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### **3.05.05 Letter From The CEO**

Greetings Scholars, Parents and Caretakers of Memphis Street Academy,

It is with great enthusiasm that I welcome you to the 2023-24 school year. We hope that this guidebook will be a valuable resource to help guide your pursuit of school excellence. It is our goal to provide a safe, nurturing, and academically challenging program for all children. We aim to foster a school environment where every student can develop to their maximum potential, learn the importance of responsibility and cooperation, develop self-esteem and treat everyone with respect and dignity.

Our community is truly excited about the transformation happening at Memphis Street Academy. We will continue to focus on Personalized Learning and Caring School Community to meet the needs of each individual learner at MSA.

Our successes last year combined with our new initiatives this year will make for a stellar year for our Wildcats!

We are committed to working in collaboration with you to continue to develop and grow our scholars. We have so much to be proud of as a school community.

Sincerely,  
Steven Bilski  
Chief Executive Officer/Principal

### **3.05.10 Mission**

#### **Inception and Philosophy**

Memphis Street Academy Charter School (“MSA”) is proud to be a Renaissance School. A Renaissance School is a School District of Philadelphia public school that serves the students in the surrounding neighborhood or catchment area. There are three forms of Renaissance Schools: Innovation, Contract, and Charter. Each of these models has unique features, but all forms of Renaissance Schools have been granted greater autonomy in exchange for increased accountability for student academic achievement.

In the late spring of 2012, American Paradigm Schools was matched by the District with John Paul Jones Middle School for the School District of Philadelphia’s Renaissance Initiative. This meant that the school’s community voted for American Paradigm Schools to be the nonprofit Educational Management Organization to transform the learning environment into one producing measurable outcomes for student success. In July, 2012, John Paul Jones Middle School became the Memphis Street Academy Charter School at J.P. Jones Middle School.

A charter school is an independent Local Education Agency with a charter school Board of Trustees to oversee all elements of school curriculum and operations. The relationship between charter schools and the School District shall be in accordance with the Pennsylvania Charter School Law and with the charter agreement between the School District and the charter school’s Board of Directors. In order to adhere to the mission of the Renaissance Schools Initiative and to maintain high levels of accountability, Renaissance charters have requirements for student enrollment, student achievement, data reporting, grade configuration, facilities, and inclusion of the Renaissance Schools charter school in the School Annual Report and other School District accountability systems.

The mission of MSA is to enhance, support, and promote critical thinking and problem solving skills of its school-age learners as they master and exceed Pennsylvania and national education standards.

MSA’s Board of Trustees believes that all students are capable of learning, given the right tools, environment, family and community support, and motivation. As a result, MSA’s students will be successful learners. Also through innovation, MSA will transform the learning environment for its students grades 5 through 8 -- who not only reside in the catchment area of the school, but who also comprise a diverse student body from all over the City of Philadelphia, and from all ethnic, religious, and cultural backgrounds. MSA additionally will transform the property at 2950 Memphis Street into a community hub which serves as a gathering place for all in the community. Besides offering an outstanding education to its middle school students, MSA will offer adult opportunities in literacy, GED, and job-readiness skills training.

MSA has instituted Collaborative Classroom’s Caring School Community model, which is a well-researched program designed to promote fairness, personal responsibility, kindness, and helpfulness throughout the school community. Teachers use several means to deepen students' thinking and build community. Class meetings are a time to

team-build, collectively make decisions, and check in with students about how they are feeling and how the class is doing in creating a caring community. These meetings are an excellent way to involve students in the thought process of how they wish to be treated and how they want to treat others. Some activities are also designed to let students get to know each other better, thereby teaching an appreciation for differences and an awareness of the ways in which they are similar. Teachers use cooperative structures to encourage partner and group work and discussion amongst students. At MSA, we value the knowledge and experience that students bring with them to school. Therefore, we provide opportunities for students to learn from each other in the classroom.

According to research, the program has several benefits. In a caring and safe environment, students are more likely to enjoy school and learning activities, have trusting relationships with teachers, and make better decisions regarding issues such as drugs or tobacco use in the middle school years. These benefits show why we have chosen to implement the Caring School Community model at our school. Students who have participated in the program have improved their abilities to listen to each other, agree or disagree respectfully, and discuss issues and feelings. These students have taken ownership for the type of atmosphere that was created in their schools.

### **Memphis Street Academy Charter School Is...**

- A caring school community where children experience a “democratic-values” approach to learning. This means being inclusive, respecting differences, caring about fellow students, and being intrinsically motivated to do the right thing.
- A place to experience diversity in education, as well as music, art, and a variety of physical and social activities every day.
- A place where children can develop their ability to problem solve and collaborate.
- A place where children can become confident learners.

### **The American Paradigm Schools**

The mission of American Paradigm Schools (APS) is to establish educational excellence by founding and managing collaborative school communities that eliminate the achievement gap for America’s children. Founded on July 1, 2011 in Philadelphia, APS has grown to include four “sister” schools: Memphis Street Academy Charter School, Tacony Academy Charter School, Lindley Academy Charter School at Birney and First Philadelphia Preparatory Charter School.

APS staff members are a collection of experienced educators who are dedicated to facilitating excellence for member schools by providing services in professional development, networking, budgeting, grant-writing, curriculum supports, research and data systems, family and community involvement, and leadership training and

mentorship.

### **3.10 School Contact Information**

Steven Bilski, Chief Executive Officer/Principal

Catherine Blumenstock, Assistant Principal 5th and 6th grade

Rhonda Richman, Assistant Principal 7th and 8th Grade

Tara Mellace, Director of Special Education

Memphis Academy Charter School  
2950 Memphis Street  
Philadelphia, PA 19134  
215-291-4709

### **COMMUNICATION GUIDELINES**

American Paradigm Schools work to maintain open lines of communication with families. Due to our intense focus on instruction our instructional staff members are not always able to answer phone calls and emails during the school day. Teachers and staff will make every effort to respond to your communications as quickly as possible. We will respond to your communications by the end of the next full school day. Sometimes, depending on the nature of your communication, our response will be a receipt statement letting you know we received your communication and are working to get a complete answer to your request. If you do not receive a response within this timeframe, please contact the Principal. In the case of an EMERGENCY call (215) 291-4709 (extension 0) and ask for immediate help!

### **FORMAL VERSUS INFORMAL COMMUNICATION**

Formal Communication	Informal Communication
<p>When you need to communicate a more serious ongoing concern such as:</p> <ul style="list-style-type: none"><li>● Academic concern</li><li>● Attendance concern</li><li>● Behavioral concern (including bullying)</li><li>● Health issues and concerns</li><li>● Safety Concern</li></ul> <p>For formal communication it is best to schedule a formal meeting. It is</p>	<p>When you need to communicate everyday concerns such as:</p> <ul style="list-style-type: none"><li>● A field trip question</li><li>● A lost uniform item</li><li>● A homework question</li></ul> <p>For informal communication it is appropriate to send an email, write a note, leave a phone message at the front desk.</p>

appropriate to do this by sending an email, writing a note, or calling and leaving a message at the front desk for the teacher. If a teacher does not respond, please contact the Principal.

Email communication is preferred and should only be through the staff member's school issued email account

Please see the [school webpage](#) for a full directory of Memphis Street Academy Staff Members.

### **3.15 Student Operations**

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#### **3.15.05 Calendar**

This school calendar may change at any given time due to snow days or any emergencies that may not be foreseen. You will be notified of any changes that occur.

The school closing number is: 1383

PSSA test dates are scheduled in April. Please make every effort to have your student present on these dates.

<b>AUGUST</b>	<p>16-18: New Teacher Induction</p> <p>21-25: Staff Development</p> <p>28: First Day of School for Students</p>
<b>SEPTEMBER</b>	<p>4: Labor Day – School closed for students and staff</p> <p>25: Yom Kippur – School closed for students and staff</p>
<b>OCTOBER</b>	<p>9: Indigenous Peoples' Day – School closed for students and staff</p>
<b>NOVEMBER</b>	<p>7: Election Day – School closed for students and staff</p> <p>10: Veteran's Day - School closed for students and staff</p> <p>22-24: Thanksgiving – School closed for students and staff</p>
<b>DECEMBER</b>	<p>25: Christmas Day- School closed for students and staff</p> <p>26-29: Winter Recess – School closed for students and staff</p>
<b>JANUARY</b>	<p>1: New Year's Day – School closed for students and staff</p> <p>2: Staff Development – School closed for Students</p> <p>15: Dr. Martin Luther King Jr. Day - School closed for students and staff</p>
<b>FEBRUARY</b>	<p>19: President's Day - School closed for students and staff</p>
	<p>25-28: Spring Recess – School closed for students and staff</p>

<b>MARCH</b>	29: Good Friday– School closed for students and staff
<b>APRIL</b>	10: Eid al-Fitr – School closed for students and staff 23: Election Day - School closed for students
<b>MAY</b>	27: Memorial Day – School closed for students and staff
<b>JUNE</b>	7: 1/2 Day for Students (last day of school for students) 10: 1/2 Day for Staff (last day for staff) 17: Eid al-Adha – Administrative Offices Closed 19: Juneteenth – Administrative Offices Closed

### **3.15.10 Arrival And Dismissal**

#### **Arrival:**

Students should not report to school prior to 8:45 am. Staff members are not on site until this time.

All students should be in the school yard by 8:55 am and ready to begin our morning meeting. Students *may not* bring gum, snacks, beverages, or any other food items into the school yard or into the school building. Students who do not adhere to this policy will be held accountable by the grade level Dean. Memphis Street Academy provides a free breakfast and lunch program that meets nutritional guidelines. In the event that your student has a medical condition that requires dietary accommodations please see the school nurse to make these arrangements. (Additional information regarding our food policy is provided in the Breakfast/Lunch section)

## **Dismissal:**

Students will be dismissed on a staggered schedule. The dismissal time frame begins at 3:45 pm and concludes at 4:00 pm. All students who are attending after school clubs should report to Cafeteria "B" at 3:45 pm to meet their club teachers. Students who are attending clubs may not leave the building at dismissal time.

The dismissal time for students who attend after school clubs is 4:45 pm. All club students will be dismissed through the main entrance.

### **3.15.15 Transportation**

The School District of Philadelphia is responsible for the transportation of your student to and from school. According to the District's policy, students who reside more than 1.5 miles from the school are eligible for school bus service or a SEPTA Student Fare Card.

For additional information regarding the School District of Philadelphia's Student Fare Card policy, please visit the [transportation page](#) on the School District of Philadelphia's website or call 215-400-4350 and ask to be transferred to the contact person who handles SEPTA Student Fare Cards.

Bus Company Contact Information: Philly Trans    215-758-3950

Students who ride buses should remember that they are under the jurisdiction of the school, from the time they enter the bus in the morning until they leave it in the evening. Students will be held accountable for their behavior on the bus. This includes yellow bus transportation for specialized programs and SEPTA buses. Misconduct and inappropriate language or tone will not be tolerated on the bus at any time. The bus driver has jurisdiction over each student while the student occupies the bus. This being the case, students are expected to cooperate with the driver by respecting and obeying their requests immediately. School rules and regulations apply on the bus. Those students who do not abide by the regulations will be subject to disciplinary action, which may result in the loss of bus-riding privileges. In the event that a student is eligible for yellow bus transportation, the school district provides bus transportation to and from the student's residence of record only. No visitors are allowed to ride buses. Riding a bus is a privilege; it is not considered a right. Students may not drink any liquids, eat any foods, chew gum, or carry prohibited or illegal items onto the bus. Parents are not permitted to enter the school bus for any reason and are subject to a \$300.00 fine if they do so. Parents are expected to contact the bus company directly with questions and concerns. Please be ready to give your student's bus route number.



### **3.15.20 Inclement Weather And Emergency Closing**

Students will participate in fire/emergency drills throughout the school year. These drills prepare students and staff for any emergencies that may arise and require the building to be evacuated. Students are expected to remain quiet and attentive during drills as important information may be disseminated which will assist the school ensure the safety of all students, staff and visitors in case of emergency.

### **EMERGENCY BEHAVIORAL PROCEDURES**

The School relies on the use of positive methods for teaching students appropriate behaviors. However, designated employees receive annual training according to the principles of Handle with Care, and may use physical interventions to control acute or episodic aggressive or self-injurious behavior whenever a student is acting in a manner as to present a clear and present danger to themselves and/or others, and whenever less restrictive measures and techniques have been attempted and proven to be ineffective.

In the event that physical intervention becomes necessary for a student with a disability, the student's parent or guardian will be contacted by phone, and invited to attend an IEP meeting to review the existing plan and its effectiveness for eliminating the need for physical restraint in the future.

#### Memphis Evacuation Site

Cohocksink Playground (Cohox)  
2829 Cedar Street  
Philadelphia, PA 19134

### **INCLEMENT WEATHER AND EMERGENCY CLOSING**

The School will be closed when Philadelphia public schools are closed. In the event that the school is closed because of hazardous weather conditions or for any other emergency, announcements will be made on KYW (1060 am news radio) and KYW Channel 3.

#### **MSA's School Closing Number is: 1383**

During inclement weather it may become necessary to close school earlier than the usual dismissal time. Although this early closing is announced on the radio, many parents are unaware of the closing and there may be no one home for your Student. We are concerned with the health and safety of each Student, particularly in the event of an early dismissal. Keep our emergency closing number at work, home, and with any emergency contacts. Work out an emergency plan with your Student. Any early dismissals will be announced on the radio. We will not be able to contact every family so on inclement weather days, please listen to the radio.

In the event that the School must close separately from the school district, our number (see above) will be announced on KYW (1060 am) new radio. The School website as soon as a decision has been made to close school or to dismiss early.

### **3.15.25 Dress Code**

A neat, clean and professional image reduces distractions, promotes learning and creates a sense of comradery between all Memphis Street Academy students. We ask all families to adhere to the following guidelines:

- A student will always be neat, clean, and well-groomed. All parts of the uniform must be clean, pressed, and in good repair.
- Ties, gym uniforms, plaid skirts, tan skorts or skirts, and blazers must be purchased from Cramer's.
- White button down dress shirts, belts, and shoes (black shoes are preferred) may be purchased from other retailers.
- No shirts may be visible under the school shirts. This includes the neckline and arms.
- No shorts, leggings, or pants may be visible under the skirt.
- All shirts and blouses are to be tucked in the pants or skirts.
- Pants are to be secured at the waist with a belt.
- Clothing should fit the student and may not be oversized.
- The school patch must be affixed to the left breast of the blazer.
- Students who do not wear the proper gym uniform will not participate in gym and will receive a failing grade for the day.
- Students may not wear any visible jewelry other than stud earrings or small hoops (more than 2 inches in diameter).
- Skirts must come to no less than two inches from the knee, and must not be so tight so as to be deemed inappropriate by school administration.
- Shoes with inappropriate heels, any type of boots, or sandals are prohibited.

### **Fall/Spring Uniform**

#### **Tops:**

- Grey polo shirt with embroidered school patch

#### **Bottoms:**

- Tan khaki pants (no cargo pants, work pants, or joggers)

OR

- Tan khaki skirt or skort

**Shoes:**

- Black, close-toed shoes (no boots or sandals)

**Winter Uniform**

**Tops:**

- White button-down shirt with school plaid tie\* or solid orange tie\* (5th and 6th grade), blue orange striped tie\* or solid navy tie\* (7th and 8th grade) and navy blue blazer with school logo

OR

- White peter-pan collar shirt with school plaid tie\* or solid orange tie\* (5th and 6th grade), blue orange striped tie\* or solid navy tie\* (7th and 8th grade) and navy blue blazer with school logo

**Bottoms:**

- Tan khaki pants (no cargo, work pants or joggers) with black belt

OR

- School plaid skirt or skort

**Shoes:**

- Black shoes with black socks (no boots or sandals)
- Black shoes with black socks, navy tights or navy stockings (no boots or sandals)

**Gym Uniform**

- \*Navy blue school sweatpants (school name required)
- \*Gray school gym t-shirt (school name required)
- \*Navy blue school sweatshirt (school name required)
- \*Gym Shorts (during warm-weather months only students may substitute shorts for sweatpants; school name required)

*\*Must be purchased at Cramers Uniforms*

Location:

CRAMERS UNIFORMS

4628 Frankford Avenue

Philadelphia, PA 19124 (215)-743-0750

### **Directions:**

From Route 95 (exit 27, Bridge St./Harbison Ave.)

