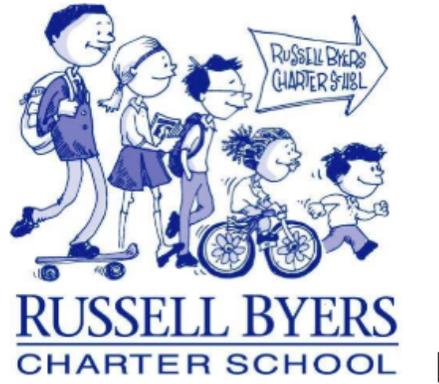


Student Code of Conduct



Russell Byers Charter School
“Roots to Grow, Wings to Fly”

CEO

Dr. Carol Domb

PRINCIPALS

Corey Turkish 4k-3

Abby Baker 4-8

DIRECTOR OF SPECIAL EDUCATION

Dr. Tracey Lank

CLIMATE AND SCHOOL SAFETY COORDINATOR

David A. Rosario

The Purpose of the Code of Conduct

The purpose of this Code of Conduct is to provide clear expectations for all school community members including students, parents/guardians, and staff. The Code also outlines student and parent/guardian rights and equips staff with guidelines for modifying and teaching appropriate behavior.

Introduction to the Code of Conduct

Russell Byers Charter School is committed to providing well-resourced, clean, and safe school environments conducive to teaching and learning. We strive to develop meaningful partnerships with parents and families, so we can work together to encourage academic, social, and emotional growth in our students. Our goal is to ensure that all our students have the needed resources to graduate, move on to High School, and then are ready to succeed as fully engaged citizens of the world.

Each school community member plays an important role in creating safe and supportive learning environments for our students. Some of the expectations and responsibilities of school community members include:

School Staff

- Implement the Code of Conduct in a fair and consistent manner.
- Review and investigate Code of Conduct violations.
- Report any reasonable suspicion of child abuse or neglect.
- Address Code of Conduct violations with multiple strategies and interventions to keep students in school.
- Maintain confidentiality of student records.

Students

- Comply with all RBCS policies, including attendance, dress code, unlawful harassment, and bullying policies.
- Behave in a manner that focuses on academic success.
- Be responsible and accountable for following rules.
- Report any conflicts or concerns to a school staff member.
- Practice our school 4R's of Respect, **Reflection**, Responsibility and Resilience.

Parents/Guardians

- Support the policies and regulations of Russell Byers Charter School.
- Understand that school personnel must enforce school rules.
- Teach children to respect the rights of others and follow school rules.
- Emphasize the importance of being prepared.

When does the Code Apply?

The Code of Conduct applies to school community members while they are in school and/or at any school sponsored activity such as a class trip or a sporting event. The Code of Conduct also applies to all students while they are traveling to and from school, using any mode of transportation (walking, school bus, SEPTA, etc), or using any technologies provided to the student by the school.

Visitors to Campus

Parents and guardians are encouraged to visit schools and meet with teachers and administrators about their child’s progress. To ensure that all our buildings are safe and orderly learning environments, visitors must first report to the main office to sign in, state the reason for their visit and receive authorization from a school administrator to proceed with the visit. Visits to your child’s school should be scheduled in advance whenever possible. *Please reference the [Visitation to School/Classroom Policy](#).*

***DUE TO COVID 19 THIS PROCESS IS SUBJECT TO CHANGE. PLEASE CALL THE OFFICE BEFORE SCHEDULING ANY APPOINTMENTS.**

Dress Code Expectations

Children are expected to wear the RBCS uniform to school every day. There is a formal dress uniform for special occasions and for fieldwork trips and an everyday uniform. Both are described below. Families are asked to contact the school’s registrar, if they have any questions or concerns about obtaining the uniform. Uniforms may be purchased at Cramer’s.

<p><u>BOYS</u></p> <p><u>Everyday Uniform for 4K – 5th Grade:</u></p> <ul style="list-style-type: none"> ● Navy blue pants with a white shirt or khaki pants with a white or blue shirt ● A white shirt should be long or short-sleeved polo, turtleneck or button-down ● Black shoes, non-marking soles – closed toe, closed back 	<p><u>GIRLS</u></p> <p><u>Everyday Uniform for 4K – 5th Grade:</u></p> <ul style="list-style-type: none"> ● Navy blue pants with white shirt OR ● Khaki pants with a white or blue shirt ● A white shirt should be short or long sleeves, turtleneck, or button-down ● Dark/White socks or stockings ● Black shoes, non-marking soles – closed toe, closed back
<p><u>Everyday Uniform for Upper Division Boys (6TH-8TH)</u></p> <ul style="list-style-type: none"> ● Grey pants ● White/Burgundy Shirt: long or short-sleeved polo, turtleneck or button-down ● Black dress shoes, non-marking soles – closed toe, closed back 	<p><u>Everyday Uniform for Upper Division Girls (6TH-8TH)</u></p> <ul style="list-style-type: none"> ● Grey pants or pleated skirt ● White or Burgundy Shirt: short or long-sleeved polo, turtleneck, or button-down ● Dark/White socks or stockings ● Black dress shoes, non-marking soles – closed toe, closed back

