



### STUDENT CODE OF CONDUCT POLICY

Policy #201

Adopted: 6/12/2019

#### Overview

##### Purpose of the Code of Conduct at FCS

We believe that it is important for FCS to set forth the expectations of all community members. This Code of Conduct is designed to support FCS's mission and provide a college-preparatory learning environment with a focus on the individual avenues of problem solving, freedom, and critical thinking, as well as the collective values of nonviolence, safety, community, and teamwork.

##### Code of Conduct Guiding Principle

As an educational institution we recognize that it is our responsibility to educate students regarding nonviolence and the Code in general. Our practice is based upon the belief that as students progress from one grade to the next they become more responsible for the rules and gain a greater capacity for independent decision making.

##### Expectations of Students

Freire Charter School will provide our students with skills that they need for the future. The teachers, counselors, administrators, and custodial staff at Freire are dedicated to the education and well-being of our students. In turn, 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. Freire also expects students to take care of the property within the school and in the community as defined below.

##### Definitions

###### Student

A person enrolled in Freire 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 (of which proof is required).

###### Staff

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

### Community Member

Any Freire Charter School student, parent, staff member, mentor, board member, volunteer, neighbor, or any other person a student may encounter while on school grounds (defined below). These integral parts join together to create a special community.

### School Grounds

FCS's surroundings are unique in that we share building space with other organizations and frequently use outside community resources during the day (restaurants, nearby parks, nearby public buildings, public transportation, school buses, etc.). FCS defines the school grounds 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 on school grounds as defined above.

### 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 severe 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. Every student has the opportunity to participate in mediation when there is a conflict with another community member so that the conflict can be resolved in a constructive, nonviolent manner. Mediation is to be used in a proactive manner **PRIOR** to an infraction of the Code of Conduct, not as a result of an infraction of the Code of Conduct.

### 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. Any student/family referred by Freire to participate in family therapy is encouraged to do so. Family therapy is provided free of charge and is a very important part of building and strengthening our community. In certain cases, mandatory meetings with a member of the emotional support team may be assigned by the school as a behavioral intervention.

## Student Attendance

### Student Attendance Policy

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.

### Excused vs. Unexcused Absences

### Excused Absence

**An excused absence is any absence that is documented for official business.** Examples include, but are not limited to: court dates, death in family, doctor or dentist appointments, etc. Excuses of this kind must be documented on official letterhead or back to work slips from a doctor, court, or other professional. Hand-written notes or parent notes will not be accepted as proof of official business. In addition, suspensions will be counted as excused absences. Students will also be excused for participation in a project sponsored by an organization eligible for Pennsylvania Agricultural Fair Act grants (such as FFA for 4-H), to participate in a musical performance for an event or funeral with a national veterans' organization, or if health or sanitation laws or regulations prevent a student from attending school.

### Unexcused Absence

An unexcused absence is any other kind of absence from school. Examples include, but are not limited to: sickness, family trips, etc. **While parents should still send a note to school explaining the absence in order to mitigate truancy, parent notes do not excuse absences.** The Head of School is authorized to develop a system of consequences for attendance. See below for the School's Truancy Policy and Procedures.

Pennsylvania regulation requires that we remove any student from the roll who has accumulated 10 consecutive unexcused absences. A certified letter will be sent to notify parents of their child's removal from the school roll.

### Student Attendance Procedures

#### Unexcused Absence Procedures

Unexcused absences can lead to serious consequences, including the following:

- Regardless of current academic standing or grade level, if a student has 5 unexcused absences in one quarter, the student cannot earn higher than a 74% in a course. However, students can get their original grade restored at the discretion of a Committee of School Personnel if in the following quarter they show growth and do not exceed the unexcused absence threshold.
- Three (3) instances of lateness are equivalent to one (1) unexcused absence.
- Upon reaching 25 absences, a student may be mandatorily retained, regardless of student's end of year grades, at the discretion of the Head of School.

#### Lateness Procedures

A student is considered late if they are not present in their first period classroom by 8:00 AM, or the official start of school.