Drive North on Bridge St. toward James St. Turn left onto Torresdale Ave. Turn right onto Kinsey St. Turn right onto Frankford Ave.

From Route 1:

Turn Southeast onto Pratt St. toward Castor Ave. Make a slight right onto Oxford Ave. Turn right onto Frankford Ave.

All students should come to school with neatly groomed uniforms and hair styles. No oversized jewelry is permitted. No hats or head coverings are permitted to be worn in school except for religious reasons.

### **Uniform Violations**

Any time a student is not in compliance with all aspects of the school uniform, they will be in violation of our policy. It is our policy that all students will wear the full school uniform so that we may maintain order and discipline. Students who disregard this policy will be held accountable. *Please note: We will work with families to ensure all students have the proper uniform; however, it is the **responsibility of the family** to ensure uniform compliance.*

Tattoos, slogans or advertising on clothing, jewelry, buttons, and/or accessories which,

in the determination of School Administration, are lewd, vulgar, profane or plainly offensive, and which by their controversial, discriminatory, profane, and/or obscene nature disrupt the educational setting, are prohibited as violating our Uniform Policy. See also DISRUPTIVE PERSONAL APPEARANCE.

Please be mindful of our uniform policy, as an infraction will lead to disciplinary action as a violation of the school's dress code.

### **Dress Down**

The opportunity to dress down is a privilege at Memphis Street Academy. A student will always be neat, clean, and well-groomed on dress down days. Appropriate attire for students is the expectation.

- Ripped jeans, tank-tops, belly shirts, high heels, yoga pants, gang related colors, tattoos, slogans or advertising on clothing, jewelry, buttons, and/or accessories which, in the determination of School Administration, are lewd, vulgar, profane or plainly offensive, and which by their controversial, discriminatory, profane, and/or obscene nature disrupt the educational setting, are prohibited.
- Shorts and Skirts must be knee length, and Shirts must fall below the waist line.
- Students who disregard this policy will be held accountable.

### **3.15.30 Education For Children And Youth Experiencing Homelessness**

The Board of Trustees of is committed to ensuring that all students experiencing homelessness have equal access to educational programs and services, in compliance with the McKinney-Vento Homeless Education Assistance Act, The Education for Children and Youth Experiencing Homelessness program (ECYEH), which is an initiative of the Pennsylvania Department of Education, and other federal and state laws and regulations. No students shall be discriminated against, segregated or stigmatized based on their homeless status. the School shall make reasonable efforts to promptly identify students experiencing homelessness, encourage their enrollment, and eliminate barriers to their attendance and education.

### **Qualifying Definition of Homeless Students**

Homeless students are defined as individuals lacking a fixed, regular, and night-time residence, including those experiencing the following conditions:

- Sharing the housing of other persons due to loss of housing or economic hardship;
- Living in motels, hotels trailer parks or camping grounds due to lack of alternative adequate accommodations;

- Living in emergency, transitional or domestic violence shelters;
- Abandoned in hospitals;
- Living in public or private places not designated for or ordinarily used as regular sleeping accommodations for human beings; or
- Living in cars, parks, public spaces, abandoned buildings, substandard housing, transportation stations or similar settings.

Others who may qualify include:

- Unaccompanied (not living in direct care of a legal parent or guardian) youths;
- Refugee or migratory children who are living in circumstances described above; or
- School-aged parents living in houses for school-aged parents if they have no other available living accommodations.

## **Student Rights**

Eligible students have rights to the following:

- Equal access to all educational programs, extracurricular activities and all other opportunities, as students who can show proof of residency
- “School stability,” for continued attendance at their current school or the school attended prior to becoming homeless, and may stay in the same school even if they move again, until permanent and adequate housing is secured
- Alternatively, immediate enrollment in a new school where eligible students are now living or where they have “any substantial connection,” even without documentation ordinarily required for enrollment
- Free transportation to and from a student’s school of origin
- Free school meals
- Free school uniform and school supplies

## **Delegation of Responsibility**

The Board of Trustees of the School directs the Chief Executive Officer to designate a Liaison (McKinney-Vento Liaison) for homeless students and their families to protect their rights and to implement this policy. Upon recommendation of the Chief Executive Officer, the School may waive school policies and administrative procedures which may create barriers to the identification, enrollment, attendance, transportation, school stability and success of students experiencing homelessness. Confidentiality must be

maintained.

The McKinney-Vento Liaison has the following responsibilities:

- Identify homeless students and unaccompanied youths;
- Ensure that homeless students and unaccompanied youths have full and equal opportunity to participate in all applicable school programs, academic and extracurricular;
- Identify and assist in removal of barriers to success in school for homeless students and unaccompanied youths;
- Ensure school stability for homeless students and unaccompanied youths by allowing continued enrollment at the School, upon presumption that remaining at their school of origin is in their best interest, or deciding the matter upon a best interest determination;
- Ensure immediate enrollment of new students who are homeless or unaccompanied youths with provision of instruction, if enrollment is sought at the School, pending a best interest determination -- even if documentation ordinarily required for enrollment is incomplete, in which case assistance must be given for obtaining enrollment documents;
- Assist in obtaining academic and relevant records from the school where the student attended prior to becoming homeless;
- Assist students and youths who do not have immunizations or immunization or medical records to obtain necessary immunizations or medical records;
- Arrange transportation to and from the school of origin as necessary to ensure school stability;
- Ensure that unaccompanied youths and families of students experiencing homelessness have access to and receive educational services for which they are eligible, and referrals to services for health care, dental, mental health, substance use, housing and other appropriate services;
- Inform parents/guardians of the educational rights and related opportunities available to their children, and provide them with meaningful opportunities to participate in the education of their children;
- Ensure that school selection or enrollment disputes are handled in accordance with Dispute Resolution procedures promulgated by the Pennsylvania Department of Education;
- Inform unaccompanied youths and parents/guardians of students experiencing homelessness about their right to disagree with the school's decision and how to challenge it.

The McKinney-Vento Liaison shall coordinate with:

- Local service agencies that provide services to students and families experiencing homelessness and unaccompanied youths;
- School districts regarding issues of records transfer, per pupil allocation, transportation and special education programs to ensure that homeless students and unaccompanied youths who are in need of special education and related services are located, identified and evaluated; and
- State and local housing agencies responsible for comprehensive housing affording strategies.

The McKinney-Vento Liaison is responsible for supporting and educating others regarding McKinney-Vento compliance requirements, including professional development for school personnel. This responsibility also includes dissemination of public notice of educational rights of students experiencing homelessness and unaccompanied youths in places such as schools, shelters, public libraries and soup kitchens; such notice shall be provided in a manner and form understandable to parents/guardians and unaccompanied youths.

The McKinney-Vento Liaison will be responsible for creating processes necessary to effectuate McKinney-Vento compliance, and is directed to utilize appropriate and applicable forms and procedures promulgated by the Pennsylvania Department of Education.

### **Best Interest Determination**

The School ensures that the best interests of students and families experiencing homelessness and unaccompanied youths are primary considerations. This means that homeless students and unaccompanied youths shall remain at the School, unless it is determined that it is not in their best interest to remain at their school of origin.

The best interest determination is completed by the School if it is the school of origin. In case of disputes, PDE's Dispute Resolution procedures shall be followed.

### **3.15.35 Every Student Succeeds Act**

Memphis Street Academy is committed to ensuring that all students, including those in foster care, have the opportunity to succeed in school in accordance with the Every Student Succeeds Act (ESSA).

As the "school of origin" for a scholar in foster care, the School will:

1. Designate a Foster Care Liaison to serve as the primary link to, and to work



collaboratively with, Philadelphia Department of Human Services ("DHS") including Child Welfare Operations staff and Education Support Center, to ensure that a scholar in foster care remains in their school of origin in order to ensure educational stability and provision of necessary and related support and services including transportation, even while any disputes are being resolved, unless it is determined not to be in the scholar's best interest to remain in the school of origin;

2. Make every effort to encourage a scholar in foster care to succeed in school, and reasonable efforts to eliminate existing barriers to attendance and education, in compliance with federal and state law;
3. Ensure that scholars in foster care have equal educational opportunities with provision of services comparable to those offered to other scholars attending the School including, but not limited to, transportation services, school nutrition programs, programs for scholars with limited English proficiency, and educational services for scholars who meet eligibility criteria such as scholars with disabilities, programs for disadvantaged scholars, and gifted and talented scholars; and
4. Maintain scholar confidentiality, except to the extent necessary to collaborate with DHS and other agencies for support and services including transportation, and/or to facilitate enrollment/records transfers to DHS and/or any new school, so that educational stability can be maintained and scholar success can be achieved.

### **3.15.40 Title IX Grievance Policy And Procedures**

The School is committed to providing a learning, living, and working environment that is free from sexual harassment, sexual assault, and sexual discrimination. We are dedicated to ensuring a safe school climate for all our students and the entire community. Through a comprehensive compliance, investigative, and adjudication program, we promote fundamental rights, individual and institutional integrity and uphold the aims of Title IX legislation.

This outlines the School's commitment and efforts to comply with Title IX regulatory requirements by leveraging a myriad of resources dedicated to educational excellence. Current information is available through our website which serves as a focal point for students, faculty, and staff who may need Title IX assistance.

### **PURPOSE AND SCOPE**

It is the policy of the School not to discriminate on the basis of sex in its educational programs and activities as required by Title IX of the Education Amendments of 1972. Title IX provides that "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to

discrimination under any education program or activity receiving Federal financial assistance.” Gender discrimination includes sexual harassment and sexual assault. The purpose of this policy is to provide students, employees, and parents a procedure by which they can seek a remedy for alleged violations related to discrimination on the basis of affectional or sexual orientation, or sex. This policy shall apply to all students, staff, faculty, contractors, vendors, and/or visitors to the School.

As a student of the School you are protected from sex discrimination including, but not limited to:

- Admission to schools/colleges
- Access to enrollment in courses
- Access to and use of school facilities
- Counseling and guidance materials, tests and practices
- Physical education
- Competitive athletics
- Graduation requirements
- Student rules, regulations and benefits
- Financial assistance
- Health services
- School-sponsored extracurricular activities

## **DEFINITIONS**

### **Gender Discrimination**

Sex discrimination can occur when conduct is directed at a specific individual or a group of identifiable individuals that adversely affects the education or employment of the individual or group because of sex. Sex-based discrimination or harassment may include acts of verbal, nonverbal, or physical aggression, intimidation or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature. Conduct that may be sex-based discrimination include, but are not limited to:

- Exclusion from educational resources or activities because of one’s sex  
Subjection to jokes or derogatory comments about one’s sex; or
- Being held to different standards or requirements on the basis of one’s sex

### **Sexual Harassment**

In general terms, sexual harassment is unwelcome, sex or gender-based verbal or physical conduct that is sufficiently severe, persistent, or pervasive that it interferes with, denies, or limits an individual's ability to participate in or benefit from the institution's educational mission, programs, or activities; and any instance of sexual assault (as defined in the Clery Act), dating violence, domestic violence, or stalking (as defined in the Violence Against Women Act).

Sexual Harassment can take two forms: quid pro quo and hostile environment

Quid pro quo sexual harassment exists when:

- There are unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature; and
- Submission to such conduct is made explicitly or implicitly a term or condition of an individual's academic status or employment; or
- Submission to or rejection of such conduct by an individual is used as the basis for academic decisions, employment conditions or status that adversely affects such individuals.

For example: An employee of the institution causes a student to believe that the employee will make an educational decision based on whether or not the student submits to unwelcome sexual conduct.

Such conduct must have taken place during the School's educational program or activity and against a person in the United States to qualify as sexual harassment subject Title IX regulations.

Hostile Environment sexual harassment exists when:

- Unwelcome conduct of a sexual nature is sufficiently serious that it affects a student's ability to participate in or benefit from an education program or activity, or creates an intimidating, threatening or abusive educational environment. A hostile environment can be created by a school employee, another student, or even someone visiting the school, such as a student or employee from another school.
- In an employment context, a hostile environment includes any situation in which there is harassing conduct that is sufficiently severe, persistent, or pervasive that it unreasonably interferes with an individual's work performance, or creates an intimidating, hostile or offensive work environment.

The determination of whether an environment is considered hostile is based on a totality of circumstances which may include, but is not limited to, the degree to which the conduct interfered with the complainant's educational or work performance; the type, severity, frequency, and duration of the conduct; the effect of the conduct on the

complainant's mental or emotional state; and whether the speech or conduct deserves the protection of academic freedom or the first amendment.

A single or isolated incident of sexual harassment may be severe enough to create a hostile environment.

Examples could include references to an individual's body; use of sexually degrading words to describe an individual; offensive comments; off-color language or jokes; innuendos; and sexually suggestive objects or behavior, books, magazines, photographs, cartoons or pictures.

### **Sexual Violence**

Sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to reasons including, but not limited to an individual's age, use of drugs or alcohol, or because an intellectual or other disability prevents the individual from having the capacity to give consent. A number of acts fall into the category of sexual violence including rape, sexual assault, sexual battery and sexual coercion.

Further defined within the Pennsylvania Criminal Code, sexual assault is a non-consensual act involving psychological manipulation, physical force, or coercion by an individual through forcible sodomy, forcible sexual penetration, however slight, of another person's mouth, anal or genital opening with any object. These acts must be committed without the victim's consent either by force, threat of force or violence, intimidation or through the use of the victim's mental or physical helplessness of which the accused was aware or should have been aware

### **NOTICE OF TITLE IX COORDINATOR**

All questions regarding Title IX and its implementation may be referred to the School's Title IX Coordinator. Contact information for the School's Title IX Coordinator can be found on the School's website. In addition, the School retains identified staff members, trained in Title IX regulatory guidance, to assist the Title IX coordination team in responding to and administering Title IX complaints.

The Title IX Coordinator's core responsibilities include coordinating the institution's compliance with Title IX, to include oversight of Title IX reports and complaints, and identifying and addressing any patterns or systemic problems revealed by such reports and complaints. This includes, but is not limited to, the coordination of training, education, communications, and administration of grievance procedures for faculty, staff, students, and other members of the campus community.

The Title IX Coordinator is responsible for Title IX compliance for matters involving students, including training, education, communication, and administration of the grievance procedure for all complaints filed against the School's students. If a Title IX

complaint is initiated against an employee, visitor, or contractor, the Title IX Coordinator will generally be the individual who will respond to and administer the complaint.

### **Reporting a Title IX Complaint**

The School encourages any student, employee or visitor who thinks that they have been subjected to sex discrimination, sexual harassment, or sexual violence by another student, member of the faculty or staff, campus visitor or contractor to report that action as a complaint to the School's Title IX Coordinator.

Individuals who are survivors of sexual violence are strongly encouraged to report the incident to local law enforcement. Reporting an incident of sexual violence to law enforcement provides the opportunity for collection of evidence helpful in the Title IX investigation, in addition to facilitating a myriad of off-campus support services available to the survivor.

If a student or parent reports an act of sexual violence or harassment to an employee who is not the Title IX Coordinator, that employee will inform the Title IX Coordinator of the alleged act of sexual violence or sexual harassment.

Title IX incidents shall be reported in writing to the Title IX Coordinator.

## **TITLE IX GRIEVANCE PROCESS**

### **A. Receipt of a Complaint**

Upon receipt of a Title IX complaint, the Title IX Coordinator will meet with the individual filing the complaint or on whose behalf the complaint was filed, identified as the Complainant, to review the School's Title IX grievance procedures, discuss the specific incident, and determine the Complainant's desire to proceed with a formal or informal resolution.

If the Complainant elects to proceed with an informal resolution, the Coordinator will contact the individual(s), identified as the Respondent, against whom the complaint is filed, in accordance with the informal resolution section below.

If the Complainant desires to proceed directly with a formal Title IX complaint, the Respondent declines to participate in an informal resolution, or if attempts to resolve the complaint through informal procedures are unsuccessful, the Title IX Coordinator will evaluate the complaint in accordance with the formal resolution section outlined in a later section.

### **B. Informal Resolution Procedures**

If the Complainant requests to proceed informally with the complaint, the Title IX Coordinator will initially evaluate the request to determine whether an informal resolution is appropriate given the severity of the allegations involved. However, in

cases involving allegations of sexual violence or sexual assault, informal resolution or mediation is not appropriate, even on a voluntary basis.