Attendance Expectations

In Philadelphia County, school attendance is required for all children ages 6 to 17. “Attend school” means that a child must be enrolled and attend a public school, a charter school, a cyber-charter school, or a private or religious-based school, or else participate in an approved home-schooling program. Once a student age 5 or older is registered for school, a student is considered school-age and is required to attend school daily. If the student/family does not comply, they can be referred to the Department of Human Services (DHS) for truancy services.

Pennsylvania Department of Education regulations state that children are considered school age from the time they are admitted to the public school educational program until graduation from high school or the age of 21 is reached. During the time that a child is of school age, they are entitled to attend a public school or a charter school. Students who turn 21 during the school term are entitled to finish out the school year.

Parents/guardians are expected to:

- Ensure that their children between the ages of 6 and 17 are enrolled in school and attend school regularly, on time, and for the entire school day.
- Emphasize the importance of on-time attendance in school, class, and supervised activities and celebrate good attendance and success.
- Send their child to school every day prepared to participate and learn.
- Establish reasonable, age-appropriate curfews and bedtimes.
- Make personal appointments for their child outside of the school day or during school breaks as often as possible.
- Ensure that their child receives the periodic student health examinations that are required by law.
- Schedule family vacations to coincide with school recesses.
- Call the school when their child is absent.
- Provide a written excuse for every absence when their child returns to school.
- Provide a written excuse for every late arrival and early departure.
- Provide the school with correct current addresses, emergency contacts, home, cell, and work telephone numbers, e-mail addresses at the beginning of each school year and update information whenever there are changes.
- Help develop and implement an individualized plan for their child’s improved attendance when necessary.

When can a student be absent?

Sometimes students have to miss school. These “excused absences” apply under circumstances such as illness or injury, teen parent leave (six weeks or thirty school days) after the birth of a child, death/funeral-related absence, education-related trips or activities, suspension, and religious holidays.

A written note from a parent or guardian must be submitted to the school immediately upon a student’s return to school.

- A note must include a valid telephone number or other means of contact for verification purposes. Certification of illness/injury/delivery is required if the absence extends for three (3) or more consecutive days. The student/family has three days from the date of the absence to provide documentation to the school for an excused absence. After the third day, the school principal or

designee has the discretion to approve or deny the note. There is a maximum of 5 excused absences per school year.

An “unexcused” absence occurs when a student is absent without a valid excuse in writing. That means that either no written note was submitted to the school upon the student’s return or that the reason provided in the note was deemed invalid. Examples of invalid excuses include (but not limited to) babysitting, waking up late, or being on vacation with family.

Additional attendance and truancy information is available on Russell Byers Charter School’s website - <https://www.byersschool.org/>

Responses to Non-Attendance (Truancy)

A student who has missed three (3) or more unexcused days of school during a school year is considered truant under the law. Once a student is truant, the school must notify the parent/ guardian in writing via the Three Day Legal Notice letter. This notice must be in the language preferred by the parent/guardian. The notice may include an offer to have a school attendance improvement conference. At the school level, truancy can result in school-based interventions (home visits, school attendance improvement plan (SAIP), academic supports, social service referrals, or a referral to the counselor)

SAIP (Student Attendance Improvement Plan)

SAIP must be developed for any student who has between 3 and 6 unexcused absences. If the students' attendance does not improve, the student may be referred to regional truancy court or to DHS, depending on the child's age. The school must provide the plan with any referral to DHS or the court.

If a child who is truant continues to have unexcused absences, the school is then required to invite the family into the school for a Student Attendance Improvement Plan (SAIP) conference. The parent and child must be invited to this conference in advance but are not required to attend. At the conference, the reason for the child's absences must be discussed and the school must create a plan to help remove any barriers to attendance that the child is facing.

Discipline

Students who engage in behaviors that endanger school safety or disrupt the educational experience of others may be subject to discipline in accord with the Code of Conduct.

Russell Byers Charter School is committed to achieving educational equity and reducing disproportionality in discipline.

