

FOLK ARTS – CULTURAL TREASURES CHARTER SCHOOL CODE OF CONDUCT

*“Giving meaning to the lives of our children in the present
while preparing them to be citizens in a democratic society.”*

– Grace Lee Boggs

The Folk Arts–Cultural Treasures Charter School (FACTS) will provide children with an exemplary education that utilizes traditional arts and cultures found within their own and neighboring communities as the catalyst for critical inquiry and community engagement.

Based in Philadelphia’s Chinatown community, FACTS will provide children with an education which has high academic standards, is truly community based, incorporates and respects the lives of students and their families, engages students in understanding their own cultures and communities, and engages students in understanding their role as active participants in working for a just society.

– FACTS’ Mission Statement

FACTS Parent/Student/School Contract

The success of the school depends on the support of each member of the school community. Working together, faculty and staff, parents and students can promote academic achievement and good character and ensure the success of students at the school and throughout life. On behalf of the administration, management, and staff of the school, I pledge to fulfill my responsibilities and uphold the expectations outlined in our school pledge.

Pheng Lim
Principal

Your signature in the appropriate space below will indicate your commitment to helping fulfill the school's mission.

As the parent of _____, I pledge:

- to maintain high expectation for my child and the school
- to demonstrate consistent interest in my child's progress at school
- to support my child's best efforts
- to support and work with school staff to promote my child's learning.

I have read the Code of Conduct and support the rules and expectations outlined herein.

Signed _____

Printed name: _____

Date: _____

As a student of FACTS Charter School, I pledge:

- To be responsible
- To persevere
- To respect myself and others
- To be kind
- To tell and seek truth
- To be a good citizen
- To show courage
- To exercise self-discipline
- To be fair
- To accept and learn from the consequences of inappropriate behavior.

Signed _____

Printed Name: _____

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FACT Charter School Pledge

- We care for one another and learn together.
- There is no limit to what we can learn.
- Our families and our elders know important things and we take time to learn from them.
- We learn to help ourselves and our community.
- We learn to be strong and act with courage.
- All people have a right to use their own languages and honor their own cultures.
- Creative expression is part of our lives and part of our school.
- We work to build a fair and peaceful world.
- The earth is our home and we must take care of it.

Scope of FACTS Student Code of Conduct

This Code of Conduct applies to conduct of FACTS' students that occurs:

- On school grounds at any time;
- Off school grounds at any school-related activity, function or event;
- Off school grounds when the conduct may reasonably be expected to (i) undermine school authority; (ii) endanger the safety of students, teachers, administrators, or any other member of the school community; or (iii) disrupt the school; and
- While traveling to and from school on school buses or vans, regardless of the school or company of ownership, or on public transportation or walking.

Roles of School Personnel, Students, and Parents

The FACTS' Code of Conduct recognizes the need for a cooperative relationship among students, parents and educators. For this relationship to succeed, FACTS needs and expects:

School personnel to:

- Use consistent and compassionate guidance procedures.
- Help maintain an atmosphere conducive to good behavior.
- Help students resolve conflicts in a constructive and compassionate manner.
- Plan a flexible curriculum to meet the needs of all students.
- Encourage parent participation with affairs of the school.
- Seek to involve students in the development of classroom policy.
- Help students to resolve conflicts in productive ways.
- Endeavor to involve the entire community in order to improve the quality of life within the school and community.
- Refrain from yelling and from profane or inflammatory statements.
- Are well-groomed, on time, and conduct themselves in a safe and responsible manner.
- Seek changes in an orderly and approved manner.

Students to:

- Attend all classes daily and arrive on time.
- Be prepared and come to class with appropriate working materials.
- Be respectful to all individuals and property.
- Refrain from profane or inflammatory statements.
- Conduct themselves in a safe and responsible manner.
- Be well-groomed, clean and neat.
- Be responsible for their own work.
- Abide by the rules set forth by the school and individual classroom teacher.
- Be cooperative and supportive of others in the school community.

Parents/Guardians to:

- Be respectful of the school, its staff, and its mission.
- Keep in regular communication with the school concerning their children's progress.
- Ensure that their child is in daily attendance and promptly report and explain an absence or tardiness to the school.
- Provide their child with the resources needed to complete class work and homework.
- Provide their child with the emotional support needed to handle daily problems.
- Assist their child in being healthy, well-groomed, neat and clean.
- Bring to the attention of school authorities any problem or condition which affects their child or other children of the school or community.
- Discuss report cards and work assignments with their child.
- Maintain up-to-date home, work, and emergency telephone numbers at the school.
- Encourage their child to spend time in productive ways.

