

# Independence Charter School West Code of Conduct

## Beliefs and Framework

At Independence Charter School West (ICSW) we believe that all children can be successful in a safe, supportive and respectful learning environment. Our approach to school climate is proactive and collaborative - engaging staff members, students and their families in the process.

A positive school climate begins with values and expectations that guide the actions of all school community members. ICSW is committed to being consistent, fair and respectful in regard to establishing and enforcing expectations related to student discipline.

ICSW utilizes strategies from the Responsive Classroom framework as the foundation to our approach to managing student behavior. Responsive Classroom is a student-centered, social and emotional learning approach to teaching and discipline. It consists of a set of research, and evidence-based practices designed to create safe, joyful, and engaging classrooms and school communities for both students and teachers.

Major Goals of Responsive Classroom Framework:

1. Use positive language that promotes a safe, joyful, and engaging school environment.
2. Implement a proactive approach to classroom management that minimizes misbehavior, maintains the dignity of students, and restores positive behavior as soon as possible.

Tools We Use at ICSW:

1. Morning Meetings: Promote a sense of community and practice positive social skills.
2. Classroom Rules: Teachers and students work together to establish and reinforce rules.
3. Visual and verbal cues: Silent signals and hand signals are used to give directions.
4. Teacher Language:
  - a. *Reinforce*: Builds on students' strengths. Teachers consistently notice and name what students are doing well.
  - b. *Remind*: In a respectful tone, help students recall what they already know.
  - c. *Redirect*: Use direct and specific words to correct undesirable behavior.
5. Logical Consequences: Help students understand the connection between their behavior and the impact it has on others.
  - a. *Break-it, Fix-it*: Students take responsibility for repairing the damage they caused.
  - b. *Loss of Privilege*: Relevant consequences when students are unable to handle a responsibility.
  - c. *Take a Break*: Students separate from the group inside the classroom and rejoin when appropriate.
  - d. *Buddy Break*: Students separate from the group and complete a reflection in another room and rejoin when appropriate.

## Disciplinary Guidelines and Consequences

The following information guides the levels of interventions and consequences that school administrators can implement for specific violations that are considered extremely disruptive and/or dangerous to the school learning environment and community. This applies to all times that school is in session, during any school program or function, either in the building or at any other location, as well as during arrival and dismissal, and traveling to and from school. This includes travel on school district vehicles, private transportation and public transit systems.

### Minor Incidents and Consequences

The table below outlines the possible consequences for various minor student behaviors. Examples of minor inappropriate behavior include, but are not limited to, those listed in the left-hand column. The right hand column lists the possible consequences, all of which may apply to any of the listed behaviors.

Behavior*	Possible Consequences (More than one consequence may be assigned and all are applicable to all behaviors listed in the left column)
Refusing to Follow Directions Talking Back Disruption of Class Possession/ Use of Cell Phone Profanity/ Offensive Language Dress Code Violation Destruction of Property (minor) Selling Goods on School Grounds w/o Authorization Play-fighting/ Roughhousing Student Arguments Taunting/ Instigating Misuse of Technology Stealing (minor) Inappropriate Display of Affection Chewing Gum Late to Class Plagiarism/ Cheating	Student may Take a Break. Student may go to Buddy Room Student will practice expected behavior with teacher and/or peers. Mediation may occur between all participants. This will include a chance to “fix” relationships or objects. Teacher may contact parent by phone (parent may be asked to speak with the student), note in take home folder or by email. Student may lose a privilege (such as loss of dress down day/free time, recess detention, etc.). Student may be given a behavior assignment to be completed at home. Parent meeting may be requested. Student may be given in school community service to “fix” relationships or objects. Student may be assigned a lunch or recess detention or delayed dismissal. Repeated violations may result in a Discipline Referral

\* If a minor behavior continues, it will be considered a Major Incident and will be addressed according to the *Major Incidents and Consequences* section. Additionally, if a student refuses to comply with a consequence for a minor violation, then the infraction will be addressed at the level of a major incident.

## Major Incidents and Consequences

The table below outlines the possible consequences for various major student behaviors. Examples of major inappropriate behavior include, but are not limited to, those listed in the left-hand column. The right-hand column lists the possible consequences, all of which may apply to any of the listed behaviors.