Parents/Guardians who have any questions or concerns related to discipline are encouraged to contact the school Principals and Deans of Students.

Behavior Matrix

This behavior matrix provides definitions for behaviors that are considered dangerous and/or disruptive to the learning environment. While some definitions contain an example, the definitions are not limited to the example provided. The behavior matrix also provides guidance as to the levels of consequence that school administrators might implement for specific rule violations.

Reminders:

- For all violations of the Code of Conduct before any suspension is issued, in-school interventions should be implemented as a means to modify student behavior. However, depending on the seriousness of the violation, suspension may be issued without prior in-school interventions.
- Suspensions should be utilized as a last resort if in-school interventions have proven unsuccessful or if the violation is of a serious nature.
- Disciplinary hearings should be sought for students who have exhibited a pattern of disruptive behavior(s) or who have engaged in a serious violation(s) of the Code of Conduct.
- For the purpose of this Code of Conduct, the term "possession" refers to having physical control of the item. This will include items found in a student's locker, bag, or clothing.

Russell Byers has the right to impose consequences for acts or behaviors that are not specifically delineated within this Code, if those acts or behaviors threaten the health, safety and/or welfare of members of the school community, or if those acts or behaviors disrupt the learning environment.

Please Note:

- Pursuant to Act 26, the Chief Operating Officer, or her designee, may, after a hearing, recommend discipline short of expulsion for a student who brought a weapon to school.
- The “X” symbol on the grid means that the consequence does not apply to that behavior.

Consequence Levels

Definitions of Behaviors	TeacherLevel	Dean/Administration Level	Administration Level	Board Level
<ul style="list-style-type: none"> • For all violations of the Student Code of Conduct, in-school interventions should be implemented as a means to modify student behavior. • Suspensions should be utilized as a last resort if in-school interventions have proven unsuccessful. 	In-school interventions (includes classroom level interventions, restorative justice, tiered consequences as defined by the school’s PBIS system)	May include In School Suspensions, after school detentions, mandatory parent conferences, behavior contracts)	Out of School Suspension	Expulsion Referral
Profane or obscene language or gestures <ul style="list-style-type: none"> • Students who curse or use disrespectful, insulting or sexually explicit language/gestures 	5k-8	X	X	X
Inappropriate use of an electronic device <ul style="list-style-type: none"> • Students who engage in acts including but not limited to sexting (sending sexual images, texts, or videos), videotaping fights, videotaping someone in a place where they expect privacy, posting content that impacts the school community in a negative manner. 	5k-8	3-8	6-8	6-8
Forgery/Alteration of grades, excuse notes, or school documents <ul style="list-style-type: none"> • Students who reproduce the signature of another with the intent to deceive or who alter official school records such as grades, attendance or reports. 	5K-8	3-8	X	X

Cheating <ul style="list-style-type: none"> Students who submit or intend to submit work that is not their own. 	5K-8	X	X	X
Unauthorized entry into school property <ul style="list-style-type: none"> Students who enter the school building or allow others into the school building via an unauthorized door at an unauthorized time. 	5k-8	3-8	6-8	X
Destruction of Property (Totaling less than \$100) <ul style="list-style-type: none"> Students who damage or deface school property or the personal property of another school community Member. If the destruction of property was accidental, this should be taken into consideration when determining a consequence. 	5K-8	3-8	X	X
Destruction of property (Totaling \$100 or more) <ul style="list-style-type: none"> Students who damage or deface school property or the personal property of another school community member. • If the destruction of property was accidental, this should be taken into consideration when determining a consequence. 	5K-8	5K-8	6-8	X
Theft (Less than \$100) <ul style="list-style-type: none"> Students who take school property or the personal property of another school community member 	5K-8	3-8	X	X
Theft (More than \$100) <ul style="list-style-type: none"> Students who take school property or the personal property of another school community member. 	5K-8	3-8	6-8	X
Extortion (Must be by use of threatened force) <ul style="list-style-type: none"> Students who obtain 	5K-8	3-8	6-8	6-8

