



### **STUDENT CODE OF CONDUCT POLICY**

Policy #201

Adopted: 6/12/2019

#### **Overview**

##### **Purpose of the Code of Conduct at TECH Freire Charter School**

We believe that it is important for TECH Freire to set forth the expectations of all community members. This Code of Conduct is designed to support TECH Freire Freire's mission and provide a success-driven, positive, and peaceful learning environment.

##### **Code of Conduct Guiding Principle**

As an educational institution, we recognize that it is our responsibility to educate students regarding peaceful resolution to conflicts and the Code of Conduct in general. Our practice is based upon the belief that we are all members of the TECH Freire community, and we, collectively, are responsible for upholding the values that make TECH Freire an open, safe and peaceful environment.

##### **Expectations of Students**

TECH Freire Charter School will provide our students with skills that they need for success now and in the future. The teachers, counselors, administrators, and custodial staff at TECH Freire are dedicated to the education and well-being of our students. In turn, TECH Freire expects and requires all students to show respect and care for the staff, volunteers, visitors, the building, each other, and people of all cultures represented in the school.

##### **Definitions:**

###### Community:

- Community members: All TECH Freire Charter School students, parents, mentors, teachers, administrators, board members, volunteers, and neighbors. This is not an exhaustive list and TECH Freire may consider individuals not specifically mentioned here as members of the TECH Freire community.
- The physical community: The physical TECH Freire community is defined as starting outside of the student's home when they leave in the morning, continuing to include anywhere the student travels on the way to school and during the school day (including field trips), and ending at the student's door when they return home. Community members will be held accountable for behavior at all times when in the physical community as defined above.

Emotional Support Team: A team of trained mental health professionals, which may include social workers and master's degree level interns, that the school uses to provide services to students and families. In certain cases, mandatory meetings with a member of the emotional support team may be assigned by the school as a behavioral intervention.

Intervention: A consequence assigned by the school as a result of a violation of the Code of Conduct. Repeated violations of the Code of Conduct will result in more intensive interventions. Students who do not respond to repeated interventions and continue to behave in ways that violate the Code of Conduct and challenge the expectations of the community may be asked to leave the community.

Mediation program: A conflict resolution program where trained students and staff guide individuals who are in conflict toward a peaceful resolution. In certain situations, participation in a mediation or mediations may be assigned by the school as a behavioral intervention.

Parent/Guardian: The official and legal caregiver of a TECH Freire student, including but not limited to mother, father, stepparent, grandparent, or court-appointed guardian, including DHS workers and/or group home employees as identified at the time of a student's admission to the school or legally amended thereafter.

Student: A person enrolled in TECH Freire Charter School.

Staff: Any person employed by, or volunteering at, TECH Freire Charter School.

## **Nonviolence and Commitment to Peace Policy**

TECH Freire Charter School is a nonviolent community. This policy, approved by the school's Board of Directors, **mandates a recommendation for expulsion for all acts of violence, including acts committed in self-defense or retaliation.** A recommendation for expulsion will be made regardless of the circumstances surrounding any specific event or the disciplinary history or academic standing of any student involved. This policy extends to actions that occur through digital media such as texting, mobile applications, social networking sites, and email.

**Students are expected to adhere to this policy at all times and in all places including:**

- During school hours
- After school hours
- In the school building
- In the physical community/neighborhood
- During all school sponsored activities including field trips, sporting events (both at and away from the school) and at any other event where students are representing TECH Freire

*The above list is intended only to provide examples and is not to be considered an exhaustive list.*

**Acts of violence include, but are in no way limited to, the following:**

### Physical Acts:

- Any type of striking or grabbing (punching, kicking, grappling, etc.)
- Throwing objects at another person
- Any other act that physically endangers or harms another person

### Verbal Acts:

- Threatening another person’s life or safety
- Bullying (as described in the TECH Freire Bullying Policy)
- Using abusive, derogatory or intimidating language towards another person

Other Actions that Break the Nonviolence Policy:

- Using violence to defend yourself or in retaliation
- Bringing, or threatening to bring, another person to school to fight someone
- Verbal or written threats made by a student’s family or friends that are directed towards a TECH Freire community member; this includes threats made face to face or over any type of media
- Possession of weapons—including but not limited to any knife, cutting instruments, cutting tools, nunchaku, firearm, shotgun, rifle, pepper spray, taser, stun gun, and any other tool or instrument capable of inflicting serious bodily injury (see Act 26 section below for more information)\*
- Destruction of property
- Stealing/theft, and robbery
- Possession of, or attempt to distribute, any illegal substance\*

\*The law requires the school to report any of these violations to the authorities to determine whether criminal charges will be filed. The school will continue its internal disciplinary processes separately from the authorities.