Lateness can lead to serious consequences, including the following:

- Students who arrive forty-five (45) minutes after the start of school on full days, or thirty (30) minutes late on half days, will not be admitted to school. The student's parent/guardian will be notified and the student will be sent home and marked as an unexcused absence for the day.
- Repeated unnecessary lateness may result in disciplinary or other corrective action at the discretion of school administration.
- Additionally, three (3) instances of lateness are equivalent to one (1) unexcused absence.

## Early Dismissal Procedures

To protect student safety, the school reserves the right to only release students to a parents/guardian or an emergency contact on file with the school. In emergency situations, the Head of School may permit the release to another individual with written or emailed consent from the parent/guardian. For the safety of your student, please limit emergency requests. A student must be present in second period (official attendance period) in order to be marked present for that day. Therefore, any student who receives an early dismissal prior to this time will be marked absent for the remainder of the day.

**Please note: For safety reasons, the school will deny an early dismissal in the event that any of the above procedures are not followed.**

## Make-Up Procedures

It is the responsibility of a student who has been absent to obtain missed work, homework, and assignments from their teachers.

### Pre-Arranged Absences

If a student knows ahead of time he or she will be absent or miss a class, he or she should make every effort to collect work from teachers the day before and/or contact teachers or classmates about missed assignments before returning to school. Alternately, students or parents can reach out to academic advisors to assist in collecting work.

### Papers/Projects/Major Assignments

At a teacher's discretion, papers and other assignments that students were informed about before being absent are due upon the student's return or by email. The Major Assignments provisions from the Make-Up Policies section of the Academic Policies in this handbook still apply for late assignments.

### Missed Homework/Classwork

Students who are absent must make up missed homework/classwork assignments as soon as possible. The number of days a student is absent is equal to the number of days a student has to make up an assignment.

### Missed Quizzes/Tests

It is the student's responsibility to make an appointment with a teacher to make up a missed test or quiz. Generally, students have two weeks to do so. After two weeks, assessments cannot be made up. Teachers may create additional, specific procedures outlined in class syllabi.

## Participation in School Activities

A student absent from school may not participate in any after school activity on the day they were absent. It is the responsibility of the student to make up any and all assignments missed as a result of an absence (illness, suspension, field trip, etc.).

## Parental Notification of Absences

The school will use the following methods to notify parents/students of their attendance record:

- Daily automated attendance call to all students who are absent (please make sure that the school has the most up-to-date contact number for you at all times)

- Attendance will be printed on all official grade reports that are sent home on a quarterly basis.
- A letter will be sent to the student's home when they have accumulated 3, 6, 10, 15, and 20 unexcused absences. See the Truancy section below for more information.

NOTE: Parents may view attendance through their personal access to the PowerSchool system.

### Illness

Times when the nurse is on site:

When the nurse is on site, s/he is the person who will determine whether or not the student is able to return to class. If the nurse determines that a student needs to leave, then s/he will contact the parents and request that they pick up their student. The nurse is the only person who has the authority to determine a student must leave for the day.

Times when the nurse is not on site:

On days that the nurse is not at the High School, the school will honor the wishes of the parents/guardians as to whether the student should stay in school for the day. In the event the nurse is not available and the school and parent do not agree about the resolution, a Head of School will have the authority to determine whether the student is too ill to stay in school. In the event a student is too ill to remain in school, the student **MUST** be picked up by the parent/guardian or their designee. Please refer to the early dismissal policy. Students who are sick will not, under any circumstances, be allowed to leave school without being picked up by a parent/guardian or person they designate.

Note: When the school determines that a student must be sent home due to illness, their absence for the remainder of the day shall be excused.

### Medical Emergencies & Accidents

In the event your child has a medical emergency (defined as an incident that requires immediate medical attention), we will make him/her comfortable and begin appropriate first aid procedures. If your child needs to be transported to a hospital, an ambulance will be called. A school staff member may or may not accompany your child to the hospital and may or may not stay with him/her until you arrive. If you cannot be reached, we will attempt to contact the emergency numbers you have listed as emergency contacts.