money, property, or services from another school community member by expressed or implied threat of force.				
Robbery (Must be by use of force) <ul style="list-style-type: none"> Students who take or attempt to take the property of another student or school community member by force, threat of force, or by putting the victim in fear. 	5K-8	5K-8	3-8	6-8
Mutual fighting <ul style="list-style-type: none"> Students who willingly engage in a one on one physical altercation 	5K-8	3-8	X	X
Mutual group fight <ul style="list-style-type: none"> Students who willingly engage in a physical altercation with multiple willing participants. This is a physical altercation in which none of the participants are identified as aggressors or victims. 	5K-8	3-8	6-8	X
Instigation and/or participation in a group assault <ul style="list-style-type: none"> Students who intimate or participate in an assault by multiple students on one or more other students. This is a physical confrontation in which participants can clearly be identified as aggressors and victims. 	5K-8	5K-8	3-8	6-8
Simple assault <ul style="list-style-type: none"> Students who intentionally and without provocation, hit, punch, or kick a school community member. This does not include accidental physical contact such as a teacher being struck while breaking up a fight 	5K-8	3-8	6-8	6-8
Causing serious bodily injury <ul style="list-style-type: none"> Students who intentionally engage in an act that causes serious bodily injury to another school community member. Serious bodily 	5K-5	5K-8	3-8	6-8

<p>injury must be supported with documentation from a medical professional.</p>				
<p>Inappropriate touch</p> <ul style="list-style-type: none"> Students who engage in unwanted touching of another school community member either with their own body or with an object. • Examples can include hugging or other touching that may not be sexual in nature. 	5K-8	5K-8	3-8	6-8
<p>Bullying/Cyberbullying</p> <ul style="list-style-type: none"> Bullying is repeated intentional conduct (physical, psychological, verbal, nonverbal, written, or electronic) that is directed at another student or students. It could happen in or outside of a school setting, is severe, persistent or pervasive, and has one of the following effects: (1) substantially interfere with a student's education, (2) creates a hostile learning environment, (3) substantially disrupts school operation. Bullying occurs within an interpersonal relationship where there is an imbalance of power (e.g., one person is physically larger, stronger, mentally quicker, or socially more powerful). Cyberbullying 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. 	5K-8	3-8	6-8	6-8
<p>Harassment</p> <ul style="list-style-type: none"> Students who engage in unwelcome verbal, written, graphic or physical conduct relating to an individual's gender, age, race, color, sexual 	5K-8	5k-8	3-8	6-8

<p>orientation, gender identity expression, national origin, religion, disability, English language proficiency, socioeconomic status and/or political beliefs. Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents.</p>				
<p>Sexual Harassment</p> <ul style="list-style-type: none"> Students who engage in unwelcome conduct of a sexual nature. This can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. The harassment does not have to involve repeated incidents. 	5K-8	3-8	6-8	6-8
<p>Hazing</p> <ul style="list-style-type: none"> Students who for the purpose of initiating or enhancing a student's membership in an organization causes or forces that student to violate any criminal law, consume a substance that subjects the student to harm, endure physical, mental or sexual brutality or perform any activity that endangers another person. 	5K-8	3-8	6-8	6-8
<p>Sexual Act (Consensual)</p> <ul style="list-style-type: none"> Students who willingly engage in sexual conduct. This includes sexual intercourse, oral sex, or simulated sex, exposing or touching their own sexual parts or touching the sexual parts of another person. 	5K-8	5K-8	3-8	X
<p>Sexual act (Non-consensual)</p> <ul style="list-style-type: none"> Students who engage in sexual conduct without the consent the other involved person/s. This includes sexual intercourse, oral sex, or simulated sex, exposing 	<p>COMPLETE THE FOLLOWING STEPS: 1) Call School Administration 2) Call the Police 3) Issue a suspension</p>			

or touching their own parts or touching the sexual parts of another person				
Threats/Intimidation <ul style="list-style-type: none"> Students who introduce fear or a sense of inferiority in another school community member. This includes threatening to engage in an act that causes harm. Threats can be made verbally, in writing, or with gestures. 	5K-8	5K-8	3-8	6-8
Threatening Mass Violence <ul style="list-style-type: none"> Students who threaten to engage in an act that causes serious physical harm or creates a substantial risk of serious physical harm to members of a school community. <ul style="list-style-type: none"> For example, threatening to engage in a school shooting or bombing 	COMPLETE THE FOLLOWING STEPS: 1) Call School Administration 2) Call the Police 3) Issue a suspension			
Possession and/or use of tobacco or electronic smoking devices <ul style="list-style-type: none"> Students who use or possess tobacco or any electronic smoking device on school district property or at school sponsored events. This includes but is not limited to products containing tobacco, electronic cigarettes, cigars, vaping kits, and hookah 	X	5K-2	3-8	X
Possession and/or use of alcohol and/or drugs <ul style="list-style-type: none"> Students who are found to be in possession or who use alcohol or other drugs on school property or at a school sponsored event. This includes drugs in edible form. • All students in violation of this rule MUST be referred to the counselor. 	5K-8	5K-8	3-8	X
Distribution of alcohol and/or drugs <ul style="list-style-type: none"> Students who are found 	X	X	3-5	6-8