*The above list is intended only to provide examples and is not to be considered an exhaustive list.*

If there is a suspected violation of the Nonviolence and Commitment to Peace Policy, the School will follow the Disciplinary Policies and Procedures listed below. If it is determined that a student violated the Nonviolence and Commitment to Peace Policy, this will result in a recommendation for expulsion. Please note that a student is not formally expelled, however, unless and until the hearing process has been completed and the Board of Directors votes to expel the student as described below.

## **Nonviolence Policy Origin and Supports**

### **Origin of the Nonviolence Policy**

In 1999, the original Freire Charter School opened its doors with a class of 100 8th graders. Students entered Freire’s space each telling stories of horror, fear, and attack from fellow students and teachers alike at their previous schools. What these students talked about was raw and emotionally felt, and each and every one of them hoped that Freire would be a place where students and teachers felt safe and secure to be successful. During that first year, Freire students worked weekly with the school leadership, striving to build the core elements of what Freire would one day later become. A peaceful community was by far the students’ first priority, followed by high-quality academics. At the end of that school year, Freire students and school leadership had written and ratified Freire’s Nonviolence Policy.

### **Nonviolence and Commitment to Peace Proactive Supports for Students Policy**

Upholding the promise we make to the community when we sign the Nonviolence Policy takes courage, thoughtfulness, and practical resources to be utilized when conflict does arise. TECH Freire Charter School has created a comprehensive set of supports, detailed below, for community members to utilize in order to deal with conflict in a peaceful manner. The school offers supports that may include orientation for new students, peer mediation, counseling, circles, and other programs.

## Bullying and Cyberbullying Policy

Pennsylvania law defines "bullying" as an intentional electronic, written, verbal or physical act, or a series of acts directed at another student or students that is severe, persistent or pervasive; and that has the effect of (i) substantially interfering with a student's education; (ii) creating a threatening environment; or (iii) substantially disrupting the orderly operation of the school.

TECH Freire's Code of Conduct prohibits additional behaviors beyond the legal definition of bullying, which include:

- Verbal or physical taunting or intimidation against students or staff because of age, ancestry, citizenship, color, creed, disability, domestic or sexual violence victim status, ethnicity, familial status, gender expression, gender identity, genetic information, marital status, medical condition, national origin, race, religion, sex, sexual orientation, veteran status, or any other protected status.
- Acts occurring over the Internet (Snapchat, Instagram, etc.), through cell phones, cameras, or video, or by any other means through which people can communicate or share information
- Any unwanted, aggressive behavior among individuals that involves a real or perceived power imbalance and can be repeated over time, regardless of the intentions of the bully/bullies
- Taking a passive role as a bystander by encouraging a bully or willingly not taking any action to prevent abuse from occurring

TECH Freire takes a firm stance against bullying and is committed to addressing this negative behavior as it is detrimental to the well-being of an individual, is a major disruption to the learning environment, and is damaging to the community as a whole.

Depending upon the facts and circumstances, **TECH Freire may define bullying as an act of violence and therefore a violation of the Nonviolence and Commitment to Peace Policy (see above). The Dean may then make a recommendation for expulsion if it is deemed necessary.** Please note that a student is not formally expelled, however, unless and until the hearing process has been completed and the Board of Directors votes to expel the student as described below.

If there is a suspected violation of the Bullying and Cyberbullying Policy, the School will follow the disciplinary policies and procedures listed below.

## Sexual Harassment & Sexual Assault Policy

Sexual harassment is prohibited anywhere in the TECH Freire Charter School community. Sexual harassment consists of interaction between individuals of the same or opposite sex that is characterized by unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature (including but not limited to gestures, comments, sexual innuendos, or touching) when such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working or educational environment.

If any community member expresses that they have experienced undesired acts, then it will be treated as sexual harassment.

If there is a suspected violation of the Sexual Harassment and Sexual Assault Policy, the School will follow the disciplinary policies and procedures listed below.

TECH Freire Charter School defines sexual assault as intentional sexual contact, characterized by use of force, threats, intimidation, abuse of authority or when the victim does not or cannot consent, or any sexual act prohibited by the law. Sexual assault includes rape and other unwanted indecent contact (e.g. kissing against another person's will) that is aggravated, abusive, or wrongful (to include unwanted and inappropriate sexual contact) or attempts to commit these acts.