In the event that the Title IX Coordinator determines that an informal resolution is appropriate, the allegation may, but need not, be preliminarily investigated by the Title IX Coordinator to the extent necessary to resolve any factual conflicts between the parties. The allegation(s) will be considered resolved and the matter closed when all parties agree to a written resolution that is approved by the Title IX Coordinator.

The Complainant has the right to end the informal resolution process at any time and begin the formal resolution process.

If the informal resolution process does not result in a mutually-acceptable resolution, the matter will be resolved pursuant to the formal resolution procedures established in a later section of this policy.

### **C. Formal Resolution Proceedings: Filing and Accepting a Complaint**

Any individual may initiate formal complaint procedures by filing a complaint with the Title IX Coordinator whether or not that individual has attempted resolution through informal procedures. The individual who files the complaint is referred to as the “Complainant.” The individual against whom the complaint is filed is referred to as the “Respondent.” Collectively these individuals are referred to as the “parties.”

The School will work to investigate all complaints as quickly and professionally as possible. When investigations confirm sex discrimination and/or sex harassment and/or sexual violence allegations, appropriate corrective action will be taken to prevent the recurrence of any discrimination or harassment.

Upon: 1) the Title IX Coordinator’s receipt of the complaint; 2) the Coordinator’s initial meeting with the Complainant; or 3) the Coordinator’s determination that an informal resolution of the Complainant’s complaint is no longer feasible—whichever is later—the Title IX Coordinator shall decide whether the complaint states a potential Title IX violation and shall notify the Complainant in writing of her/his determination.

If the Title IX Coordinator determines that the allegations of the complaint state a potential violation, the Title IX Coordinator will notify the Complainant that the complaint has been accepted and will thereafter provide written notice to the Respondent of the complaint’s allegations. In addition to notice of the complaint being provided to the Respondent, the Title IX Coordinator shall provide notice to the Respondent’s immediate supervisor (non-student) or the CEO’s Office (in the case of a student), as the case may be.

If the Title IX Coordinator determines that the allegations of the complaint do not state a violation of the School’s policy or federal or state laws, the Title IX Coordinator will provide written notice of that decision to the Complainant. The notice shall explain why

the complaint does not state such a violation.

#### **D. Complaint Investigation**

All complaints will be investigated to assure a resolution that is consistent with the facts discovered. The term investigation refers to the process that the School uses to resolve Title IX complaints. This includes all fact-finding actions and other processes to determine whether the conduct occurred, and what measures will be undertaken to address the hostile environment, or prevent its recurrence, which may include imposing sanctions on the perpetrator, and/or providing remedies for the Complainant or the broader school community.

The School's investigation will be adequate, reliable, impartial, and prompt and will include the opportunity for both parties (Complainant and Respondent) to present witnesses and other evidence. The investigation may include, but is not limited to, conducting interviews with the Complainant, Respondent, and additional witnesses; reviewing law enforcement investigation documents; reviewing student/employee personnel files if applicable, and gathering and examining other relevant documents or evidence.

All interviews will be documented. Parties and witnesses will be informed that their statements will remain confidential to the extent allowed by law. The Complainant and Respondent will not be allowed to personally question or cross-examine each other during the investigation, or any subsequent disciplinary proceedings.

All evidence will be reviewed using a preponderance of the evidence standard (e.g. is it more likely than not that a violation of the School's policy and/or federal or state law has occurred).

#### **E. Report of Findings and Recommendation – Complaints Against Non-students**

The investigation and final report of Title IX complaints by employees or students against non-students will ordinarily be handled by the Title IX Coordinator pursuant to these Title IX procedures. An investigation and report in either scenario will normally be concluded within fifty (50) days by the Title IX Coordinator. The investigation and the issuance of the draft report shall normally be concluded within forty (40) days of the filing of the written complaint, at which time the Title IX Coordinator shall issue a draft report of findings and conclusions to the School's CEO.

Within five (5) days, the CEO who receives the draft report of findings and conclusions shall ordinarily review and provide comment on the draft report to the submitting Title IX Coordinator, before the report is finalized. The investigating Title IX Coordinator shall then ordinarily finalize the report of findings and conclusions within five (5) days and provide it to the Respondent's supervisor and the CEO. The investigating Title IX Coordinator shall also provide written notice of the outcome of the investigation to both the Complainant and the Respondent.

The final report shall include a summary of the Complainant's allegations, the Respondent's response to the allegations, findings of fact and conclusions, as well as appropriate disciplinary recommendations, if any.

If a complaint is directed against a supervisor who would otherwise act on a complaint, the function assigned to that supervisor will be delegated to the next level supervisor in the Respondent's line of supervision. The final report shall include a summary of the Complainant's allegations, the Respondent's response to the allegations, findings of fact and conclusions, as well as appropriate disciplinary recommendations, if any.

If the final report concludes that a violation of the School's policy and/or federal or state law occurred, within ten (10) days following receipt of the final report of findings and recommendation, the CEO will determine a disciplinary action that is appropriate for the severity of the conduct. Disciplinary action may include, but is not limited to, sexual harassment, non-retaliation and/or managerial training; a letter of reprimand; a formal letter of apology to the Complainant; a reduction in administrative duties (e.g. removal as chair of department); unpaid suspension and/or termination of employment, which will be taken in accordance with applicable School policies and procedures.

The supervisor shall communicate the discipline decision in writing to the Title IX Coordinator, and the Title IX Coordinator shall provide written notice to the parties of the outcome of the investigation.

## **F. Report of Findings and Recommendation – Complaints Against Students**

The investigation ordinarily shall be conducted by the Title IX Coordinator. An investigation and report will normally be concluded within fifty (50) days by the Title IX Coordinator. The investigation and the issuance of the draft report shall normally be concluded within forty (40) days of the filing of the written complaint, at which time the investigating Title IX Coordinator shall issue a draft report of findings and conclusions to the School's CEO.

Within five (5) days of receipt, the CEO who receives the draft report of findings and conclusions shall ordinarily review and provide comment on the draft report to the investigating Title IX Coordinator before the report is finalized. Following which, the investigating Title IX Coordinator shall finalize the report and provide the final report of findings and conclusions to the CEO, while simultaneously transmitting a written notice of the outcome of the investigation to the Complainant and the Respondent. The final report shall include a summary of the Complainant's allegations, the Respondent's response to the allegations, findings of fact and conclusions, as well as appropriate disciplinary recommendations, if any.

The CEO shall confer with the Board of Trustees regarding the Title IX Coordinator's report and recommendations to determine what, if any, disciplinary sanctions should be imposed upon the Respondent.



The CEO must accept as final and non-reviewable the findings of fact and conclusions contained within the Title IX Coordinator's report as to whether a violation of School policy or applicable federal/state law has occurred. Disciplinary sanctions may include, but are not limited to, sexual harassment and non-retaliation counseling, formal reprimand, disciplinary probation, suspension and dismissal.

The CEO shall ordinarily issue a written determination regarding the decision on the imposition of disciplinary sanctions following receipt of the Title IX Coordinator's final Report. The CEO will simultaneously transmit the disciplinary decision to the Complainant and the Respondent.

If the Title IX Coordinator's final report and/or the CEO's disciplinary decision results in a recommendation of dismissal, the recommendation shall ordinarily be forwarded to the Board of Trustees, who retains final dismissal authority.

In the event that the Title IX Coordinator's report finds that there has been no sex or gender-based harassment, discrimination, or sexual violence, the CEO shall review the final report for possible violation of other School policies that have occurred.

The School will take necessary steps to prevent the recurrence of any sexual discrimination or harassment found to exist.

In all disciplinary proceedings initiated pursuant to this Policy, the Complainant will be provided with the same procedural protections provided to the Respondent, including but not limited to the right to:

- appeal the determination of the CEO to the Board of Trustees;
- notice of the outcome of the complaint and any appeal.

As required by Federal law, any disclosure of the findings and decision in regards to student disciplinary proceedings will be governed by the provisions of the Family Educational Rights and Privacy Act.

## **G. Appeal Procedure**

Either a Complainant or a Respondent may file an appeal of either the investigative report of the Title IX Coordinator or the discipline sanction imposed by the CEO by filing a written appeal with the Title IX Coordinator within five (5) days of receipt of the decision being appealed. By way of example, an appeal of the Title IX Coordinator's final report may be filed prior to the report being reviewed by the Board of Trustees. Similarly, the disciplinary decision of the CEO may also be appealed. However, a party may not appeal both the Title IX Coordinator's final report and the disciplinary sanction imposed by the CEO in one appeal. In the event that no timely appeal is taken to either the Title IX Coordinator's final report and/or the CEO's disciplinary decision, those

decisions are final and unappealable.

Any appeal taken is limited to the following grounds for appeal, which must be set forth in the written appeal filed with the Title IX Coordinator:

1. the Title IX Coordinator or the CEO, as the case may be, exhibited unfair bias which influenced the decision rendered;
2. The discovery of new evidence which (i) was unavailable at the time of the decision being appealed, and (ii) could substantially alter the decision rendered;
3. substantial error in the conduct of the investigation or decision of the CEO which may have denied fundamental fairness to the appealing party; or
4. the sanctions recommended or imposed substantially and materially depart from the standards of the School for the type of offense involved.

The appeal shall be in writing and contain all grounds for the appeal. Upon receipt of an appeal, the Title IX Coordinator shall promptly forward a copy of the appeal to the CEO and Board of Trustees of the School. The Board of Trustees of the School may decide the appeal or appoint a designee to hear and decide the appeal. Ordinarily, within ten (10) days of the receipt of the appeal, the Board of Trustees or the Board's designee, shall issue a written decision on the appeal to the parties, the Title IX Coordinator, and the CEO. The decision shall include the following: (i) a summary of the grounds for appeal, (ii) whether the grounds for appeal are accepted or rejected, (iii) the decision to uphold, reverse, or amend the decision being appealed, along with the grounds for such decision, and (iv) if the decision subject to appeal is reversed, the resolution of the matter. The Board or the Board's designee's decision shall be final and unappealable.

## **H. Remedies**

If the investigation concludes that a student or employee was the victim of sexual violence or sexual harassment, then the School administration may provide the victim with appropriate remedies.

Perpetrators of sexual violence and sexual harassment will receive sanctions in accordance with the School's student code of conduct or employee handbook.

## **I. Confidentiality and Complainant Requests**

While students (or parents of minor students) may request that the student's name not be disclosed to the Respondent or that no investigation or disciplinary action be pursued to address the alleged Title IX violation, there are situations that the School in compliance with federal Title IX legislation, must override the confidentiality request to fulfill its Title IX obligations.

For Title IX purposes, if a student requests that their name not be revealed to the Respondent or that the incident not be investigated or no disciplinary action taken against the Respondent, the Title IX Coordinator will notify the student that honoring their request may limit the School's ability to fully respond to the incident, including pursuing disciplinary action. The Title IX Coordinator will review with the student that Title IX policy includes protections against retaliation, and that the School will not only take steps to prevent retaliation, but will take strong responsive action if it occurs.

The School will, to the extent practicable, limit disclosure of the Title IX incident, investigation, and findings to individuals responsible for handling the school's response or, as applicable, law enforcement authorities. Regardless of any requests for confidentiality, The School will take appropriate steps to protect the Complainant as necessary, to include taking interim measures before the final outcome of the investigation.

#### **J. Interim Protective Measures**

The School will employ all reasonable efforts to protect the rights of the Complainant, the Respondent(s), and the witnesses as much as possible, consistent with its legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this policy shall be maintained confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. Requests for confidentiality, therefore, will be evaluated in the context of the School's responsibility to provide a safe and nondiscriminatory environment for all students and employees, and the request will be weighed against whatever factors the School deems relevant, including, without limitation:

- the complainant's age;
- circumstances that suggest there is an increased risk of future acts of harassment and/or sexual violence under similar circumstances; and
- whether the School possesses other means to obtain relevant evidence (e.g., security cameras or personnel, physical evidence).

All Complainants proceeding through the formal investigation process will be advised that their identity may be disclosed to the Respondent(s).

During the course of a formal investigation, the Title IX Coordinator will instruct each person who is interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of an investigation is expected not to disclose to third parties any information that they learn and/or provide during the course of the investigation.

All public records created as a part of an investigation of a complaint of discrimination/retaliation will be maintained by the Title IX Coordinator in accordance

with the School's records retention policy.

At times, the Title IX Coordinator may deem it necessary to implement protective means before or during an investigation to protect the rights and interests of the Complainant and/or the Respondent. Those measures may be designed to reduce or eliminate contact between the Complainant and Respondent so that both parties feel safe in their work or educational environment. Protective measures may also guard against further actual or perceived discrimination or retaliation.

Interim measures may include, but are not limited to, temporary changes in working conditions (e.g. changes in supervisor, shift, job site, or office location), changes to course schedule, directives to the Complainant and Respondent to avoid personal contact or refrain from such contact without a third party neutral person present, and in severe cases, interim suspension.

#### **K. Effect of Criminal Proceedings**

Because sexual violence may constitute a violation of Title IX, the School's policy, and criminal activity, the School strongly encourages individuals to simultaneously report alleged incidents of sexual violence to School authorities and local law enforcement. Criminal investigations may be useful in the gathering of relevant evidence, particularly forensic evidence. Because the standards for finding a violation of criminal law are different from the standards for finding a violation of this Policy, criminal investigations or reports are not determinative of whether sexual violence, for purposes of this Policy, has occurred. In other words, conduct may constitute sexual assault under this Policy even if law enforcement agencies lack sufficient evidence of a crime and therefore decline to prosecute.

The filing of a complaint of sexual violence under this Policy is independent of criminal investigation or proceeding, and except when the School's investigation may be delayed temporarily while criminal investigators are gathering evidence, the School will not wait for the conclusion of any criminal investigation or proceedings to commence its own investigation and may take interim measures to protect the Complainant and the School Community, if necessary.

#### **L. Retaliation or Reprisals is Prohibited**

It is contrary to Title IX, federal and state civil rights laws, and School policy, to retaliate against any person for asserting their civil rights, including filing a claim of discrimination or participating as a witness in an investigation. Retaliation or reprisals against any participant in an investigation will not be tolerated by the School. Retaliation against a person who files a claim of discrimination (including sexual harassment or sexual assault) is grounds for a subsequent claim by that person. If a person believes that they have been retaliated against as a result of filing a grievance or participating in the investigation of a grievance, they may pursue a separate complaint charging retaliation.

## **M. Filing of False Complaints**

Any employee or student who knowingly and/or intentionally files a false Title IX complaint under this procedure is subject to disciplinary action.

## **N. Time Frames**

Time frames referenced in these policies may be extended by the Title IX Coordinator for good cause, such as holidays or when classes are not in session, or when it is necessary to complete an investigation due to difficulties reaching witnesses or parties to the complaint. In all cases, extension of timelines will be noted in writing by the Title IX Coordinator.

## **O. Title IX Grievance Procedures**

This procedure shall constitute the grievance procedures for complaints alleging unlawful sex discrimination required under Title IX of the Education Amendments of 1972. As used herein, “complaint” is synonymous with “grievance”.

### **3.15.45 Nondiscrimination Of Pregnant, Parenting And Married Students**

A student who is eligible to attend the School and who is married and/or pregnant/parenting shall not be denied an educational program solely because of marriage, pregnancy, pregnancy-related disabilities, or potential or actual parenthood.

The School recognizes that young parents who leave school early face greater hardship and poverty than young people who complete their education. Therefore, enhancing educational opportunities and improving outcomes for all students remains a priority. The School is committed to supporting the retention of pregnant and parenting students in schools and acknowledges that one of the most effective ways to minimize the risk of negative outcomes in terms of health, welfare and educational achievement is to support pregnant and parenting students to remain connected to learning.

#### **Definitions**

*Pregnant student:* A female student who is pregnant. May also be referred to as an expectant student.

*Parenting student:* Any student, male or female who is the biological parent or legal guardian of a child. May also be referred to as a school-age parent, teen parent or adolescent parent. Parenting student does not include any person whose parental rights have been terminated.

*Biological Parent:* A parent who has conceived (biological mother) or sired (biological father) rather than adopted a child and whose genes are therefore transmitted to the

child.

*Custodial Parent:* The parent who has either sole physical custody of the child or the parent with whom the child resides for a majority of the time. Although courts often give two parents who are both fit parents joint custody of the child, the court may refer to the parent with the larger timeshare with the child as a custodial parent at times in court documents and during hearings.

