



CHARTER SCHOOL

*Student  
Code of Conduct  
2017-2018*

\* EXCELLENCE \* RESPECT \*  
\* PERSEVERANCE \*

# STUDENT RIGHTS and RESPONSIBILITIES

## Student Rights

### Freedom from Discrimination

No YouthBuild student may be denied access to a free and full public education or subject to disciplinary action on account of his or her race, sex, color, religion, sexual orientation, national origin or disability.

### Free Education and Attendance

YouthBuild Philadelphia Charter School does not exclude students from attendance at school or participation in extracurricular activities because they are married, pregnant, handicapped, or eligible for Special-Education services.

### Corporal Punishment

YouthBuild Philadelphia does not use corporal punishment on students. That is, teachers and school authorities do not physically punish a student for an infraction of the discipline policy. However, 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;
- for self-defense; and
- for the protection of persons or property.

### Freedom of Expression

The right of public school students to freedom of speech is guaranteed by the Constitution of the United States and the Constitution of the Commonwealth of Pennsylvania. Students have the right to express themselves *unless* the expression materially and substantially interferes with the educational process, threatens serious harm to the school or community, encourages unlawful activity, or interferes with another individual's rights.

Students have the responsibility to obey laws governing libel and obscenity and to be aware of the full meaning of their expression. Students have the responsibility to be aware of the feelings and opinions of others and to give others a fair opportunity to express their views.

Students may use publications, handbills, announcements, assemblies, group meetings, buttons, armbands and any other means of common communication, provided that the use of public school communications facilities shall be in accordance with the regulations of the authority in charge of those facilities. Identification of the individual student or at least one responsible person in a student group may be required on posted or distributed materials. YouthBuild may require students to submit for prior approval a copy of materials to be displayed, posted or distributed on School property.

The YouthBuild administration may set forth the time and place of distribution of materials so that distribution would not materially or substantially interfere with the requirements of appropriate discipline in the operation of the school. A proper time and place set for distribution is one that would give the students the opportunity to reach fellow students. The place of the activity may be restricted to permit the normal flow of traffic within the school and at exterior doors.

The wearing of buttons, badges or armbands shall be permitted as another form of expression within the restrictions listed above.

With regard to School bulletin boards:

- (1) YouthBuild may restrict the use of certain bulletin boards.
- (2) Bulletin board space will be provided for the use of students and student organizations.
- (3) In some cases, YouthBuild staff may require that notices or other communications be officially dated before posting, and that the materials be removed after a prescribed reasonable time to assure full access to the bulletin boards.

With regard to YouthBuild school newspapers or other publications, if any:

- (1) Students have a right to report the news and to editorialize. However, prior approval procedures regarding copy for school newspapers must identify the individual to whom the material is to be submitted and establish a limitation on the time required to make a decision. If the prescribed time for approval elapses without a decision, the material shall be considered authorized for distribution. In addition, students who are not members of the newspaper staff shall have access to its pages. Written criteria for submission of material by nonstaff members shall be developed and distributed to all students.
- (2) Youthbuild staff shall supervise student newspapers published with school equipment, remove obscene or libelous material and edit other material that would cause a substantial disruption or interference with school activities.
- (3) YouthBuild staff will not censor or restrict material simply because it is critical of the school or its administration.

### **Flag Salute and Pledge of Allegiance** (from the PA School Code)

It is the responsibility of every citizen to show proper respect for our country and its flag. Students may decline to recite the Pledge of Allegiance and may refrain from saluting the Flag on the basis of personal belief or religious convictions. Students who choose to refrain from such participation shall respect the rights and interests of classmates who do wish to participate.

### **Searches**

Whenever School authorities have reasonable suspicion that students possess illegal or prohibited (contraband) materials— specifically drugs, alcohol, or weapons, but also including school property or property belonging to another person obtained illegally through theft—on any school property (that is, on the school site, any worksite, etc.) or at any school-sponsored activity off-site (e.g., the 1199c training site, the School picnic, prom, etc.), either on the

students' person or in their belongings, School authorities may search those students and their belongings.

Prior to a search of students' belongings, the students shall be notified and given an opportunity to be present. However, when School authorities have a reasonable suspicion that the belongings contain materials that pose a threat to the health, welfare or safety of students or staff in the school environment, students' belongings may be searched without prior warning. Illegal, prohibited or stolen materials seized during a student search may be used as evidence against the student in a school disciplinary proceeding and/or criminal proceeding.

