

YouthBuild Philadelphia Charter School

Code of Conduct

Consistent with the school's values of Respect, Excellence and Perseverance, all YouthBuild Philadelphia students are expected to demonstrate appropriate 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.

Dress Code

Consistent with the expectation that all students demonstrate appropriate conduct, YouthBuild Philadelphia has adopted a Dress Code to both ensure that the primary focus at the school is on learning and education and to begin to prepare students for a work environment. In addition, the Dress Code promotes school safety, improves discipline, and enhances the learning environment. As outlined in the student rights section above, transgender and gender-nonconforming students have the right to dress in a manner consistent with their gender identity or gender expression.

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 any provided clothing with the YouthBuild or AmeriCorps logo—T-shirts, polo shirts, sweatshirts, etc. The clothing with the YouthBuild logo needs to be the outermost layer, with the logo showing at all times, including instances of religious and cultural attire. Students may not alter the clothing, temporarily or permanently.

Bottom

Students should wear pants, jeans (without large rips or excessive holes), capris, or skirts (below the knee). Bottoms should not leave any skin or underwear exposed. Students may not wear leggings, stockings, tights, or stretch pants.

Accessories

Scarfs / Hats – Students may not wear do-rags, hats, fitted caps, ski-masks etc. Religious or cultural attire must be neat.

Footwear – Students may not wear flip-flops, house shoes, slides or slippers. Crocs (in sports mode only)

Workforce Development

In order to ensure safety and meet other industry standards while students are participating in workforce development activities, additional workforce track-specific requirements (such as hard hats, work boots, safety goggles etc.) will be shared with students in writing by workforce instructors.

Dress Down Days

When approved for special program days, students may be allowed to dress out of uniform. Students should still adhere to guidelines provided for those specific days.

Uniform – Dual Enrollment, Bridge Programming, Job Shadowing, and Internships

Professional attire that meets the expectation of the partner organization.

Student Expression

- YouthBuild will use the name and pronouns with which a student identifies in all interactions, as well as in written communication.
- Derogatory or offensive terminologies are prohibited when communicating with or referring to a transgender or gender-nonconforming individual.
- YouthBuild personnel shall take reasonable steps to prevent and promptly correct any derogatory or offensive terminologies used in communication with or in reference to a transgender or gender-nonconforming individual.
- YouthBuild faculty and staff should not disclose information that may reveal a student's transgender identity or gender nonconformity to others, including staff, peers, parents, and other members of the public unless the student has authorized such disclosure.
- YouthBuild minimizes the practice of segregating youth by gender. Nevertheless, when students are segregated by gender, students are assigned and permitted to participate in any such activities consistent with their gender identity.
- Wherever possible, gender-neutral language will be used in written communication.
- YouthBuild students shall have access to the restroom that corresponds to their gender identity. Any student who has a need or desire for increased privacy, regardless of the underlying reason, is provided access to a single-stall restroom; but no student shall be required to use such a restroom.
- YouthBuild students shall have access to any locker/dressing room that corresponds to their gender identity. Any student with a need or desire for heightened privacy, regardless of the underlying reason, is provided with a reasonable alternative arrangement that is agreeable to the student.

Behavior Expectation Policies

Purpose

YouthBuild Philadelphia Charter School has adopted the following behavior expectation policies in order to inform students, parents/guardians, 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 response they will face for particular violations. YouthBuild expects each student to work to the best of their ability and to cooperate with the other students and school staff in maintaining a safe, healthy and orderly learning environment. An effective learning environment must be free from disruptive, threatening and dangerous behavior that interferes with teaching and learning.

YouthBuild has adopted a restorative approach to foster healthy relationships and productively navigate conflict. This means we try to minimize traditional punitive consequences by focusing on building community and repairing any harm done by community disruption through Restorative Practices. This approach allows for all parties involved in a disruption to sit down together, to hear from those who were affected by the situation, to hold those accountable for any harm that was caused, and to problem-solve to determine what needs to be done to restore the community with expectation that it does not happen again. Thus, the restorative approach at YouthBuild is intended to be a space of understanding, learning, and healing not punishment.

Finally, these behavior expectation policies have been designed to promote safety, structure, 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 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 response 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 repair harm
- Seriousness of offense
- Willingness of student to enroll in a student assistance program

Scope of Expectations

This code 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 (including online activity and engagement) when conduct may reasonably be expected 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 the School community.
- Maintain a positive School climate by being responsible, respectful, and cooperative.
- Communicate Code of Conduct expectations for students and staff.
- Motivate community members to live up to the expectations through positive reinforcement.
- Use social-emotional judgment to prevent minor incidents from becoming major disruptions.

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 expectations.
- Coach proper behavior and positively reinforce rules of conduct.
- Maintain a learning environment that provides for academic success.
- Hold students accountable for disruptive conduct in our School.
- Use social-emotional judgment to prevent minor incidents from becoming major disruptions.

Responsibilities of Students

- Respect all members of the School community.
- Understand and cooperate with School expectations, including the Code of Conduct and Student Handbook.
- Accept and cooperate 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 meeting expectations.

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 CEO may, after a hearing, decide to allow the student who brought a weapon to School to remain in the School.