*ELECT Program:* Education Leading to Employment and Career Training (ELECT) is a comprehensive, school-based, community-linked program that provides a broad array of academic and social service supports designed to help expectant and parenting students stay in school, earn a high school diploma or GED, and achieve the self-sufficiency required to make a successful transition to employment.

*Approved Documentation of Parenting Status:* The following documents of evidence include: (1) birth certificate, (2) ultrasound, (3) letter from physician, (4) WIC paperwork, and/or (5) child's medical card.

*False Pregnancy or Pseudocyesis:* A condition in which a woman believes that she's pregnant, yet conception hasn't taken place and no baby is forming inside.

*Reasonable Adjustments:* Students may request adjustments based on general pregnancy needs or accommodations based on a pregnancy-related complication. For example, a larger desk, elevator access, or allowing you to make frequent trips to the restroom, when necessary because of your pregnancy.

## **Mandatory Regulatory Guidelines**

The School will not deny enrollment based upon a student's marital, pregnant or parenting status. Pregnant/parenting/married students under the age of seventeen (17) are not excused from the requirements of compulsory attendance solely for the reasons of pregnancy or maternity.

Students shall not be expelled, suspended, or otherwise excluded from, or required to participate in, any school programs solely on the basis of their pregnancy-related condition, or marital status.

The School shall not discriminate against any student on the basis of the student's actual or potential parental, family or marital status, pregnancy, childbirth, false pregnancy, termination of pregnancy, or related recovery.

## **Education and Support Services for Pregnant and Parenting Students**

Students shall not be excluded from, denied the benefit of, or discriminated against in any education programming or activity, including any class or extracurricular activity, on

the basis of such student's pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery therefrom.

Any education program or activity that is offered separately to pregnant students, including any class or extracurricular activity, shall be equal to that offered to other School students. A student's participation in such programs shall be voluntary.

To the extent feasible, educational and support services shall be provided, either through the School or in collaboration with community agencies and organizations, to meet the needs of pregnant or parenting students on a case-by-case basis and appropriate to the student's individual needs. The student may continue attending school in the regular classroom or continuation education setting.

Students who believe that they have been subject to discrimination or harassment due to their parental, pregnancy or marital status may file a complaint in accordance to the student complaint process or seek resolution with the School's Title IX Coordinator.

Students will be allowed to return to the same academic and extracurricular status as before medical leave began, which should include giving students the opportunity to make up any work missed while they were out. Students are expected to resume progress toward the completion of all assignments and activities as appropriate to their grade level and benchmarks. Teachers are encouraged to remain flexible in their expectations of students who become new parents, so that students can meet the demands of their studies at the same time that they face new demands in their parental roles.

### **Attendance and Absenteeism**

The Chief Executive Officer may grant students a leave of absence due to pregnancy, childbirth or abortion for as long as it is deemed medically necessary. At the conclusion of the leave, the student shall be allowed to reenter the school and be reinstated to the status held when the leave began in the same manner as any student whose nonattendance is a result of an excused absence or temporary disability.

Like teen mothers, teen fathers must grapple with the regular trials of adolescence while also attempting to navigate parenthood. We want young dads to be responsible and nurturing parents, and to receive effective support and guidance. Schools are to remain flexible when supporting male students in their parenting role.

After delivery, the custodial parenting student's absence from school shall be permitted for a period not to exceed thirty (30) school days for the mother's physical recovery and/or adjustment to parenting, unless an extension of time is medically justified. It shall be necessary for the student to present a medical certification in the form of a note from their doctor explaining that the student is unable to attend school and the note must also specify the beginning and end dates of the leave of absence deemed necessary

by the doctor.

Pregnant and parenting students also may request exemption from attendance because of a physical or mental condition or because of personal services that must be rendered to a dependent.

Absences of parenting students shall be considered excused when absent due to the illness or medical appointment of a child or for whom the student is the custodial parent. The School may require verification for illness absences in accordance with policies applicable to all students.

### **Health Services**

Students are permitted to take a leave of absence for pregnancy, childbirth, false pregnancy, termination of pregnancy and recovery therefrom for so long a period of time as is deemed medically necessary by the student's physician, at the conclusion of which the student shall be reinstated to the status which she held when the leave began.

A physician's note certifying that the student is physically and emotionally able to continue participation shall be required.

A pregnant/parenting student whose mental or physical condition prevents them from attending regular classes, when such condition is certified by a licensed physician, may be assigned to homebound instruction. Homebound instruction shall not be granted to the student because of lack of child care or solely because the student is in her third trimester.

The school shall provide reasonable accommodations to any lactating student to express breast milk, breastfeed an infant child, or address other needs related to breastfeeding.

### **Confidential Communications**

Health and personal information is confidential and should not appear in cumulative records. Pregnancy information is confidential and shall not be considered for educational or job opportunities, awards or scholarships.

All health records established and maintained shall be confidential, and their contents shall be divulged only when necessary for the health of the child or at the request of the parent or guardian to a physician legally qualified to practice medicine and surgery or osteopathy or osteopathic surgery in the Commonwealth. This reference pertains strictly to health records.

An exception to confidentiality includes but not limited to, suspicion of child abuse, or a



clear and present danger to the health safety of student. Information received in confidence from a student may be revealed to the student's parents or guardians, the principal or other appropriate authority when the health, welfare or safety of the student or other persons is clearly in jeopardy.

### **3.15.50 Nondiscrimination Of Gender Nonconforming Students**

The School desires to ensure the safety, equity, and justice for all students regardless of gender identity or gender expression so that they can reach their fullest human and intellectual potential.

#### **AUTHORITY**

This policy is intended to facilitate compliance with other local and federal laws and the School policies concerning bullying, harassment and discrimination.

#### **Title IX**

Title IX of the Education Amendments of 1972 ("Title IX") specifically prohibits discrimination on the basis of sex in federally-funded education programs and activities. The United States Department of Education's Office for Civil Rights has issued guidance recognizing that Title IX protects transgender students against discrimination based on their gender identity. Additionally, the U.S. Departments of Education and Justice have stated that under Title IX, "discrimination based on a person's gender identity, a person's transgender status, or a person's nonconformity to sex stereotypes constitutes discrimination based on sex" and asserted a significant interest in ensuring that all students, including transgender students, have the opportunity to learn in an environment free of sex discrimination in public schools.

#### **City of Philadelphia Bill No. 130224**

City of Philadelphia Bill No. 130224 (April 2013) amends the Philadelphia Code to provide for equality of treatment of all persons in the City of Philadelphia regardless of gender identity or sexual orientation. Specifically, it provides for gender neutrality in certain City forms and online websites, access to public accommodations based upon an individual's gender identity, the right to dress consistently with one's gender identity, and the right of transgender individuals to request name and gender changes on pertinent records.

#### **DEFINITIONS**

"*Sex assigned at birth*" is the classification, either male or female, that a doctor assigns to an individual upon birth. This differs from biological sex, which encompasses sex traits both external and internal, including genitals, hormones, chromosomes, internal reproductive organs, etc.

“*Gender identity*” is a person’s deeply held sense or psychological knowledge of their own gender, regardless of the sex they were assigned at birth. Individuals determine their own gender identity and gender identity may change over time.

“*Cisgender*” describes people whose gender identity is consistent with their sex assigned at birth.

“*Transgender*” describes people whose gender identity is different from their sex assigned at birth.

“*Gender expression*” refers to the way a person expresses gender to others through behavior, clothing, hairstyles, activities, voice or mannerisms.

“*Gender nonconforming*,” “*gender variant*,” and “*gender queer*” describe people whose gender expression and/or gender identity falls outside the traditional male-female binary.

“*Gender-neutral pronouns*,” such as they/them/their (singular), are used by some transgender and gender non-conforming people.

“*Social transition*” refers to a change in any combination of the following: name, pronouns, gender identity, or gender expression. Social transition does not necessarily involve any legal name change or medical intervention and does not need to be certified by a doctor or therapist.

“*Medical transition*” refers to the use of puberty blockers, hormones, or surgery by a transgender or gender non-conforming person, designed to align their physical sex characteristics with their gender identity.

“*Questioning*” is the process of self-exploration and self-discovery about one’s gender identity, often involving unlearning one’s assigned gender and learning a new one. There is no timetable for this process.

## **SCOPE**

This policy covers conduct that takes place in the school, on school property, at school-sponsored functions and activities. This policy also pertains to usage of electronic technology and electronic communication that occurs in the school, on school property, at school-sponsored functions and activities, and on school computers, networks, forums, and mailing lists. This policy applies to the entire school community, including educators, school staff, students, parents, and volunteers.

## **GUIDANCE**

### **Names/Pronouns**

A student has the right to be addressed by a name and pronoun that corresponds to the student's gender identity. The name and pronouns with which the student identifies shall be used in all interactions between them and school staff and students as well as on written records including class rosters, report cards, letters from the school, transfer forms, and photo ID. A court-ordered name or gender change is not required, nor is evidence of therapy or medical transition. The intentional or persistent refusal to respect a student's gender identity (for example, intentionally referring to the student by a name or pronoun that does not correspond to the student's gender identity) is a violation of this policy.

### **Privacy/Confidentiality**

All persons, including students, have a right to privacy, and this includes the right to keep one's transgender identity private at school. Information about a student's transgender identity, legal name, or sex assigned at birth also may constitute confidential medical information. School personnel should not disclose information that may reveal a student's transgender identity or gender nonconformity to others, including parents and other school personnel, unless the student has authorized such disclosure. Transgender and gender nonconforming students have the right to discuss and express their gender identity and expression openly and to decide when, with whom, and how much to share private information.

### **Gender-Segregated Activities**

To the extent possible, schools should reduce or eliminate the practice of segregating students by gender. In situations where students are segregated by gender, students will be included in the group that corresponds to their gender identity.

As a general matter, schools should evaluate all gender-based activities, rules, policies, and practices — including classroom activities, school ceremonies, and school photos — and maintain only those that have a clear and sound pedagogical purpose. Students shall be permitted to participate in any such activities or conform to any such rule, policy, or practice consistent with their gender identity.

### **Gender-neutral Language**

To the extent possible, the School will use gender-neutral language in written communication with all students and families, regardless of a student's gender identity. This includes employing "they" (singular) instead of "he/she."

### **Restroom Access**

Students shall have access to the restroom that corresponds to their gender identity. Any student who has a need or desire for increased privacy, regardless of the underlying reason, should be provided access to a single stall restroom, but no student shall be required to use such a restroom.

## **Locker Room Access**

Students shall have access to the locker room that corresponds to their gender identity. Any student who has a need or desire for increased privacy, regardless of the underlying reason, should be provided with a reasonable alternative changing area such as the use of a private area. Any alternative arrangement should be provided in a way that protects the student's ability to keep their transgender identity confidential.

## **Physical Education Classes & Intramural Sports**

Transgender and gender nonconforming students shall be permitted to participate in physical education classes and intramural sports in a manner consistent with their gender identity.

## **Interscholastic Competitive Sports Teams**

Participation in competitive athletic activities and contact sports will be resolved on a case-by-case basis.

## **Dress Codes**

Transgender and gender nonconforming students have the right to dress in a manner consistent with their gender identity or gender expression. Schools may not adopt dress codes that restrict students' clothing or appearance on the basis of gender. In describing dress codes, the School will employ gender-neutral language rather than specify separate "girl" and "boy" uniforms.

## **Training Requirement**

All School staff shall be trained regarding this policy.

## **Curriculum**

Continue to provide an age appropriate comprehensive health education curriculum that includes the four domains of health including; physical, mental, emotional, and social.

## **Discrimination/Harassment**

It is the responsibility of the School to ensure that transgender and gender nonconforming students have a safe school environment. This includes ensuring that any incident of discrimination, harassment, or violence is given immediate attention, including investigating the incident, taking appropriate corrective action, and providing students and staff with appropriate resources. Complaints alleging discrimination or harassment based on a person's actual or perceived transgender identity or gender nonconformity are to be handled in the same manner as other discrimination or harassment complaints.

### **3.15.55 Child Abuse Reporting Policy**

All employees are mandated by the Commonwealth of Pennsylvania to report suspected child abuse. They are required to make a report when they have reason to suspect that a student is being physically abused, emotionally abused, neglected, or sexually abused. When staff members suspect child abuse, they are required to notify the Commonwealth's child abuse hotline, either via telephone or online. Following the report, staff members are required to notify the administration. After a call to ChildLine is made, the school may choose to alert the parents/guardians that a report was made, depending on the circumstances. There is no law requiring parental notification of reports of suspected child abuse. All staff members are mandated to keep confidential any discussion regarding suspected child abuse. The school administration may choose to share certain information with staff members on a need-to-know basis, only if this information will benefit the student.

All employees are trained in accordance with the requirements of ACT 126 (24 P.S. 12 § 1205.6).

### **3.15.60 Closed Campus**

The School operates on a "closed campus" plan. School officials have supervisory responsibility for all students while they are on school property during school time. Because of this responsibility, whether the student has walked, been delivered by a personally-owned vehicle, or ridden a school bus, they are not permitted to leave the premises until the end of the regular school day or after being signed out by a parent/guardian/designee at the office. Any student who violates this policy shall be subject to disciplinary action.

### **3.15.65 Custody And Parent Guardian Contact**

Please make certain that you have completed an emergency contact form at the beginning of the school year so that we can communicate in a timely manner. If at any time during the school year your address changes, please update your emergency contact form and provide us with two "proof of residency."

The School requires the submission of a copy of any Court Order or agreement affecting the custodial rights of a parent. It is important that the school understand custodial arrangements in order to determine who is eligible to pick your child up from school and communicate with school staff.

In case of a school evacuation students will be evacuated to the following site:

Cohocksink Playground (Cohox)  
2829 Cedar Street

### **3.15.70 Enrollment**

Students will be admitted without regard for sex, race, ethnicity, religion, income, or disability. Any student meeting the admission criteria as listed below will be considered without prejudice. Preference will be given to incoming siblings of currently-enrolled students. Enrollment for students residing in the Commonwealth is handled according to a wait list system.

The following criteria must be met for Student admission:

- The family must provide proof of birth, immunizations and proof of residency in the City of Philadelphia.
- Additional paperwork that will be helpful to determine programming for your child may be requested. Other paperwork deemed necessary may be asked for at the time of admission.

### **Catchment Area Schools**

The School enrolls students who are residents in its catchment areas. Students who are residents of the school's catchment area may enroll at any time. Enrollment for other students residing in the Commonwealth is handled according to a waitlist system.

### **3.15.75 Field Trips**

All classes will participate in field trips throughout the school year. Field trips provide valuable and worthwhile learning experiences for students and are related to the curriculum. Parental permission slips are required for each student participating in these activities. School Administration will determine the dress code for all trips although for most trips the school uniform will be worn.

In the event that a family is unable to afford a trip, please contact the student's teacher for payment arrangements. In some cases, a student whose parents/guardian are unable to pay may request financial support.

Any adult who chaperones a field trip is required to have the appropriate criminal background and child abuse clearances on file at the school.

### **3.15.80 Flag Salute And Pledge Of Allegiance**

Each day, School begins with a recital of the Pledge of Allegiance and a flag salute, as well as the School Student Pledge.

1. Students may decline to recite the Pledge of Allegiance and may refrain from saluting the Flag on the basis of personal belief or religious convictions.
2. Students who choose to refrain from such participation shall respect the rights and interests of classmates who do wish to participate.

### **3.15.85 Food Service**

The School has been approved by the Pennsylvania Department of Education as Community Eligibility Provision (CEP) sites. This means that all students are entitled to a free breakfast and lunch without the requirement of completing lunch applications. Students do not need to bring food to school, unless there is medical need.

In the event that a student wishes to pack a lunch, healthy packed lunches are permitted in the school building. These lunches should qualify as nutritious according to the Pennsylvania Department of Education's Division of Food and Nutrition Program.

Students who bring lunches that do not follow these healthy guidelines, will be given the opportunity to eat the school lunch. School staff will contact the parent/guardian to discuss the concerns.

