the Esperanza Academy logo**. All items with logo must be purchased at Flynn and O'Hara. Additionally, all uniform pieces must be worn in the appropriate size.
- ◆ No coats or non-uniform garments may be worn in class or assembly
- ◆ 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.
- ◆ Students attending Physical Education class **may only** wear items that fall under the school uniform guidelines. All jewelry should be removed as a safety precaution.

Dress Code Violations:

The following is prohibited by the dress code:

- ◆ Skirts/Skorts more than an inch above the knee
- ◆ Excessive jewelry – earrings larger than a quarter, multiple necklaces and/or bracelets (more than 2 per hand)
- ◆ Hats, bandanas and head-coverings except for religious reasons. This applies to both males and females.
- ◆ Studded bracelets

- ◆ Sunglasses
- ◆ Unapproved Buttons or ornaments
- ◆ Boots, open-toed/heeled shoes, sandals, clogs, spiked heels, sling-backs, ballerina slippers, slippers, shoes without appropriate thickness in the heel (any shoe other than do not fall under the uniform guidelines)
- ◆ **Any other deviation from the dress code not identified here.**
- ◆ All clothing must be clean, and free of any signs of wear. Pants must be in good condition. It is against the Uniform policy for pants to be ripped or altered at the bottom of the pant leg. Any clothing that is ripped or not in acceptable condition must be repaired or replaced.

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. 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 is subject to expulsion from The Academy.

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. It 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 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 student must be suspended
5. A serious incident report must be filed
6. The student will be subject to a recommendation of expulsion.

C. Conduct of Friends and/or Family

A student may be held responsible for the conduct of friends or family who drop off the student in the morning or pick him/her up after school, hang around the building or attend any extra-curricular event. Students should advise friends and family members that loud music, obscene or offensive language and displays, or threatening behavior might result in disciplinary action against a student.

D. 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 or Guidance Counselor to discuss a problem, prevent a problem, or explain a behavior.

E. 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 please contact the appropriate Team Leader. If after speaking to the Team Leader, you are still not satisfied, you may contact the Director of Instruction. In the case of a disciplinary issue, please contact the Director of Instruction if not satisfied with the result after speaking with the teacher.

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.

F. 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.

V. Esperanza Academy Bullying/Cyber bullying Policy

Section 1. Purpose

The Esperanza Academy Charter School is committed to providing a safe, positive learning environment for its students. Therefore, bullying by EA students will be prohibited.

Section 2. Definition

Bullying is defined by an intentional electronic, written, verbal, nonverbal (including cyber bullying—bullying that occurs by use of electronic devices and/or through social media,) psychological or physical 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 interferes with a student’s education, (2) creates a threatening environment, or (3) substantially disrupts the orderly operation of the school; and the “school setting” shall mean in the school, on school grounds, in school vehicles, or during any activity sponsored, supervised or sanctioned by the school.

Bullying is characterized by and must include all three of the following criteria: (1) aggressive behavior or intentional harm doing, (2) behavior carried out repeatedly over time, (3) behavior by a person or persons with more physical or social power toward a less powerful person.

Section 3. Authority

Esperanza Academy Charter School encourages students or parents/guardians of students who have been bullied or witness bullying to immediately report such incidents to the Director of Instruction school counselor, or to any other member of the school staff. Any staff member who receives such a report shall immediately notify the Director of Instruction or Chief Executive Officer

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 web site. The policy shall be made available in English, Spanish and all other languages necessary to facilitate understanding by school pupils. This policy shall be reviewed with every student annually at the beginning of each school year during grade level assemblies.

Consequences for Violations

If the allegations are confirmed, the Director of Instruction 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—parent/guardian conference, loss of school privileges, exclusion from school sponsored activities (including participation in sports teams), detention, and/or in-school suspension.
 - b. Second Offense—two days out of school suspension and/or final warning issued
 - c. Third Offense—mandatory disciplinary hearing before the Board of Trustees or its subcommittee. Student may be subject to expulsion. If the first and/or second offense is notably severe, a student may immediately be disciplined in accordance to the Code of Conduct. This could result in a long-term suspension (4-10 days) and/or referral for expulsion.

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

Level One Offenses

A. Use of Profanity:

A student shall not use language 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 his/her body etc. The excuses, "I was only kidding" or that "we use this language all the time", will not be acceptable.

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 Teachers and Adult Personnel

At no time may a student express with words, gestures, or body language disrespect for a teacher, employee or volunteer of the Academy or the Academy itself. This policy applies to behavior toward any adults or students taking part in a school-related activity.

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.