Key Beliefs and Key Behaviors

At FACTS, students will be encouraged to make appropriate choices regarding their personal conduct.

Daily interactions between staff and students provide the best opportunities for encouraging appropriate behavior and promoting the development of good habits. Staff at the school will interact with students in a friendly, supportive manner. Our expected behavior can be summed up in three areas: respect, care and safety. The beliefs and behaviors associated with these areas are outlined below:

Respect / Being Respectful

Key Beliefs:

- We believe we must respect everyone, their ideas, and their beliefs.

Key Behaviors:

- We treat each person as valuable, worthy of greatness and goodness.
- We treat others as we would like to be treated.
- We show our respect at all times for all people.
- We continually practice politeness.
- We respect school property.
- We stay on task during work times

Cared For / Being Caring

Key Beliefs:

- We believe everyone is important and special so we take care of each other.
- We believe there is no place for bullying in our school.
- We believe no one should feel lonely in our school.

Key Behaviors:

- We treat people equally and include others in our activities; we cooperate.
- We encourage others to do their best.
- We do not hurt each other physically or emotionally.
- We consider other people's feelings and avoid hurting them, insulting them, making fun of them, or making them feel stupid.
- We use our words or get help, rather than fighting over a disagreement.
- We notice when someone needs help and we lend a hand.

Safe / Being Safe

Key Beliefs:

- We believe everyone should feel safe.
- We believe that all students should be free from bullying.

Key Behaviors:

- We look out for others.
- We do not fight.
- We respect our teachers and our classmates.
- We play safely.
- We follow the rules.

Positive School Climate

The students at Folk Arts Cultural Treasures Charter School are encouraged to develop intrinsic motivation to do well, belong, contribute, and engage in meaningful learning and growth. As educators, it is our job to help students learn these skills so that they may become well-rounded individuals who contribute to their communities.

FACTS has adopted the Responsive Classroom Program and Developmental Designs Program in the effort to foster a caring, thoughtful and structured school environment for all students. Each classroom teacher is responsible for creating and teaching procedures and expectations through interactive modeling as a major focus of the first six weeks of school. Once we have established our classroom community and introduced the rules and procedures through interactive modeling, then it is up to the teacher to enforce the rules. Effective behavior management throughout the year requires the use of three elements: reinforcing, reminding & redirecting language.

Discipline at FACTS is proactive and reactive. Proactively, we work with children to create, teach and practice expectations. Reactively, we use logical consequences to help children regain control, make amends and get back on track when they forget or choose not to take care of themselves or each other.

Inappropriate Conduct or Unacceptable Behavior

We expect that the great majority of our students will strive to meet FACTS' expectations for responsibility and self-discipline. Students are expected to take responsibility for the consequences of their misconduct and to make amends or restore the situation. We also believe in giving students second chances and to monitor their own behavior over time.

If a misbehavior is persistent or severe, the teacher will write an infraction slip and refer the student to the Director of School Culture.

When the Director of School Culture receives a notice of an infraction of the Code of Conduct, they have a responsibility to conduct an investigation and collect information needed to make an informed decision. The Director of School Culture will identify the misconduct and the student(s) responsible, explain the consequences and thereby enable the student(s) to think about their actions and how to prevent similar misconduct in the future. Parents will be informed every time a student receives an Infraction slip.

Last but not least, we know that students are individuals with individual needs. We do not subscribe to Zero Tolerance Policies that rigidly apply consequences and punishments for specific misconduct. Instead we review, assess, and treat each individual situation with the attention it deserves.

Examples of unacceptable behavior that may warrant issuing an Infraction:

- A. Uncooperative: which includes but is not limited to disrespect toward staff members and peers, and refusal to follow directions.
- B. Physically Dangerous: which includes but is not limited to fighting, assault, physical intimidation, verbally threatening statements, inappropriate touching, or threats.
- C. Creating an Intimidating, Hostile, or Offensive School Climate: which includes but is not limited to bullying, bias harassment, sexual harassment, or intimidation
- D. Illegal: which includes but is not limited to theft, vandalism, use of illegal substances, weapons possession, and threat with intent to harm.

Unacceptable behavior has consequences.

There will be consequences for students who violate school policies or participate in unacceptable behavior. As students commit infractions of the code of conduct, they move up the levels of the disciplinary chart. As illustrated below, the consequences increase in severity along with the infraction levels on the disciplinary chart. This chart serves as a guideline for the kind of consequence that should be issued for an infraction. The Principal, Director of School Culture or his/her designee, at his/her sole discretion, may impose a more or less severe consequence from the range of options presented below, depending on the number and/or nature of a student's inappropriate behavior(s).