Please do not include the following food:

- Candy
- Glass Bottle or containers
- Gum
- Containers that are difficult for your Student to open
- Fast Food
- Containers that easily lead or spill
- Soda
- Food that must be heated or refrigerated

### **3.15.90 Locker Policy**

Lockers are available to students during the school year. Though students are

responsible for their lockers and the contents, students may not place any type of lock on the lockers. The lockers belong to the school and students are merely given the privilege of using them. Students are prohibited from placing any marks on or in the assigned lockers, and will be held responsible for defaced lockers. Students may not share, switch or use any other locker than the one assigned to them. They should report any repairs that need to be made to the lockers.

Students should NOT keep valuable personal property in lockers. The school cannot guarantee the security of the contents of the lockers and is not responsible for loss or damage to personal property. The School expects students will respect the privacy and property of others.

Students should NOT leave food in the lockers overnight.

Students should NOT store or place anything illegal in the school lockers, such as:

- Drugs or Alcohol
- Stolen Property
- Anything that can be used as a weapon
- Anything deemed by the school or police to be a danger
- Anything else illegal to possess

The School reserves the right to search a student's locker whenever the school has reasonable suspicion that the locker contains an illegal item in violation of law and/or school policy. Prior to a locker search, the student will be notified and given the opportunity to be present. If reasonable suspicion exists that a locker contains an item that poses a threat to the health, welfare or safety of the school community, the school may search the locker without prior notice or warning to the assigned student.

In the event that a school employee searches a locker and finds anything inappropriate or illegal in the locker, the employee may confiscate such items, secure them and use them as evidence for school discipline, up to expulsion, for violations for possession of illegal substances or weapons. In addition, the school may turn found items over to law enforcement for possible criminal investigation and charges.

For more information, see the Search and Seizure Policy.

### **3.15.95 Lost And Found**

All lost articles, including textbooks, are placed in the lost and found. A student who finds an article can help in returning it to the office. A student who loses an article should go to the office for assistance.



### **3.15.100 Textbooks And Instructional Materials**

All Students will be issued the necessary textbooks and instructional materials for the subjects they are taking. The care of these textbooks and materials is the student's responsibility and any damage to a book beyond normal wear will result in a fine.

Parents/Guardians are financially responsible for damaged or lost textbooks. In an effort to decrease damage to books we strongly recommend the following precautions:

- HARDBACK textbooks are expected to be covered with commercial book covers or brown paper bag covers. PLEASE, no clear contact paper on hardcover books.
- SOFTBACK textbooks (workbooks) should be covered with clear contact.

### **3.15.105 Withdrawals**

In order for a Student to withdraw from school, it is necessary that the parenting adult makes a written request to the principal that the Student be withdrawn. This request must include the date of withdrawal and the name and address of the new school. Records will be mailed to the new school after a release is signed.

### **3.15.110 Internet Acceptable Use Policy**

Internet access is available to Students and teachers at the School.

We are very pleased to bring this access to students and staff and believe the Internet offers vast, diverse, and unique resources to both Students and teachers. Our goal in providing this service to teachers and students is to promote educational excellence in schools by facilitating resource sharing, innovation, and communication.

The signature(s) at the end of this page is (are) legally binding and indicates the party (parties) who signed has (have) read the terms and conditions carefully and understand(s) their significance.

Technology is a valuable and real world educational tool. The policy outlined below applies to all technology use including but not limited to Internet use. The Acceptable Use Policy for Technology applies to all students, staff, and volunteers allowed access to school technology resources.

We recognize that the digital world allows anytime, anywhere access. Uses mentioned in this policy apply to inside the school use and may in certain instances apply to

personal use of technology outside of the school. Where personal outside use of technology threatens a likelihood of substantial disruption in school, including harming or interfering with the rights of other Students or staff to participate in school, these activities may be viewed as a violation of the Acceptable Use Policy and may be subject to disciplinary measures. The types of electronic and digital communication references in this Acceptable Use Policy include, but are not limited to, social networking sites, cell phones, digital cameras, text messages, email, voice messages, chat rooms and instant messaging.

The School's goal is to prepare its members for life in a digital global community. To this end, the school will:

1. Integrate technology with project-based learning to enhance learning
2. Encourage critical thinking, communication and problem solving skills
3. Provide a variety of technology tools and related technology skills

Our school will make every effort to provide a safe environment for learning. School technology is to be used to enhance student learning.

Copyright/Intellectual Property Identity: All sources obtained for student work must be properly cited. Users are to respect the rights of and the intellectual property of others in accordance with Federal Copyright Law. Transferring copyrighted material to and from a school without expressed permission from the owner is a violation of the Federal Law.

Users must adhere to the school policy that may further define uses of mobile devices. If a particular mobile device is to be used for educational purposes, the school and/or administration will provide the parameters for use.

**Examples of Unacceptable Uses-users are NOT to:**

- Use technology to harass, threaten, deceive, intimidate, offend, embarrass, or annoy an individual.
- Post, publish, or display any defamatory, inaccurate, violent, abusive, profane, sexually oriented material. Users must not use obscene, profane, lewd, vulgar, rude or threatening language.
- Use a photograph, image, video of any Student or employee without express permission of that individual and the principal.
- Create any site, post any photo, image or video of another person without express permission of that individual and the principal.
- Attempt to circumvent the system security.
- Visit a site known for unacceptable material or any material that is not in support

of our educational goals.

- Visit social networking sites, gaming sites, except for educational purposes under teacher supervision.
- Transmit any material that is in violation of any local, federal, and state laws. This includes copyrighted material, licensed material and obscene material.

**Reporting:** Users must report immediately any damage, or change to the school's hardware that is noticed by the user.

**Administrative Rights:** The administration has the right to monitor student use of computers, and computer accessed content. The administration reserves the right to amend, or add to this policy at any time without notice.

**Policy Violations:** Violation of the above school rules will be dealt with by the administration of the school. Violation of these rules may result in any or all of the following:

- Loss of school network, computer and Internet access.
- Issuance of consequence as found in the Student Code of Conduct.
- Disciplinary action including, but not limited to, a hearing before the Board of Trustees and/or legal action by the school, including out-of-school suspension and expulsion.
- Staff/parent contact for student misuse.
- Confiscation of inappropriate item(s).
- Restitution/restoration.

**The CEO reserves the right to establish additional rules and take appropriate actions to implement this policy.**

**The CEO retains the right to amend this guidebook for just cause. Parents will be given prompt notification if changes are made.**

## [ACKNOWLEDGMENT](#)

### **3.15.115 Admissions**

MEMPHIS STREET ACADEMY CHARTER SCHOOL AT J.P. JONES  
POLICY: ADMISSION AND ENROLLMENT OF STUDENTS

#### **1. Purpose**

Memphis Street Academy Charter School (the "Charter School") complies with all State

and Federal laws that govern admission policies and procedures, and with the terms and conditions established by the School District of Philadelphia or its Board of Education pertaining to the school's charter (the "Charter"), pursuant to the Charter School Law, 24 Pa.C.S.A. Section 17-1701-A, et seq (the "CSL").

## **2. Delegation of Responsibility**

The Board of Trustees of Charter School delegates the CEO to implement and oversee the admissions process.

## **3. Criteria for Admission and Enrollment**

3.1 Except as otherwise stated in this policy, all applicants for admission must, at the time of application and completion of the enrollment process:

- a. reside in or attend approved feeder schools in the Charter School's catchment area ( the "Attendance Zone"), which may be found at:

[https://webapps.philasd.org/school\\_finder/](https://webapps.philasd.org/school_finder/)

OR

- b. be siblings of presently enrolled students at the Charter School as specified in section 6.3.

3.2 The Charter School only will enroll first time entering students who reside in or attend approved feeder schools in the Attendance Zone, as may be revised by the School District during the term of the Charter, and siblings of presently enrolled students at the Charter School, pursuant to the CSL and the Charter. The Charter School will not enroll any first time entering students who live outside the Attendance Zone or do not attend any approved feeder schools identified in the Attendance Zone except for siblings of presently enrolled students at the Charter School, pursuant to the CSL and the Charter.

3.3 Once a student has enrolled in the Charter School, such student may remain enrolled in the Charter School even if such student moves to a residence in the City of Philadelphia which is outside the Attendance Zone.

3.4 The Philadelphia School Partnership Common Application through [Apply Philly Charter](#) is the exclusive means for Charter School to accept applications for admission.

3.5 All required documents described in Section 10 also must be submitted to the Charter School in order to complete the enrollment process.

3.6. Applicable Apply Philly Charter Deadlines for 2024-25 School Year:

- a. Application Window: Friday, September 22, 2023 through Monday, January 22, 2024
- b. Common Lottery Date: Wednesday, February 7, 2024
- c. Common Notification Date: Friday, February 9, 2024
- d. Common Acceptance Date: Friday, February 23, 2024

3.7 Subject to any additional parameters set forth in Section 4, as long as an applicant meets the criteria for admission and submits all completed documents required for enrollment, references to "deadline" or "time period" in this policy are for planning and administrative purposes only, and do not affect any right to admission and/or enrollment under State or Federal law, the Charter School's charter or other directive of the School District of Philadelphia or its Board of Education. Admissions and enrollment at the Charter School are not based upon consideration of race, color, familial status, religious creed, ancestry, sex, national origin, handicap or disability.

3.8 MSA has sibling preference for admission, in accordance with the Charter School Law and the Charter School's charter, which is further described in this policy.

#### **4. Additional Parameters for Admission**

##### **4.1 Annual Enrollment Growth**

Charter School adheres to the annual enrollment caps contained in its charter. Under no circumstances will the Charter School enroll more students or enroll students in different grades without approval by resolution of the School District of Philadelphia or its Board of Education.

4.2 The Charter School shall fill opening seats throughout the school year. When a seat becomes available at the Charter School, the Charter School shall fill such seat based on waiting list order by grade.

4.3 All students who apply to Charter School must meet the Charter School's reasonable requirements for admission, if applicable. The CSL allows charter schools to establish "reasonable criteria" for admission and to independently develop internal policies and procedures for admission.

4.4 The Charter School will follow additional parameters for admission established by the School District of Philadelphia or its Board of Education.

#### **5. Application**

5.1 The Philadelphia School Partnership Common Application through Apply Philly Charter requires only the following:

- a. Student name, address, date of birth and/or age, gender, grade applying for, and

- current grade;
- b. Parent or legal guardian name, relationship to student, relationship to the Charter School for if applicable, and contact information;
- c. Sibling name(s), school and grade;
- d. Specific admissions criteria questions, if outlined in the school's charter.

## 5.2 Application Access

- a. The Philadelphia School Partnership Common Application for admission to Charter School is available to all individuals and organizations, through Apply Philly Charter.
- b. The application through Apply Philly Charter is available in English and multiple languages (Albanian, Arabic, Chinese (Simplified), French, Khmer, Russian, Spanish and Vietnamese).
- c. The primary way to access and complete the Philadelphia School Partnership Common Application is online through the Apply Philly Charter website. Application (all languages) also can be completed over the phone by calling (800) 891-3999. As per the Memorandum of Understanding with Philadelphia School Partnership, Charter School will not accept paper applications. In the event that an applicant requests to submit an Application in person, Charter School will provide reasonable accommodations, which may include: (i) providing the applicant with access to a computer to submit the common application on the Apply Philly Charter website; (ii) providing the applicant with access to a landline to call Apply Philly Charter's toll-free number; or (iii) providing an applicant with a handout outlining instructions for how to submit the application via Apply Philly Charter.

## 5.3 Application Process

- a. The application process involves submitting the application through Apply Philly Charter. No interview, school tour or attendance at an information session will be required.
- b. The application through Apply Philly Charter can be submitted through at least two (2) methods including, at a minimum, completing the application online or over the phone.
- c. Availability of the application through Apply Philly Charter will be announced through at least three (3) public avenues (e.g. local newspapers, community flyers, bulletins, school websites) in all applicable languages.
- d. Completed applications from students residing in or attending approved feeder schools in the Attendance Zone, and siblings for currently enrolled students, are

accepted unless more students apply to the Charter School than the number of attendance slots available in the Charter School, in which case there will be a lottery in accordance with this policy.

- e. Applicants who successfully complete and submit an application via Apply Philly Charter will receive a confirmation email of their submission. Applicants who are unable to provide an email address will receive a confirmation of their application submission via postal mail to the address recorded on their application.

## **6. The Lottery, Waitlist, and Notification**

### 6.1 Included in Lottery

All applicants who successfully complete the application through Apply Philly Charter within the application window.

### 6.2 Exempted from Lottery

Returning students who are currently enrolled in and attending the Charter School.

### 6.3 Lottery Process

- a. After the close of the application window, if more applications are received than there are seats available, the Charter School will conduct on the Apply Philly Charter system a randomized lottery for grades in which seats are available, in order to determine which applicants will be offered a seat for enrollment.
- b. All applications submitted within the application window will be referred into the lottery, after confirming that the application is not a duplicate submission, and that the applicant is otherwise eligible to attend the school.
- c. The application window for enrollment for the 2024-2025 school year is September 22, 2023 through January 22, 2024. Subsequent application window will be no earlier than four weeks after notification to applicants of lottery and/or application outcomes by the Charter School through Apply Philly Charter.
- d. In addition to Apply Philly Charter notifying applicants and the general public of the application window on the Apply Philly Charter website and other media, the Charter School will present on its publicly available website and through at least three (3) public avenues (e.g. local newspapers, community flyers, bulletins), in all applicable languages, information about the application window, date of the lottery and lottery procedures.
- e. The lottery for the 2024-2025 school year will be conducted on February 7, 2024.
- f. Priority in the lottery will be given to applicants as follows:

1. First Priority: Siblings of students currently enrolled in and attending the Charter School are given preference in the lottery for available seats. A “sibling” is defined as a brother or sister, by blood, marriage or adoption, living in the same household. Sibling preference will not apply unless the sibling is a Philadelphia resident, and the currently enrolled student is in a grade lower than 8th grade with successful completion of one full year at the Charter School. Nieces, nephews, cousins or unrelated children, even if living in the same household as the applicant, are not considered to be siblings.
  2. Second Priority: Applicants who reside in or attend approved feeder schools within the Attendance Zone.
  3. There are no additional priorities for enrollment besides the aforementioned First and Second Priority.
- g. Upon application submission, each applicant is automatically assigned a random lottery number. When the lottery is run, it will take the following into account: first, the priority group an applicant falls into, and, second, the applicant’s random lottery number. Seats will first be offered to applicants who fall into the first priority group in order of lowest random lottery number to highest. The lottery will then offer seats to applicants in the second, third, etc. priority groups, as applicable, in order of random lottery number, until the number of available seats has been exhausted. Applicants who were not offered a seat through the lottery will be waitlisted in order of their priority group first, and their random lottery number second. Enrollment is not on a first come, first served basis.
- h. Applicants who were offered a seat through the lottery will be notified on February 9, 2024 via email through Apply Philly Charter. Applicants will also be able to log-in to their Apply Philly Charter accounts on February 10th to view their application results. Applicants who were offered a seat through the lottery will have until March 8, 2024 to accept their seat offer on Apply Philly Charter by clicking “accept” in their Apply Philly Charter accounts. Applicants will then be required to submit enrollment paperwork to the school by April 19, 2024 (six weeks after acceptance date) in accordance with the Charter School’s enrollment policy and charter.
- i. Applicants who are offered a seat through the lottery will be advised of enrollment procedures. Enrollment paperwork will not be collected through Apply Philly Charter.

#### 6.4 Notification of Applicants

- a. By February 9, 2024, all applicants selected for admission through the lottery will be notified in writing of their status, via the Apply Philly Charter email system or U.S. mail, postage pre-paid, in the event that an applicant's family



does not provide an email address.

- b. By February 9, 2024, all applicants who submitted applications but who were not selected for admission through the lottery will be notified of their position on the school's waitlist in writing, via the Apply Philly Charter email system or U.S. mail, postage pre-paid, in the event that an applicant's family does not provide an email address.
- c. To ensure that the Charter School can contact prospective parents/guardians, it is the responsibility of parents/guardians to update the Charter School with any changes in contact information.
- d. Posting of the lottery results on Apply Philly Charter provides additional notification to applicants.