E. Smoking

A student shall not smoke 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 can or will be permitted inside the school building. Additionally, no smoking 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, tobacco products, lighters, matches or any incendiary device on school grounds.*

F. 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.

G. Failing to Do Homework or Class Work

A student may not refuse to do assigned homework or class work. Usually, a school does not include this item in its disciplinary code; however, the special nature of the Academy's mission requires us to emphasize the importance of classroom concentration and hard work on the part of all students. Failure to complete all assignments will result in lower grades, up to, and including, failure of the course.

H. Book bags and Uniform

Every day, an EA student must carry his/her book bag to and from school and he/she must wear the appropriate school uniform. "Flipping" another student's book bag is unacceptable and will be considered a disruption of class. In addition, intentionally damaging or altering your uniform (or another student's uniform) is not permitted and will also be considered a disruption of class as well as a uniform infraction.

I. Defaced Text Books, Assignments, and Graffiti

A student shall not deface (tag) his/her 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.

J. Uniform/Dress Code Violations

(See Section XIV, Uniform Regulations)

K. Prohibition Against the Wearing of Hats Indoors

No student (male or female) 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. The Director of Student Development may require evidence of religious or medical restriction before granting a waiver. Evidence would include, but is not limited to, a signed note on official stationary by an officially recognized pastor, rabbi, imam, or other clergy. Students asserting a medical reason must provide a doctor's note signed by a licensed M.D. or D.D.

L. Chewing Gum

Chewing gum is not permitted in any part of the school building.

M. Leaving School Building without Permission

No student may leave the school premises without the permission of School Administration. (Early dismissal forms must be obtained from the Main Office.)

N. “Out of Bounds”

No student may be in any part of the school building or grounds, including bathrooms, classrooms, stairwells, kitchen or elevator unless specifically scheduled to be there or having received permission in advance from an appropriate authority.

O. 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.) 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 will be considered cutting.

P. 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.

Q. Possession of Prohibited Items:

A student may not have in his/her possession, in a school bag or coat, any of the following items:

- a. Large markers or spray paint (**level 2 offense**)

- b. Racist, sexist, homophobic, and/or other material offensive to any ethnic or religious segment of the community **(level 2 offense)**
- c. Any weapon or sharp object **(level 3 offense – see Act 26)**
- d. Items associated with drug use, such as blunts, “roach clips,” pipes, rolling papers, “boggles”, etc. **(level 3 offense)**
- e. Electronic games, “Gameboys,” or lasers

R. 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.

S. Misuse of Technology

Inappropriate use of technology may result in disciplinary action. This includes the use of school computers and chrome books are not private and are monitored by School staff. Students should not misuse school technology. 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 Student Technology contract included in the Parent/Student Handbook to acknowledge their understanding of the policy.

Level One - Corrective Actions:

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

1. The student may have a conference with 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 temporary disciplinary assignment to be performed within the school.
4. A letter may be sent or phone call made to the student's parents.
5. The student may be referred to the Student Assistance Program.
6. The student may have all privileges suspended, including extracurricular activities. The student may be referred to mandatory counseling.
8. The student may be subject to suspension from school for a violent offense.
9. The student’s parent may be requested to chaperone or “shadow” the student for an entire day/s.
10. The student may be required to attend after school detention.

Level Two Offenses

A. 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 will be subject to expulsion for cause.

B. Hazing:

Hazing of any sort is forbidden at all times. Hazing is defined as: "To initiate or discipline fellow student(s) by means of horseplay, practical jokes, physical force, or tricks often in the nature of humiliating or painful ordeals.

C. Sexual Harassment

Sexual harassment, including creating or maintaining a sexually hostile environment and/or seeking or demanding any sexual 'quid pro quo', is forbidden on the part of students, faculty, and all adults.

D. Abuse:

Physical abuse or psychological abuse or threats of physical abuse of any person is forbidden on the part of students, faculty, staff and all adults.

E. Detainment or Obstruction:

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

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

No student may post, sell, solicit or distribute materials without advance permission of the Director of Instruction

G. Excessive Tardiness:

Tardiness is defined as arriving past 8:00 to school. without a valid, documented excuse from a parent.

H. Cheating and Plagiarism:

A student may not cheat or plagiarize material. The classroom teacher will determine cheating and/or plagiarism and penalties will include automatic failure of the assignment and/or the course.