- In the event a student has made a claim of sexual assault, the appropriate law enforcement agencies will be notified.
- In the event a student has sexually assaulted a fellow member of the community, the student will be recommended for expulsion. Please note that a student is not formally expelled, however, unless and until the hearing process has been completed and the Board of Directors votes to expel the student as described below.

Appropriate counseling will be provided for any individuals impacted by sexual harassment or sexual assault.

## **Student Technology**

### **Student Technology Policy**

TECH Freire Charter School provides students with computer equipment, computer services, the system network, internet access and other technological equipment and resources. TECH Freire has the right to place reasonable restrictions on these privileges.

All access and rights are privileges granted by TECH Freire and students should have no expectation of privacy in the contents of personal files and access. The situation is similar to the rights you have in the privacy of your locker. Network administrators may review files and communications to maintain system integrity and ensure that users are using the system responsibly. Users should not expect privacy on any files or communications stored on School or Cloud servers. Routine maintenance and monitoring of the TECH Freire system may lead to discovery that this policy, the TECH Freire Code of Conduct, or the law has been violated. In these cases, students will be held accountable to the expectations of the school and the law.

All users agree to abide by applicable federal, state, and local laws and TECH Freire rules when using technology. TECH Freire will not assume legal or other responsibility for any use deemed unacceptable or for any content students find online.

The use of the school's technology is a privilege, not a right, and the purpose of this agreement is to define acceptable and unacceptable use of computer equipment, computer services, the system network, the Internet and other technological equipment and resources, as defined by TECH Freire. Unacceptable use, as defined by this agreement, or at the discretion of the Director of Technology, staff, or administration, may result in restriction or cancellation of access (even for required coursework) as well as other disciplinary or legal action.

### **Student Technology Procedure**

#### **Technology**

Technology resources are defined as any electronic tool, device, program, or system that aids the academic environment for a student. Technology includes but is not limited to:

- All computer software and hardware
- Cell phones and tablets
- Analog and digital networks (e.g., data, video, audio, voice, and multimedia)
- Email systems and communications technologies
- Servers, routers, hubs, switches, and Internet gateways
- Administrative systems, media systems, and learning information systems
- Smart Boards
- Related and forthcoming systems and new technologies

## Acceptable Use

Acceptable use of technology is any use that is consistent with the educational objectives of TECH Freire and in accordance with the TECH Freire Code of Conduct. This includes academic work, college exploration and research, and employment exploration and research. For further clarification on uses not listed here, please refer to the Director of Technology. All use is subject to review by the Director of Technology, staff, and administration.

Students are responsible for good behavior on school computer networks just as they are in the school building and in the community. Communications on the network are often public in nature and general school rules apply. Students must respect the rights of others in both the school community and in the global community.

## Unacceptable Use

These rules provide general guidelines and examples of prohibited uses for illustrative purposes but do not attempt to state all required or prohibited activities by students. General examples of unacceptable uses which are expressly prohibited include but are not limited to the following:

- **Illegal Activity** – It is unacceptable use to promote or engage in any activities which are deemed criminal under federal, state or local laws.
  - Copyright Laws – It is a violation of copyright laws to copy, distribute, display, exhibit, or perform copyrighted works without authority of the owner of the copyright. A copyright notice is not required.
  - Students may not utilize peer-to-peer file-sharing applications or execute programs to facilitate the downloading or exchange of copyrighted or unauthorized music, movies, and other intellectual property, etc.
  - Students may not use the TECH Freire network to arrange for the purchase of illegal substances or alcohol, engage in criminal activity, or threaten the safety of any person(s).
- **Plagiarism** – Students may not plagiarize works that they find on the Internet or other resources.
- **Vandalism** – It is unacceptable use to harm or destroy the hardware, software or data of another user, whether at TECH Freire or at any site connected to the Internet. This includes, but is not limited to, the creation or spreading of computer viruses.
- **Security** – Under no conditions should you provide your password to another person. Users are responsible for the security of their account. Users may be held accountable for actions performed under their account name if it has been determined that their account was negligently left accessible. If a user suspects their account security has been compromised they are required to immediately contact an administrator. It is also unacceptable to change individual or system passwords. It is unacceptable to trespass in others' folders, work, or files or to use or to attempt to use another's

account, including the System Administrators' accounts. It is unacceptable to post information that could cause damage or a danger of disruption.