## 6.5 Waitlist and Student Selection for Vacancies

- a. If there are more applicants than seats available in any particular grade, then the Charter School will generate a waitlist of applicants from Philadelphia by lottery results which is maintained in the main office.
- b. Applicants will be notified of their status, i.e. accepted or waitlisted, in writing.
- c. In the event that an opening occurs in any grade until May 15th of that school year, the next eligible applicant on the waitlist for that grade will be contacted and offered a seat, and given a one week deadline to respond and/or submit enrollment documentation to confirm their seat for compliance with the enrollment process. Admission will be offered on a first come, first served basis, if a waitlist no longer exists for that grade. New waitlists are generated every year.
- d. Any applications received after the lottery date will be placed at the bottom of the waitlist in the order received.
- e. Once all registration is complete, any additional vacancies designated by School Administration will be filled in order of highest to lowest priority waitlist. If no waitlist exists, the vacancy may be filled on a first come, first served basis.
- f. The waitlist is valid for one (1) school year only, and is based on the current year applications. If an applicant is not notified of acceptance, they must reapply for the next school year.

## 7. Classroom Caps

7.1 The Board and Administration have full discretion to establish the number of students admitted to each grade and the grades to which they are admitted. However, the Board and the Administration may not exceed the school's cap pursuant to the school's charter, unless authorized otherwise in writing by the School District of Philadelphia or its Board of Education. Charter School also will not request payment

for more students beyond the school's cap without District approval by resolution.

7.2 When a student attempts to register at Charter School but is unable to enroll because the Charter School is at its maximum enrollment or there are school-implemented grade and space limitations, then a review of the student's placement on the waitlist and an explanation of waitlist procedures will be given to the student's parent/guardian. Additionally, a letter from Charter School -- signed by an admissions official and documenting the attempted registration, date of placement on the waitlist, and number on the waitlist -- will be given to the parent/guardian to take to the Office of Student Enrollment and Placement at the School District of Philadelphia, for securing an appropriate alternative placement.

## **8. Registration Requirements**

8.1 A student must successfully complete the grade prior to the grade to which they had applied. If at anytime during the application, registration and/or enrollment processes, up to and including the start of the school year, the student, for whatever reason, is unable to be officially assigned to the grade to which they had applied, but instead requires a different grade (based on official school records), the student's registration in the grade applied for may be affected. Unless there is immediate space available in the student's eligible grade, should official school records show that they did not successfully complete the grade prior to the grade to which they had applied, the student will be placed on the waitlist for their eligible grade.

## **9. Enrollment**

### **9.1 Submission of Documents Required to Complete Enrollment**

- a. Completion of the enrollment process requires submission of proof of age, residency in the Charter School's Attendance Zone, immunizations, Parent Registration Statement (Section 1304-A Sworn Statement), and home language survey. The required enrollment documentation is described as follows:
  1. Proof of the Student's Age - Acceptable documentation includes any one of the following: birth certificate; baptismal certificate or copy of the record of baptism -- notarized or duly certified and showing the date of birth; notarized statement from the parents or other relative indicating the date of birth; a valid passport; or a prior school record indicating the date of birth.
  2. Documents Establishing Residency in the Attendance Zone- Acceptable documentation includes a copy of two (2) of the following in the name of the parent or guardian:
    - a. Deed of home ownership
    - b. Current lease to rent

- c. Property tax bill or receipt
- d. Vehicle registration
- e. Driver's license
- f. Department of Transportation identification card
- g. Current utility bill
- h. Current credit card bill
- i. IRS statement or other wage and tax statements e.g., W2, 1040, 1099
- j. Employer pay stub
- k. Bank statement
- l. Voter registration card
- m. Welfare card
- n. Health insurance card

Charter School will rely on the information provided above as proof of residency in the Attendance Zone and the student's eligibility to enroll at The Philadelphia Charter School for Arts and Sciences. Giving knowingly false, misleading, or inaccurate information is a crime. The Philadelphia Charter School for Arts and Sciences may refer any cases it suspects are knowingly false, misleading, or inaccurate for criminal investigation and prosecution.

3. Immunizations Required by Law - Acceptable documentation includes: student's immunization record, written statement from prior school district or a medical office that the required immunizations have been administered or that a required series is being administered (red card - Pennsylvania Department of Health Medical Certificate and Medical Plan), or verbal assurances from the former school district or a medical office that the required immunizations have been completed, with records to be sent. In order to be exempt from this requirement, a parent/guardian must submit a written statement objecting to one or more vaccines because of religious beliefs or moral or ethical conviction, or the student's physician must have signed a "Statement of Exemption to Immunization Law" form.
4. Parent Registration Statement (Section 1304-A Sworn Statement) - As required by 24 P.S. Section 13-1304-A, during the enrollment process, but prior to admission to a charter school, a parent must provide the school with a sworn statement that their student has not been suspended

or expelled for an Act 26 offense involving weapons, alcohol, drugs, infliction of injury, or violence on school property.

5. Home Language Survey - All students seeking first time enrollment in a school shall be given a Home Language Survey in accordance with requirements of the United States Department of Education's Office for Civil Rights. Enrollment of the student may not be delayed in order to administer the Home Language Survey.
6. Custody Order (Only if Applicable) – A copy of a Court Custody or Dependency Order shall be required only when relied upon by the student's parent or guardian as the basis for enrollment.

## **10. Additional Optional Documentation Requested, But Not Required, for Enrollment**

10.1 Charter School may request, but not require, additional optional documents during the enrollment process including, but not limited to:

- Accepted Student Information Form
- Residency Questionnaire
- Emergency Contact Form
- Photo Permission Form
- Walking Permission Form
- Release of Student Records Form
- Military Family Form
- Picture identification
- Health or physical examination records or forms (other than Proof of Immunizations or acceptable responses required for enrollment, per Section 10.1)
- Academic records (report cards or transcripts of grades)
- Standardized test records/achievement scores
- Attendance records
- Special education record (including but not limited to current IEP and most recent evaluation or reevaluation)

## **11. Submission of Application Required for Withdrawn Student Residing in the Attendance Zone**

11.1 A parent/guardian of a student who was withdrawn from Charter School, and who is desirous of the student being re-admitted, must re-apply through the regular application process and continue to reside in the Attendance Zone when doing so. No preference is accorded to an applicant for being a previously enrolled student.

## **12. Parent/Guardian Responsibility for Documents for Students In Order to Complete Enrollment**

12.1 Parents/guardians of incoming students must submit all required documentation by the required deadline to Charter School in order to complete the enrollment process. All enrollment materials, required and requested, can be submitted to the school in the following manner:

E-mail: [mdelgado@ap-schools.org](mailto:mdelgado@ap-schools.org)

Mail:

ATTN: Mirta Delgado, Enrollment Secretary  
2950 Memphis St.  
Philadelphia PA 19134

In-Person:

ATTN: Mirta Delgado, Enrollment Secretary  
2950 Memphis St.  
Philadelphia PA 19134

12.2 Enrollment packets will be checked for completion, including all required signatures and proof(s) of residency within the Charter School's Attendance Zone.

12.3 Parents/guardians of incoming students will be provided a minimum of four (4) weeks to submit their enrollment packets.

12.4 Failure to submit documentation required to complete enrollment specified in Section 10 may jeopardize a student's seat, which may be offered to the next student on the waitlist. As long as all documents required for enrollment in Section 10 have been submitted, however, failure to submit other documents that were requested but not required, though included in the registration forms will not affect a student's enrollment.

## **13. Current Students Automatically Enrolled**

13.1. MSA does not require school-wide re-enrollment paperwork for each school year. All students currently enrolled and attending MSA automatically re-enroll for the following school year.

## **14. Special Student Classifications for Education Entitlement**

14.1 Resident Students and Court Orders or Custody Agreements - Charter School may require a parent/guardian to provide a custody or dependency order when the

student is being enrolled at Charter School pursuant to the parent or guardian's reliance on a court order or custody agreement as the basis for enrollment. Charter School will not require a custody order or agreement as a condition of enrollment in any circumstances other than the circumstance specified above.

14.2 Students Living with a Resident Adult other than a Parent - When a student is living with an adult other than a parent, who is supporting the student without personal compensation (gratis), the student may attend the public schools of that adult's school district, provided that the resident submits an application and supplies the required enrollment information upon acceptance. In addition, before enrolling the student, Charter School requires the resident to file one (1) of the following:

- a. A sworn and notarized statement from the resident of Philadelphia indicating that the signer is a resident of Philadelphia, that they are supporting the student without receiving personal compensation, that the student is living with the resident continuously and not just for the school year, and that the resident will accept all responsibilities relating to the student's schooling, or
- b. Appropriate legal documentation to show dependency or guardianship, which may include a custody order. Charter School may require other information to be submitted by the resident to substantiate the sworn statement. The natural parent(s) or former guardian(s) of the student may not be required to provide information. Once the requested information is provided, Charter School will enroll the student and permit them to begin to attend school without delay, but in no case more than 5 days, provided that space exists pursuant to the school's Admission Policy.

A resident's receipt of payments, such as Supplemental Security Income (SSI), Transitional Assistance for Needy Families (TANF), pre-adoptive or adoptive support, maintenance on public or private health insurance, support from the military or military personnel or other payments for or on account of the student such as student support, will not be considered to be personal compensation or gain.

14.3 Foster Students - With respect to admissions, enrollment and provision of education and related services, Charter School will follow the Fostering Connections to Success and Increasing Adoptions Act and the Every Student Succeeds Act. Charter School will work collaboratively with the City of Philadelphia Department of Human Services (DHS) to promote educational stability for students in foster care, pursuant to a Memorandum of Understanding and Educational Stability Protocol and Transportation Plan.

14.4 Nonresident Students Living in Facilities or Institutions - A student who is living in a district in which there is located a licensed shelter, group home, maternity home, residence, facility, orphanage or other institution for the care or training of students or adolescents, shall be admitted to that district's schools if living at or assigned to the

facility or institution. If the school district or residence of a student living at or assigned to a facility or institution cannot be determined, but the student is determined to be a resident of the Commonwealth, the student shall be permitted to attend the public schools of the district. This includes a student placed by the student's resident parents or guardians at a facility or institution and subsequently abandoned or deserted.

14.5 Emancipated Minors - An emancipated minor is a student under the age of 21 who has established a domicile apart from the continued control and support of parents or guardians or who is living with a spouse. The school district in which such student is living is their resident school district and the student may enroll at Charter School without any additional assistance from an adult.

14.6 Homeless Students - Charter School will ensure that each student of a homeless individual and each homeless youth have equal access to the same free, appropriate public education, including a public preschool education, as provided to other students and youth. Homeless students may reside in shelters, hotels, motels, cars, tents or be temporarily doubled-up with a resident family because of lack of housing. In the case of homeless students, traditional concepts of "residence" and "domicile" do not apply. Homeless students and homeless youth lack a fixed, regular, and adequate nighttime residence. Included within the definition of homeless students and youth are those who are "awaiting foster care placement" and "unaccompanied homeless youth."

Unaccompanied homeless youth may enroll without documents and without the help of an adult. Unaccompanied homeless youth includes any student who is "not in the physical custody of a parent or guardian." Within this definition are students who have run away from home, been thrown out of their home, or been abandoned or separated from their parents or guardians. Youth awaiting foster care placement include those who are placed in emergency, interim or respite foster care; kinship care; evaluation or diagnostic centers or placements for the sole purpose of evaluation. When necessary, School Administration will consult with the respective county students and youth agencies to determine if a student meets the definition of "awaiting foster care placement", including, on a case-by-case basis, whether a student who does not clearly fall into one of these categories is nevertheless a student "awaiting foster care placement."

Homeless youth are entitled to immediate enrollments, if a space exists pursuant to the Admission Policy and their families are not required to prove residency regarding school enrollment. These students are considered residents of the district where they are presently residing, or continue their education in the district of prior attendance.

14.7 Pre-Adoptive and Adoptive Students - The Federal Adoption Assistance Program, among other things, provides for adoption assistance payments to encourage the placement of certain hard-to-place students with adoptive parents. Pennsylvania has adopted companion legislation, known as the Adoption Opportunities Act. Students living with pre-adoptive parents who are receiving adoption assistance subsidies, pre-adoptive foster payments, or other payments such as Supplemental Security Income

(SSI) or Transitional Assistance for Needy Families (TANF), are entitled to attend school in the school district in which the pre-adoptive parents reside. Regardless of receipt of any of the above payments, students living in pre-adoptive situations are considered residents of the school district in which their pre-adoptive parents reside. Students living with adoptive parents are entitled to all free school privileges according to resident school students of the respective school district.

14.8 School-Age Students of Military Personnel - When Pennsylvania residents who are military personnel are deployed and their school age students are living with relatives or family friends in a school district for that period of time, the students are entitled to attend school in the school district in which they are residing.

## **15. Parent/Guardian Involvement and New Parent/Guardian Orientation**

15.1 New Parent/Guardian Orientation – Charter School will host an orientation for new parents/guardians of all enrollees.

15.2 Parent/Guardian Involvement – Charter School recognizes the importance of parent/guardian and volunteer involvement in helping to improve the success of students. At the New Parent/Guardian Orientation, Charter School will outline guidelines for parent/guardian involvement and volunteer responsibilities to Charter School.

## **16. Accountability and Transparency**

16.1 The Charter School's Admission and Enrollment policies and procedures, and date of lottery if necessary, will be submitted to the Charter School Office via Epicenter annually.

16.2 The Admissions policy and open house information are made available on the school's website and/or at the school's main office.

## **17. Affirmation of Commitment to Equal Opportunity in Education and Equal Access of All Eligible Applicants to x.**

17.1 Charter School affirms its commitment to the principle of equal opportunity in education. No student applying for or enrolled in the School will be denied opportunity for education or be subject to discrimination in any program or activity because of race, color, religion, national origin, sex, age or disability.

17.2 Charter School thus will not deny enrollment or admission on any basis otherwise illegal for a school district. Accordingly, no student who has been admitted to Charter School when not otherwise eligible will be allowed to remain on the rolls of Charter School, in order to ensure equal access of all eligible applicants to Charter School.

17.3 Charter School will remove from its rolls any student whose residency information given to the school, for the purpose of enrollment, is determined to be false, in



accordance with 24 P.S. Section 13-1302. Charter School also will seek prosecution and remedies as provided by this statute.

17.4 Charter School will remove from its rolls any student for whom, for the purpose of enrollment, false or misleading information has been provided pertaining to suspension or expulsion for an Act 26 violation. Such a student has no entitlement to continued enrollment or reinstatement at their prior school district, but may be legally excluded from its rolls. Accordingly, Charter School also will remove the student from its rolls, consistent with student's legal exclusion from their prior school district. Moreover, Charter School will seek prosecution as provided by 24 P.S. Section 13-1304-A(b) and 18 Pa.C.S.A. Section 4904.

**NOTE: Knowing falsification of any legally required information that enabled a student to be successfully admitted through the lottery process and/or other documents required for enrollment including, but not limited to, proof of residency, will void the enrollment. It is the intent of Charter School to pursue prosecution of person(s) providing such false information to the fullest extent of the law in accordance with the Public School Code, 24 P.S. Section 1302(a), as follows:**

- **Immediate removal from school after notice and an opportunity to appeal;**
- **A criminal penalty of a fine of up to \$300 and/or up to 240 hours of community service; and**
- **Any individuals involved in filing the false statement will be liable for tuition during the period of enrollment.**

### **3.15.120 Emergency Behavioral Procedures**

The School relies on the use of positive methods for teaching students appropriate behaviors. However, designated employees receive annual training according to the principles of Handle with Care, and may use physical interventions to control acute or episodic aggressive or self-injurious behavior whenever a student is acting in a manner as to present a clear and present danger to themselves and/or others, and whenever less restrictive measures and techniques have been attempted and proven to be ineffective.

In the event that physical intervention becomes necessary for a student with a disability, the student's parent or guardian will be contacted by phone, and invited to attend an IEP meeting to review the existing plan and its effectiveness for eliminating the need for physical restraint in the future.

## **3.20 Academics**

[3.20.05 Annual Notification Of Rights Under FERPA](#)

[3.20.10 Confidentiality Of Student Records](#)

[3.20.15 Entitlement To A Free Public Education](#)

[3.20.20 Equal Opportunity And Nondiscrimination](#)

[3.20.25 Confidentiality](#)

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[3.20.40 Excused Or Legal Absences](#)

[3.20.45 Unexcused Or Illegal Absences](#)

[3.20.50 Lateness](#)

[3.20.55 Student Records](#)

[3.20.60 Consistent, Aligned And Rigorous Academic Program](#)

[3.20.65 School Wide Norms](#)

[3.20.70 Grading](#)

### **3.20.05 Annual Notification Of Rights Under FERPA**

Students and their parents have an expectation that their personal information is safe, properly collected and maintained, and that it is used only for appropriate purposes and not improperly disclosed.