to be sharing or selling alcohol or drugs. This includes drugs in edible form.				
Possession of incendiary devices and/or explosives <ul style="list-style-type: none"> Students who are found to be in possession of incendiary devices such as matches, lighters, fireworks, bombs, firecrackers, bombshells, and/or other explosives. 	5K-8	3-8	6-8	6-8
Use of incendiary devices and/or explosives <ul style="list-style-type: none"> Students who use or activate incendiary devices such as matches, lighters, fireworks, bombs, firecrackers, bombshells and/or other explosives. • This may include accidental or intentional fire starting. 	5K-8	3-8	6-8	6-8
Possession of a weapon <ul style="list-style-type: none"> Students who possess any object, device, or instrument, which, in its inherent and functional purpose is intended to be a weapon. This includes firearms, whether loaded or not, cap guns, pellet guns, BB guns, knives, box cutters, cutting instruments, nunchaku, or mace. This does not include ordinary objects such as pencils that may have been used during an altercation. 	COMPLETE THE FOLLOWING STEPS: 1) Call School administration. 2) Call the Police 3) Issue a suspension			
Reckless endangerment <ul style="list-style-type: none"> Students who take any action that creates a substantial risk such that serious bodily harm could result to any person. For example, throwing objects across a room or out of a window. 	5K-8	3-8	6-8	6-8

Disciplinary Interventions

If students violate the Code of Conduct, consequences and/or interventions will be implemented. Prior to application of disciplinary measures, teachers, families, and students are expected to engage in direct communication and avoid, if possible, the

need for punitive measures such as a behavioral contract. When a student fails to respond to non-punitive measures, disciplinary action is required. The purpose of disciplinary interventions is to determine the root cause of misbehavior and develop solutions to prevent distractions to the learning environment in the future.

- Non-punitive/natural consequences may include, but are not limited to the following:
 - Mandatory Parent/Guardian Conference -The parent/guardian is required to attend a conference with the Teacher, Dean/and or Administrator.
 - Conflict Resolution Session / Restorative Justice
 - Loss of Privilege
 - Project of Reason
(Student is assigned a project that relates to the offense to demonstrate an understanding of how his/her actions' affect the community - i.e., research paper, interview of persons associated with such actions or volunteer work.)

In all cases, the disciplinary action is intended to gain the attention of the student and discourage future misbehavior. It should be noted that consistent with the Code, repeated behavior requiring disciplinary measures may result in action being initiated to effect expulsion from Russell Byers.

DEFINITIONS: RULES & INFRACTIONS Violations of this Code of Conduct are defined below. Students who are determined to have engaged in violations of this code may be subject to interventions and consequences

Possession or use of tobacco or electronic smoking devices: Students shall not use or possess tobacco or any electronic smoking device in school buildings, school buses, or on any school district property. This includes but is not limited to products containing tobacco, electronic cigarettes, cigars, vaping kits, and hookah.

Profane or obscene language or gestures. Students who curse, use sexually explicit language, or gestures.

Inappropriate use of an electronic device: Including but not limited to sexting, videotaping someone in a place where they have an expectation of privacy.

Mutual fighting (without serious bodily injury): If one or more students are engaged in a physical confrontation in which, after an investigation is conducted, it is unclear which student is the aggressor and which student is the victim.

Forgery of administrator, teacher, or parent's/guardian's signature or cheating: Students who reproduce the signature of another with the intent to deceive or who cheat on any school assignment or test with the intent to copy work that is not their own.

Elopement: Students who attempt to leave an area without consent.

Alteration of grade reporting, excuse notes, and/or school documents: Students who, with the intent to deceive, alter grade reports, excuse notes, or official school documents.

Harassment (including Sexual Harassment): Harassment is unwelcome verbal, written, graphic or physical conduct relating to an individual's gender, age, race, color, sexual orientation, gender identity expression, national origin, religion, disability, English language proficiency, socioeconomic status and/or political beliefs. Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents. Sexual harassment is unwelcome conduct of a sexual nature that can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature.

Destruction and/or theft of property (less than \$100): Willful and malicious acts of damage or defacement to school property, personal property, including but not limited to graffiti, school pranks that cause a major disruption, or arson.