At each stage that a consequence is issued, parents and guardians will be informed by letter that must be signed and returned the following day by the student. A phone call will follow an unreturned letter. In most instances, a phone call will take place at time of incident to inform parents while student is in the Director of School Culture's office.

When we break something, it's our responsibility to fix it.

Students will learn that certain actions are unacceptable at the school and misbehavior has consequences. Students who engage in any type of misbehavior, whether minor or severe, will be required to make amends and/or restore the situation. Restitution may involve an apology, community or school service, or fixing, replacing, and/or paying for damage caused. The student will participate in a conversation to determine the restitution. If possible, the restitution assignment will be communicated to the student's parents prior to his or her completion of the task. In all cases, parents will be informed of the child's inappropriate behavior and the restitution agreed upon with the teacher.

People deserve a second chance.

Each day is a new day and a new chance to wipe the slate clean. Once a student who has committed an infraction completes his/her consequence and restitution, he/she can move back down the disciplinary chart. For every 15 school days that the student is present and commits no further infractions, the student will move down one level.

Not every process works for every child.

We understand that no single set of procedures will be effective in helping every student develop the skills and attitudes necessary for success. Therefore, a series of interventions has been designed for students who have not been motivated by the school-wide procedures. As teachers adapt disciplinary procedures to meet individual needs, the focus will remain positive and an emphasis will be placed on the continuing need for calm and consistent consequences.

School-wide Disciplinary Chart

Classroom Misbehavior:	Classroom teachers are asked to manage misbehavior in their classrooms with clarity, consistency, and to communicate directly with parents when there is a problem.
Student Support Team:	<p>The Director of School Culture or Principal may assemble the Student Support Team (student, parent/guardian, teacher, social worker, and Director of School Culture) when they deem it necessary to support the child, the school community, and/or the school climate.</p> <p>The Student Support Team may decide that:</p> <ol style="list-style-type: none"> 1) The student will continue to be disciplined using the school-wide disciplinary chart OR 2) The student will be disciplined using an Individual Disciplinary Chart that is devised by the team.

Discipline: Grades K-2	
FACTS differentiates discipline expectations, processes and consequences depending on the age and grade of students.	<p>When choosing consequences for students' misbehavior, FACTS teachers, administrators and staff must take into account the following factors:</p> <ul style="list-style-type: none"> • Age, health and disability or special education status of the student • Appropriateness of student's academic placement • Student's prior conduct and record of behavior • Student's willingness to repair the harm • Seriousness of the offense and the harm caused • Impact of the incident on the overall school community <p>Proactively, we work with children to create, teach and practice expectations. Reactively, we use logical consequences to help children regain control, make amends and get back on track when they forget or choose not to take care of themselves or each other.</p>

Discipline Chart: Grades 3-8

<p align="center">INFRACTION</p> <p>Certain misbehaviors are severe enough or repeated enough to be considered a "Major Infraction" for which students are referred to the Director of School Culture's office.</p>	<p align="center">CONSEQUENCE</p> <p>The Principal or Director of School Culture has the discretion to determine that the severity of the behavior warrants a less severe or more severe consequence than is listed below.</p> <p>When choosing consequences for students' misbehavior, FACTS teachers, administrators and staff must take into account the following factors:</p> <ul style="list-style-type: none"> • Age, health and disability or special education status of the student • Appropriateness of student's academic placement • Student's prior conduct and record of behavior • Student's willingness to repair the harm • Seriousness of the offense and the harm caused • Impact of the incident on the overall school community
<p>1st MAJOR INFRACTION:</p>	<p>LEVEL 1: LUNCH DETENTION. Student will write a reflection about the behavior and make goals to improve in this area. The DOSC will conference with a Parent/Guardian upon student pick-up or by phone.</p>
<p>2nd MAJOR INFRACTION: (if committed within the next 15 school days)</p>	<p>LEVEL 2: AFTERSCHOOL DETENTION. Student will write a reflection about the behavior and make goals to improve in this area. The student may also conference with teacher/victim to discuss what happened before returning to the school community (if applicable). The DOSC will conference with a Parent/Guardian upon student pick-up or by phone.</p>
<p>3rd MAJOR INFRACTION: (if committed within the next 15 school days)</p>	<p>LEVEL 3: IN-SCHOOL SUSPENSION FOR ONE DAY. Student will use time to write a character report, complete class-work, write a reflection about the behavior, and make goals to improve in this area. The student may also conference with teacher/victim to discuss what happened /share goals before returning to school community (if applicable). The DOSC will conference with a Parent/Guardian upon student pick-up or by phone.</p>
<p>4th MAJOR INFRACTION: (If committed within the next 15 school days)</p>	<p>LEVEL 4: IN-SCHOOL SUSPENSION FOR TWO DAYS. See Level 3.</p>
<p>5th MAJOR INFRACTION: (If committed within the next 15 days)</p>	<p>LEVEL 5: OUT OF SCHOOL SUSPENSION FOR ONE DAY. See Level 3. In addition, a parent may be asked to shadow child upon reinstatement to homeroom for entire school day.</p>