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

- The right to inspect and review the student's education records within forty-five (45) days after the day that the School receives a request for access. A parent or eligible student should submit to the CEO a written request that identifies the records that they wish to inspect. The CEO will make arrangements for access and will notify the parent or eligible student of the time and place where the records may be inspected.
- The right to request amendment of the student's education records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA. A parent or eligible student who wishes to ask the School to amend a record should write to the CEO and clearly identify the part of the record sought to be changed, and specify why it should be changed. If the School decides not to amend the record as requested by the parent or eligible student, the school will notify the parent or eligible student of the decision and of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

- The right to provide written consent before disclosure of PII from the student's education records, except to the extent that FERPA authorizes disclosure without consent. Pursuant to Sec. 99.31 of FERPA, the School may disclose PII from the education record of a student without consent, as long as the disclosure meets one or more of the following conditions:
  - a. The disclosure is made to school officials who have specific, legitimate educational interests including professional staff of the School such as, but not limited to, teachers, administrative personnel, counselor, psychologist, support staff members, school nurse or person serving as a member of the school's Board of Trustees. A school official also may include a volunteer or contractor outside of the school who performs an institutional service of function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney, auditor, medical consultant, or therapist; a parent or other volunteer serving on an official committee such as a disciplinary or grievance committee; or a parent or other volunteer assisting another school official in performing their tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill their professional responsibility.
  - b. Law enforcement and judicial authorities may receive from the school a report of a crime committed by a student. The School is not prohibited from reporting a crime committed by a student with a disability to appropriate authorities or to prevent law enforcement or judicial authorities from exercising their responsibilities with regard to the application of federal and state law.
    - 1. When reporting a crime committed by a child with a disability, the school shall ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to which it reports the crime.
    - 2. When reporting a crime under this section, the school may transmit copies of the child's special education and disciplinary records only to the extent that the transmission is permitted by FERPA.
  - c. The officials of another school or school district in which a student seeks or intends to enroll, or is already enrolled if the disclosure is for purposes of the student's enrollment or transfer.
  - d. Federal and state officials for the purpose of an audit and evaluation of federally supported education programs or for enforcing or complying

with federally legal requirements, which relate to these programs. Information provided shall contain the minimum necessary information that is personally identifiable, and such information shall be destroyed upon completion of such audit, evaluation, enforcement or compliance.

- e. Persons or agencies in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other persons.
- f. Persons or agencies in compliance with a judicial order or any lawfully issued subpoena. The School will provide written notice to the parent or eligible student of the order or subpoena and, if possible, in advance of the disclosure of educational records or PII. The parent or eligible student may receive a copy of the information released, if desired. Copies will be provided at the actual cost of reproduction.
- g. The disclosure is to authorized representatives of the U. S. Comptroller General, the U. S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities.
- h. The school may provide anonymous directory information from its records, including the official student record, for research purposes without consent under conditions where there is no likelihood of identifying any individual.

The right to file a complaint with the U.S. Department of Education concerning alleged failures by the School to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue  
Washington, D.C. 20202-4605

FERPA permits the School to disclose appropriately designated “directory information” without prior parental consent, unless the school is advised to the contrary in accordance with its procedures. Directory information means the information contained in the educational record of a student which is generally not considered harmful or an invasion of privacy if disclosed. The primary purpose of directory information is to allow the School to include this type of information from a student’s education records in certain school publications. Examples of directory information include, but are not limited to:

- Student name
- Address
- Telephone number

- Photograph
- Participation in officially recognized activities, clubs and sports
- Honors and awards received
- Grade level
- Dates of attendance
- Date and place of birth
- Weight and height of athletic teams
- Graduation date

Examples of how the School may reveal directory information include disclosing the directory information in the following, by way of example:

- Annual yearbook
- Newsletters, newspapers or other news sources
- Class lists
- Activities or sports sheets
- Honors or other recognition lists
- Staff and/or Student Directories and/or listings
- A playbill showing student's role in a drama production
- School Website
- School Bulletin Board

These examples are for illustration only, and do not constitute an exclusive list of the manner in which directory information may be disclosed. This notice provides a parent or eligible student with an opportunity to object in writing to any or all of those types of information that the School has designated as directory information. Any refusal with the types of information subject to disclosure as directory information must be submitted in writing to the Principal.

## **PARENT OR GUARDIAN REQUESTS FOR EDUCATIONAL RECORDS AND TRANSCRIPTS**

In order to receive a student's educational records or transcripts, parents or guardians must submit a written request to the school registrar. Although the School has up to 45 days to respond to a request to access records, the school will make every effort to respond sooner, and requests a minimum of 72 hours from receipt of a parent/guardian's request for records or transcripts to be available for pick-up or mail

delivery. The student must return all equipment and property belonging to the school and/or pay any outstanding fees before records can be released. To the extent that this policy is in conflict with federal, state or local law, such law shall supersede this policy.

### **Prior Notice to Parents**

The School must provide you with prior written notice each time it proposes, refuses to initiate, or changes the identification, evaluation, or educational placement of your student or the provision of a free appropriate public education to your Student.

The prior written notice will include the following:

1. a full explanation of all of the procedural safeguards available to you;
2. description of the action proposed or refused by the School, an explanation of why the agency proposes or refuses to take the action, and a description of any options the school considered and the reasons why those options were rejected;
3. description of each evaluation procedure, test, record, or report the school uses as a basis for the proposal or refusal; and
4. description of any other factors which are relevant to the school's proposal or refusal

The notice must be written in language understandable to the general public, and provided in your native language or other mode of communication. If your native language or other mode of communication is not a written language, the administration of the school will take steps to ensure that the notice is translated orally or by other means to you in your native language or other mode of communication; that you understand the content of the notice, and that there is written evidence that these requirements have been met.

### **Parental Consent**

The administration of the School must obtain your consent before conducting an initial pre-placement evaluation and before an initial placement of your student in a program providing special education and related services. (Except for pre-placement evaluation and initial placement, consent may not be required as a condition of any benefit to you or your Student.) The school may require parental consent for other services and activities if it establishes and implements effective procedures to ensure that a parent's refusal to consent does not result in a failure to provide the Student with a free appropriate public education.

This means that no part of a free appropriate public education or other benefit for your Student can be denied because of your electing to not consent to a school district proposal. For example, the school cannot refuse to provide one service because of your unwillingness to consent to another service. Similarly, the school cannot cease

providing special education (or any other particular benefit) because of your unwillingness to consent to a change in the array of services or benefits provided to your Student.

Whereas state law requires parental consent before a Student with disabilities is evaluated or initially provided special education and related services, state procedures govern the school in overriding your refusal to consent. Where there is no state law requiring consent before a Student is evaluated or initially provided special education and related services then the school may use the federal procedures for due process hearings to determine whether your Student may be evaluated or initially provided special education and related services without your consent. If the hearing officer upholds the school, it may evaluate or initially provide special education and related services to your Student without your consent, subject to your right to appeal the decision and to have your Student remain in their current educational placement during the pending of any administrative or judicial proceeding.

### **Independent Educational Evaluation**

You have the right to obtain an independent educational evaluation of your student.

You have the right to an independent educational evaluation at public expense if you disagree with the evaluation obtained by the school. However, the school may initiate a due process hearing to show that its evaluation is appropriate. If the final decision is that the evaluation is appropriate you still have the right to an independent educational evaluation, but not at public expense. This provision for independent evaluation at public expense excludes Students who are solely gifted or thought-to-be gifted.

If you obtain an independent educational evaluation at private expense, the results of the evaluation must be considered by the school in any decision made with respect to the provision of a free appropriate public education to your Student, and may be presented as evidence at a due-process hearing regarding your Student.

If a hearing officer requests an independent educational evaluation as part of a hearing, the cost of the evaluation must be at public expense.

The administration or special education coordinator of the school will provide to you, upon request, information about where an independent educational evaluation may be obtained.

Whenever an independent evaluation is conducted at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria which the public agency uses when it initiates an evaluation.

### **Surrogate Parents**

The provisions for surrogate parents do not apply to students who are solely gifted or

thought-to-be gifted.

The School shall ensure that an individual is assigned to act as a surrogate for the parents of a student when no parent can be identified; the school, after reasonable efforts, cannot discover the whereabouts of a parent; or the student is a ward of the State under the laws of the State. The school must have a method for determining whether a Student needs a surrogate parent, and for assigning a surrogate parent to the student.

The school may select a surrogate parent in any way permitted under State law, but must ensure that a person selected as a surrogate is not an employee of a public agency which is involved in the education or care of the Student, has no interest that conflicts with the interest of the student they represent, and has knowledge and skills that ensure adequate representation of the student. (An individual is not disqualified as a school employee from appointment as a surrogate solely because they are paid by the school to serve as a surrogate parent.)

The surrogate parent may represent the Student in all matters relating to the identification, evaluation, and educational placement of the student, and the provision of a free appropriate public education to the student.

### **Definitions**

**Consent** means that: (a) you have been fully informed of all information relevant to the activity for which consent is sought, in your native language or other mode of communication; (b) you understand and agree in writing to the carrying out of the activity for which your consent is sought, and the consent describes that activity and lists the records (if any) that will be released and to whom; and (c) you understand that the granting of consent is voluntary on your part and may be revoked at any time.

**Evaluation** means procedures used in accordance with state special education rules found at 22 Pa. Code 14.25 and 342.25 to determine whether a Student has a disability and the nature and extent of the special education and related services that the Student needs. The term refers to procedures used selectively with an individual Student and does not include basic tests administered to or procedures used with all Students in a school, grade, or class.

**Independent educational evaluation** means an evaluation conducted by a qualified examiner who is not employed by the School.

**Independent educational evaluation at public expense** means that the school either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to you.

**Personally identifiable** means data or information including the following characteristics:



1. The name of a Student or the name of any Student's family members;
2. The address of the Student;
3. Any personally identifying piece of information such as the Student's telephone number or social security number; and
4. Any list of personal characteristics or other information which would make the Student's identity easily traceable.

### **Applicable Laws and Regulations**

22 Purdon's Statutes §5-501, 13-1371, 13-1372, 13-1373.1, 13-1374, 13-1376, and 13-1377, Pennsylvania School Code.

22 Pa. Code, Chapter 14, Regulations of the State Board of Education.

22 Pa. Code, Chapter 342, Standards for Special Education.

20 USC 1401 et seq., The Individuals with Disabilities Education Act (1990), formerly known as Public Law 94-142, The Education of All Handicapped Children

Act. This includes the Handicapped Children's Protection Act of 1986, P.L. 99-372, August 5, 1986.

34 CFR, Parts 300-303, Rules and Regulations for Individuals with Disabilities Education Act.

Public Law 101-392, The Carl D. Perkins Vocational and Applied Technology Education Act Amendments of 1990.

### **3.20.10 Confidentiality Of Student Records**

Memphis Street Academy maintains education records for every student containing confidential, personally identifiable information ("PII") such as the student's name, name of parents and other family members, the address of the student or student's family, and personal information or personal characteristics which would make the student's identity easily traceable. All academic records are located, under lock, in the main office. Student medical files are securely stored and maintained by the school nurse. All special education records are located, under lock, in the Special Education Department.

The School must obtain parental consent before disclosing PII to anyone not entitled to see it under law. "Consent" means: the parents have been fully informed regarding the activity requiring consent in their native language or other mode of communication; they understand and agree in writing to the activity; and they understand that consent is voluntary and may be revoked at any time.

Student educational records may be forwarded without parental/guardian consent to a school in which the student intends to enroll or has applied for admission.

It is the annual obligation of the School to inform students and parents of their rights concerning confidentiality of student records.

### **3.20.15 Entitlement To A Free Public Education**

All persons residing in this Commonwealth between the ages of 6 and 21 years are entitled to a free and full education in the Commonwealth's public schools.

Parents/Guardians of all children between the ages of 8 and 17 are required by the compulsory attendance law to ensure that their children attend an approved educational institution, unless legally excused. Students who have not graduated may not be asked to leave school merely because they have reached 17 years of age – if they are fulfilling their responsibilities as Students.

### **3.20.20 Equal Opportunity And Nondiscrimination**

The Board of Trustees requires equal educational opportunity for all Students enrolled in the educational programs and activities of the school including, but not limited to, course offerings, athletic programs, guidance and counseling, and tests and procedures regardless of gender, sexual orientation, race, color, creed, religion, national origin, social or economic status, parenthood, marital status, or disability.

### **3.20.25 Confidentiality**

The School maintains education records for every student containing confidential, personally identifiable information ("PII") such as the student's name, name of parents and other family members, the address of the student or student's family, and personal information or personal characteristics which would make the student's identity easily traceable. All academic records are located, under lock, in the main office. Student medical files are securely stored and maintained by the school nurse All special education records are located, under lock, in the Special Education Department.

The School must obtain parental consent before disclosing PII to anyone not entitled to see it under law. "Consent" means: the parents have been fully informed regarding the activity requiring consent in their native language or other mode of communication; they understand and agree in writing to the activity; and they understand that consent is voluntary and may be revoked at any time.

Student educational records may be forwarded without parental/guardian consent to a

school in which the student intends to enroll or has applied for admission.

The School maintains education records for every student. These records may contain confidential and/or personal information that includes, but is not limited to: student's name, name of parents/guardians and other family members, the address of the student or student's family, and personal information or personal characteristics which would make the student's identity easily traceable.

The School must obtain parental consent before disclosing personally identifiable information to anyone not entitled to see it under law. "Consent" means that parents/guardians have been fully informed regarding the activity requiring consent in their native language or other mode of communication, they understand and agree in writing to the activity, and they understand that consent is voluntary and may be revoked at any time.

### **3.20.30 Attendance**

Attendance is essential to achievement. Student attendance at school is also mandated by law.

Compulsory student attendance for all students until age 17 is required by the Pennsylvania School Code. As defined by the Pennsylvania Department of Education, "truancy" by a student of compulsory school age is "any unexcused absence from school."

Tardiness counts as truancy. Section 1332 of the Pennsylvania Public School states that the name of any student who has been absent without a lawful excuse for three (3) days "or their equivalent," will be reported as absent without excuse.

#### **When a Student is Absent from School**

- If a student will be absent, their parent/guardian must call the school before 8:30 a.m. The parent must give the student's name, grade and reason for absence. This may be left on the answering machine.
- However, oral notification of an absence is not a substitute for submitting a note signed by the parent/guardian, which must accompany the student upon return to school, though in no event later than three (3) days after returning to school.
- Acceptable excuse notes must include the student's name, grade, dates of absence, reason for absence, and the signature of the student's parent/guardian. Failure to submit an excuse note will result in the absence being an illegal one, and will be marked as "unexcused."

- If a student is absent for more than three (3) days, they must return to school with a note from a doctor, as well as a note from their parent/guardian.
- The student's parent/guardian will discuss any work missed during the absence with the teacher. The student will be expected to make up this work according to the teacher's make-up work policy.

