

# 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

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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 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.
- Be respectful of the time, and personal boundaries of staff

# 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 and their ideas.

### **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 promote a caring and inclusive community

### **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, and making fun of them .
- We use our words or get help, discuss our disagreements and use conflict resolution.
- We notice when someone needs help and we lend a hand.

## **Safe / Being Safe**

### **Key Beliefs:**

- We promote feelings of safety for everyone .
- We believe that all students should be free from bullying.

### **Key Behaviors:**

- We look out for others.
- 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, 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 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 provide opportunities for students to reflect on their conduct and to monitor their own behavior over time.

If a misbehavior is persistent or severe, the teacher will follow procedures determined by the school.

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. The DOSC will communicate with families.

. 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 :

- 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, 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 the time of incident to inform parents while the student is in the Director of School Culture's office.

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. , parents will be informed of the child's inappropriate behavior and the restitution agreed upon with the teacher.

### **Everyday is a new day**

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

|                               |  |
|-------------------------------|--|
| <b>Classroom Misbehavior:</b> | Classroom teachers are asked to manage misbehavior in their classrooms with clarity, consistency, and to communicate directly with parents when there is a problem.  |
| <b>Student Support Team:</b>  | <p>The Director of School Culture or Principal may assemble the Student Support Team (student, parent/guardian, teacher, school counselor 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"> <li>1) The student will be disciplined using the school-wide disciplinary chart OR</li> <li>2) The student will be disciplined using an Individual Disciplinary Chart that is devised by the team.</li> </ol> |

| <b>Disciplinary Actions</b>   |  |
|---|--|
| <p>FACTS differentiates discipline expectations, processes and consequences depending on the age and grade of students.</p> | <p><b>When choosing consequences for students' misbehavior, FACTS teachers, administrators and staff must take into account the following factors:</b></p> <ul style="list-style-type: none"> <li>● Age, health and disability or special education status of the student, english learning development (ELD)</li> <li>● Appropriateness of student's academic placement</li> <li>● Student's prior conduct and record of behavior</li> <li>● Student's willingness to repair the harm</li> <li>● Seriousness of the offense and the harm caused</li> <li>● Impact of the incident on the overall school community</li> </ul> <p>We work with children to create, teach and practice expectations. 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> |

|   |
|---|
| <p><b>LEVEL 1: LUNCH DETENTION.</b> 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><b>LEVEL 2: AFTERSCHOOL DETENTION.</b> 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><b>LEVEL 3: IN-SCHOOL SUSPENSION FOR ONE DAY.</b> 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><b>LEVEL 4: IN-SCHOOL SUSPENSION FOR TWO DAYS.</b> See Level 3.</p>  |
| <p><b>LEVEL 5: OUT OF SCHOOL SUSPENSION FOR ONE DAY.</b> See Level 3. In addition, a parent may be asked to shadow a child upon reinstatement to homeroom for entire school day.</p>  |
| <p><b>LEVEL 6: OUT OF SCHOOL SUSPENSION FOR TWO OR THREE DAYS.</b> See Level 5.</p>   |
| <p><b>LEVEL 7: OUT OF SCHOOL SUSPENSION FOR UP TO FIVE DAYS.</b> 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.</p>  |
| <p><b>LEVEL 8:</b> 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.</p>  |
| <p>Due Process &amp; Rights of Students with IEPs: 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.</p>   |

**FACTS is required to submit all disciplinary infraction incidents where the consequence is in-school suspension, out of school suspension and/or expulsion to the state of Pennsylvania and the Federal Government annually.**

**Expellable Offenses:** include behavior that:

- 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)

**STUDENT MAY BE RECOMMENDED TO THE SCHOOL BOARD** 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.

**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.

**Due Process & Rights of Students with IEPs: 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
- c. Saturday Detention

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 environment ; 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 11<sup>th</sup> 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
6. Exclusion of a student with an intellectual disability for any length of time

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- ex. drug related, homicide, kidnapping
- Assaults or Threats of Assault- physical attack
- Possession of Weapons ex, guns, knives, taser
- Robbery or Theft
- Sexual Abuse ex. Student to student, teacher to student, and student to teacher
- Property Damage
- Drug or Alcohol Use- possession and or consumption of drugs/ alcohol

Additionally, the Principal has the discretion to report any 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.

# Student Attendance and Truancy Policy

Adopted: August 17, 2022

The Folk Arts-Cultural Treasures Charter School believes that good attendance is essential if students are to achieve and reach their potential.

As a public school, FACTS must comply with the Pennsylvania Department of Education's Compulsory Attendance Requirements.

## Need for Consistent Attendance

Consistent attendance assures that our students will not miss valuable instructional time and opportunities that will enhance their success in school. Students are required to be at school every day except for:

- Illness
- Approved religious holidays
- Death in the family
- Medical and dental appointments
- Court appearances
- Legal Quarantine
- Family Emergency
- Educational travel with prior approval by the Principal
- Emergency conditions as determined by the Executive Director or their designee

The school will accept up to 10 excused absences verified by parental notification in one school year. For all absences beyond this maximum amount, an excuse from a physician will be required for an absence to be considered excused. The maximum number of excused absences may be waived by the Executive Director or their designee during times of health or other public emergencies.