<p style="text-align: center;"><b>Behavior*</b></p>	<p style="text-align: center;"><b>Possible Consequences</b> (More than one consequence may be assigned and all are applicable to all behaviors listed in the left column)</p>
<p>Repeated Minor Violations Severe/Intentional Disruption of Class Possession/ Use of Cell Phone (repeated offenses) Leaving Classroom/School Grounds without permission Bullying/Harassment/Intimidation Racial Harassment Sexual Harassment Serious Threats Endangering Self or Others Destruction or Theft of Property (major) Selling Goods on School Grounds Without Authorization (repeated offenses) Stealing (major) Indecent Exposure/ Inappropriate Touching Profanity Directed at Adult Assault on Student Assault on Staff Fighting Possession of a Weapon Possession of Illegal Substance Refusal to comply with consequence for a minor violation Technology Violation</p>	<p>The student may be immediately removed from the classroom and sent to the Dean’s office. Student may discuss and practice expected behavior with the Dean and/or teacher. Mediation may be held for all participants. This will include a chance to “fix” relationships or objects. Parent may be called by the Dean. Parent may be asked to speak with the student at the time of the call to discuss the behavior and expectations. A letter documenting the incident may be given to the parent. Parent is expected to sign and return the letter on the next school day. Student may lose a privilege. Student may be given an assignment to be completed at home. Student may be given school community service. Student may be assigned detention. Student may be assigned an In-School Suspension. Student may be sent home. Parent will be asked to come to school and take the student home within one and a half hours. Student may be suspended out of school between 1 and 5 days, not including the day of the incident. Student may be suspended out of school between 5 and 10 days, not including the day of the incident. Parent meeting may be required. Student may be placed on Behavioral Probation.</p>

\* If a minor behavior continues, it will be considered a Major Incident and will be addressed according to the *Major Incidents and Consequences* section. Additionally, if a student refuses to comply with a consequence for a minor violation, then the infraction will be addressed at the level of a major incident.

## Incidents Qualifying for Expulsion

Behavior	Consequences
<p>Any criminal conduct as defined by Pennsylvania Law.</p> <p>Assaulting any person, as an individual or as a group.</p> <p>Attempting to engage or engaging in any conduct that threatens the health, welfare or safety or any member of the school community.</p> <p>Student is under the influence of drugs or alcohol.</p> <p>Possession of tobacco or alcohol products.</p> <p>Possession of over the counter medication, look-a-like drugs and/or drug paraphernalia.</p> <p>Possession of any weapon, but not limited to any knife, pocket knife, Swiss army knife, cutting instrument, cutting tool, nunchuck, firearm, shotgun, rifle and any other tool, instrument or implement capable of inflicting serious bodily injury as specified by Act 26.</p> <p>Any item brought or used with the intent to cause harm as specified by Act 26.</p>	<p>Student will be escorted to the Principal's office.</p> <p>Parent/Guardian will be notified immediately.</p> <p>Parent/Guardian will be asked to pick their child up immediately.</p> <p>Student will be suspended from ICSW until a full evidentiary hearing on the expulsion of the student can be held before the Board of Trustees.</p> <p>ICSW may call the Department of Human Services.</p> <p>ICSW may call the Philadelphia Police Department.</p>

## Community Code of Civility

Adapted from the University of Maryland University College Code of Civility

- **Respect:** Treat all students, staff, families, and community members with respect and in a professional and courteous manner at all times, whether in person or in written communication (including email and texts).
- **Kindness:** Refrain from using profanities, insults, or other disparaging remarks.
- **Truth:** Tell only the truth and do not knowingly misrepresent, mischaracterize, or misquote information received from others.
- **Responsibility:** Take responsibility for your own actions. Do not blame others.
- **Cooperation:** Work together with other students, community members, and staff in a spirit of cooperation toward our shared goal of providing a quality education and creating global citizens.
- **Privacy:** Strive to uphold the right to privacy and do not talk about others.
- **Nondiscrimination:** Respect differences in people and their ideas and reject injustice and intolerance.

## Acceptable Use of Technology

The use of technology by students, employees, or subcontractors of Independence Charter School West is a privilege, not a right. Technology users are expected and required to avoid actions that are dishonest, unkind (such as personal attacks and invasion of privacy), invasive, illegal (such as libel, slander, vandalism, sexual harassment, theft, unauthorized access) or in other ways inappropriate.

The guidelines and prohibited actions described in this policy apply to any use of the Independence Charter School West network to interact with any other websites, including all social networking platforms. In addition, the use of technology in negative or derogatory ways may be in violation of other school policies and rules of conduct, including but not limited to harassment, off-campus behavior, and/or alcohol and other drug policies.

## School Technology Accounts

All students are issued G Suite for Education accounts at the beginning of the school year. A G Suite account consists of Gmail, Calendar, Drive and Docs, and Classroom. Not all G Suite components are turned on for all students. Student are provided with a G-Suite account to log into the chromebook. Email will not be activated on this G-Suite account and its sole purpose is for logging into the student computer.

## Rules for Technology Use

1. The use of the school's technology resources is for academic and school-related purposes only. Personal electronic devices may not be used while on school grounds.
2. Students are assigned a chromebook to be used for academic purposes during the school year. Students are not allowed to take Chromebooks out of the building, they are for in school use only.
3. Students maintain the responsibility for properly securing their property. Teachers are not responsible for securing students' personal property and will not be responsible for lost, stolen or damaged devices.
4. Students are not allowed to carry cell phones during the school day. Cell phones must be turned off and placed in lockers or cubbies at the start of each day.
5. Non-school issued electronic devices, including earbuds/earphones, which are used on school property without permission, will be confiscated. For the first offense, the student may retrieve items from the Dean or other school administrator at the end of the day. For subsequent offenses, a parent or guardian must pick it up.
6. Students may not create or share videos or images of other students or staff unless given permission by a supervising adult. Every message sent represents the individual and the school, and thus must follow our code of civility.
7. No student may reveal over the Internet, in any form, the personal information or picture/image of a current or former student, administrator, faculty or staff member, or parent.
8. Network and email passwords may not be shared with classmates in school, nor outside of school in any form.