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### **Student Responsibilities** (from PA School Code)

- (a) Student responsibilities include regular school attendance, conscientious effort in classroom work and homework, and conformance to school rules and regulations. Most of all, students are responsible to share with the administration and faculty a responsibility to develop a climate within the school that is conducive to wholesome learning and living.
- (b) No student has the right to interfere with the education of fellow students. It is the responsibility of each student to respect the rights of teachers, students, administrators and all others who are involved in the educational process.
- (c) Students should express their ideas and opinions in a respectful manner.
- (d) It is the responsibility of the students to conform to the following:
  - (1) Be aware of all rules and regulations for student behavior and conduct themselves in accordance with them. Students should assume that, until a rule is waived, altered or repealed in writing, it is in effect.
  - (2) Volunteer information in matters relating to the health, safety and welfare of the school community and the protection of school property.
  - (3) Dress and groom to meet standards of safety and health, and not to cause substantial disruption to the educational processes.
  - (4) Assist the school staff in operating a safe school for the students enrolled therein.
  - (5) Comply with Commonwealth and local laws.
  - (6) Exercise proper care when using public facilities and equipment.
  - (7) Attend school daily and be on time at all classes and other school functions.
  - (8) Make up work when absent from school.
  - (9) Pursue and attempt to complete satisfactorily the courses of study prescribed by local school authorities.
  - (10) Report accurately in student media.
  - (11) Not use obscene language in student media or on school premises.

# CODE OF CONDUCT

Consistent with the school's values of Excellence, Respect and Perseverance, all YouthBuild Philadelphia students are expected to demonstrate professional conduct at all times. That is, students are expected at all times—in both their dress and their actions—to be respectful, courteous and cooperative, adapt to change, and demonstrate respect for authority

## Dress Code

Consistent with the expectation that all students demonstrate professional conduct, YouthBuild Philadelphia has adopted a Dress Code to both ensure that your primary focus at the school is on learning and education and to begin to prepare you for a professional work environment. In addition, the Dress Code promotes school safety, improves discipline, and enhances the learning environment.

*Failure to adhere to this Dress Code* will lead to a Rule One: Disruption of School violation and repeated failures could result in a Rule Two: Disruptive Behavior violation.

### School Building Uniform Policy

#### **Top**

Students should wear YouthBuild logoed clothes, for example - T-Shirt (YouthBuild or AmeriCorps logoed), Polo shirt, Cardigan, or Sweatshirt. To recognize students YouthBuild logo apparel needs be the outermost layer.

#### **Bottom**

Students should wear solid colored pants, jeans, capris, or skirts (below the knee).

Students may not wear leggings, stockings, tights, sweat pants or stretch pants. Pants should not be ripped, torn or frayed or have printed design.

#### **Accessories**

*Earrings* – Student may wear any earrings

*Scarfs / Hats* – Students may wear scarfs or other professional head accessories that do not fully cover their whole head. Students may not wear head accessories that cover their whole head for example; do-rags, hats, jeff caps, etc. Students may wear head accessories for religious devotions.

*Footwear* – Students may not wear flip flops, house shoes, slippers, or shoes with heel larger than 2 inches.

Vocation Site Uniform Policy

**Building Trades**

*Required Items:* Hard hat, Work boots, and Safety goggles.

*Note: if you lose any of these items or any of the tools which are issued to you, you must replace them yourself immediately. Being unprepared will adversely affect your Building Trades grade.*

*Prohibited items:*

Large earrings, excessive jewelry, or long fingernails

Clothing you are unwilling to get dirtied

Sweat pants

Hair styles that prevent proper wearing of your hard hat (e.g., long hair should be tied back and secure)

Shorts above the knee

Spandex, tight or revealing clothing

Oversized shirts outside of your pants.

**Health Care, CDA, and BAS** – School uniform or professional attire that meets the expectation of the partner organization.

Uniform- Special Day

Students will be given instruction on dress code for non-traditional school days in advance, to include Service Project, Picnic, and REP Days

Dress Down Days

On days when you are allowed to dress down (incentive days, picnics, etc.), you are required to wear appropriate clothing. Excessively revealing clothing, inappropriate writing or insignias, high heels, and large jewelry items are considered to be inappropriate clothing and will not be allowed on these days.

Uniform – Dual Enrollment / Bridge Programming

Professional attire that meets the expectation of the partner organization.

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## Discipline Policies

### Purpose

YouthBuild Philadelphia Charter School has adopted the following discipline policies in order to inform students, parents, and school personnel of the behavior that is expected from all students to ensure a safe and focused learning environment. It is intended to ensure that fair and consistent disciplinary action is taken for similar violations and to inform students and parents of the scope of discipline they will face for particular violations. YouthBuild expects each student to work to the best of his/her ability and to cooperate with the other students and school staff in maintaining a safe, healthy and orderly learning environment. A proper learning environment must be free from disruptive, threatening and dangerous behavior that interferes with teaching and learning.