6th MAJOR INFRACTION: (If committed within the next 15 days)	LEVEL 6: OUT OF SCHOOL SUSPENSION FOR TWO OR THREE DAYS. See Level 5.
7th MAJOR INFRACTION: (If committed within the next 15 days)	LEVEL 7: OUT OF SCHOOL SUSPENSION FOR UP TO FIVE DAYS. See Level 5. For suspensions over three days, the student and parent shall be given the opportunity of an informal hearing consistent with the requirements of the Pennsylvania Code.
8th MAJOR INFRACTION: (If committed within the next 15 days)	LEVEL 8: Out of School Suspension for One Week or Up to Ten Consecutive Days. For suspensions over three days, the student and parent shall be given the opportunity of an informal hearing consistent with the requirements of the Pennsylvania Code.
Due Process & Rights of Students with IEPs	Special note: All students who attend FACTS are granted due process when accused of inappropriate conduct and students with Individual Education Plans (IEPs) will receive a manifestation determination hearing prior to issuing long term suspension or expulsion recommendations.

Expellable Offenses: include behavior that: <ul style="list-style-type: none"> • Creates an unsafe school environment; • Inhibits the education of others; • Inflicts physical or psychological injury on others; • Causes others to feel intimidated, unwelcome, unsafe; • Violates the law; • Violates Anti-Bullying and Anti-Harassment policies (including cyber bullying) 	<p><u>STUDENT MAY BE RECOMMENDED TO THE SCHOOL BOARD</u> for Out of School Suspension for One Week and Expulsion. Suspensions for over ten consecutive days are considered to be expulsions. Parents and Guardians will be notified in writing of the date and time of the hearing, and are welcome to attend and speak on their child’s behavior at the expulsion hearing.</p> <p>Exclusion from school is the most extreme response to disciplinary problems. It is reserved for the most severe disciplinary violations that compromise the safety, security, and functioning of the school and school community.</p>
Due Process & Rights of Students with IEPs	(Special note: All students who attend FACTS are granted due process when accused of inappropriate conduct and students with Individual Education Plans (IEPs) will receive a manifestation determination hearing prior to issuing long term suspension or expulsion recommendations).

Detention, Shadowing, Suspension and Expulsion

Detentions

- a. Lunch Detention (During student's lunch period)
- b. After-school Detention (3:30 to 4:15 pm)

It is the responsibility of the school staff member to give parents a minimum of 24-hour notice when assigning an after school or before school detention. It is the responsibility of the parent to provide transportation to and from an assigned detention. Failure of a student to report to an assigned detention may result in further disciplinary action.

Student Shadowing

Partnerships between families and the school are vital to the success of students. Therefore, FACTS seeks alternative means to address behaviors that are negatively impacting the learning of students; the safety of students, staff and school; and the wellness of the classroom and school climate.

The Director of School Culture and/or Principal may require a parent/guardian or adult designee to shadow a student if it is determined shadowing may help to remediate an issue or behavior, support the climate of a classroom/school and/or promote a stronger partnership between the family and school to support the student.

The shadowing may function as an addition to suspension(s), but may also function as a stand-alone consequence. This is based on the discretion of the Director of School Culture and/or Principal.

Guidelines will be reviewed with the parent/guardian or adult designee before the shadowing begins.

Suspension

Suspensions from school may take the form of in-school or out-of-school suspensions. Suspension is exclusion from school for a period from one (1) to ten (10) consecutive school days.

In-school suspension

A student must be informed of the reasons for in-school suspension prior to implementation. The student shall have the opportunity to respond.

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

When the in-school suspension exceeds ten (10) consecutive school days, an informal hearing with the principal or another administrator shall be offered to the student and the student's parent or guardian prior to the 11th school day in accordance with the procedures in the Pennsylvania Code.

The student's school entity has the responsibility to make provision for the student's education during the period of the in-school suspension.

Out-of-school suspension

Suspensions may be given by the principal, the person in charge of discipline, or the person in charge of the public school.