- **Offensive Behavior and Harassment** – It is unacceptable use to harass, insult, or attack others. It is unacceptable to send or receive any data, which is offensive and/or obscene according to the TECH Freire Code of Conduct. Any repeated or unwanted communication may constitute harassment. Any communication with the direct intention of harassing, threatening, implying, or otherwise causing harm to individuals and classes of individuals is a violation of school policy. Kinds of harassment include:
  - Sending/forwarding unsolicited email, junk mail, or propagating chain letters.
  - Email “bombing,” spamming, etc.
  - Inappropriate images, text, audio, commentary, etc. that demeans based on ethnicity, race, religion, sexuality, sexual orientation, age, class, disability, etc.
  - Forging electronic information.
  - Creating, altering, or deleting the attribution of origin (“from” in e-mail, IP address headers, etc.).
  - Sending messages under someone else’s account or posing as another user in any way.
- **Respect for Resource Limits** – It is unacceptable to intentionally waste limited computer resources. It is unacceptable to download large files. It is unacceptable to post or forward chain letters, send “bomb” e-mails, or engage in “spamming.” Sending numerous or large email messages to one person is considered “email bombing.” Spamming is sending an annoying or unnecessary message to a large number of people.
- **Respect for Privacy** – It is unacceptable to repost a message that was sent to you privately without permission of the person who sent you the message. It is unacceptable to post private information about another person.
- **Personal Safety** – It is unacceptable to post personal contact information about yourself or other people. Personal contact information includes your address, telephone, work address, etc. It is unacceptable to agree to meet with someone you have met online for non-academic reasons. This is subject to review by the Director of Technology, staff, or administration.
- **Commercial Use** – It is unacceptable to offer, provide, or purchase products or services through TECH Freire unless as part of school sanctioned programming.
- **System Tampering** – Any unauthorized alteration of operating systems, individual accounts, software, networking facilities, and/or other programs.
- **Obscenity** – Students may not use the network to access material that is profane or obscene. This includes pornography, inappropriate music or text, etc.

## Policy on Reporting a Freire Community Member

It is the School’s expectation that students will report any violation of the Code of Conduct or any situation that could endanger the health, safety, or welfare of the school community or property, such as a fellow student being in possession of illegal substances, firearms, or weapons. The Dean’s Office will follow up on all reports.

## Retaliation Policy

It is the policy of TECH Freire Charter School that a positive, open environment be maintained at all times. Therefore, the school encourages all community members to report problems or concerns **without fear of retaliation or reprisal**. Reports may be made anonymously. All reports will be promptly investigated. TECH Freire is committed to doing whatever is necessary to protect students from retaliation resulting from a

concern or complaint. Should the school determine that retaliation has indeed occurred, or that a community member is planning retaliatory action, disciplinary steps will be taken. The consequences could include any of the following: 1) community service, 2) written apology, 3) suspension, 4) informal hearing, 5) recommendation for expulsion, or 6) police notification.

## **Search and Seizure Policy**

TECH Freire Charter School reserves the right to search students and their belongings to find weapons, drugs, stolen property, and other contraband. In addition, students may be asked to empty pockets, purses, etc. If a student is found in possession of items that are illegal, the student will be charged with the appropriate school offense, and the Philadelphia Police Department will be notified; the student may be held for the police, and charges may be filed. Any student who refuses to cooperate with school authorities is subject to expulsion from TECH Freire. All searches of a student's locker, belongings, or person will be done with at least two TECH Freire staff members present.

## **Act 26 Policy**

Act 26 of 1995 (the Safe Schools Act) creates a mandatory one-year expulsion for the possession of weapons on school property, including 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 as “including but not limited to, any knife, cutting instrument, cutting tool, nunchaku, firearm, shotgun, rifle, and any other tool, or instrument 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 while on public transportation or school buses.

A student found in possession of a weapon will be considered in violation of the Nonviolence and Commitment to Peace Policy and will be recommended for expulsion.

## **Cell Phone & Electronics Policy**

Students are permitted to bring cell phones and electronic devices to school provided the following guidelines are followed:

- Students must turn their cell phones and electronic devices off or on silent BEFORE entering school.
- Cell phones and electronic devices are not permitted during the school day (8:00 am to the conclusion of the academic day: 12:00 pm on half days and 3:00 pm on full days).

**Any phone of electronic device that is seen or heard during the school day will be confiscated by school staff and held in the Dean’s Office. When a phone or electronic device is confiscated, it will not be returned to the student. Devices will only be returned to someone listed in PowerSchool as a parent, guardian, or emergency contact. Devices can be picked up in the Dean’s Office between the hours of 7:30 am and 3:30 pm.**

**Please note: Although we take every precaution to safely and securely store confiscated student electronic devices, TECH Freire is not financially responsible for student electronic devices in the school’s possession.**



Students who repeatedly break the Cell Phone & Electronics Policy will have a mandatory parent meeting with the Dean's Office. If the policy is chronically broken, the school may require the students to turn in their phone in to the Dean's Office at the start of the day and retrieve it upon completion of the day.