Above all, **YouthBuild's discipline policies are guided by a restorative discipline philosophy.** This means that the primary approach to addressing Code of Conduct violations and other generally problematic behaviors is through restorative practices. This approach allows for all parties involved in a discipline situation to sit down together, to hear from those who were affected by the problem behavior, to hold the student accountable for his or her behaviors for any harm that was caused, and to problem-solve and determine what needs to be done to correct the specific problem behavior so that it does not happen again. The emphasis of these restorative practices is on teaching the student how to “restore” the other person for any harm that was done as a result of the student’s behavior. Thus, the restorative discipline approach at YouthBuild is intended to be instructional, corrective and restorative, not punitive.

Finally, these discipline policies have been designed to promote safety, order, accountability and responsible conduct in all school-related activities. These activities include all school activities, functions and extra-curricular programs, as well as traveling to and from school. It also includes misconduct off-school premises where the conduct may reasonably be expected to undermine the proper disciplinary authority of the school, endanger the safety of students or staff, or cause disruption within the school.

The range of disciplinary infractions is listed from the least severe to the most severe. Staff members shall consider all mitigating circumstances prior to disciplinary action and ensure due process for each student. Mitigating circumstances include, but are not limited to, the following factors:

- Health, maturity and academic placement of a student
- Prior conduct
- Attitude of a student
- Willingness to make restitution
- Seriousness of offense
- Willingness of student to enroll in a student assistance program

### Scope of Rules and Discipline

These rules shall apply to any conduct:

- On school grounds during school day or immediately before or after school hours
- On school grounds at any school activity, function or event
- Off school grounds at any school activity, function or event
- Traveling to and from school, including actions on any school vehicle or public conveyance (e.g., bus or subway)
  - Off school grounds when conduct may reasonably be expected to undermine the proper disciplinary authority of the school, to endanger the safety of students or staff, or to cause disruption within the school.

### Behavioral Expectations & Responsibilities

#### Responsibilities of Everyone

- Respect all members of our School community.
- Maintain a positive School climate by being responsible, respectful, and cooperative.
- Communicate Code of Conduct expectations for students and staff.
- Motivate students to live up to the expectations through positive reinforcement.
- Use good judgment to prevent minor incidents from becoming major problems.

#### Responsibilities of School Staff

- Respect all members of the School community.
- Implement the Code of Conduct and all disciplinary procedures in a fair and consistent manner.
- Inform all School personnel, parents, and students of discipline policies.
- Review and act upon allegations and requests from School personnel concerning violations.
- Teach proper behavior and positively reinforce rules of conduct.
- Maintain a learning environment that provides for academic success.
- Hold students accountable for disorderly conduct in our School.
- Use professional judgment to prevent minor incidents from becoming major problems.

#### Responsibilities of Students

- Respect all members of the School community.
- Understand and comply with School rules and climate expectations, including the Code of Conduct and Student Handbook.
- Comply with the School's attendance, dress code, unlawful harassment, and bullying policies.
- Behave in a manner that focuses on academic success.
- Be responsible and accountable for following rules.

### Due Process

All students are to be treated with fairness and respect. Students have a right to be heard and are to be provided the opportunity to explain their version of events to administrators. Pursuant to Act 26, the School's Executive Director may, after a hearing, decide to allow the student who brought a weapon to School to remain in the School.

## Disciplinary Rules

### **Rule 1: DISRUPTION OF SCHOOL**

Students are expected to act in a courteous and respectful manner toward staff, visitors, and each other. A student may not act in any way that disrupts or disturbs any educational or school-related program. Violations of this rule include, but are not limited to:

- Failure to obey directions from school staff
- Running and/or making excessive noise in the hall or building
- Bringing children to school during class or worksite hours
- Violation of the student dress code
- Failing to attend class without an excuse note from a staff member
- Returning late from lunch or break
- Smoking during school time or on YouthBuild Philadelphia property
- Using a cell phone without permission and/or outside of approved breaks
- Not having necessary materials ready before class or work begins
- Putting your head down and closing your eyes and/or sleeping during class or work
- Refusing to work
- Being loud or disrespectful and causing a disruption in the school
- Cursing or using vulgar, obscene, intentionally disruptive or offensive language in the school
- Constantly arguing and causing a disruption in the school
- Overtly displaying any indications of gang affiliation
- Eating gum, candy, or any type of food or drink during class time.