## Truancy Policy

A student is considered truant after 3 truant absences. A child is considered habitually truant after 6 or more truant absences. To avoid truant absences, students must always bring a parent note explaining their absence when they return to school. The standards to avoid a truant absence are less strict than those to have an absence excused. However, while a parent note may be used to avoid a truant absence, the School must still determine that the absence was for a legitimate reason. Parent notes can only be used to prevent up to 6 truant absences per year. After 6 absences with parent notes, any further such absences will be considered truant.

Within 10 days of a student's third truant absence, Freire will notify the student's family of the child's violation of compulsory school attendance. The notification will be sent in writing to the person in parental relation with the child who resides in the same household as the child. When transmitted to a person who is not the biological or adoptive parent, the notice will 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 will:

- Include a description of the consequences that will follow if the child becomes habitually truant
- Be in the mode and language of communication preferred by the person in parental relation

### School Attendance Improvement Plan

After a student reaches 6 unexcused absences, the School will hold a School Attendance Improvement Conference to address barriers to a student's attendance. The School will send a second notice to the family as described above which will additionally include notice of the conference. Neither the child nor the person in parental relation may be legally compelled to attend the conference, but Freire strongly urges both to participate. The conference must occur even if the person in parental relation declines to participate or fails to attend the scheduled conference after written notice sent in advance and attempts to communicate via telephone. Freire reserves the right to provide notice and subsequently hold a conference at its discretion regardless of whether a student has yet accumulated 6 unexcused absences.

The conference should ideally engage the student, family, school, and all participants involved in the student's life to explore possible solutions to increase the student's school attendance. In the case of a follow-up conference after a student has already been referred to the Philadelphia District Attorney's Office, Truancy Court, or Family Court, the conference will also include a representative from the appropriate office. Maintaining open communication between the student and adults will facilitate positive outcomes.

The purpose of the conference is to discuss the cause(s) of the truancy and to develop a mutually agreed upon plan to facilitate regular school attendance. The conference provides both parties with the opportunity to identify, understand, and explore all issues contributing to the student's truant behavior. Participation by the student and family is an integral component for this conference. In addition, representatives from relevant and/or involved community-based agencies, community and school services, and school personnel should be invited to participate, as needed. During the conference, a Student Attendance Improvement Plan (SAIP) shall be developed cooperatively with the student and other meeting participants.

Issues to be addressed at the conference should include but not be limited to:

- Appropriateness of the student's educational environment
- Possible elements of the school environment that inhibit student success
- Student's current academic level and needs
- Social, emotional, physical, mental, and behavioral health issues
- Issues concerning family and home environment
- Any other issues affecting the student's attendance

The participants in the school-family conference should work collaboratively to conduct a holistic assessment to determine the reason(s) the student is exhibiting truant behavior. Every member should have a vested interest in and responsibility for determining an appropriate plan to assist the student to succeed both socially and academically. This conference should also provide an opportunity to ensure that both the student and the family clearly understand the School's attendance requirements and the legal ramifications of not adhering to the state's compulsory attendance requirements. This methodology promotes full understanding and appreciation of the root causes of truancy as well as the resultant personal and societal impacts when truant behavior is not adequately addressed.

The School may not take further legal action to address unexcused absences until the conference has occurred. The outcome of the conference must be documented in a SAIP. The SAIP must be documented on an official form substantially similar to one developed by the Pennsylvania Department of Education. This plan substantiates efforts made by the school, the family and other vested third parties to assist the student in addressing and resolving school attendance issues.

### Legal Consequences for Sustained Truancy

Freire must report incidences of truancy to the Pennsylvania Department of Education and may report them to the School District of Philadelphia's Office of Attendance and Truancy, the Philadelphia District Attorney, the Philadelphia Family Court, and/or the Philadelphia Department of Human Services. Families may be required to appear at court hearings or be assigned a case worker who will make home visits. Parents or guardians convicted of violating compulsory attendance can be fined, required to complete an appropriate course, or perform community service. In order to support legal proceedings conducted under Pennsylvania's truancy law, Freire will document all truant absences, all outreach efforts made, any conferences held, and any interventions pursued.