## Technology Violations

Technology violations may result in disciplinary action including, but not limited to restrictions to technology use, the loss of computer equipment, and/or financial responsibility of the parent/guardian for the repair or replacement of equipment. Technology violations, include, but are not limited to the following:

- Visiting a website or using an application not related to the work assigned.
- Attempting to damage or intentionally damaging computer equipment.

- Visiting an inappropriate website.
- Inappropriate comments made electronically.
- Cyberbullying or harassment of any individual - within or outside of the ICS West community.

## Consequences for Improper Technology Use

Minor technology offenses include:

- Visiting a website or using an application not related to the work assigned.
- Carrying or moving computer equipment improperly or unsafely.

Consequences for minor technology offenses include:

- *First offense* - Loss of computer equipment for remainder of class, possible impact on participation grade.
- *Subsequent offenses* - Loss of computer equipment for that class, family contacted, and discussion with Dean of Students regarding additional consequences.

Major technology offenses include:

- Attempting to damage or intentionally damaging computer equipment
- Visiting an inappropriate website
- Inappropriate comments made electronically
- Cyberbullying

Consequences for major offenses include:

- Parent/guardian might be financially responsible for the repair or replacement of equipment. Failure to pay could result in the student being unable to participate in incentivized, non-academic activities such as dress down days or field trips.
- Loss of computer equipment for that class, possible impact on participation grade, parent/guardian contacted.
- Other consequences as outlined in Major Incidents and Consequences may apply.

## Bullying and Cyberbullying

The ICSW Board of Trustees (the Board) is committed to providing a safe, positive learning environment for students. The Board recognizes that bullying creates an atmosphere of fear and intimidation, detracts from the safe environment necessary for student learning, and may lead to more serious violence. Therefore, the Board prohibits bullying in any form by students.

Bullying means an intentional electronic, written, verbal or physical act or series of acts directed at another student or member of the school community, which occurs in a school setting and/or outside the school that is severe, persistent or pervasive and has the effect of disrupting the educational process or creating a reasonable apprehension or such disruption by:

1. Interfering with a student's education by creating an intimidating or hostile environment;
2. Physically, emotionally or mentally harming a student;
3. Damaging, extorting or taking a student's personal property;
4. Placing a student in reasonable fear of physical, emotional or mental harm;
5. Substantial disruption of the orderly operation of the school.

Bullying, as defined in this policy, includes cyberbullying. Cyberbullying includes, but is not limited to, the following misuses of technology: harassing, teasing, intimidating, threatening, or terrorizing another student, teacher, employee, or other member of the ICSW community by sending or posting inappropriate or derogatory email messages, instant messages, text messages, digital pictures or images, or web site posting (including blogs and other forms of

social media).

Any reprisals or retaliations associated with a report of bullying or cyberbullying will be defined as bullying.

The terms “bullying” and “cyberbullying” shall not be interpreted to infringe upon a student’s rights to engage in legally protected speech or conduct.

School setting means in the school, or school grounds, in school vehicles, at a designated bus stop or at any activity sponsored, supervised or sanctioned by the school.

The Board prohibits all forms of bullying by school students.

The Board encourages students who have been bullied to promptly report such incidents to a school employee.

The Board directs that the complaints of bullying shall be investigated promptly, and corrective action shall be taken when allegations are verified. Confidentiality of all parties shall be maintained, to the extent possible and consistent with the district’s legal and investigative obligations. No reprisals or retaliation shall occur as a result of good faith reports of bullying.

The Chief Executive Officer (CEO) or Principal or designee shall develop administrative regulations to implement this policy.

Each staff member shall be responsible to maintain an educational environment free of bullying and cyberbullying.

Each student shall be responsible to respect the rights of other students and to ensure an atmosphere free from all forms of bullying.

Students shall be encouraged to report bullying or cyberbullying complaints to ICSW employees.

The CEO or Principal or designee shall ensure that this policy and administrative regulations are reviewed annually with students.

The CEO or Principal or designee, in cooperation with other appropriate administrators, shall review this policy every three (3) years and recommend necessary revisions to the Board.

The CEO shall annually provide the following information with the Safe School Report:

1. Board’s Bullying Policy,
2. Report of bullying incidents.
3. Information on the development and implementation of any bullying prevention, intervention or education programs.

The content of the Bullying and Cyberbullying Policy should be outlined in the Parent-Student Handbook, which shall be disseminated annually to students and parents/guardians.