Consequences for the above violations vary according to the severity as well as number of times an individual student has been in violation of the rule. Consequences include:

**← Based on Severity or Number of Violations →**

Verbal Warning; Written Warning; 1-2 day suspension; 3-5 day suspension; Expulsion hearing,  
or, sent home for day leading to possible  
expulsion

### **Rule 2: DISRUPTIVE BEHAVIOR including Fighting**

Students are responsible for respecting all members of the School community. When students demonstrate disruptive behavior, they disrespect the School community. Examples in which students demonstrate such disruptive behavior may include:

- Fighting
- Disrespecting and or undermining staff
- Disrespecting another student or member of the community
- False activation of a fire alarm
- Intentionally providing false information to a staff member
- Cheating and/or copying the work of another student or plagiarism from library or Internet sources

- Forgery – signing somebody else’s name/signature on any school related documents
- Maliciously damaging the reputation of anyone in the school community. This includes spoken and written messages including on any bulletin board, flyer or notice, or displayed on a student’s personal belongings
  - Continuously displaying a negative or uncooperative attitude
  - Failure to leave upon request by a staff member
  - Failure to turn over device (including cell phone, pager, musical device) to staff member when requested
  - Leaving worksite, school site, classroom, or school activity without permission
  - Bullying or cyber-bullying—an intentional electronic, written, verbal or physical act, or a series of acts:
    - (1) directed at another student or students;
    - (2) which occurs in a school setting;
    - (3) that is severe, persistent or pervasive; and
    - (4) 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.

Bullying occurs within an interpersonal relationship where there is an imbalance or power (e.g., one person is physically larger, stronger, mentally quicker, or socially more powerful). The conduct may be physical, psychological, verbal, nonverbal, written, or electronic.

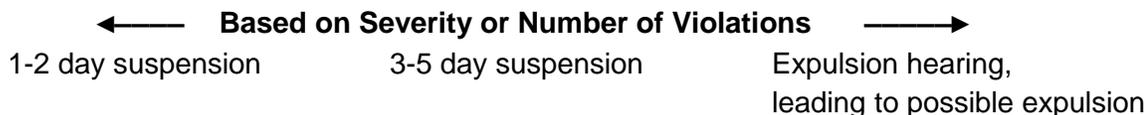
Cyber-bullying is bullying that occurs through electronic communication devices including, but not limited to, social networking, e-mail, instant messaging, text messages, tweets, blogs, photo and video sharing, chat rooms, dash boards, or web sites.

A "school setting" means in the school, on school grounds, in school vehicles, at the nearest bus stop or subway station to the school or a vocational site, or at any activity sponsored, supervised or sanctioned by the school.

Similar acts that occur *outside* a school setting are also considered to be “bullying” if those acts are directed at another student or students, are severe, persistent and pervasive or have the effect of substantially interfering with a student's education, creating a threatening environment or substantially disrupting the orderly operation of the school.

Claims of “bullying” should be reported immediately to the Director or Assistant Director of Student Life. If they are not available, claims should be reported to the Program Director.

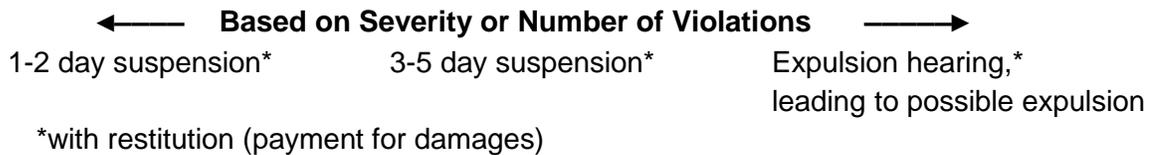
Consequences for the above violations vary according to the severity as well as number of times an individual student has been in violation of the rule. Consequences for disruptive behavior include:



**Rule 3: DAMAGE TO PROPERTY**

Students are expected to respect property, both school property and the property of others. Students shall not damage any property not owned by them. This includes both school property and the property of others. "Damage" includes writing graffiti, carving, tearing, cutting or otherwise defacing or destroying property. Damage to property will be treated as an aggravated offense under Rule 13.

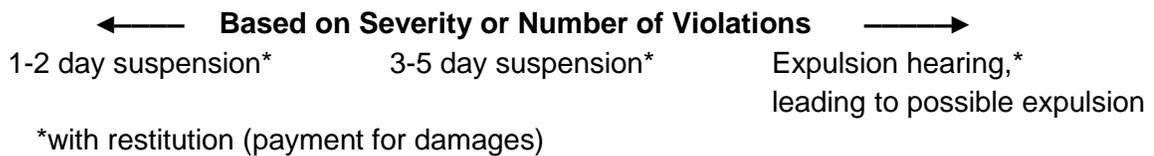
Consequences for damaging school property or the property of others can vary according to the severity of the damage as well as number of times an individual student has been in violation of the rule and include:



**Rule 4: THEFT OF PROPERTY**

Students are expected to respect all property that does not belong to them and not engage in the theft of any property. Theft is the unlawful taking of property, either school property or the property of others, without the authorization of the owner of the property. A student shall not take, or attempt to take, either school property or the property of others without the authorization of the owner of the property. This rule applies whether the theft or attempted theft is on school grounds, during a school activity, function or event off school grounds, or while traveling to or from any school-sponsored activity, function or event. Theft is a crime and will be reported to the police for investigation and criminal prosecution.