### Homebound Policy

In accordance with PA Code, a principal or teacher **may**, upon receipt of satisfactory evidence of mental, physical, or other urgent reasons, excuse a student for non-attendance during a temporary period and **may** provide those students with homebound instruction for a period not to exceed 3 months.

Parents can request homebound instruction in the event a child is medically unable to attend school for a period of 4 weeks to 3 months due to:

- Physical disability
- Illness (acute or chronic)
- Injury
- Psychological or psychiatric condition
- Pregnancy, if there is satisfactory evidence of mental, physical, or other urgent reasons certified by a physician (See the Married, Pregnant and Parenting Policy #225 for more details)

Homebound instruction will be based on the Instructional Plan and the student will not be marked "absent" for school while receiving approved homebound instruction. The school nurse will monitor medical progress of student by contact with parent/guardian at least once during the scheduled absence. Once a student is ready to return to school, the school team will meet with a parent to review progress and suggest additional supports necessary to return the child to school. Progress reports from the homebound teacher will be used by teachers and administrators in the determination of a student's overall class grade.

### Homebound Procedure

To submit a request for Homebound Instruction, parents must follow the following procedures:

- Parent must obtain from and return to the school nurse a completed Physician's Referral Form. The form **MUST** be completed by the doctor treating the specific condition causing the child's absence from school.
- Incomplete forms or forms with missing information will be considered; however, lack of information may be sufficient reason for a denial of homebound services.

- All information provided will be considered by the school team to determine whether or not homebound services should be provided. Parents will be informed of approval or denial of services.
- If services are approved, a meeting will convene in order to create a Homebound Instructional Plan for the student for the duration of the approved absence. A parent/guardian must attend this meeting and sign the plan and consent form.

**NOTICE:** Homebound instruction can only be granted for a period of 3 months. In the event a student requires services for longer than 3 months, a parent must reapply for services following the procedure above. For students diagnosed with chronic illnesses requiring extended periods of homebound instruction throughout the school year, school teams may refer the student for evaluation for continuation of services under IDEA or Section 504 of the Rehabilitation Act.

## Nonviolence Policy Origin

Nonviolence has come to be a way of life inside Freire Charter School, driven in large part by the students themselves. In 1999 when the school first opened, 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 do the learning they knew colleges would demand of them later in their education. During that first year, the Freire students worked weekly with the school leadership, striving to build the core elements of what Freire would one day later become. Nonviolence 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, which is still in effect today. Now, years later, students, staff, and parents count on the Nonviolence Policy to keep everyone safe and to bind the Freire community together in trust and mutual respect for each other’s safety, one and all.

This nonviolent and safe atmosphere is critical to high academic achievement. Students cannot learn in an environment where they do not sense physical safety. So we are not a school with high academic achievement **and** a rigid nonviolence policy; we are a school with high academic achievement **because** we have a rigid nonviolence policy. You cannot have one without the other.

## Nonviolence and Commitment to Peace Policy

Freire is a nonviolent community. This policy, approved by the Freire Charter School Board, **mandates recommendation of expulsion for all acts of violence, including acts committed in self-defense or retaliation.** The recommendation will be made by the designated school personnel and will be carried out 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 media, and email.

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

- During school hours
- Before and after school
- On school grounds and in the surrounding community
- During school-sponsored activities
- During field trips, sports events (both at and away from the school) and at any event where students are representing Freire Charter School.



The above list serves only as examples of places and is not to be considered an exhaustive list.

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

Physical Violence:

- Throwing things at another person
- Physically invading another individual's personal space in order to intimidate them
- Any type of striking or grabbing (punching, biting, etc.)