### **Complaint Procedures**

1. A student shall report a complaint of bullying or cyberbullying, orally or in writing, to any School employee.
2. The School employee will investigate the alleged conduct that occurred. If the behavior is found to meet the definition of bullying or cyberbullying, written documentation must be submitted to the CEO.
3. The School employee may ask assistance from other School District employees in the

- investigation process.
4. After the investigation, the CEO shall be notified in writing of the complaint and the results of the investigation and shall take corrective action to ensure that the conduct ceases.
  5. The CEO or designee will inform parents of the victim and person accused of the results of the investigation.

## Education

The School may develop and implement bullying prevention and intervention programs. Such programs shall provide district staff and students with appropriate training for effectively responding to, intervening in and reporting incidents of bullying.

A student who violates this policy shall be subject to appropriate disciplinary action consistent with the Code of Conduct.

## Hate Speech

At ICSW, we refer to hate speech as any derogatory word having to do with another student's race, religion, origin, disability, gender, or sexual orientation at school. As a school that prides itself on developing our students to become global citizens, ICSW takes this matter very seriously.

Hate speech makes others feel unsafe and it is not permitted at ICSW. If a child uses hate speech at school, we will notify parents and ask that you please follow up at home to ensure that this type of language does not continue. It is very important that all students at ICSW feel safe and accepted. Any additional instance of hate speech will result in disciplinary action consistent with the Code of Conduct.

## School Bus Expectations

For all students given the opportunity to be transported by bus between home and school, the following are behaviors expected at all times, in order to ensure safety for everyone. Refusing or disregarding these rules can result in a suspension from the bus for an amount of time as determined by the Dean or Bus Operator, and/or a meeting between the school, parent and the transportation company to determine another appropriate disciplinary measure.

If students are provided with an assigned seat, determined by the bus driver and/or ICS West staff member, these assignments are absolute. Students are NOT permitted to change their seat unless directed to do so by transportation or a school staff member.

All students are to remain facing forward and seated fully on their seats. If it seems necessary or helpful, a seat belt may be requested or assigned.

In order for the bus driver to carefully attend to the responsibilities of driving, students must demonstrate calm behavior that does not distract. The following are prohibited:

- Walking in the aisles
- Eating and drinking on the bus
- Standing in or leaning over the seats
- Loud noises - including talking, screaming or yelling
- Throwing items inside or outside of the bus
- Teasing, bullying and/or harassment
- Inappropriate or offensive language and/or gestures
- Recording or taking pictures of other individuals on the bus



## Informal & Formal Hearing Procedures

**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:

1. Notification of the reasons for the suspension shall be given in writing to the parents or guardians and to the student.
2. An informal hearing must be offered for any suspension exceeding 3 school days.
3. Sufficient notice of the time and place of the informal hearing shall be given.
4. A student has the right to question any witnesses present at the hearing.
5. A student has the right to produce their own witness during an informal hearing.
6. 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 governing board 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 governing board 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 evidence from witnesses and copies of 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 their 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:
  - a. Laboratory reports are needed from law enforcement agencies.
  - b. Evaluations or other court or administrative proceedings are pending due to a student invoking their rights under the Individuals with Disabilities Education Act (20 U.S.C.A. § 1400—1482).
  - c. 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.

## Restraints

The use of restraints is used as a last resort by professionally trained staff only and when all other protocol and interventions have been maximized.

## Discipline of Students with Disabilities

Students with disabilities who are protected under Section 504 of the Rehabilitation Act of 1973, and students who are eligible for special education supports and services under the Individuals with Disabilities Education Act (IDEA) who violate ICSW's student Code of Conduct are afforded additional protections as follows:

According to 22 Pa. Code §§ 14.143, a disciplinary exclusion of a student with a disability education is a change in educational placement in any of these three situations:

1. The disciplinary exclusion is for more than 10 consecutive school days;
2. The disciplinary exclusion, when cumulated with other disciplinary exclusions in a single school year, exceeds 15 school days; or
3. The disciplinary exclusion (for any length of time) involves a student with an intellectual disability.

ICSW may not change the placement of a student with a disability without following the procedures set forth below. No later than the day on which the decision to take disciplinary action is made, ICSW shall notify the parents/guardians of the decision to change the student's placement and of all procedural safeguards under the IDEA.

When discipline is to be imposed upon a student with a disability, school personnel have the authority to:

1. remove the child from his/her current placement to an appropriate interim alternative educational setting or suspension for a period of not more than the 10/15 day limits to the extent such discipline would be applied to students without disabilities;
2. assign the student to an alternative educational setting for the same period as such discipline would be imposed upon children without disabilities if there has been a determination that the conduct at issue was not a manifestation of the child's disability or
3. assign the student to an interim alternative educational setting for not more than forty-five (45) school days without regard to whether the conduct at issue was a manifestation of the child's disability if the special circumstances for emergency placement. When a student with a disability has committed an act that would result in a suspension from school, all regular disciplinary procedures must be followed.