Consequences for the above violations vary according to the severity as well as number of times an individual student has been in violation of the rule. Consequences for theft of property include:

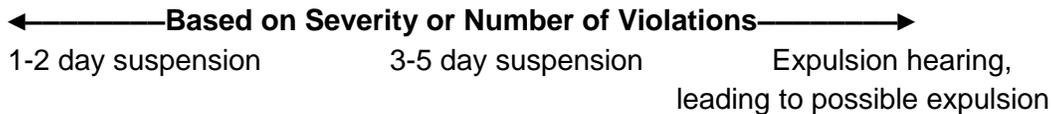


**Rule 5: NEGLIGENCE, RECKLESS ENDANGERMENT, OR THREATS**

Students are not only responsible for harmful actions they intend, but they are also responsible for the reasonably predictable consequences of their negligence, reckless actions, or threats. Reckless endangerment is engaging in conduct that places or may place another person in danger of serious bodily injury. A student may not act in a manner which ignores the health, safety or welfare of any member of the school community by placing them in danger of injury, or pain. No student shall attempt, by physical menace, threat, or verbal taunt, to put a member of the school community in fear of injury, pain or social ridicule. The intentional public posting of

the addresses or telephone numbers of fellow students or other members of the school community is a violation of this rule.

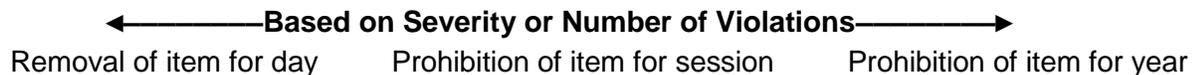
Consequences for the above violations vary according to the severity as well as number of times an individual student has been in violation of the rule. Consequences for negligence, reckless endangerment or threats include:



**Rule 6: POSSESSION OF PROHIBITED ITEMS FOR USE OR TRANSFER**

Students may carry cell phones and musical devices to school. However, these items are not to be used during school hours or on school property (this includes the worksites) unless authorized by staff or during a break between class/instruction. These items must be put away and silenced at all other times.

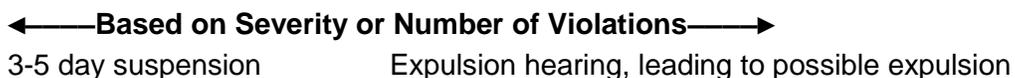
Please be aware that, in allowing students to carry these items, the School is treating you with respect and as adults who have responsibilities outside of the School. The consequences for refusing to follow the rules regarding the above items include:



The following items **may not** be brought to school, worksite, or other school activities at any time:

- Pornographic material
- Drugs
- Alcohol

Consequences for possessing, using or transferring these prohibited items vary according to the severity as well as number of times an individual student has been in violation of the rule. Those consequences include:



Failure to hand any prohibited item to a staff member when requested will result in a Rule 2 infraction.

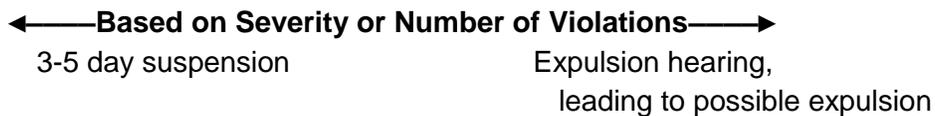
**Rule 7: ALCOHOL and DRUGS: COMING TO THE SCHOOL, WORKSITE, OR SCHOOL RELATED FUNCTION, INCLUDING PROM, CLASS TRIP, BASKETBALL GAME, INTOXICATED OR HIGH**

Students are expected to help each other to be healthy and responsible citizens. A student may not have, use or be under the influence of any unauthorized prescription or nonprescription medication, including any narcotic drug, hallucinogenic drug, steroid, growth hormone, amphetamine, barbiturate, marijuana, alcoholic beverage or intoxicant or look-alike substance of any kind.

Possession of a drug authorized by a medical prescription from a licensed physician and carried in the container supplied by a pharmacist, shall not be considered a violation of this rule where the supply carried by the student does not exceed the amount necessary for use during that school day. Over-the-counter medications may only be possessed in amounts required for each school day.

\* Note: YouthBuild Philadelphia staff are not allowed to distribute any medication to students.

Consequences for these violations vary according to the severity as well as number of times an individual student has been in violation of the rule. Consequences for coming to school, worksite, or school related function, including prom, class trip, basketball game drunk or high include:



**Rule 8: ABUSE OF COMPUTER / INTERNET PRIVILEGES**

Students are expected to respect the computer privileges given to them. Before students may use a school computer, they must sign an agreement to abide by the school's Student Use of Internet Access, e-Mail & Network Resources Policy. It is against this rule to violate the School's Student Use of Internet Access, e-Mail & Network Resources Policy, which includes—

- harming or destroying data of another student or staff member, the Internet or other networks. This includes, but is not limited to, the creation, downloading or uploading of computer viruses.
- breaking into (hacking) other files or systems, downloading copyrighted material, or conducting a personal business enterprise using the school computer network.
- going into any site on the Internet which contain sexually-explicit material.