Bullying/cyber-bullying: Bullying is repeated intentional conduct that is directed at another student or students, in or outside a school setting, that is severe, persistent or pervasive, and that either (1) substantially interfere with a student's education, or (2) creates a hostile learning environment, or (3) substantially disrupts school operations. Bullying occurs within an interpersonal relationship where there is an imbalance of 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 occurs through electronic communication devices including but not limited to social networking, email, instant messaging, text messages, tweets, blogs, photo and video sharing, chat rooms, dash boards, or web sites.

Intimidation: Students who induce fear or a sense of inferiority in another student and/or school community member.

Sexual act (consensual): Students who expose or touch their own genitals, breast, or buttocks or those sexual parts of another person, engage in intercourse, oral sex, or simulated sex with the consent of witnesses and/or other participating students.

Threatening students/staff with aggravated assault: Students who threaten, using aggressive verbal or written language or gestures, communicate a terroristic threat, an act that causes serious physical harm or creates a substantial risk of serious physical harm to another student and/or school community member.

Destruction and/or theft of property (totaling \$100 or more): Students who intentionally damage, deface, or take school property or personal property without permission. Damage or defacement includes graffiti, school pranks that cause a major disruption, and arson.

Robbery: Taking or attempting to take the property of another student or school community member by force, threat of force, or by putting the victim in fear.

Extortion: Students who obtain money, property or services from another student and/or school community member by expressed or implied threat of force.

Mutual fighting (with documented serious bodily injury): When one or more students engage in a physical confrontation in which it is unclear which student is the aggressor and which student is the victim. Serious bodily injury means bodily injury that involves (1) a substantial risk of death; (2) extreme physical pain; (3) protracted and

obvious disfigurement; or (4) protracted loss or impairment of the function of a body part, organ, or mental faculty

Simple assault on a school community member: Students who intentionally and without provocation, hit, punch, or kick a school community member.

Possession of alcohol and/or drugs: Controlled substances and illegal substances, as well as “look-alikes”, which are defined as any substance that, by appearance, representation, or manner of distribution, would lead a reasonable person to believe that the substance is an illegal drug or other controlled substance.

Possession and/or use of fireworks, incendiary devices and/or explosives: Students who have physical control over (including contained within the student’s clothing, locker, or bag) fireworks, incendiary devices, bombs, firecrackers, bombshells and/or other explosives.

Instigation and/or participation in a group assault: Students who initiate or antagonize, by verbal, written, or physical act, a simple or aggravated assault (as defined in this section) by multiple students on one or more other students. This does not refer to a Mutual Fight as defined in this section, but a physical confrontation in which one or more students can be determined to be the aggressors.

Aggravated assault: An intentional act that causes serious physical harm or creates a substantial risk of serious physical harm to another student and/or school community member.

Sexual act (non-consensual): Students who touch their own genitals, breast, or buttocks or those sexual parts of another person, engage in aggressive sexual behavior, intercourse, oral sex, or simulated sex without the expressed consent of witnesses and other participating students (including compelling or forcing another to engage in sexual conduct).

Possession of a weapon: Any object, device, or instrument, which, in its inherent and functional purpose is intended to be a weapon, including any firearms, whether loaded or not, cap guns, pellet guns, BB guns, knives, box cutters, cutting instruments, nunchaku, or mace. This does not include ordinary objects such as pencils.

Reckless endangerment: Taking any action that creates a substantial risk such that serious bodily harm could result to any person. These include, but are not limited to, use of weapons of any kind for any purpose, jeopardizing the physical or emotional safety of oneself or another, or throwing objects, (i.e. snowballs).

Inappropriate Touch: Unwarranted or unwanted touching of a student, personally or with an object

The School and the Law -- It shall be the policy of this school to report all violations of the Code of Conduct which are also violations of the law to the Philadelphia Police Department. The School will provide authorities with information related to any crime or any suspicion of criminal behavior.

Disciplinary Hearings

Students in kindergarten through grade 5 who are exhibiting a pattern or disruptive behavior(s) and/ or committing serious violation(s) of the Code of Conduct are referred to the Multi-Tiered Systems of Support (MTSS) process.

Students in grades 3 through 8 who are exhibiting a pattern of disruptive behavior(s) and/or committing serious violation(s) of the Code of Conduct may be referred to the Office of the Principal or Dean of Students for a student disciplinary hearing if school administrators determine that level of discipline is warranted.

If a student is a victim, they can request that a safety plan be put in place by the school.

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.

Procedures for In-School Suspensions

A student may not receive an in-school suspension unless the student has been informed of the reasons for the suspension and has been given an opportunity to respond before the suspension becomes effective.

Communication to the parents or guardian shall follow the suspension action taken by the School.

The School shall make provision for the student's education during the period of the in-school suspension.