Verbal Violence:

- Bullying (as described in the Freire Bullying Policy)
- Threatening another person's life or safety
- Threatening to bring another person to school to fight someone
- Abusive or derogatory language

Other Actions Prohibited Under the Nonviolence Policy:

- Using violence to defend yourself
- Sexual assault
- Harassment of a community member by outside family or friends, initiated by a Freire student. This includes threats made in person, by text, video, or using any type of social networking site (Twitter, Facebook, etc.)
- Possession of weapons – “including but not limited to, any knife, cutting instruments, cutting tools, nunchaku, firearm, shotgun, rifle, and any other tool or instrument capable of inflicting serious bodily injury” (Act 26 of the 1995 Safe Schools Act)\*
- Destruction of property
- Possession of, or attempt to distribute, any illegal substance\*
- Stealing

\*In these instances, Freire must follow the law. The law requires the school to report any of these violations to the authorities, which will then determine whether criminal charges will be filed. The school will continue its internal disciplinary processes separately from the authorities.

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 and Commitment to Peace Student Supports Policy

Because the Freire Nonviolence and Commitment to Peace Policy is unique and because Freire is an educational institution committed to supporting the growth and success of everyone in the community, Freire Charter School has created a comprehensive set of supports and structures for students as they enter the Freire culture. The School offers supports that may include orientation for new students, peer mediation, counseling, and other programs.

## Policy Against Bullying and Cyberbullying

Pennsylvania law defines "bullying" as an intentional electronic, written, verbal or physical act or 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.

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

Freire takes a firm stance against bullying and is committed to address 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 entire community.

Depending upon the facts and circumstances, **Freire may define bullying as an act of violence and therefore a violation of the Nonviolence 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 Policy Against Bullying and Cyberbullying, the School will follow the disciplinary policies and procedures listed below.

## Sexual Harassment and Sexual Assault Policy

Sexual harassment is prohibited anywhere in the Freire Charter School community. Sexual harassment consists of interaction between individuals 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). Such conduct has the purpose or effect of unreasonably interfering with a student's academic performance or emotional wellbeing, thereby creating an intimidating, hostile, or offensive 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.

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

Freire Charter School (FCS) provides students with computer equipment, computer services, the system network, and Internet access, and other technological equipment and resources. FCS has the right to place reasonable restrictions on this privilege.

All access and rights are privileges granted by FCS 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 with regard to any files stored on school or cloud servers. Routine maintenance and monitoring of the FCS system may lead to discovery that this policy, the FCS 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 FCS rules when using FCS technology. FCS will not assume legal or other responsibility for any use deemed unacceptable or for any content students find online.

The use of FCS 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, and the Internet, and other technological equipment and resources as defined by FCS. Unacceptable use, as defined by this agreement, or at the discretion of the Technology Director, 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:

- All computer software and hardware
- Cell phones, tablets, and smart watches
- 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 FCS technology is any use that is consistent with the educational objectives of FCS and in accordance to the FCS 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 Technology Director. All use is subject to review by the Technology Director, staff, and administration.

Students are responsible for good behavior on school computer networks just as they are on school grounds 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 FCS 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 FCS or at any site connected to the Internet. This includes, but is not limited to, the creation or spreading of computer viruses. **If a student breaks a piece of equipment while using it, the family of the student is responsible for replacing that equipment.**
- **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. It is also unacceptable to change individual or system passwords. If a user suspects their account security has been compromised they are required to immediately contact an administrator. 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 FCS Code of Conduct. *Note that Freire may consider an action to be harassment regardless of whether it is considered harassment under the law.* 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. Be sure to save copies of all harassing material. Provide hard copies to the Technology Director, staff, and/or

administration. Harassment is taken very seriously at FCS, and anyone who makes false accusations will be penalized. 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 email, IP address headers, etc.).
  - Sending messages under someone else’s address 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” emails, 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 Technology Director, staff, or administration.
  - **Commercial Use** – It is unacceptable to offer, provide, or purchase products or services through FCS.
  - **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.

## Cell Phone Policy

Freire recognizes the importance of communication and collaboration and provides devices for students to be productive in the classroom. To keep the focus on academics and to reduce unnecessary distractions, the Head of School is authorized to develop a system of procedures and consequences related to topics including, but not limited to cell phone use. See below for the School’s Cell Phone & Electronics Procedures.