A student must be informed of reasons for suspension prior to serving the suspension. The student will have an opportunity to respond. Prior notice of suspension is not necessary if it is clear that the health, safety, welfare, or the integrity of the school community is threatened.

The parents or guardians shall be notified in a timely manner in writing when the student is suspended.

When the suspension exceeds three (3) school days, the student and parent shall be given the opportunity of an informal hearing consistent with the requirements of the Pennsylvania Code.

Suspensions may not run consecutively for more than ten (10) school days.

Students are responsible to make up all work, including examinations, missed during the suspension. Students shall be permitted to complete these assignments within guidelines established by the governing board.

Expulsion

Expulsion is exclusion from school by the governing board for a period exceeding ten (10) consecutive school days and may be permanent based on governing board recommendations. Expulsions require a prior formal hearing pursuant to the Pennsylvania Code.

(1) During the period prior to the hearing and decision of the board in the expulsion case, the student shall be placed in his normal class except as set forth in subsection (b).

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

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

(b) Within thirty (30) days of action by the board, the parents or guardians shall submit to the school written evidence that the required education is being provided as described in paragraph (1) or that they are unable to do so. If the parents or guardians are unable to provide the required education, the school entity shall, within ten (10) days of receipt of the notification, make provision for the student's education. A student with a disability shall be provided

educational services as required by the Individuals with Disabilities Education Act 2004.

- (c) If the approved educational program is not complied with, the school may take action in accordance with 42 Pa.C.S. Chapter 63 (relating to the Juvenile Act) to ensure that the child will receive a proper education. See § 12.1 (b) (relating to free education and attendance).

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

Hearings

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

Formal Hearings: A formal hearing is required in all expulsion situations. This hearing may be held before the 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 board is required to expel a student. The following due process shall be requirements shall be observed with regard to the formal hearing:

- (a) Notification of the charges shall be sent to the students' parents or guardians by certified mail.
- (b) At least three (3) days' notice of the time and place of the hearing shall be given. A copy of the expulsion policy, notice that legal council 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.
- (c) The hearing shall be held in private unless the student or parent requests a public hearing.
- (d) The student may be represented by counsel, at the expense of the parents or guardians, and may have a parent or guardian present at the hearing.
- (e) The student has the right to be presented with the names of the names of witnesses against the student, and copies of the statements and affidavits of those witnesses.
- (f) The student has the right to request that the witnesses appear in person and answer questions or be cross-examined.
- (g) The student has the right to testify and present witnesses on their own behalf.
- (h) 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.

- (i) The proceeding shall be held within fifteen (15) school days of the notification of charges, unless mutually agreed upon 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 his rights under the Individuals with Disabilities Education Act 2004 (20 U.S.C.A. § § 1400-1482).
 - c. In cases of juvenile or criminal court involving sexual assault or serious bodily injury, delay is necessary due to condition or best interest of the victim.
- (j) Notice of the right to appeal the results of the hearing shall be provided to the student with the expulsion decision.

All hearings will take place before a hearing officer. Said hearing officer will consider the evidence presented by the Administration and the student in connection with the formal hearing and will make a recommendation to the Board of Trustees.

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.

- (1) The informal hearing is held to bring forth all relevant information regarding the event for which the student may be suspended, and for school official and parents or guardians to discuss ways to avoid future offenses.
- (2) The following due process requirements shall be observed in regards to the informal hearing:
 - (i) Notification of the reasons for the suspension shall be given in writing to the parents or guardians of the students.
 - (ii) Sufficient notice of the time and place of the informal hearing shall be given.
 - (iii) A student has the right to question any witnesses at the hearing.
 - (iv) A student has the right to speak and produce witnesses on their own behalf.
 - (v) The school entity shall offer to hold the informal hearing within the first five (5) days of the suspension.

Requirements for Hearing Officers and Disciplinary Panels

The Board of Trustees of Folk Arts-Cultural Treasures Charter School recognizes the necessity of ensuring that all students subjected to disciplinary proceedings in the form of a formal hearing be afforded due process. To make certain that any member of the Board of Trustees who is appointed to preside over a formal hearing is qualified to do so, the Board of Trustees sets forth the following minimum standards for qualifications.