(All students who have permission to use school computers must keep their passwords to themselves.)

Consequences for violating the Student Use of Internet Access, e-Mail & Network Resources Policy vary according to the severity as well as number of times an individual student has been in violation of the rule and include:

← **Based on Severity or Number of Violations** →

Verbal Warning; Written Warning; 1-2 day suspension; 3-5 day suspension; or, sent home for day      Expulsion hearing, leading to possible expulsion

**Rule 9: INDECENT ASSAULT OR INDECENT EXPOSURE**

All students must keep their hands and bodies to themselves at all times. No student may touch the sexual parts of another person, or encourage another person to touch him/her in sexual part of the body. No student may show the sexual parts of his/her body to other persons in any way. See Rule 13(d) for forcible or voluntary sexual acts.

Consequences for the above violations vary according to the severity as well as number of times an individual student has been in violation of the rule. Consequences for indecent assault or indecent exposure include:

← **Based on Severity or Number of Violations** →

3-5 day suspension      Expulsion hearing, leading to possible expulsion

**Rule 10: HARASSMENT**

No student shall engage in verbal or physical activity which he/she should reasonably expect to have the effect of harassing any student, staff member, or school visitor. Harassment, for the purpose of this rule, includes either a course of conduct or a single aggravated incident. Harassment includes, among other things:

1. Unwelcome verbal, written, graphic, or physical conduct relating to a student or School community member's gender, age, race, color, sexual orientation (known or perceived), gender-identity expression (known or perceived), national origin, religion, disability, English language proficiency, socioeconomic status, and/or political beliefs;
2. Unwelcome sexual advances; requests for sexual relations; sexual comments; sexually-oriented gestures, sounds, remarks or comments about a student, staff member or visitor's sexuality or sexual experience;
3. Offensive expressions concerning a person's race, sex, sexual orientation, religion, disability or national origin,
4. Efforts to intimidate, bully or ridicule. (See Rules 10 and 13 for offenses involving other serious forms of sexual or physical misconduct.)

Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents. People often react to the same thing in very different ways. Remember that something that does not offend you, may be very hurtful to someone else.

Consequences for the above violations vary according to the severity as well as number of times an individual student has been in violation of the rule. Consequences for harassment include:

← **Based on Severity or Number of Violations** →

3-5 day suspension

Expulsion hearing,  
leading to possible expulsion

**Rule 11: POSSESSION OF A WEAPON**

Pennsylvania law requires schools to **expel for one year** any “student who brought onto or is in possession of any weapon on any school property, at a school or a school-sponsored activity or onto any public conveyance providing transportation to a school or school-sponsored activity.”

A weapon is defined as—

- A firearm of any kind (operable or inoperable, loaded or unloaded): including but not limited to hand, zip, pistol, rifle, shotgun, starter gun, flare gun;
- A knife or any object which one can cut or stab such as, but not limited to any type of knife including a pocket or penknife, razor blades, hatchet, ax, cleaver, scissors, glass, broken bottle, dagger, ice pick, dirks, machete, or similar instruments with sharp cutting edges including pencils and pens, nunchucks and brass knuckles; and
- any instrument or object used to inflict harm on another person, or to intimidate any person. Included in this category are all types of chains, metals or pipes, or any objects or instruments that are not being used for the purpose for which they were normally intended and are capable of harming an individual. Chinese stars, billy clubs, tear gas gun, electrical weapon or device (stun gun), toy guns (if they are authentic replicas or are used in a threatening manner), M80’s, mace, pepper gas, and any other instrument that when implemented can be capable of inflicting serious bodily injury.

Consequence: potential one-year expulsion (Pursuant to Act 26, the School’s Executive Director may, after a hearing, decide to allow the student who brought a weapon to School to remain in the School.)

IMPORTANT: Tools used on Building Trades worksites can be weapons if they are not used properly. You must use these tools responsibly. Any student who uses any tool as a weapon to injure or threaten to injure someone else will be expelled.

**Rule 12: SIMPLE ASSAULT**

No student shall commit a simple assault. A simple assault is an unprovoked attack by one student on another student or on school personnel or visitor.

Consequence: Expulsion.