Level Two Corrective Actions

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

1. The student and parent may have to attend restorative meeting with appropriate school personnel.
2. The student may be mandated to receive various counseling sessions after school.
3. The student may be required to complete a special assignment given by administration surrounding the topic of their infraction.
4. The student may receive a suspension for a major or violent offense, and/or a special contract between the school and student and student's parents.
5. The student may be required to make restitution for the offense(s) committed.
6. The student may be referred for mandatory counseling at the parent/guardian's expense.
7. The student may be required to appear before the Board of Trustees.
8. The student may be expelled for cause for a major or violent incident.

Level Three Offenses

A. Indecent Assault or Indecent Exposure

A student shall not touch any other person or cause another person to touch him or her on any intimate or sexual part of the body. Further, a student shall not expose his/her genitals under any circumstances. (See also Aggravated Offenses below.)

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. Theft and destruction of property shall be considered an act of Serious Misconduct.

Furthermore, any student found writing on a wall or defacing school property will be arrested and prosecuted to the fullest extent of the law. Students will not be allowed to return to the school until the parent or the student pays for the damages. Students will automatically be suspended and may be subject to expulsion.

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 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. 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 not fight, push, strike, hit, or use violence in any manner against a fellow student, nor may 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, who verbally encourages a fight, whether before, during, or after a fight, will be held liable under this rule.

F. Violating the Law

Violation of any local, state, or federal law may result in school sanction and disciplinary action, to include expulsion of a student or termination of a faculty or staff member.

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 sole discretion of the Director of Student Development in consultation with the school nurse, Director of Instruction, other faculty or staff, a counselor, and/or family member. 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 may be intoxicated may be subjected to a search of their person, possessions and locker.

H. Assault or Threat on School Personnel, Students or Other Persons:

A student shall not cause or attempt to cause physical injury to any student, parent, school employee or volunteer, nor shall any student make threats to cause physical injury to any of the aforementioned persons.

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

A student shall not possess on his/her person, in his/her personal effects, or in any storage area provided by the school, any weapon capable of causing death or serious injury. Such weapons shall include, but are not limited to, fire arms, knives with blades two-inches or greater in length, razors, box cutters, BB guns, stun guns, throwing stars, baseball bats, or 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
- 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.

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. Any of the corrective actions may be used from level I and level II in combination at the administrators' discretion.
2. The student may be expelled.
3. The Academy may notify the Philadelphia Police Department or other appropriate authority.

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.

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.

IX. 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 his/her 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 has issued an out-of-school suspension, he/she 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 suspended student must appear at the time of reinstatement. 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.

X. 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. 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 withdrawal prior to an expulsion hearing.

Expulsion is 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 his/her normal class except as set forth in subsection (ii).
- (ii) If it is determined after an informal hearing that a student's presence in his/her normal class would constitute a threat to the health, safety or welfare of others and it is not possible to hold a formal hearing within the period of 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 17 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/Principal 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) 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 his/her 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.
 - (c) Informal hearings. The purpose of the informal hearing is to enable the student to meet with the appropriate school official to explain the circumstances surrounding the event for which the student is being suspended or to show why the student should not be suspended.
 - (1) The informal hearing is held to bring forth all relevant information regarding the event for which the student may be suspended and for students, their parents or guardians and school officials to discuss ways by which future offenses might be avoided.
 - (2) The following due process requirements shall be observed in regard to the informal hearing:
 - (i) Notification of the reasons for the suspension shall be given in writing to the parents or guardians and to the student.
 - (ii) Sufficient notice of the time and place of the informal hearing shall be given.
 - (iii) A student has the right to question any witnesses present at the hearing.
 - (iv) A student has the right to speak and produce witnesses on his/her own behalf.
- Charter School shall offer to hold the informal hearing within the first five (5) days of the suspension.

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, Philadelphia County.

XI. 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/Principal or his/her 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 his or her 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.

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.

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 already has 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;

1. 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
2. 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.

3. 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.

A. General

The parent of a child with a disability may file a due process complaint (see above) to request a due process hearing if he or she disagrees 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 mental retardation 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). A removal from school is not a change in placement for a child who is identified with mental retardation 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 mental retardation 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 mental retardation could be suspended.

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. If a student is withdrawn pending disciplinary action regarding a weapons violation, the student's readmission to EA will be subject to a disciplinary hearing on the suspension or expulsion matter. The disciplinary procedures and standards shall be applied to the hearing.

XI. LIMITATIONS TO ENROLLMENT /CONTINUED ENROLLMENT

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

- a) His/her parent falsified any information on the application for
- b) The student may be excluded from school if that student is 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.*

The Director of Instruction of the Academy is the primary disciplinarian and shall be responsible for the execution of the Code of Conduct, to include upholding school uniform requirements. 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 Name _____

Homerroom Teacher _____

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 he/she has 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