Procedures for Imposition of Exclusions from School

Education is a statutory right, and students shall be afforded due process if they are to be excluded from the School. In a case involving a possible expulsion, the student is entitled to a formal hearing.

Suspension

Suspension is exclusion from school for a period of 1 to 10 consecutive school days.

- (i) Suspensions may be issued by the principal or person in charge of the School.
- (ii) A student may not be suspended until the student has been informed of the reasons for the suspension and given an opportunity to respond. Prior notice of the intended suspension need not be given when it is clear that the health, safety or welfare of the school community is threatened.
- (iii) The parents or guardians and the Superintendent/Chief Executive Officer of the district shall be notified immediately in writing when the student is suspended.
- (iv) When the suspension exceeds 3 school days, the student and parent shall be given the opportunity for an informal hearing consistent with the requirements of this Code.

(v) Suspensions may not be made to run consecutively beyond the 10-school day period.

(vi) Students shall have the responsibility to make up exams and work missed while being disciplined by suspension and shall be permitted to complete these assignments within guidelines provided in this Code.

Expulsion

Expulsion is to be excluded from the School by the Board of Trustees for a period exceeding 10 school days and may be permanent expulsion from the School. Expulsions require a prior formal hearing consistent with the requirements of this Code of Conduct.

During the period prior to the hearing and decision of the Board of Trustees in an expulsion case, the student shall be placed in his/her normal class except as provided below.

If it is determined after an informal hearing that a student's presence in his/her normal class would constitute a threat to the health, safety or welfare of others and it is not possible to hold a formal hearing within the period of a suspension, the student may be excluded from school for more than 10 school days. A student may not be excluded from school for longer than 15 school days without a formal hearing unless mutually agreed upon by both parties. Any student so excluded shall be provided with alternative education, which may include home study.

Students who are under 17 years of age are still subject to the compulsory school attendance law even though expelled and shall be provided an education.

The initial responsibility for providing the required education rests with the student's parents or guardian, through placement in another school, tutorial or correspondence study, or another educational program approved by the district's superintendent.

Within 30 days of action by the Board of Trustees, the parents or guardians shall submit to the School written evidence that the required education is being provided or that they are unable to do so. If the parents or guardians are unable to provide the required education, the School shall, within 10 days of receipt of the notification, make provision for the student's education. A student with a disability shall be provided educational services as required by the Individuals With Disabilities Education Act (20 U.S.C.A. §§ 1400--1482).

If the approved educational program is not complied with, the School may take action in accordance with 42 Pa.C.S. Chapter 63 (relating to the Juvenile Act) to ensure that the child will receive a proper education.

Informal Hearings

The purpose of the informal hearing is to enable the student to meet with the appropriate School official to explain the circumstances surrounding the event for which the student is being suspended or to show why the student should not be suspended.

The informal hearing is held to bring forth all relevant information regarding the event for which the student may be suspended and for students, their parents or guardians and school officials to discuss ways by which future offenses might be avoided.

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

- (i) Notification of the reasons for the suspension shall be given in writing to the parents or guardians and to the student.
- (ii) Sufficient notice of the time and place of the informal hearing shall be given.
- (iii) A student has the right to question any witnesses present at the hearing.
- (iv) A student has the right to speak and produce witnesses on his own behalf.
- (v) The school entity shall offer to hold the informal hearing within the first 5 days of the suspension.

Formal Hearings

A formal hearing is required in all expulsion actions. This hearing may be held before the Board of Trustees or an authorized committee of the Board, or a qualified hearing examiner appointed by the Board. When a committee of the Board or a hearing examiner conducts the hearing, a majority vote of the entire Board of Trustees is required to expel a student. The following due process requirements shall be observed with regard to the formal hearing:

- (1) Notification of the charges shall be sent to the student's parents or guardians by certified mail.
- (2) At least 3 days' notice of the time and place of the hearing shall be given. A copy of the expulsion policy, notice that legal counsel may represent the student and hearing procedures shall be included with the hearing notice. A student may request the rescheduling of the hearing when the student demonstrates good cause for an extension.
- (3) The hearing shall be held in private unless the student or parent requests a public hearing.
- (4) The student may be represented by counsel, at the expense of the parents or guardians, and may have a parent or guardian attend the hearing.
- (5) The student has the right to be presented with the names of witnesses against the student, and copies of the statements and affidavits of those witnesses.
- (6) The student has the right to request that the witnesses appear in person and answer questions or be cross-examined.
- (7) The student has the right to testify and present witnesses on his own behalf.

(8) A written or audio record shall be kept of the hearing. The student is entitled, at the student's expense, to a copy. A copy shall be provided at no cost to a student who is indigent.