## Cell Phone & Electronics Procedure

Cell phones and electronic devices are not permitted to be used at any time during school hours (8:00 a.m. to 3:10 p.m.). Cell phones are only permitted during advisory or in the cafeteria during lunch for 10<sup>th</sup>, 11<sup>th</sup>, and 12<sup>th</sup> grade. Cell phones and electronic devices are not permitted to be used in the following areas: hallways, stairwells, or bathrooms during school hours. Cell phones are prohibited in classrooms unless expressly permitted by the classroom teacher. A teacher reserves the right to confiscate a cell phone that is being used inappropriately.

**If any type of electronic device (phone, smart watch, headphones, etc.) is being used without authorization during the school day, the following consequences will be issued:**

- **First Offense:** The teacher will take the phone and it will be returned at the end of class. The instance of misuse will be written up as a documented Tier I write-up. If the student does not comply or is defiant, there will be additional write-ups and a consequence will be issued.
- **Second Offense:** The teacher takes the phone and gives it to the Dean. The phone will be returned to the student at the end of the day.
- **Third Offense:** The student is put on a phone contract. The length of a phone contract can vary. Students will need to turn in the phone to a Dean at the start of the day and can only get it back after dismissal.
- **Fourth Offense:** The phone will be confiscated and will not be returned to anyone other than a parent/guardian or another adult listed in PowerSchool.

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

- The student's parent will be contacted immediately
- The student will be sent home for the remainder of the day
- A mandatory informal hearing will be held the next school day
- During this hearing the parent and student will be warned future behaviors like this may lead to more severe consequences
- One (or more) of the following consequences will be assigned:
  - Contract
  - Loss of school privileges
  - Community service

Freire Charter School is not financially responsible for property that a student voluntarily brings to school, including cell phones and other electronic devices, including in the event that property is lost, misplaced, or stolen. Although the school takes every precaution to store confiscated student electronic devices safely and securely, **Freire is not financially responsible for student electronic devices whether they are in the student's or the school's possession.**

### Policy on Reporting a Freire Community Member

Any member of the public or school community may report another community member for violating the Code of Conduct. Students have the responsibility to inform a staff member if they become aware that a fellow student is in possession of illegal substances, firearms, weapons, or any items that could endanger the health, safety, or welfare of the school community or property. The Dean's Office will follow up on all reports.

### Retaliation Policy

It is the policy of 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**. All reports will be promptly investigated. 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:

- Community service
- Written apology
- Suspension

- Informal hearing
- Recommendation for expulsion
- Police notification

## Search and Seizure Policy

Freire Charter School reserves the right to search students and their belongings and/or lockers 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 Freire. All searches of a student's locker, belongings, or person will be done with at least two 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 Code of Conduct and will be recommended for expulsion.

## 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.

## Dress Code Policy

Freire Charter High School does not have a uniform. We grant students the right to choose clothing that is comfortable to them, affordable, reflects their personal style and identity provided what they wear supports their learning and engagement in school. We limit this right only when a student's clothing creates issues of safety for the school or harms the learning environment.

*The following actions conflict with our expectations around safety and maintaining a positive learning environment:*

- Wearing head coverings that obstruct the face. Religious exceptions are granted.
- Wearing clothing with obscene language, phrasing, or logos displaying violence or drugs (including alcohol and/or tobacco) on any clothing or accessories.
- Allowing private areas of the body to show. This includes: exposing genital area, rear end, chest/stomach, excessive cleavage, upper legs, “bathing suit area,” wearing see-through clothing, etc.

- Allowing undergarments to show. This includes; bras, see-through tights, underwear, boxers, and briefs.
- Pants below the waist.

The administration reserves the right to determine on a case-by-case basis whether a student's clothing may have the potential to harm school safety or the learning environment, as it is impossible to list every deviation from the dress code. Therefore, the above list should not be considered exhaustive.

We will strive to apply this policy fairly and will not discriminate based on an individual's body shape or size. In the event a student receives unwanted sexual advances, harassment, or sexual comments (including those about their body or clothing), the burden of the responsibility for the incident is on the other individual perpetrating the harassment who will be subject to disciplinary sanction (see Sexual Harassment policy). A student's dress will never be treated as justification for another's harassing behavior and the harassing individual will be held accountable as such.