← **1<sup>st</sup> Time** →

Expulsion hearing, leading to expulsion

**Rule 13: INVOLVEMENT IN CRIMINAL ACTIVITY**

Any student involved in any criminal activity (as defined by the Commonwealth of Pennsylvania or the City of Philadelphia) at the School building, any School worksite, or any School-related activity, will be in violation of this rule. The Memorandum of Understanding (MOU) between the School and the Philadelphia Police Department lists the crimes that *must* be reported to the Philadelphia Police Department, including:

- Possession of an offense
- Criminal homicide
- Aggravated assault
- Stalking
- Kidnapping
- Unlawful restraint
- Rape
- Statutory sexual assault
- Involuntary deviate sexual intercourse
- Sexual assault
- Institutional sexual assault
- Aggravated indecent assault
- Indecent assault
- Arson and related offenses
- Institutional vandalism
- Burglary
- Criminal trespass
- Riot, and
- Possession, use or sale of a controlled substance, designer drug or drug paraphernalia, as defined by PA Law.

Consequences for the above violations vary according to the severity as well as number of times an individual student has been in violation of the rule. Consequences for involvement in criminal activity include:

← **1<sup>st</sup> Time** →  
Expulsion hearing,  
leading to possible expulsion

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# Suspension and Expulsion Procedures

## Suspension of Students

### Suspension Defined

Suspension is exclusion from school for a period of from one to 10 consecutive days. 22 PA Code Sec. 12.6(b)(1).

### Notifications

No student shall be suspended until the student has been informed of the reasons for the suspension and given an opportunity to respond. However, when the health, safety, or welfare of the school community is threatened, prior notice of the intended suspension need not be given. 22 PA Code Sec. 12.6(b)(1).

### Informal Hearings

When the suspension exceeds 3 days, the student shall be given the opportunity for an informal hearing. The school shall offer to hold the hearing within the first 5 days of the suspension.

The purpose of the informal hearing is to enable the student to meet with the appropriate school official to explain the circumstances surrounding the event for which the student is being suspended or to show why the student should not be suspended. The informal hearing is meant to encourage the student to meet with the principal to discuss ways by which future offenses can be avoided.

The following due process requirements are to be observed in regard to the informal hearing:

- Notification of the reasons for the suspension shall be given in writing to the parent or guardian and to the student;
- Sufficient notice of the time and place of the informal hearing shall be given;
- A student has the right to question any witnesses present at the hearing;
- A student has the right to speak and produce witnesses on his/her own behalf.

22 PA Code Sec. 12.8(c)(2).

### Duration

Suspensions may not be made to run consecutively beyond the 10-day period.

### Responsibility for Work During the Suspension

Students have the responsibility to make up exams and work missed while being disciplined by suspension and will be permitted to complete these assignments within the following guidelines set by the Board of Trustees:

In order to be permitted to make up exams and work missed while being disciplined, you must—

- within two (2) school days of returning to school from suspension, go to the teacher or course instructor and tell her/him that you want to make up tests, exams, work or other assignments you missed while on suspension,

- within two (2) school days of going to the teacher, agree on a day and time that is convenient for the teacher to sit down with you and review the missed tests, exams, work or other assignments;
- within five (5) school days of receiving the missed work or assignments from the teacher, complete and submit the missed work or other assignments to the teacher; and/or
- within five (5) school days of the student being notified of the missed tests or exams, take make-up tests or exams on a day and time that is mutually convenient for both the teacher and the student.

If a student chooses **not** to assume his/her responsibilities for making up tests, exams, work or other assignments missed while on suspension, the consequences are that the student will receive no credit for the missed tests, exams, work or other assignments.

## **Expulsion of Students**

### **Expellable Offenses**

Expulsion is an exclusion from school by the Board of Trustees for a period exceeding 10 school days and may be permanent expulsion from the School roll. The types of offenses that would lead to expulsion from school are described in more detail in the Discipline Policies section of this Handbook. These offenses include, among other things:

- Bringing a weapon to school premises or at a YouthBuild activity
- Conduct that physically endangers other community members
- Engaging in criminal activity (as defined by state or local law) on or around school premises. For example,
  - Deliberately damaging or defacing property
  - Assaulting another member of the community
  - Possessing, selling, distributing or using illegal drugs or controlled substances on school premises
  - Theft or trafficking of stolen property
  - Violence, threats or intimidation against community members
  - Sexual activity on school grounds or when participating as YouthBuild students in extra-curricular and off-campus activities.

### **Expulsion Hearings**

All expulsions require a prior formal hearing. This hearing may be held before:

- § A representation of the Board of Trustees or
- § an authorized committee of the Board or
- § a qualified hearing examiner appointed by the Board.

In any event, a majority vote of the entire Board is required to expel a student.

Prior to expulsion, the following steps must be taken:

- notification of the charges shall be sent to the student's parents or guardian by certified mail,

- sufficient notice of time and place of the hearing must be given,
- the hearing shall be held in private unless the student or parent requests a public hearing,
- the student has a right to be represented by counsel,
- the student has the right to be presented with names of witnesses against the student, and copies of the statements and affidavits of those witnesses,
- the student has the right to request that any such witnesses appear in the person and answer questions or be cross-examined,
- the student has the right to testify and present witnesses on his/her own behalf,
- A record must be kept of the hearing, either by a stenographer or by tape recorder. The student is entitled, at the student's expense, to a copy of the transcript;
- The proceeding must be held with all reasonable speed.

