



## CODE OF CONDUCT

POLICY # 201

AMENDED 6/28/2023

### 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 setting:** School setting means (1) in school; (2) on school grounds; (3) in school vehicles; (4) at designated bus stops; (5) at activities sponsored, supervised or sanctioned by Freire (e.g. field trips, sporting events, events where students are representing Freire Charter School); or (6) in any other circumstance or location (on or away from school property) where Freire has jurisdiction over a student's conduct.

**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.

#### DELEGATION OF AUTHORITY

The Board authorizes school administration to develop procedures to implement this Policy, setting specific behavioral expectations and outlining interventions and consequences.

#### CORPORAL PUNISHMENT POLICY

The physical punishment of students for infractions of the discipline policy is strictly prohibited.

Teachers and school authorities may use reasonable force under the following circumstances:

- To quell a disturbance
- To obtain possession of weapons or other dangerous objects
- In protection of persons or property, or for the purpose of self-defense

### PROCEDURE 201A: 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.
- 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.
- Theft
- Physical Recklessness
- Using local businesses as places to hang out, or gathering inside stores, restaurants or local businesses before or after school.

#### GROUND 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 are permitted only in the lunchroom, during advisory, and the first period of the day.
- 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.

## BOARD POLICY 201B: INTERVENTIONS

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.

### 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             | • Losing privileges to attend school functions |
| • Apology letter               | • Parent conference (phone or personal)        |
| • Community outreach/service   | • Personalized Improvement Plan (PIP)          |
| • Behavior contract            | • Public apology (written or verbal)           |
| • Probationary contract        | • Research project                             |
| • Detention                    | • Support groups                               |
| • Educational Seminars         | • Teacher/Student Conference                   |
| • Hours outside of school time | • Teacher detention                            |
| • Informal Hearing             | • Counseling                                   |

**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. Lunch Detention
2. After School Detention
3. Morning Detention

4. Family Meeting
5. In-School Suspension
6. 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

## BOARD POLICY 202A: SUSPENSIONS

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.

#### BOARD POLICY 202B: INFORMAL HEARINGS

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

- The school will offer to hold the informal hearing within the first 3 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/PROBATIONARY 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.
- When a contract is issued, the student and parent are made aware of 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 or other interventions assigned by the School.

**NOTE:** Contracts are non-negotiable. Students and parents must adhere to all terms of the contract as dictated by the school. 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 and will include the Head of School, a Dean, or their designee parent/guardian, and the student and provides a space for students and parents to provide feedback on the contract terms.

#### VIRTUAL LEARNING

When classes take place online via Zoom, all participants are expected to uphold the Zoom Expectations. If a student is removed from a Zoom learning space, they will be required to meet virtually with either a Dean or a member from the Admin Team before reintegrating into the Zoom. If the behavior continues, the student will be removed from the Zoom session for the remainder of the day and will have a follow-up conversation with their parents and guardians. At that time, it will be determined how the student can be best supported moving forward and reintegrated into future Zoom Session.

#### BOARD POLICY 202C: FORMAL HEARINGS/EXPULSIONS

**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. The information will be emailed and sent via 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 a 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.
- Only the Board of Directors, through a majority vote of the entire board, can determine whether a student will 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 from Freire prior to potentially being expelled, any remaining procedures related to expulsion 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 an Official Withdrawal Form.

#### BOARD POLICY 202D: 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 requirements of the Individuals with Disabilities in Education Act (IDEA), its implementing state and federal laws and regulations and school policy.

#### SUSPENSION FROM SCHOOL

A student with a disability may be suspended for up to ten (10) 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.

In certain circumstances, students who have not been determined to be eligible for special education may assert the protections of IDEA 2004 if Freire had "knowledge" that the student was a student with a disability before the occurrence of the behavior that precipitated a disciplinary action. Freire will be deemed to have knowledge if: (1) the parent/guardian of the student expressed a concern in writing (unless the parent/guardian is illiterate or has a disability that prevents compliance with the requirements contained in this provision) to Freire that the student is in need of special education and related services; (2) the parent/guardian of the student has requested an evaluation of the student; or (3) the teacher of the student, or other Freire personnel, expressed a specific concern about the behavior or performance of the student to the director of special education or other supervisory personnel at Freire.

#### 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



- When a series of removals constitutes a pattern, through consideration of factors such as the length of each removal, the total amount of time the student is removed, and the proximity of the removals to one another; OR
- For any length of time 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 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, and where the underlying conduct is at school, on school premises, or to or at a school function under the jurisdiction of Freire:

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

In addition, a student with a disability may be removed to an appropriate interim alternative educational setting for not more than 45 school days if a hearing officer orders the change in placement after determining that maintaining the current placement of the student is substantially likely to result in injury to the student or to others.

On the date a decision is made to make a removal that constitutes a change of placement due to a violation of the Code of Conduct, Freire will notify the parent/guardian(s) of that decision and provide procedural safeguards to the family. A student with a disability who is removed from the child's current placement shall continue to receive educational services so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP (with services as determined by the Child's IEP team); and shall receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur.

Note: IDEA 2004 does not prohibit Freire from reporting a crime committed by a student with a disability to appropriate authorities, nor does it prevent state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by a student with a disability. Any such reports made by Freire shall comply with IDEA 2004, the Memorandum of Understanding between Freire and the Philadelphia Police Department and Pennsylvania Department of Education Guidance.

## 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.