## Manifestation Determination

Within ten (10) school days after the decision is made to change the placement of a student with a disability, the relevant members of the IEP team, as determined by the parents/guardians and the Administration, must consider whether the student's behavior is attributable to the student's disability. In making this determination, the IEP team must review all relevant information in the student's file, including the IEP, any teacher observations, and any relevant information provided by the parents/guardians to determine:

1. whether the conduct in question was caused by or had a direct and substantial relationship to the student's disability and
2. whether the conduct in question was the direct result of the school's failure to implement the IEP.

If the team determines that the answer to either of these questions is "yes," then the conduct shall be deemed a manifestation of the student's disability.

## Conduct Deemed a Manifestation

If the conduct is deemed a manifestation, then the IEP team must (a) conduct a functional behavioral assessment of the student unless such an assessment was previously conducted and develop and implement a behavior intervention plan, unless such a plan has already been developed; or (b) if a behavior intervention plan was previously developed, then the IEP team must review the plan and modify it as necessary to address the behavior. The behavioral intervention plan will provide the foundation in the determination of what constitutes a change in educational placement for each student's program. If the IEP team has included certain school responses to student behavior in the behavior intervention plan, the application of the agreed upon procedures will not constitute a change in educational placement.

Additionally, if the conduct is deemed a manifestation of the student's disability, then the student must be returned to placement from which the student was removed unless (a) the parents/guardians and ICSW agree to a change in placement as part of a behavioral intervention plan or (b) the special circumstances for emergency placements set forth in this handbook apply.

## Conduct Not a Manifestation

If the conduct is not deemed a manifestation of the student's disability, then ICSW may proceed with the disciplinary measures applicable to students without disabilities in the same manner and for the same duration as they would apply to students without disabilities. ICSW is still required to provide a free appropriate public education (FAPE) to the student through implementation of the student's IEP, but it may provide the education in an alternative setting.

## Students with Intellectual Disabilities

If a discipline problem involving a student eligible for special education with an intellectual disability is immediate or so severe as to warrant immediate action, the LEA must first contact the parents/guardians to see if they will agree to the change in educational placement.

If the parents/guardians agree, the LEA issues notice to the parents/guardians.

If there is no agreement:

1. The LEA may contact the Pennsylvania Department of Education's (PDE) Bureau of Special Education at 717-783-6134 to request permission to impose a disciplinary exclusion which would be a change in educational placement.
2. When PDE approves the change in educational placement, the LEA must issue notice to the parents/guardians. PDE cannot approve requests for a change in placement which would continue beyond 10 consecutive school days.
3. When PDE does not approve the change in educational placement, the parents/guardians may request a due process hearing and then the pendency requirements under 34 C.F.R. § 300.518 apply.

## Special Circumstances

A student with a disability may be removed to a 45-school-day interim alternative educational setting regardless of whether the conduct was a manifestation of the student's disability if the student:

1. carries a weapon or possesses a weapon at school, on school premises, or to or at a school function;
2. knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function; or
3. inflicts serious bodily injury upon another person while at school, on school premises, or at a school function. 34 C.F.R. § 300.530(g).

## **Weapons**

A student with a disability who carries or possesses a dangerous weapon to or at school, on school premises or to or at a school function may be placed in an interim alternative educational setting for a maximum of forty-five (45) school days.

## **Controlled Substances**

A student with a disability who knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function may be placed in an interim alternative educational setting for a maximum of forty-five (45) school days. The term “illegal drug” means a controlled substance but does not include a substance that is being administered in school under the supervision of a licensed healthcare professional. A “controlled substance” is a substance as defined in the Controlled Substances Act (21 U.S.C. §812(c)).

## **Serious Bodily Injury**

A student with a disability who has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function may be placed in an interim alternative educational setting for a maximum of forty-five (45) school days. Serious bodily injury is defined as “bodily injury which involves a substantial risk of death; extreme physical pain’ protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.”

In all three circumstances, procedures described above related to the manifestation determination and development of a functional behavioral assessment and implementation or modification of a positive behavior support plan still apply. For any of these special circumstances for emergency placements, if a student’s conduct is deemed not to be a manifestation of the student’s disability, then ICSW may impose discipline beyond the forty-five (45) school days to the extent and for the duration that it would impose such discipline on students without disabilities. If ICSW proposes such a placement beyond the forty-five (45) school day alternative placement, then the ICSW must offer a School Board hearing as it would for students without disabilities.

## **Protections for Students Who Are Not Yet Eligible for Special Education**

The IDEA provides that a student who has not been determined to be eligible for special education may assert the protections set forth above if ICSW had “knowledge” that the student was an eligible student before the occurrence of the behavior that precipitated a disciplinary action. ICSW is considered to have knowledge if:

1. the parent of the student expressed a concern in writing (unless the parent is illiterate or has a disability that prevents compliance with the requirements contained in this clause) to ICSW that the student is in need of special education and related services;
2. the parent of the student has requested an evaluation of the student; or
3. the teacher of the student or other personnel of ICSW expressed a specific concern about the behavior or performance of the student to the Supervisor of Special Education or to other supervisory personnel of the school.