Refusal to surrender a requested cell phone or removal of the SIM chip from the phone prior to surrendering it will be considered an act of extreme defiance and will result in the following actions:

- The student's parent or guardian will be contacted immediately
- The student will be suspended for the remainder of the day
- A mandatory meeting with the Dean will be scheduled
- At this meeting one (or more) of the following consequences will be assigned:
  - Contract
  - Loss of school privileges
  - Community service

## **Dress Code Policy**

At TECH Freire, students are required to wear one of the following designated tops:

- TECH Freire T-shirt
- TECH Freire Sweatshirt
- TECH Freire Cardigan
- TECH Freire Polo

Exceptions will be granted for religious attire, including but not limited to the following: thrones, abayas, hijabs, and kufis.

Note: Students who are wearing hijabs and kufis are expected to still meet the uniform requirements stated above. No exceptions will be made.

The TECH Freire top cannot be covered by another garment (such as a jacket or hoodie) in any way.

Students are permitted to wear whatever form of bottoms and shoes they want, as long as they do not violate the expectations below.

### **The dress code prohibits the following:**

- Wearing head coverings (religious exceptions granted)
- Wearing clothing with obscene language, phrasing, or logos displaying violence or drugs (including alcohol) on any clothing or accessories
- Allowing any undergarments to show
- Wearing bedroom slippers
- Wearing shirts without straps (even under sweaters, jackets, etc.)
- Shorts/Skirts/Dresses that are excessively revealing, as determined on a case-by-case basis
- Pants that ride below the waist

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 dress code. Therefore, the above list should not be considered exhaustive.

### **The consequence for not following the dress code:**

Students will be asked to change into proper attire. If they cannot, the Dean will inform the parent or guardian that the student is being sent home so that they can dress appropriately. The expectation is that the student will return the same day; if the student does not return, their absence will be considered unexcused.

## **General Behavioral Expectations**

### **Respect and Kindness**

Creating and maintaining a good relationship with the entire surrounding community both inside and outside of the school grounds is an important goal of our school.

#### **The following actions conflict with our expectations and are unacceptable:**

- Horseplay or play fighting, inside or outside of school (horseplay and play fighting are defined as rough, noisy, unruly, or rowdy play that may or may not involve physical contact).
- Loitering on street corners or sitting on steps of surrounding buildings.
- Running down the stairs or hallways in the school, around school, and outside of the school.
- Making excessive noise when entering the building or leaving the building.
- The use of profanity (cursing) anywhere inside or out of the building.
- Throwing objects anywhere in the building (extreme circumstances could lead to recommendation for expulsion).
- Interrupting the learning environment.
- Speaking to or treating any community member in a rude/disrespectful manner or in a way that makes them feel unsafe or violated
- Using local businesses as places to hang out, or gathering inside stores, restaurants or local businesses before or after school.

### **Clean and Safe Facilities**

The TECH Freire community believes that having a clean, safe environment is non-negotiable. Feeling safe to explore and to make mistakes, is essential to learning.

#### **The following actions conflict with our expectations and are unacceptable:**

- Littering anywhere near the school grounds – inside or outside.
- Sharing a locker. Any item found in a student's locker is considered the property of the student who has been issued said locker.
- Eating or drinking in any area except the designated areas. (Eating can only happen in classrooms if there is adult supervision during lunch or special events; not during academic time unless authorized by an administrator.)
- Possession of a glass bottle.
- Roaming the building without a pass.
- Disposal of gum in a place anywhere other than trash cans.
- Tampering in any way with school building systems or equipment (such as using school telephones or tampering with life safety equipment)
- Not producing student ID when asked.

### **Readiness to Learn**

The community believes that an appropriate learning environment is essential for success.

## The following actions conflict with our expectations and are unacceptable:

- Sleeping in class.
- Talking in class.
- Disrupting the learning environment in any way.
- Being tardy to class.
- Disrupting another classroom.
- Cheating and/or plagiarizing.

## Expectation on Conduct of Friends and/or Family

Students who bring outside guests to any school sponsored function will be held accountable for their guests' behavior as if it were the student's own behavior. Students are advised to carefully consider if an individual is able to meet the behavioral expectations of the school prior to inviting them to a school sponsored function.

## Interventions Policy

The Board grants the Head of School authority to develop a program of consequences and interventions for violating the Code of Conduct. In the event of potential violations of the Nonviolence and Commitment to Peace Policy, Policy Against Bullying and Cyberbullying, Sexual Harassment and Sexual Assault Policy, or other serious infractions, students shall be afforded all rights defined by 22 Pa. Code Chapter 12.