A member of the Board of Trustees of the Folk Arts – Cultural Treasures Charter School who is appointed to preside over any formal disciplinary hearing shall:

- Be impartial, disinterested and objective, including, but not limited to,
 - Have no financial or personal interest in the outcome of the hearing; and

- Have no prior involvement with the child, whether personally or professionally that would impair his or her ability to objectively preside over the hearing.
- Have the ability to communicate effectively;
- Understand the role of hearing officer in formal disciplinary proceedings;
- Be familiar with the Federal and Pennsylvania Law regarding discipline of both regular education students and special education students;
- Understand school policies and the Student Code of Conduct as they relate to discipline;
- Have the ability to listen to and impartially analyze the evidence presented by all parties to the hearing; and
- Have the ability to objectively analyze the evidence presented by all parties in accordance with Federal and Pennsylvania Law, as well as relevant policies, to develop a recommendation for discipline that will be presented to the Board of Trustees.

To the extent anything in this policy, in whole or in part, can be construed to conflict with federal or state law, the federal and state law supersedes.

Appeal Procedures

Appealing In-School Disciplinary Actions

Should a parent disagree with disciplinary action of the school other than out-of-school suspension or expulsions, the parent or guardian may appeal as follows:

- a. Appeals must be made in writing to the Principal for an appointment.
- b. If the parent or guardian is dissatisfied with the result of the appeal to the Principal, they may appeal in writing to the Chair of the Board of Trustees. Appeals must be filed in writing, within three (3) school days of receipt by the parent or guardian of the Principal's notice of disciplinary action or the right to review the appeal is waived.

Appealing Out-of-School Suspension

Should the parent or guardian disagree with an out-of-school suspension, the parent or guardian may appeal the decision of the Principal as follows:

- a. Appeals must be made in writing to the Principal for an appointment.
- b. If the parent or guardian is dissatisfied with the result of the appeal to the Principal, they may appeal in writing to the Chair of the Board of Trustees. Appeals must be filed in writing, within three (3) school days of receipt by the parent or guardian of the Principal's notice of disciplinary action or the right to review the appeal is waived.
- c. If the parent is dissatisfied with the Board's decision, he or she may appeal the decision as permitted by law.

If the Principal determines that the student's presence at school does not create a continuing danger to persons or property or an outgoing threat of disruption, the student may be allowed to continue in school on a regular basis until the appeal is considered. A favorable decision will allow the student to continue in school, whereas a decision supporting the Principal will require the student to serve the full day suspension beginning the next school day after receiving notice of the decision. In situations where the student is excluded during the appeal process and the

appeal is ultimately favorable to the student, opportunity will be provided for the completion of make-up assignments.

Appealing Expulsion

Following the formal hearing, should the parent or guardian disagree with the decision to expel, the parent may appeal the decision as follows:

- a. Appeal requests must be made in writing to the Board of Trustees. Such written request must be filed with the Board of Trustees within five (5) calendar days of the expulsion decision; otherwise the right to review the appeal is waived.
- b. If the parent is dissatisfied with the decision of the Board of Trustees on appeal, recourse is available in the appropriate Court of the Commonwealth of Pennsylvania. If it is alleged that a constitutional issue is involved, the student may file a claim for relief in the appropriate Federal District Court.

Discipline of Students with Disabilities

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

There must be a Manifestation Determination for students with IEPs or Section 504 Service Agreements if any of the following are being considered:

1. Expulsion Referral
2. Request to transfer to an Alternative Setting for disciplinary reasons
3. Suspension for more than 10 consecutive days
4. Suspension for more than 15 cumulative days
5. Suspensions totaling more than 10 days in an academic school year and when there is a pattern of problematic behavior

A team must convene a Manifestation Determination meeting and will invite the parents/guardian. The team must:

- Provide written notice to the parent/guardian of the recommended disciplinary action and the date of the proposed IEP meeting.
- 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.

In general, within ten (10) school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the school, the parent, and relevant members of the IEP Team (as determined by the parent and the School) shall review all relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents to determine-

- (i) if the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or
- (ii) if the conduct in question was the direct result of the School's failure to implement the IEP.

If the School, the parent, and relevant members of the IEP Team determine that either subclause (i) or (ii) is applicable for the child, the conduct shall be determined to be a manifestation of the child's disability.

Thereafter, the IEP Team must

1) Either:

(i) Conduct a functional behavior assessment ("FBA") and implement a behavioral intervention plan for the Student; or

(ii) If an FBA was already done prior to the infraction, then the behavioral intervention plan is to be reviewed for necessary modifications to address the behavior in question;

2) The Student is then returned to the original placement unless School and parents agree otherwise.

If the determination is made that the behavior is not a manifestation of the Student's disability, then School personnel may apply the relevant disciplinary procedures to the Student as would be applied to students without disabilities. The only difference is that the Student with a disability must continue to participate in the general education curriculum and to progress towards meeting IEP goals, although in another setting. The Student will receive, as appropriate, an FBA and behavioral intervention services and modifications designed to address the behavior violation to prevent recurrence.