ICSW would not be deemed to have knowledge if the parent/guardian: 1) has not allowed an evaluation of the student, or 2) has refused the provision of special education services for the student.

## Act 26 – Pennsylvania Law

### 24 P.S. § 13-1317.2. Possession of weapons prohibited (a.k.a. “Act 26”)

1. Except as otherwise provided in this section, a school district or area vocational-technical school shall expel, for a period of not less than one year, any student who is determined to have brought onto or is in possession of a weapon on any school property, any school-sponsored activity or any public conveyance providing transportation to a school or school-sponsored activity.
2. Every school district and area vocational-technical school shall develop a written policy regarding expulsions for possession of a weapon as required under this section. Expulsions shall be conducted pursuant to all applicable regulations.
3. The superintendent of a school district or an administrative director of an area vocational technical school may recommend modifications of such expulsion requirements for a student on a case-by-case basis. The superintendent or other chief administrative officer of a school entity shall, in the case of an exceptional student, take all steps necessary to comply with the Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1400 et seq.).
4. The provisions of this section shall not apply to the following:
  - a weapon being used as part of a program approved by a school by an individual who is participating in the program; or
  - a weapon that is unloaded and is possessed by an individual while traversing school property for the purpose of obtaining access to public or private lands used for lawful hunting, if the entry on school premises is authorized by school authorities.
5. Nothing in this section shall be construed as limiting the authority or duty of a school or area vocational-technical school to make an alternative assignment or provide alternative educational services during the period of expulsion.
  - (e.1) A school district receiving a student who transfers from a public or private school during a period of expulsion for an act or offense involving a weapon may assign that student to an alternative assignment or provide alternative education services, provided that the assignment may not exceed the period of expulsion.
6. All school districts and area vocational-technical schools shall report all incidents involving possession of a weapon prohibited by this section as follows:
  - (1) The school superintendent or chief administrator shall report the discovery of any weapon prohibited by this section to local law enforcement officials.
  - (2) The school superintendent or chief administrator shall report to the Department of Education all incidents relating to expulsions for possession of a weapon on school grounds, school-sponsored activities or public conveyances providing transportation to a school or school-sponsored activity. Reports shall include all information as required under section 1303- A. [FN1]
7. As used in this section, the term “weapon” shall include, but not be limited to, any knife, cutting instrument, cutting tool, nunchaku, firearm, shotgun, rifle and any other tool, instrument or implement capable of inflicting serious bodily injury.

CREDIT(S) 1949, March 10, P.L. 30, No. 14, art. XIII, § 1317.2, added 1995, June 30, P.L. 220, No. 26, § 4, effective in 90 days. Amended 1997, June 25, P.L. 297, No. 30, § 6, effective July 1, 1997. [FN1] 24 P.S. § 13-1303-A.

## Exceptions to Pendency Requirements under 34 C.F.R. § 300.518

The following exceptions are applicable in Pennsylvania:

Exception 1. Students whose behavior that gave rise to the disciplinary exclusion is determined not to be a manifestation of the child's disability.

Parents/guardians who disagree with a manifestation determination or disciplinary exclusion under 34 C.F.R. § 300.530(c) may request a due process hearing in accordance with 34 C.F.R. § 300.532. When an appeal has been made, the child must remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration

Exception 2. Students who carry a weapon at school, on school premises, or to or at a school function under the jurisdiction of an LEA.

IDEA 2004 and 34 C.F.R. § 300.530(g)(1) permit LEAs to change the placement of a student eligible for special education to an interim alternative educational setting for not more than 45 school days if the student brings a weapon to school or at a school function.

The 45-school-day interim alternative educational setting must be determined by the IEP team and must meet the requirements of IDEA 2004. These requirements include the selection of an educational setting that will enable the student to continue to participate in the general curriculum, to receive services and modifications in the current IEP, and to receive services and modifications designed to address the behavior.

If a student has been placed in an interim alternative educational setting and the parents/guardians request a due process hearing to challenge the interim alternative educational setting, then the student must remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the 45-school-day time period, whichever occurs first, unless the parents/guardians and the LEA agree otherwise.

If the LEA proposes to change the student's educational placement after expiration of the interim alternative educational setting, the student must remain in the current placement (that is, return to the placement prior to the interim alternative educational setting) if the parents/guardians invoke pendency by requesting a hearing. LEAs may request an expedited hearing to establish that it is dangerous for the student to return to the prior placement during the pendency of due process proceedings.

Exception 3. Students who knowingly possess or use illegal drugs, or sell or solicit the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of an LEA.

The same requirements described in Exception 2 above apply to students who knowingly possess or use illegal drugs, or sell or solicit the sale of a controlled substance, while at school, on school premises, or at a school function.

Exception 4. Students who inflict serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of an LEA.