## Interventions Procedure

### First Level Interventions

If a student chooses to act in an unacceptable way, the Dean's office will assign a consequence for the student's actions. **Each intervention is meant to be used as a warning that the student's behavior is unacceptable and therefore should NOT BE REPEATED. Repeated or excessive violation of the same rule will result in more severe consequences.**

The following is a list of interventions which may be used by the Dean. This is not an exhaustive list, but rather a sample of the interventions the Dean may use:

- Anger management
- Apology letter
- Community outreach/service
- Behavior contract
- Probationary contract
- Detention
- Saturday school
- Educational Seminars
- Hours outside of school time
- Informal Hearing
- Losing privileges to attend school functions
- Loss of privilege to go out at lunch
- Parent conference (phone or personal)
- Personalized Improvement Plan (PIP)
- Public apology (written or verbal)
- Research project

- Support groups
- Teacher/Student Conference
- Teacher detention
- Therapy
- Reflection Room
- Bridge Program

The **Reflection Room** is a part of our tiered culture intervention program in which students are given space and time to focus on the relationship between their behaviors in a classroom and their academic success.

The **Bridge Program** is a series of Saturday's sessions focused on various topics that support students to reflect on constructive ways to reset behaviors when school-based supports have been exhausted.

### **Initial Investigation Procedure**

If there is a suspected violation of the Nonviolence and Commitment to Peace Policy, the Policy Against Bullying and Cyberbullying, the Sexual Harassment and Sexual Assault Policy, or another serious infraction, the School will follow these steps:

- Students will be separated as necessary.
- A preliminary investigation to determine whether the policy was violated will be conducted.
- Once the Dean has provided the family with the opportunity to explain their story and evidence has been discussed, the Dean will determine two things:
  - Did the student know about the policy?
  - Did the student break the policy?
- If it is determined the policy was violated, then the following steps will be taken:
  - For a first violation of the Policy Against Bullying and Cyberbullying, the student will be issued, at minimum, an after school detention.
  - For a repeat violation of the Policy Against Bullying and Cyberbullying, or any violation of the Sexual Harassment and Sexual Assault Policy, the student will be suspended for a minimum of 2 days (see the Suspension Policy and Procedure below). If the suspension is for 4 days or more, an Informal Hearing will be held (see the Hearings Policy below).
  - Extreme or repeat violations of these policies may result in a recommendation for expulsion.
  - A Behavior Contract, as deemed appropriate by the Head of School or Dean (see the Behavioral Contract Procedure below). This may include counseling for the student(s) involved.
- Should the Dean find that the student both knew about and violated the Nonviolence Policy then the Dean is required to recommend the student for expulsion from the school.
- In a case where a student may have violated the law, the school may refer the incident to law enforcement while simultaneously continuing the school's disciplinary process. Consequences imposed by the School are independent of and in addition to any penalties imposed under the law.

**PLEASE NOTE: A Dean's recommendation for expulsion is a recommendation only. A student is not formally expelled until after a formal expulsion hearing is held and the Board of Directors votes to expel the student.**

Upon a recommendation for expulsion, the student and his/her parent will be provided with the following:

- Their rights and responsibilities as a student/parent.
- The formal hearing/expulsion policy and procedures.

## **Suspension Policy**

Suspension is exclusion from school for a period of from 1 to 10 consecutive school days. Suspensions may be issued by the Head of School or Dean. A student may not be suspended until the student has been informed of the reasons for suspension and has been given the opportunity to respond. Parents/guardians shall be notified immediately in writing when a student is suspended. Prior notice of the intended suspension is not required if the health, safety or welfare of the school community is threatened. When the suspension is for 4 or more school days, the student and parent/guardian shall be given the opportunity for an Informal Hearing in compliance with the requirements of §12.8(c) (see the Hearings Policy below). The Head of School can develop procedures and expectations around suspensions within their authority under 22 Pa. Code Chapter 12 and the board policy.

### **Suspension/Reinstatement Procedures**

If a student has been suspended, he/she will be prohibited from attending school, being on school grounds or participating in or attending school activities (dances, field trips, athletic events, etc.). Students are required to make up all class work and tests missed during a suspension.

Actions that will result in a suspension from school activities include, but are not limited to:

- Jeopardizing the safety of another community member.
- Active or passive participation in the destruction of property.
- Possession of weapon, drugs, alcohol, or other illegal items.
- Breaking the Nonviolence and Commitment to Peace Policy.
- Cutting class or leaving the classroom without permission.
- Involving outside community members or family members in matters that originated at school.
- Stealing.
- Extreme defiance.
- Sexual harassment.