## Notification of Absences Required

If a child is absent, the parent must notify the office by 8:30 am the morning of the absence. For each absence, an automated phone call will be sent alerting the family. All absent students are expected to submit a parental note within three days of the student's return including the date of absence, the reason for the absence, and a parent/guardian signature with a contact number.

If a student is absent 3 or more consecutive days due to an illness, parents must provide a doctor's note except for absences related to or due to legal quarantine. We must make every effort to record attendance accurately and if a student misses school, it must be for a valid reason. If no reason is provided or our office is unable to verify an absence as excused, it will be counted as an unexcused absence.

Please notify the school's nurse if your child is ill with a communicable disease, i.e., chicken pox, strep throat, COVID-19, etc.

## Attendance Policy for Unexcused Absences

1 absence - Whenever a student is absent, an automated call and/or email will be sent to the family.

3 absences - A student with three unexcused absences in a year is considered truant. For the third unexcused absence, FACTS will send the parent/guardian notice by mail within 10 school days of the child's third unexcused absence.

This notice will 1) include a description of the consequences that will follow if the child becomes habitually truant in the future; 2) will be in the mode and language of communication preferred by the person in parental relation; and 3) include the offer of an Attendance Improvement Conference.

6 absences - A student with six unexcused absences in a year must be reported as habitually truant. A Student Attendance Conference will be convened and a Student Attendance Improvement Plan will be developed and shared.

One of the Directors of School Culture will notify the parent(s)/guardian(s) of the date, time and place of the Student Attendance Conference.

The purpose of the Attendance Improvement Conference is to discuss the cause(s) of the truancy and to develop a mutually agreed upon plan to assure regular attendance.

While every effort will be made to engage and include the parent/guardian in the Student Attendance Conference, the Charter School is permitted to proceed with the Attendance Improvement Conference and Attendance Improvement Plan without the child's parent present at the Conference.

10 or more absences - If the child is six (6) years of age or in grades 1-3 and has ten (10) or more unexcused absences, the parent or guardian, may be referred to the Department of Human Services (DHS) for truancy. If the child is in grades 4-8, they may be referred to Truancy Court. A DHS or Truancy Court referral can only occur after an attendance improvement conference has occurred

If the child is referred to DHS or to Truancy Court, a DHS agency provider will be assigned to their case and will begin home visits. If the attendance does not improve or the parent/guardian does not participate in the voluntary services offered by the DHS provider, the case may be referred to the District Attorney's office for prosecution.

The Charter School will not impose discipline for truant behavior that excludes the child from the classroom, including in-school suspension, out-of-school suspension, expulsion, or transfer.

Students who are absent from school for ten (10) or more consecutive days without appropriate documentation will be removed from FACTS's rolls. The lack of appropriate documentation includes failure to provide absence notes; failure to provide a doctor's note for absences of three or more consecutive days; exceeding the maximum number of allowable absences without a doctor's note; and providing absence notes for reasons not approved by the school.

The school will determine whether there is a possibility that a child is truant or chronically absent due to a disability or a medical condition. A student with a disability who is truant or chronically absent for health-related reasons must still produce a valid excuse for any absence, which may include a written excuse from a physician. Standard disenrollment procedures do not apply when a student with an IEP has been absent for 10 consecutive days. Instead, schools must comply with the procedures required by IDEA and 22 Pa Code Chapter 14 when disenrolling a student with an IEP.

**Lateness**

Being prompt to school is a habit that will remain throughout life and will benefit a child's efforts. If a child is late for school, they must report to the front desk, sign in, and receive a pass to enter the classroom. A parental conference will be requested if a student is habitually late to school, and Saturday School may be assigned.

**Early Dismissal**

Whenever possible, appointments should be scheduled after school hours as they can interfere with the child's learning program. When children have appointments that require them to leave early, the following procedure must be followed:

- Send in a note stating the reason for early dismissal that morning.
- Notify the office if someone other than the parent/guardian is picking up your child (the person must be on the list of approved pick-up persons submitted, and must have a photo ID for security reasons);
- A designated pick-up person must sign your child out at the office;
- Those picking up students, including parents, may not go directly to the child's classroom.

There will be no early dismissals permitted after 1:30 p.m on regular school days, or one hour prior to dismissal time on early dismissal days.

No kindergarten through eighth grade student will be released from school during regular hours without being accompanied by an adult on their pick up list. This will be strictly enforced.

# Anti-Bullying Policy

Adopted Aug 19, 2009  
Amended Jun 15, 2011  
Affirmed Sept 19, 2015  
Affirmed Aug 21, 2019  
Affirmed July 20, 2022

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.