The same requirements described in Exception 2 above apply to eligible students who inflict serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of an LEA.

Exception 5. Determination by a hearing officer that maintaining the current placement is substantially likely to result in injury to the exception 6. Judicial intervention. Dent or others.

IDEA 2004 allows hearing officers to order a change in educational placement to an interim alternative educational setting for not more than 45 school days if the LEA demonstrates that maintaining the current educational placement of the student is substantially likely to result in injury to the student or to others. 34 C.F.R. § 300.532(b)(2)(ii).

LEA may seek a court order to remove a student with a disability from school or to change a student's current educational placement, if the LEA believes that maintaining the student in the current educational placement is substantially likely to result in injury to the student or to others.

## Recording and Reporting of Behaviors

ICSW documents behavioral incidents and the resulting outcomes in our Student Information System. At any time, a parent or guardian may request their child's behavioral record. The request must be written and may be addressed to the Dean of Students. The request will take approximately 48 hours to process. Records can be emailed or a parent can pick up a hard copy from the main office.

The parent/guardian does have the right to appeal any information in the student behavioral record. To appeal the factual information (this is different from disagreeing with the decision), please email the Board of Trustees at [icswest@icswest.org](mailto:icswest@icswest.org). Parents can expect to receive a response within 48 hours regarding their appeal.

All records will be altered to protect the privacy of other students involved.

## Family Educational Rights and Privacy Act (FERPA)

The Family Educational Rights and Privacy Act (FERPA) affords parents and students who are 18 years of age or older certain rights with respect to the student's education records. These rights are:

1. The right to inspect and review the student's education records within 45 days after the day ICSW receives a request for access. Parents or eligible students who wish to inspect their child's or their education records should submit to the school principal a written request that identifies the records they wish to inspect. The school official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.
2. The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA. Parents or eligible students who wish to ask the ICSW to amend their child's or their education record should write the school principal [or appropriate school official], clearly identify the part of the record they want changed, and specify why it should be changed. If the school decides not to amend the record as requested by the parent or eligible student, the school will notify the parent or eligible student of the decision and of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.
3. The right to provide written consent before the school discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent. One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. The criteria for determining who constitutes a school official and what constitutes a legitimate educational interest must be set forth in the school's or school district's annual notification for FERPA rights. A school official typically includes a person employed by the school or school district as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel) or a person serving on the school board. A school official also may include a volunteer, contractor, or consultant who, while not employed by the school, performs an institutional service or function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney, auditor, medical consultant, or therapist; a parent or student volunteering to serve on an official committee, such as a disciplinary or grievance committee; or a parent, student, or other volunteer assisting another school official in performing his or her tasks. A school official typically has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.
4. The right to file a complaint with the U.S. Department of Education concerning alleged

failures by the [School] to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

Family Policy Compliance Office  
 U.S. Department of Education  
 400 Maryland Avenue, SW  
 Washington, DC 20202

### Definitions of Code of Conduct Terms

Term	Definition
Act 26	Pennsylvania State Code referring to a weapons violation. Please see Act 26 section referenced in the Code of Conduct.
Assault	(Simple) An unlawful attempt or threat to do physical harm to another. Assault is one sided. The victim does not or is not able to defend themselves with enough force to prevent harm. (Aggravated) Assault with a weapon
Behavioral Probation	When a student is placed on behavioral probation the following will take place immediately: The student will be placed on a behavior plan/contract which will require regular check-in meetings with parents and student daily check-ins with the Dean. The behavioral plan will be revisited regularly during the time a student is on Behavioral Probation. It is expected that student behavior will improve significantly and with consistency. If there are additional behavioral incidents during this period, the student may be brought to the Board of Trustees for expulsion. During this time, students will not be able to attend academic field trips without their parents or guardians present. Student participation in incentive-based activities will be limited or prohibited. Student behavior will be tracked and monitored on a daily basis. Student will be required to have a behavioral form completed and signed by teachers.

Buddy Room or Take - A - Break	If a student continues to be disruptive or is agitated in a classroom, they will be directed to go to a different location. This is a space where the student will Take a Break without the distraction of their classroom peers. This will be a silent break. The student will be expected to occupy the space without disruption. If the student continues to be disruptive, they will be addressed by the Dean and additional consequences will be considered according to the Code of Conduct.
Bullying	To hurt or intimidate other people in a repeating and patterned manner. Bullying includes: physical or verbal aggression toward a person and/or their belongings causing social alienation and intimidation. Bullying usually includes an imbalance of power. This includes taking or playing "keep away" with another person's belongings.
Cheating	To violate rules dishonestly. The consequence may include one or more of the following: loss of grade for the academic activity, negative impact on grade, mandatory summer school, or suspension.
Detention	Consequence that may be assigned by the Dean or a teacher for repeated minor incidents and/or a major incident.