When the student disagrees with the results of the hearing, recourse is available through the courts.

**Placement Prior to a Hearing**

During the period prior to the hearing and decision by the representation of the Board of Trustees, the student shall be placed in his/her normal class, except if—

- (1) it is determined after an informal hearing that a student's presence in his/her normal class would create a threat to the health, safety, morals or welfare of others

**and**

- (2) it is not possible to hold a formal hearing within the period of the suspension (that is, up to 10 consecutive school days), if the formal hearing is not unreasonably delayed.

Any students so excluded shall be provided with alternative education which may include home study.

**Appeal**

When the student disagrees with the decision of the Board of Trustees to expel, the student may appeal that decision to the appropriate court of the Commonwealth.

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**Suspension or Expulsion of Special Education Students**

Students Identified as Intellectually Disabled

The School can suspend students identified as Intellectually Disabled only with either written agreement of the parent/guardian or the written approval of the Bureau of Special Education of the Pennsylvania Department of Education (PDE).

Suspension and Expulsion for All Other Special Education Students--Including Students with 504 Service Agreements

The School may suspend students with disabilities and cease educational services for up to 10 consecutive schools days or 15 cumulative school days in one school year without providing special-education procedural safeguards.

The School must complete the following due-process steps A through G below, for students with an Individualized Education Program (IEP) or Section 504 Service Agreement, if any of the following is being considered:

1. Expulsion Referral.
2. Suspension for more than 10 consecutive days.
3. Suspension for more than 15 cumulative days.
4. Suspensions totaling more than 10 days in an academic school year and when there is a pattern or problem behavior.

#### Due-Process Steps

A team must convene a Manifestation Determination meeting within 24 hours of the misconduct, and will invite the parents/guardian. The team must:

A. Provide written notice to the parent/guardian of the recommended disciplinary action and the date of the proposed Individualized Education Program (IEP) team meeting.

B. During the IEP/Manifestation Determination meeting, the IEP team will review the student's most current evaluation, IEP and placement to determine if the referred misconduct is related to the student's disability. Two questions are to be answered by the school team at the manifestation meeting:

- (1) is the conduct caused by, or did it have a direct and substantial relationship to, the student's disability? or
- (2) was the conduct in question a direct result of the school's failure to implement the student's IEP?

If the IEP Team determines that either of those conditions was met, then the student's conduct must be determined to BE a manifestation of the student's disability.

C. If the student's conduct IS determined to be a manifestation of the student's disability, then School personnel may not apply the disciplinary suspension or expulsion to that student for the violation of the Code of Conduct. Instead, the IEP Team must either (1) conduct a functional behavioral assessment and implement a behavior support plan for the student, or (2) modify the student's existing behavior support plan, as necessary.

D. If the school team determines that the student's behavior is NOT a manifestation of the disability, school officials may apply the Code of Conduct. In no event, however, may the student be suspended without providing appropriate educational services for more than 5 consecutive or 15 cumulative school days in a school year. Students with disabilities, even if expelled, must be provided with a Free and Appropriate Public Education (FAPE).

E. A Notice of Recommended Educational Placement (NOREP) must be issued with the results of this determination and a copy of the Procedural Safeguard Notice (PSN) must be given to the parent/guardian.

\*If parents or caregivers disagree with the decision, they can request an expedited Special Education Hearing and the Commonwealth-appointed hearing officer will review the manifestation determination.

F. The IEP team determines the appropriateness of an interim alternative educational setting, and as indicated, include in the IEP those services and modifications that will enable the student

to continue to participate in the general education curriculum and help prevent the problem behavior from recurring.

G. If the student's behavior IS a manifestation of the disability, the student's placement may be changed if:

(1) The student carried a dangerous weapon\* to school or a school function;

\*NOTE: A "dangerous weapon" is a weapon, device instrument, material, or substance that is used for, or is readily capable of, causing death or serious bodily injury. However, in the case of a pocketknife, blades less than two-and-one half inches in length are not considered dangerous weapons. A multi-tool containing a blade or cutting device is deemed a "dangerous weapon."

(2) The student knowingly possessed or used illegal drugs or sold or solicited the sale of a controlled substance while at school or at a school function; and

(3) The student has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function.

In these special circumstances and over parent/guardian objections, School officials may remove the student, by issuing a NOREP to an interim alternative education setting for not more than 45 school days.

- If the behavior IS determined to be a manifestation of the student's disability, and the conduct is not a "special circumstances" (see step G.1-3 above), and the student is substantially likely to cause injury to himself/herself or others if maintained in the current placement, then the School may ask for an expedited hearing conducted by a Special Education Hearing Officer to obtain a 45-day interim placement.

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