After a preliminary investigation is conducted by the Dean's Office and it is determined that a suspension is appropriate, the school will verbally notify the parent/guardian of the reason for the suspension using the contact information on file and will mail and/or email a copy of the suspension notice to the address on file and give the family an opportunity to respond. The school will also attempt to schedule a Reinstatement Meeting with the student and parent or guardian at this time.

If a parent gives verbal permission for the student to leave school, the suspension will begin immediately and the student will be dismissed. If the parent cannot be reached, the student will be held until the end of the school day.

### **Reinstatement Meetings**

If a student is suspended but not expelled, the student and their parent or guardian are required to participate in a meeting with the Dean's Office before the student will be permitted to resume attending school or school activities. Students may not attend school or school activities until this mandatory meeting occurs.

The Reinstatement Meeting will serve as a warning to alert the student and their parent/guardian that they have seriously or chronically violated the Code of Conduct. It is further hoped that the student will realize the

impact their behavior has had on their learning and that of their fellow students, and therefore make all necessary changes in their behavior while in school.

The School may waive the requirement for a Reinstatement Meeting only if a behavior contract was put in place as part of an informal hearing.

## Hearing Policy

### Informal Hearings

Informal hearings are held in cases where a serious infraction of the Code of Conduct has occurred, including when a suspension is 4 days or more or any instance where the School makes a recommendation for expulsion. Informal hearings will follow the format described below:

- The school will offer to hold the informal hearing within the first 5 days of the suspension.
- The school will provide both parent and student with sufficient notice of time and place of the informal hearing.
- During the informal hearing, the school will state the concerns and observed behaviors.
- The school will provide the results of any investigation should the incident have required one.
- Both parent and student will have the opportunity to provide their observations, comments and concerns regarding the incident.
- Students have the right to question any witnesses present at the hearing.
- Students have the right to speak and produce witnesses on their own behalf.
- Upon conclusion of the meeting the school will determine the next action, which may include a recommendation for expulsion or a probationary behavioral or probationary contract.
  - Recommendation for Expulsion:
    - See formal “Formal Hearing/Expulsion Policy” (next page)
  - Behavioral or Probationary Contract:
    - The Head of School or Dean may determine that a behavior contract is required

### Behavioral Contract Procedure

- The Dean’s Office will review the supports and expectations of the contract with the student and their parent or guardian to ensure all supports and expectations are fully understood.
- Although the supports and expectations of a contract will vary to address the specific behavior of a student the following conditions apply to all behavioral and probationary contracts:
  - Students will be required to fulfill the conditions of the contract.
  - Failure to fulfill the conditions of the contract may result in a recommendation for expulsion from the school.
- In order for a contract to be issued, the student and parent must agree to follow the terms being presented by the Dean’s office.
- The contract will establish a time and date when the compliance of the contract will be reviewed.
- The contract may include restorative measures such as an apology letter, seminars, or other interventions assigned by the School.

**NOTE: Contracts are non-negotiable. Students and parents must agree to follow all terms of the contract. If a student or parent does not agree to follow the terms of the contract, there is a possibility that the refusal could result in a recommendation for expulsion.**

## Formal Hearing/Expulsion Policy

If a student is recommended for expulsion as a consequence of their actions, a formal hearing will be scheduled. This hearing must commence within 15 days of formal charges (unless mutually agreed upon by both parties). Special Education students have additional rights as described below in the Policy on Discipline of Students with Disabilities.

- A formal hearing is **REQUIRED** in all expulsion actions.
- An expulsion hearing will be arranged and notification of the charges, all evidence, and the rights of students and parents or guardians will be sent to the student's parents or guardians at least 3 days prior to the hearing. All information will be sent via regular and certified mail.
- The hearing shall be held in private unless the student or parent requests a public hearing.
- The hearing will commence on the agreed upon date with an independent Fact Finder presiding.
- The school will present its evidence, giving the student and parent or guardian the chance to view all information.
- Students and parents or guardians will be given the opportunity to question any witnesses, including other students, as well as present their own evidence.
- The Fact Finder will write a summation of facts that will be presented at the following Board Meeting.
- The Board of Directors, through a vote, determines whether a student is to be expelled.
- Notice of a right to appeal the results of the hearing shall be provided to the student with the expulsion decision.