School staff may additionally demand different standards of dress for special events, trips, etc. For example, "business casual" or "professional dress" may be mandated for an important class presentation.

## General Behavioral Expectations

### Always Be Kind and Respectful

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:*

- Sexual activity or public displays of affection, including kissing, hugging and handholding.
- Loitering on the street corners or sitting on the steps of surrounding buildings.
- Making excessive noise when entering the building or leaving the building.
- The use of profanity (cursing) anywhere inside or out of the building.
- Interrupting the learning environment.
- Speaking to or treating any community member in a rude/disrespectful manner.
- Using local businesses as places to hang out, or gathering inside stores, restaurants or local businesses before or after school.

### Grounds Kept Clean and Neat

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

- Littering anywhere near the school grounds – inside or outside.
- Eating or drinking in any area except the designated areas. Food items and are permitted only in the lunchroom and during advisory.
- Possession of a glass bottle.

### On Time and Ready to Learn

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

- Using school telephones without permission.
- Roaming the building without a pass.
- Disrupting the learning environment in any way.



- Playing cards or dice, or gambling in any way.
- Being tardy to class.

## Safety First

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.
- Running down the stairs or hallways in the school, around school, and outside of the school.
- Throwing objects anywhere in the building (extreme circumstances could lead to recommendation for expulsion).
- Speaking to any community member in a way that makes them feel unsafe or violated. (Extreme circumstances may lead to a suspension and/or recommendation for expulsion).
- Tampering in any way with school building systems or equipment (such as fire alarms or fire extinguishers).
- Being in areas of the buildings before or after school without the permission and presence of a staff member.

## 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

**A student whose behavior does not change or intensifies will be subject to interventions of increased severity.** All students and parents will receive a warning notification if unacceptable behavior continues, or the frequency of that behavior increases. Depending on the severity of the infraction, a student could end up in one, or more of the following tiers of consequences:

1. After School Detention
2. Morning Detention
3. Family Meeting
4. In-School Suspension
5. Suspension

### In-School Suspension

An in-school suspension (ISS) may be enforced in cases including, but not limited to, when the student skips or misses multiple morning or lunch detentions. The Head of School and Dean have the authority to determine the instances in which an in-school suspension is appropriate. The Deans reserve the right to issue an ISS based on the circumstances beyond an accumulation of detentions. Parents/guardians will be notified in advance. During an in-school suspension, students are expected to work on academic work that may be collected by their Academic Advisor or Case Manager. The student will also meet with the Dean, members of the Family Therapy Program, and other adults who can intervene, depending on the circumstances.

### 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, they 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 Policy
- Cutting class or leaving the classroom without permission
- Stealing
- Sexual harassment
- Severe acts of defiance or disrespect that cause harm to the community and take away from the learning of other students

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 parent or 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 school's 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 his/her 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 the 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. The Dean will recommend one of two consequences: recommendation for expulsion or a probationary behavioral or contract.
  - Recommendation for Expulsion:
    - See 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 administrator will review with the student the written warning, which states the student understands:

- This is his/her final warning from Freire.
- 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. Since contracts are issued in lieu of a recommendation for expulsion, if a parent/student does not agree to follow the terms of the contract, then there is a possibility that the refusal could result in a recommendation for expulsion. Prior to this, a meeting to review the contract will be held by the Head of School. This meeting will include the parent/guardian, student, and the Dean.

### Formal Hearing/Expulsion Policy

**If a student is recommended for expulsion as a consequence of their actions, they have the right to a formal expulsion hearing. 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/parents shall 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 will commence on the agreed upon date with an independent Fact Finder presiding over the hearing.
- The school will present evidence, statements, and its case, giving the parent and student chance to view all information.
- Parents and students will be given the opportunity to question witnesses and present their own information.
- The hearing shall be held in private unless the student or parent requests a public hearing.
- 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 parents or guardians, and must have the parent or guardians (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 parents 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

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

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.