RANGE OF POSSIBLE CONSEQUENCES

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

Rules:	Restorative Assignment	Restorative Mediation	Sent home for the day	Parent/ Guardian Conference	1-2 Day Out of School Suspension	3-5 Day Out of School Suspension	Revoked Privileges	Informal Disciplinary Hearing	Expulsion Hearing	Expulsion Hearing with restitution (payment for damages)
Rule 1: DISRUPTION OF SCHOOL	x	x	x	x	x	x		x	x	
Rule 2: DISRUPTIVE BEHAVIOR	x	x	x	x	x	x	x	x	x	
Rule 3: DAMAGE OF PROPERTY	x	x	x	x	x	x		x	x	x
Rule 4: THEFT OF PROPERTY	x	x	x	x	x	x	x	x	x	x
Rule 5: NEGLIGENCE, RECKLESS ENDANGERMENT OR THREATS		x			x	x			x	
Rule 6: POSSESSION OF PROHIBITED ITEMS FOR USE OR TRANSFER						x	x	x	x	x
Rule 7: ABUSE OF COMPUTER / INTERNET PRIVILEGES	x				x	x			x	
Rule 8: INDECENT ASSAULT OR INDECENT EXPOSURE						x			x	
Rule 9: HARASSMENT	x	x				x			x	
Rule 10: POSSESSION OF A WEAPON									x	
Rule 11: SIMPLE ASSAULT									x	
Rule 12: INVOLVEMENT IN CRIMINAL ACTIVITY	x					x			x	

Behavior Expectations

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 cooperate with directions from school staff or facilitating visitors
- 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 (e.g., cutting class)
- Returning late from lunch or break
- Smoking during school time or on YouthBuild Philadelphia property
- Unauthorized usage of technology during instructional spaces, worksites, and programming
- 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
- Leaving worksite, school site, classroom, or school activity without permission
- Overtly displaying any indications of gang affiliation
- Eating outside of designated times/spaces

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. Refer to the Range of Consequences Table for possible consequences.

Rule 2: DISRUPTIVE BEHAVIOR

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
- Bullying or cyberbullying—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 workforce-development 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 Dean of Culture. If they are not available, claims should be reported to the Principal.

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. Refer to the Range of Consequences Table for possible consequences.

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 the above violations vary according to the severity as well as number of times an individual student has been in violation of the rule. Refer to the Range of Consequences Table for possible consequences.

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 may 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. Refer to the Range of Consequences Table for possible consequences.

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. Refer to the Range of Consequences Table for possible consequences.

Rule 6: POSSESSION OF PROHIBITED ITEMS FOR USE OR TRANSFER

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

- Tobacco or electronic smoking devices
- Alcohol
- Illicit or controlled drugs

Exception: Possession of a legally prescribed medication 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.

Students themselves are not permitted to possess any form of medical marijuana at any time on school property or during any school activity on school property. However, a parent, legal guardian or caregiver may administer medical marijuana to their student on school premises provided that the parent, legal guardian or caregiver provides the School Principal with a copy of the Patient Authorization Letter, and notifies the School Principal, in advance, of each instance in which the parent, legal guardian or caregiver will administer the medical marijuana to the student. The School will provide a secure, private location for the parent, legal guardian or caregiver to administer the medical marijuana to the student.

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.

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

Rule 7: 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 contains sexually-explicit material.
- (All students who have permission to use school computers must keep their passwords to themselves.)

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.

Rule 8: 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 them in the sexual part of the body. No student may show the sexual parts of their body to other persons in any way. See Rule 13(d) for forcible or voluntary sexual acts.

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.

Rule 9: 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 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.

Rule 10: 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 Principal and Administration 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 11: 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 visitors.

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.

Rule 12: 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 a weapon
- 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 or sale of a controlled substance, designer drug or drug paraphernalia, as defined by PA Law.

Exception: Possession of a legally prescribed medication 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.

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.

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).

The parents or guardians and the Principal or Administration shall be notified immediately in writing when the student is suspended.

Informal Disciplinary 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. Any student who is suspended will be marked as suspended for attendance for those days.

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 them 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.

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 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. 22 PA Code Sec. 12.6(b)(2)(c) & (d).

If it is determined that a student's presence in his/her normal class would create such a threat to others, and it is not possible to hold a formal hearing within the period of the suspension (that is, up to 10 consecutive school days), 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 that is mutually agreed upon by both parties. Any students so excluded shall be provided with alternative education, which may include home study.

Prior to the expulsion hearing, the following due-process steps must be taken:

- Notification of the charges shall be sent to the student's parents or guardian by certified mail,
- The hearing shall be held within 15 school days of the notification of charges, unless mutually agreed to by both parties. A student may request the rescheduling of the hearing when the student demonstrates good cause for the extension.

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); or

(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.

- At least 3 days' notice of the time and place of the formal hearing must be given to parents/guardians. The notice must include:
 - a copy of the expulsion policy
 - notice that legal counsel may represent the student
 - the hearing procedures.

At the expulsion hearing, the student's due-process rights include:

- 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.

After the expulsion hearing—

- When a committee of the Board of Trustees or a hearing examiner conducts the hearing, a majority vote of the entire Board is required to expel a student. The entire Board of Trustees will vote within 5 school days of the end of the expulsion hearing.
- Notice of the decision of the Board of Trustees shall be sent to the student and the student's parent/guardian by certified mail and regular U.S. Mail, within one school day of the vote of the Board.
- Notice of a right to appeal the decision of the Board must be provided to the student and parent/guardian with the expulsion decision.

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. Appeals usually have to be made within 30 days of the receipt of notice of the expulsion decision.

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 school 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, includes 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 pocket-knife, 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 themselves 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.