Appealing Disciplinary actions of Students with Disabilities

A parent of a student with a disability may appeal any decision regarding placement or the manifestation determination.

A School may appeal maintenance of a current placement if it would likely result in injury to the Student or others.

In either situation, a Student must remain in the interim alternative educational setting pending the decision of the hearing officer or expiration of time period per law, whichever occurs first, unless School and parents agree otherwise.

Reporting Crimes and/or Disruptive Behavior

It is important that all students and parents understand that, in addition to taking disciplinary action at the school level, certain criminal and/or disruptive behavior must be reported to appropriate police authorities. The following incidents will be reported:

- Capital Crimes
- Assaults or Threats of Assault
- Possession of Weapons
- Robbery or Theft
- Sexual Abuse
- Property Damage
- Drug or Alcohol Use

Additionally, the Principal has the discretion to report any other incident occurring within the regular operation of the school.

Any student who is formally charged with a felony by a proper prosecuting attorney for an incident which is shown to have an adverse impact on the educational program, discipline, or welfare in the school shall, following an administrative hearing and after due notice to the parents, parent or guardian, and when suspension is recommended, be suspended from all classes until the determination of his or her guilt or innocence, or the dismissal of charges, is made by a court of competent jurisdiction.

The Principal may suspend students under specified conditions for lengths of time in excess of 10 school days provided day time alternative options are utilized.

It is essential that the school be safe and orderly to provide an environment that fosters learning and high academic achievement. To this end students found to have committed any of the aforementioned “reportable” offenses on school property, school sponsored transportation, or during a school-sponsored activity may be brought before the Board of Trustees for expulsion at the Principal’s discretion.

Truancy Policy

The Folk Arts-Cultural Treasures Charter School (FACTS) will work with families and students to address truancy issues. Attending school every day maximizes learning opportunities for students. Excessive absences, tardiness and early dismissals can negatively impact the learning for students.

On August 8, 2006, the Pennsylvania Department of Education, pursuant to Pennsylvania state law, adopted the Compulsory Attendance and Truancy Elimination Plan that includes stringent rules designed to ensure that students attend school. For example, under the Compulsory Attendance and Truancy Elimination Plan, every unexcused tardiness and absentee of a student is recorded and reported to officials, and a student who is “habitually truant” (which happens after only a handful of unexcused absences) shall be referred to the appropriate county children and youth service department for investigation. In Philadelphia, “habitually truant” students would be reported to the Department of Human Services (DHS).

At FACTS, a student who has missed more than 10% of the school year is considered truant and risks not being promoted, unless extenuating circumstances can be established.

The following outlines the truancy-lateness procedure for FACTS:

1. The office flags excessive lateness and/or absences by a student and will then alert Director of School Culture and Social Worker.
2. A phone call is made to parents/guardians by the Director of School Culture or Social Worker.
3. If the behavior continues, a letter is sent home by the Director of School Culture.
4. A meeting is scheduled if still not resolved with the Principal, Director of School Culture and/or Social Worker.
5. FACTS must refer the case to the appropriate county children and youth service department for investigation under the Pennsylvania Department of Education’s Compulsory Attendance and Truancy Elimination Plan.

Anti-Bullying Policy

Adopted Aug 19, 2009
Amended Jun 15, 2011
Affirmed Sept 19, 2015

The FACTS Board of Trustees prohibits acts of harassment or bullying. The board has determined that a safe and civil environment in school is necessary for students to learn and achieve high academic standards. Demonstration of appropriate behavior, treating others with civility and respect, and refusing to tolerate harassment or bullying is expected of administrators, faculty, staff, and volunteers to provide positive examples for student behavior.

Harassment and bullying include any unwelcome gesture or written, verbal, graphic, or physical act (including electronically transmitted acts – i.e. internet, cell phone, personal digital assistant (pda), or wireless hand held device) which threatens, offends, denigrates, or belittles and is reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression; or a mental, physical, or sensory disability or impairment; or by any other distinguishing characteristic. Such conduct includes, but is not limited to, unsolicited derogatory remarks, jokes, demeaning comments or behavior, slurs, mimicking, name calling, graffiti, innuendo, gestures, physical contact, stalking, threatening, bullying, extorting or the display or circulation of written materials or pictures. Harassment includes, but is not limited to, examples cited in this policy, and listed below. Such behavior is considered harassment or bullying whether it takes place on or off school property, at any school-sponsored function, or in a school vehicle.