Discipline Referral Form	Form used by staff to record major or repeated minor behavioral incidents.. When a student is sent to the Dean's office, they should be accompanied by a Discipline Referral Form. Parent or guardian will be contacted within 48 hours of the incident. A copy of the discipline referral form is available from the Dean.
Dress Code Violation	A student who does not arrive to school in the approved ICSW Dress Code, and/or does not comply with the ICSW Dress Code throughout the length of the school day, will receive a logical consequence, such as losing future dress down day privileges. If the student continues to dress out of code, a parent meeting will be required and the student may be sent home. Please note that this consequence will not apply to students whose parents/guardians contact the school about special circumstances regarding the reason for the dress code violation. Certain clothing items worn in school in violation of the dress code can be confiscated. Items will be returned after a parent meeting is held.
Expulsion	Student is dismissed from the school permanently, unless otherwise stated, due to severe or repeated behaviors. The student and parent have the right to be informed of the reasons for the movement toward expulsion and to respond to these reasons prior to the suspension taking effect. Parents and guardians of children who have been recommended for expulsion shall have the right to a full evidentiary hearing before the Board of Trustees of ICSW at which time they may present their argument and evidence for not expelling the student. The expulsion hearing shall take place at the next regularly scheduled meeting of the Board of Trustees (BOT). If the next meeting of the BOT is more than three weeks from the date of the incident, the CEO or Principal shall call a special meeting of the BOT. The BOT shall take a roll call vote immediately at the close of the hearing. The decision of the BOT shall be final. The parent/guardian shall be notified of the hearing date in writing within ten (10) days prior to the date of the hearing. Please Note: The LEA* shall decide expulsion for special education students as stated in IDEA laws and regulations, on a case-by-case basis. *LEA=Local Education Agency. In Pennsylvania, charter schools are their own LEA.

Extortion	To obtain something by using threat or intimidation.
Fight	Taking part in a physical struggle.
Inappropriate Public Displays of Affection	An inappropriate public display of affection is defined as physical contact such as, but not limited to hugging, kissing, or touching body parts in an intimate manner. Because inappropriate public displays of affection distract from the learning environment, students who engage in them may be subject to disciplinary measures. Age and circumstances will be taken into consideration when applying discipline measures for inappropriate public displays of affection.
In-School Suspension	Student will remain in a designated location for the duration of their suspension. During this time the student will complete all classroom work, work on additional behavioral assignments given by the Dean and receive all homework. Please Note: The LEA shall decide suspension for Special Education students as stated in IDEA laws and regulations, on a case-by-case basis.

Logical Consequence	Defined (by Ruth Charney, Teaching Children to Care) as: reasonable and respectful, neither punishment nor permission. The consequence will help students assume responsibility through structured learning opportunities and the opportunity to try again.
Out of Bounds	To be away from the school, teacher or classroom without direct permission. All students must have a pass at all times to travel through the hallways during non-transitional periods. Consequences will be assigned on an individual basis and will depend on the reason for a student being out of bounds.
Out-of-School Suspension	Student will remain in the Dean's office on the day of the incident until the parent or guardian is able to pick them up. ICSW expects that the parent or guardian will arrive to the school within one and a half hours of the original phone call. The day of pick up does NOT count as a day of suspension. The student is responsible for completing all in class and all homework for the day(s) missed due to suspension. The student may also be responsible for completing any assignments given by the Dean. All parents or guardian are required to attend a reinstatement meeting as scheduled, without which the student will not be allowed to reenter the classroom. The student must arrive to school with the parent or guardian and will not be allowed into the classroom until the reinstatement meeting is finished. The student and parent have the right to be informed of the reasons for the suspension and to respond to them prior to the suspension taking effect. The parent has the right to immediate written notice of the suspension and when it exceeds three (3) school days, the school must offer to hold an informal hearing within the first five school days. Please note: The LEA shall decide suspension for Special Education students as stated in IDEA laws and regulations, on a case by case basis.
Play Fighting / Rough housing	Taking part in aggressive physical interaction that simulates a fight. Play fighting is considered to be dangerous as students often become injured or the play fighting turns to a real fight. It is important to understand that for the safety of all students play fighting is not allowed under any circumstances.

Reinstatement	A meeting held to restore the student to active standing. If the reinstatement meeting is not held, the student may not return to school. Any student who returns to school without their parent or guardian will be sent to the Assistant Principal's office and the parent or guardian will be contacted.
Self Defense	Self Defense applies only to those situations where a student could not walk away and/or get help from a teacher.
Take a Break	Every classroom has a designated Take a Break spot. All students are made aware of this spot at the beginning of the school year. Students know that they may ask to go to this spot in order to calm down or think about a situation. In some cases a teacher may instruct the student to go to the Take a Break spot. The student is expected to comply.
Teasing	To upset or annoy by taunting or making fun of another student. Teasing is a "one time" occurrence. Teasing that occurs on more than one occasion and/or becomes a patterned behavior is considered bullying.
Under the Influence	Having any detectable amount of alcohol or a controlled substance in your system and/or showing physical manifestations of being under the influence.