## Parent and Student Rights

- In a case involving a possible expulsion, the student is entitled to a formal hearing.
- A formal hearing is required in all expulsion actions.
- This hearing will be conducted by an impartial Fact Finder.
- The Board of Directors is given a summation of facts by the Fact Finder and a majority vote of the entire governing board is required to expel a student.
- The following due process requirements shall be observed with regard to the formal hearing:
  - Notification of the charges shall be sent to the student's parents or guardians by certified mail.
  - At least 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. Otherwise the hearing will proceed as scheduled.
  - The hearing shall be held in private unless the student or parent requests a public hearing.
  - The student may be represented by counsel, at the expense of the parent or guardian, and must have the parent or guardian (as identified in the PowerSchool database) attend the hearing.
  - 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.
  - The student has the right to request that the witnesses appear in person and answer questions or be cross-examined.
  - The student has the right to testify and present witnesses on his/her own behalf.
  - 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.
  - The proceeding shall be held within 15 school days of the notification of charges, unless

mutually agreed to by both parties. A hearing may be delayed for any of the following reasons, in which case the hearing shall be held as soon as reasonably possible:

- Laboratory reports are needed from law enforcement agencies.
- Evaluations or other court or administrative proceedings are pending due to a student invoking his/her rights under the Individuals with Disabilities Education Act (20 U.S.C. § 1400—1482).
- Notice of a right to appeal the results of the hearing shall be provided to the student with the expulsion decision.
- The initial responsibility for providing the required education rests with the student's parent or guardian, through placement in another school, tutorial or correspondence study, or another educational program approved by the district's superintendent. Parents have 5 days to find the appropriate placement and notify the school.

## **Parents Right to Withdrawal**

TECH Freire Charter School is a school of choice for families. Parents may choose to voluntarily withdraw their child from the school at any time for any reason. The School cannot formally expel a student who is no longer enrolled at Freire. Should a parent choose to withdraw their child prior to potentially being expelled, all expulsion procedures will cease. The student's academic record will reflect the withdrawal, not an expulsion.

If a parent decides to withdraw their student, they must submit the Official Withdrawal Form.

## **Policy on Discipline of Students with Disabilities**

TECH Freire Charter School will develop and implement positive Behavior Support Plans and programs for students with disabilities who require specific interventions to address behaviors that interfere with learning.

Students with disabilities who violate the Code of Conduct, or engage in inappropriate behavior, disruptive or prohibited activities and/or actions injurious to themselves or others, which would typically result in corrective action or discipline of students without disabilities, will be disciplined in accordance with state and federal laws and regulations, school policy, and, if applicable, their Individualized Education Program (IEP) and Behavior Support Plan.

## **Suspension from School**

A student with a disability may be suspended for ten (10) consecutive and fifteen (15) cumulative days of school per school year, for the same reasons and duration as a student without a disability. Such suspension shall not constitute a change in the student's educational placement.

## **Changes in Educational Placement/Manifestation Determinations**

A manifestation determination is required by IDEA (2004) when considering the exclusion of a student with a disability that constitutes a disciplinary change of placement.

### *Disciplinary Change of Placement*

A disciplinary change of placement occurs when a student who is receiving special education services is excluded from school:



- For more than ten (10) school days in a row,
- For more than fifteen (15) school days in any one school year,
- When days 11-15 constitute a pattern of exclusion, OR
- For even one (1) school day for a student with an intellectual disability\*.

\*For students with intellectual disability, any disciplinary suspension or expulsion is a change in educational placement and may not be made without parental consent or judicial approval.

The School may unilaterally remove a student to an interim alternative educational setting for no more than forty-five (45) school days without a manifestation determination review under the following circumstances:

- Carrying or possessing a weapon
- Knowingly possessing, using, selling or soliciting illicit substances
- Inflicting serious bodily injury upon another person

### Manifestation Determination Process

Within ten (10) school days of the decision to change the student's placement, the parent/guardian and members of the students' IEP team shall conduct a Manifestation Determination meeting to answer the following questions:

1. Was the behavior caused by, or directly and substantially related to, the student's disability; OR
2. Was the behavior a direct result of the failure to implement the IEP?

If the behavior is a manifestation of the student's disability, the IEP team will take one of the following actions:

- Conduct a Functional Behavioral Assessment (FBA), unless one was already conducted prior to the change of placement occurring, and implement a positive Behavior Support Plan for the student; OR
- If a positive Behavior Support Plan has already been developed, review and modify it as necessary to address the behavior; and return the student to the placement from which they were removed, unless the parent/guardian and IEP team agree to a change of placement as part of the positive Behavior Support Plan.

If the behavior is not a manifestation of the student's disability:

- The student may be disciplined in accordance with school policy, rules, and regulations in the same manner and to the same extent as students without disabilities.