(9) The proceeding shall be held within 15 school days of the notification of charges, unless mutually agreed to by both parties. A hearing may be delayed for any of the following reasons, in which case the hearing shall be held as soon as reasonably possible:

(i) Laboratory reports are needed from law enforcement agencies.

(ii) Evaluations or other court or administrative proceedings are pending due to a student invoking his rights under the Individuals With Disabilities Education Act (20 U.S.C.A. §§ 1400--1482).

(iii) In cases in juvenile or criminal court involving sexual assault or serious bodily injury, delay is necessary due to the condition or best interests of the victim.

(10) Notice of a right to appeal the results of the hearing shall be provided to the student with the expulsion decision.

Discipline for Students with Disabilities

Russell Byers Charter School shall comply with the Individuals with Disabilities Education Improvement Act (IDEA 2004) and any applicable federal and state statutes or regulations when disciplining students with disabilities. Students with disabilities who engage in inappropriate behavior, disruptive or prohibited activities, and/or conduct injurious to themselves or others shall be disciplined in accordance with their Individual Education Programs (IEP), behavioral intervention plan, Title 22, Chapter 711 and relevant portions of Chapter 12 of the State Board of Education Regulations, IDEA 2004, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, and any other applicable federal or state law.

Students with disabilities, even if expelled, must be provided with a Free and Appropriate Public Education (FAPE).

Students Identified as Intellectually Disabled

Students who are identified as intellectually disabled can only be removed (suspension, interim disciplinary placement, or expulsion) from the school building if there is written agreement from the parent/guardian or written approval from the Bureau of Special Education of the Pennsylvania Department of Education (PDE). PDE can be contacted by calling 717-783-6913 or by visiting their website – <http://www.pde.state.pa.us>.

All Other Students Receiving Special Education Services (includes students with a 504 Plan)

The school may suspend students who are receiving special education services and cease educational services for up to ten (10) consecutive school days or fifteen (15) cumulative school days in one school year without providing special education services as outlined in their IEP.

If the school is considering any of the following disciplinary actions for students receiving special education services or students with a 504 service plan, the action steps listed below must be completed:

1. Suspension for a behavior for which the student has received 10 cumulative days of suspension during this school year.
2. Request for a disciplinary hearing and transfer.
3. Referral for expulsion.

Action Steps:

1. Provide written notice to the parent/guardian of the recommended disciplinary action and provide an invitation to participate in the Manifestation Determination Meeting with the student's IEP team.

The purpose of the Manifestation Determination meeting is to answer two questions:

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

This meeting should take place within 24 hours of the incident (or within 24 hours of the school becoming aware of the incident).

2. During the Manifestation Determination Meeting, the student's most recent evaluation, IEP and placement will be reviewed as well as the details of the incident which led to the need for discipline.
3. If the behavior IS a manifestation of the student's disability, the proposed disciplinary action may not be implemented. When necessary, the team should review and revise the existing behavior intervention plan or complete a functional behavior assessment and intervention plan to address the specific behavior and 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.
4. If the behavior is NOT a manifestation of the disability, school officials may proceed with the recommended disciplinary action in accord with the Code of Conduct.
5. 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 the parent/guardian disagrees with the decision that is made at the Manifestation Determination Meeting, they can request an expedited Special Education Hearing and the Commonwealth- appointed hearing officer will review the manifestation determination. Directions on requesting a hearing can be found in the NOREP and must be completed within ten (10) days of the manifestation decision.

6. If the incident involves one of the following special circumstances, an interim placement (a 45-day school assignment to an alternative educational setting) can be requested from the Office of Student Rights and Responsibilities. NOTE: An

interim placement can be requested regardless of whether or not the behavior is considered a manifestation of the student's disability.

Special Circumstances:

1. The student carried a dangerous weapon* to school or a school function.
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.
3. The student has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function.

If the behavior is not one of these three special circumstances, is a manifestation of the student's disability and the student is likely to cause injury to themselves or others, a school administrator can request an expedited hearing conducted by a special education hearing officer to obtain a 45-day interim placement. This request should be made by a school administrator to the Office of General Counsel.

*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.

Please Note:

Russell Byers Charter School has a memorandum of understanding regarding the Diversion Program with the Philadelphia Police Department (PPD). This program permits PPD to offer alternatives to arrest and criminal prosecution, such as social service support. The Diversion Program allows the PPD to divert a student from arrest if that student has committed a non-violent offense in school and has no prior arrests. In those cases, the student will receive services from the Department of Human Services.

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