Harassment is conduct that meets all of the following criteria:

- is directed at one or more pupils;
- substantially interferes with educational opportunities, benefits, or programs of one or more pupils;
- adversely affects the ability of a pupil to participate in or benefit from the school's educational programs or activities because the conduct, as reasonably perceived by the pupil, is so severe, pervasive, and objectively offensive as to have this effect; and,
- is based on a pupil's actual or perceived distinguishing characteristic (see above), or is based on an association with another person who has or is perceived to have any of these characteristics.

Bullying is conduct that meets all of the following criteria:

- is directed at one or more pupils;
- substantially interferes with educational opportunities, benefits, or programs of one or more pupils;
- adversely affects the ability of a pupil to participate in or benefit from the school's educational programs or activities by placing the pupil ***in reasonable fear of physical harm or by causing emotional distress***; and,
- is based on a pupil's actual or perceived distinguishing characteristic (see above), or is based on an association with another person who has or is perceived to have any of these characteristics.

The FACTS Board of Trustees expects students to conduct themselves in a manner in keeping with their levels of development, maturity, and demonstrated capabilities with a proper regard for the rights and welfare of other students, school staff, volunteers, and contractors.

The FACTS Board of Trustees believes that standards for student behavior must be set cooperatively through interaction among the students, parents and guardians, staff, and community members of the school, producing an atmosphere that encourages students to grow in self-discipline. The development of this atmosphere requires respect for self and others, as well as for school and community property on the part of students, staff, and community members.

The FACTS Board of Trustees believes that the best discipline is self-imposed, and that it is the responsibility of staff to use disciplinary situations as opportunities for helping students learn to assume responsibility and the consequences of their behavior. Staff members who interact with students shall apply best practices designed to *prevent* discipline problems and encourage students to develop self-discipline.

Since bystander support of harassment or bullying can encourage these behaviors, the school prohibits both active and passive support for acts of harassment or bullying. The staff should encourage students to support students who walk away from these acts when they see them, constructively attempt to stop them, or report them to the designated authority.

The FACTS Board of Trustees requires its school administrators to develop and implement procedures that ensure *both* the appropriate consequences *and* remedial responses to a student or staff member who commits one or more acts of harassment or bullying.

Consequences and appropriate remedial actions for a student who commits one or more acts of harassment or bullying may range from positive behavioral interventions up to and including suspension or expulsion, in the case of a student, or suspension or termination in the case of an employee, as set forth in the approved code of student conduct or employee handbook.

Consequences for a student who commits an act of harassment or bullying shall be unique to the individual incident and will vary in method and severity according to the nature of the behavior, the developmental age of the student, and the student's history of problem behaviors and performance, and must be consistent with the Board of Trustees' approved code of student conduct. Remedial measures shall be designed to: *correct the problem behavior*; *prevent another occurrence* of the behavior; and *protect the victim* of the act. Effective discipline should employ a school-wide approach to adopt a rubric of bullying offenses and the associated consequences.

The FACTS Board of Trustees requires the principal and/or the principal's designee to be responsible for receiving complaints alleging violations of this policy. All school employees are required to report alleged violations of this policy to the principal or the principal's designee. All other members of the school community, including students, parents, volunteers, and visitors, are encouraged to report any act that may be a violation of this policy. Reports may be made anonymously, but formal disciplinary action *may not* be based solely on the basis of an anonymous report.

The FACTS Board of Trustees requires the principal and/or the principal's designee to be responsible for determining whether an alleged act constitutes a violation of this policy. In so doing, the principal and/or the principal's designee shall conduct a prompt, thorough, and complete investigation of each alleged incident. The investigation is to be completed within three school days after a report or complaint is made. The board prohibits reprisal or retaliation against any person who reports an act of harassment or bullying. The consequences and appropriate remedial action for a person who engages in reprisal or retaliation shall be determined by the administrator after consideration of the nature, severity, and circumstances of

the act.

The FACTS Board of Trustees prohibits any person from falsely accusing another as a means of harassment or bullying. The consequences and appropriate remedial action for a *person* found to have falsely accused another as a means of harassment or bullying may range from positive behavioral interventions up to and including suspension or expulsion.

The board requires school officials to annually disseminate the policy to all school staff, students, and parents, along with a statement explaining that it applies to all applicable acts of harassment and bullying that occur on school property, at school-sponsored functions, or on a school bus. The Principal & Executive Director shall develop an annual process for discussing the school district policy on harassment and bullying with students and staff.

The school shall incorporate information regarding the policy against harassment or bullying into each school employee training program and handbook.