**3.20.35 Attendance Guidelines**

<p>Student is late three (3) times</p>	<p>The parent/guardian will receive a phone call from the Dean of Students or Assistant Principal.</p>
<p>Student is late five (5) times</p>	<p>The parent/guardian will receive a phone call from the Dean of Students or Assistant Principal.</p> <p>Administration will send a letter to the parent/guardian.</p> <p>The parent/guardian will be given the opportunity to request a meeting to discuss concerns and possible interventions that may be necessary to ensure the student's punctual arrival.</p>
<p><b>Student is late ten (10) times</b></p>	<p>The parent/guardian will receive a phone call from the Dean of Students or Assistant Principal.</p> <p>Administration will send a letter to the parent/guardian.</p> <p>The parent/guardian will be asked to participate in a meeting with the school administration. During this meeting, a plan will be created to support the student in getting to school on time. After this meeting, the student may:</p> <ul style="list-style-type: none"> <li>● Have weekly check-ins with the Counselor or Social Worker regarding lateness and attendance.</li> <li>● Receive disciplinary consequences</li> </ul>

	<p>for lateness, if the student is the cause of the late arrival to school.</p>
<p><b>Student is late fifteen (15) times</b></p>	<p>The parent/guardian will receive a phone call from the Dean of Students or Assistant Principal. Administration will send a letter to the parent/guardian. An administrative review will take place. This may include any or all of the following steps:</p> <ol style="list-style-type: none"> <li>1. The school administration will review all communication between school and home.</li> <li>2. The Dean of Students will send a letter requesting a meeting with the parent/guardian.</li> <li>3. The parent/guardian must attend a meeting with MSA administrators to discuss the concern.</li> </ol> <p>The disciplinary committee of the Board of Trustees will be notified. This committee may choose from, but is not limited to taking one of the following actions:</p> <ul style="list-style-type: none"> <li>● Place student on probation</li> <li>● Suspend the student from extra-curricular school activities</li> <li>● Retain the student</li> <li>● Mandate attendance at an inter-session</li> <li>● Refer the case to: <ul style="list-style-type: none"> <li>● GRADES K-3: Department of Human Services (DHS**)</li> <li>● GRADES 4-12: Truancy Court</li> </ul> </li> </ul> <p>At the end of the administrative review, the original plan will be revised to include any further actions taken by the Administration and Board of Trustees.</p>
	<p>The parent/guardian will receive a phone call from the Dean of Students or Assistant Principal. The Dean of Students will send</p>

Student is late eighteen (18) times	<p>a letter to the parent/guardian. Parents/Guardian will be asked to participate in a meeting with the school administration. During this meeting, the plan will be reviewed and revised until a working plan is created. If the issue persists, school may refer the case to:</p> <ul style="list-style-type: none"> <li>● GRADES K-3: Department of Human Services (DHS**)</li> <li>● GRADES 4-12: Truancy Court</li> </ul>
<p>**Before these actions are taken, procedural steps similar to those for a referral to an agency or court for truancy arising from unexcused absences will be observed.</p>	

**3.20.40 Excused Or Legal Absences**

The following are state-approved “excused absences” and, therefore, are the only conditions that MSA recognizes as reasonable cause for absence from school:

- ILLNESS – Upon written parental request, a student may be excused during school hours for the purpose of obtaining professional health care or therapy service if rendered by a licensed practitioner of the healing arts. To the maximum extent possible, however, the school encourages that any such appointments be made outside of school hours in order to minimize interference with the student’s regular program of study.
- QUARANTINE
- RECOVERY FROM AN ACCIDENT
- DEATH OF A FAMILY MEMBER – In the event that a student experiences a death in the family, the student’s parent/guardian should be asked to contact the school to verify the reason for the student’s absence. School Administration will work with the family to ensure a reasonable return to school and assist the family, if necessary, in finding support for the student in dealing with the death.
- COURT APPEARANCE
- EDUCATIONAL TOURS/TRIPS with prior approval from school administration.
- OBSERVANCE OF BOARD OF TRUSTEES-APPROVED RELIGIOUS HOLIDAYS AND ACTIVITIES – Upon written request by parent/guardian, students may be excused from school for religious holidays observed by

bona fide religious groups and to attend classes for religious instruction pursuant to Section 1546 of the Public School Code of 1949 (24 P. S. § 15-1546). Excusal for religious instruction shall be limited to a total of not more than 36 hours per school year.

- OUT-OF-SCHOOL SUSPENSIONS – A student who is suspended is absent but counted as an excused absence for reporting purposes.

**All other absences are classified as unexcused. Long-term absences for legitimate reasons will be handled on a case-by-case basis. The School Administration reserves the right to determine the validity of all excuse notes.**

### **3.20.45 Unexcused Or Illegal Absences**

The following conditions will be considered by the School to be illegal, in which case the absence will be permanently recorded as unexcused:

- No note from a parent/guardian is received by the School explaining the absence within three (3) days of returning to school.
- Absence due to loss of bus privileges.
- Lack of proper immunizations or waiver after the first day of school.
- Other reasons not listed as "Excused."

The consequences for illegal unexcused absences appear on the following page.

### **When a Student is Absent Without Excuse and/or Truant (3+ Unexcused Absences) When a Student is Absent from School**

- Every unexcused absence will result in a documented telephone call or other contact with the student's parent/guardian.
- The School will report unexcused absences directly to the Pennsylvania Department of Education through the Pennsylvania Information Management System (PIMS) system.
- At the **3rd unexcused absence**, the School will send the parent/guardian an official notice of the student's truancy, containing a description of the potential consequences that may ensue if the student becomes habitually truant (i.e. fines ranging from \$300 for the first offense up to \$750 for a third offense, community service, attendance at a course or program designed to improve school attendance, referral to county children and youth services, up to 3 days in jail for contempt of court, etc.).

- When the official truancy notice is transmitted to a person in parental relation to a truant student, who is not the biological or adoptive parent, the notice also will be provided to the student's biological or adoptive parent, if the parent's mailing address is on file with the School and the parent/guardian is not precluded from receiving the information by court order.
- From the **4th unexcused absence**, the School will offer, in advance and in writing, a School Attendance Improvement Conference to the parent or guardian of a truant student in grades K-5 and, to the student to participate as well, if they are in grades 6-12. At the School Attendance Improvement Conference, the student's absences and reasons for absences will be examined. For students in all grade levels, an individualized School Attendance Improvement Plan will be developed using the same, or substantially similar, form prescribed by PDE, for the purpose of documenting the outcome of the conference. A Truancy Elimination Contract also will be developed for a truant student in 6th grade and above. Additionally, during the conference, a City of Philadelphia Department of Human Services Parent/Guardian Consent to Disclose Educational Information form will be sought from the parent/guardian, should the student become habitually truant.
- From the **6th unexcused absence** of a student with an IEP, the School will convene, in addition to the School Attendance Improvement Conference, an IEP meeting for revisiting the student's IEP so that goals for attendance may be established.
- If the parent/guardian of a truant student decides not to participate or fails to attend the School Attendance Improvement Conference then, after attempts to contact the parent or guardian in writing and by telephone, the School must still hold such conference and develop a written School Attendance Improvement Plan.

### **When a Student is Habitually Truant (6+ Unexcused Absences)**

- For a **habitually truant student under age 15, who has accumulated 6 or more unexcused absences**, the School either will refer the student to a school-based or community-based attendance program **or, upon accumulation of 10 unexcused absences for excessive truancy**, will refer the student to the county children and youth agency (DHS) for services or for possible disposition as a dependent child. However, prior to doing so, the School will first verify that an official truancy notice was sent and ensure that a School Attendance Improvement Conference was held.
- For a **habitually truant student above age 15, who has accumulated 6 or more unexcused absences**, the School either will refer the student to a school-based or community-based attendance program or, **upon accumulation of 10 unexcused absences for excessive truancy**, will file a citation in



Truancy Court against the student or the person in parental relation who resides in the same household as the student. The School will verify that official truancy notice was sent and that a School Attendance Improvement Conference was held.

### **When a Student is Excessively Truant (10+ Unexcused Absences)**

- **After accumulation of 10 days of absence per school year, whether excused or otherwise**, a physician's excuse will be required for any additional absences. Absences not covered by the appropriate documentation will be considered illegal.
- For an **excessively truant student under age 15, who has accumulated 10 or more unexcused absences**, the School will refer the student to the county children and youth agency (DHS) for services or for possible disposition as a dependent child. The School will verify that official truancy notice was sent and that a School Attendance Improvement Conference was held. In addition, the School may bring to court the parent/guardian of an **excessively truant student under age 15 who has accumulated 10 unexcused absences**, by filing a citation in Truancy Court. The School will verify that that official truancy notice was sent and a School Attendance Improvement Conference was held.
- For an **excessively truant student above age 15, who has accumulated 10 or more unexcused absences**, and who continues to incur additional unexcused absences after being referred to a school- based or community-based attendance improvement program or refuses to participate in a school-based or community-based attendance improvement program as recommended through the School Attendance Improvement Conference, the School may refer the student to the county children and youth agency (DHS) for services or for possible disposition as a dependent child. When referring a **habitually or excessively truant student above age 15** to DHS or filing a citation with the Court, the School will verify that official truancy notice was sent and that a School Attendance Improvement Conference was held.
- The School will follow the Charter School Truancy Intervention Protocol (TIP) of the School District of Philadelphia including, but not limited to, designation of an Attendance Designee and Court Representative, when referring habitually truant students of the School, who reside in Philadelphia, to DHS and/or to Truancy Court.
- **While the School will not expel, suspend, reassign, or transfer a student for truancy, consistent with the attendance policy governing school attendance in the School District of Philadelphia, excessive infractions of the policy requiring the attendance of enrolled students may constitute misconduct and disobedience to warrant the student's referral to the Disciplinary Committee of the Board of Trustees of the School. This may**

**include any or all of the following:**

- Directing that the student report for detention(s);
- Placing the student on probation;
- Suspending the student from non-curricular school activities or extracurricular activities;
- Mandating attendance at an inter-session, Saturday school, or other additional session(s);
- Retaining the student if excessive truancy results in consequent failure to achieve academic standards for promotion to the next grade; or
- Any other interventions and/or consequences as may be appropriate in order to deter additional unexcused absence (but which do not result in any more missed classroom instruction).

**Ten Consecutive Unexcused Absences (Removal From Active Roll)**

- **Any student who is illegally absent from school for 10 consecutive school days is subject to removal from the active roll of the School, resulting in return of the student to their home school district, unless either of the following applies:**
  - The charter school has been provided with evidence that the absence may be legally excused; or
  - Compulsory attendance prosecution has been or is being pursued.

22 Pa. Code § 11.24.

**3.20.50 Lateness**

Parents are asked to make punctuality a priority. Punctuality is directly linked to a child's success in school. Please remember that Pennsylvania law states that it is the parent's/guardian's responsibility to ensure their children arrive at school on time.

Lateness will be defined as arriving at school after 8:30 am. Please take this into consideration when bringing your child to school. Please note that our attendance is due to the School District of Philadelphia by 10:00 am. If your child arrives after 10:00 am, they will be marked absent for the day but will still be admitted to class, however this may be updated at a later date.

Parents must write a note and/or sign their child in at the office. Please note that this

written explanation does not automatically cause lateness to be recorded as “excused”. Students who arrive at school on time, but are late to class, may be given disciplinary consequences.

Attendance records can easily become subject to discrepancies and errors when a student’s lateness must be re-entered or corrected. Please help us ensure every child maintains an excellent attendance record by making every effort to have your student arrive on time each day.

### **3.20.55 Student Records**

#### **Record of Access**

Memphis Street Academy is required to keep a record of parties obtaining access to education records collected, maintained, or used under this part (except access by parents and authorized employees of the participating agency), including the name of the party, the date access was given, and the purpose for which the party was authorized to use the records.

#### **Amendment of Records at Parent’s Request**

If you believe that information in the education records collected, maintained, or used under this part is inaccurate or misleading or violates the privacy or other rights of your student, you may request, in writing, that the school amend the information.

The school is required to decide whether to amend the information in accordance with your request within a reasonable period of time of receipt of the request. If the school decides to refuse to amend the information in accordance with the request, it must inform you of its refusal and of your right to a hearing as set forth below.

The school shall, upon request, provide an opportunity for a hearing to challenge information in education records to ensure that such results are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student.

If, as a result of a hearing, the school determines that any information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it must amend such information accordingly and so inform the parent/guardian in writing. If, as a result of a hearing, the school determines that the information in question is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it is required to inform you of your right to place in your student’s records a statement commenting on the information or setting forth any reasons for disagreement with the school’s decision. Any explanation placed in your student’s records under this section must be maintained by the agency as part of the records of the student for as long as the record or contested portion is maintained by the agency; if the records of the

student or the contested portion is disclosed by the agency to any party, the explanation must also be disclosed to the party.

### **Fees for Searching, Retrieving, and Copying Records**

The school will not charge a fee to search for or to retrieve information under this part, but may charge a fee for copies of records which are made for the parent/guardian under this part if such fee does not effectively prevent the parents/guardians from exercising their right to inspect and review those records.

The fee for copies is \$.10 per page.

### **3.20.60 Consistent, Aligned And Rigorous Academic Program**

To be prepared for high school, we must provide students with additional time reading and writing. This daily writing class will focus on the conventions of writing (e.g. grammar, structure) and the types of writing all students must master including research papers, personal essays, persuasive essays, summaries, compare and contrast and fiction. Writing is a skill that improves with repeated practice and next year, our students will have a period dedicated to it.

Second, by providing literacy and writing courses, our literacy teachers will focus on developing students' reading skills. This class period is focused on exposing and enhancing students' abilities to comprehend grade level fiction and nonfiction texts. Writing about reading will still be a core component of this class period. At the same time, the teacher will be able to have the literacy lessons focus on the analysis and making meaning of the text.

On top of these two periods, all students will have an intervention block that is differentiated based on need. The block is described in more detail below but one key component is that all students get at least 30 minutes of independent reading daily during this block. The number of minutes students spend reading is positively correlated to reading achievement ([www.ala.org](http://www.ala.org)) and it is essential that our students spend more time in school and out of school reading.

*Curricular materials are consistent across classrooms and aligned to Pennsylvania State Standards*

<b>Grade</b>	<b>Subject</b>	<b>Students Significantly Below Grade Level</b>	<b>On/Close/Above Grade Level</b>
			60 min Whole Class Journey's Anthology with non-

5th - 6th	Literacy	<p><i>110 min</i></p> <p>Students will use Read 180 for 120 minutes a day. Read 180 is a research based program that is a combination of online and teacher directed instruction.</p>	<p>fiction supplements. By using Journey's, Memphis Street will be able to benefit from training, modeling and resource sharing with teachers at the other American Paradigm Schools</p> <p><i>60 min Small Group</i></p> <p>Students will do a rotation that includes small group guided reading, online intervention program and structured independent reading. Each rotation lasts for 30 minutes so students will complete each part of the rotation 2-3 times per week.</p>
7th - 8th	Literacy	<p><i>72 min Whole Group</i></p> <p>Students will use Code X in a gradual release instructional model. Code X is a research based literacy program from Scholastic</p> <p>Students will also receive small group instruction using i-Ready.</p>	<p><i>72 min Whole Group</i></p> <p>Students will use Code X in a gradual release instructional model. Code X is a research based literacy program from Scholastic</p> <p><i>60 min Small Group</i></p> <p>Students will do a rotation that includes small group guided reading, online intervention program and structured independent reading. Each rotation lasts for 30 minutes so students will complete each part of the rotation 2-3 times per week.</p>
		<p><i>75 min Whole Group</i></p>	<p><i>75 min Whole Group</i></p> <p>Students will use Eureka in a block that includes fluency</p>

5th - 8th	Math	<p>Memphis Street Academy has two math interventionists for the 2018-2019 school year.</p> <p>Students will also receive small group instruction using i-Ready and Math 180</p>	<p>practice, skill development in a gradual release model and application. This will build automaticity, remediation and grade level application</p> <p>Some students will also receive additional math instruction during Memphis Academy's STEM class</p>
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### **3.20.65 School Wide Norms**

All students are responsible for upholding our school-wide norms. If a student does not comply with the Norms they will be expected to discuss and solve the situation with the help of a supervising adult. Depending on the severity of the infraction, the student may also serve a logical consequence. (Please see Tier 1 & Tier 2 Infractions Section of Code of Conduct).

#### **Campus Norms**

1. At School, we wear our proper uniform.
2. At School, we show respect to people and property.
3. At School, we arrive prepared and on time every day.
4. At School, we use scholarly language.
5. At School, we obey the quiet signal.
6. At School, we resolve conflict peacefully.
7. At School, we use technology only when permitted.
8. At School, we accept redirection.
9. At School, we help one another.
10. At School, education is a core value.
11. At School, outside food remains outside.

#### **Hallway and Transition**

1. In the hallway and during transitions, we walk in a single file line on the right side of the hallway.

2. In the hallway and during transitions, we keep our hats and hoods off our heads.
3. In the hallway and during transitions, we keep our hands to ourselves.
4. In the hallway, we carry a visible hall pass when without a staff member.
5. In the hallway, and during transition we only use our own lockers and only at appropriate times.
6. In the hallway, and during transition we go directly to our destination.
7. In the hallway, and during transition we respect the instruction going on around us.

### **Classroom Norms**

1. In the classroom, we quietly raise our hand and wait to be called on before we speak.
2. In the classroom, we give our best effort.
3. In the classroom, we are prepared and ready to learn.
4. In the classroom, we track the speaker.
5. In the classroom, we are committed to continuous academic and social growth.
6. In the classroom, we remain in assigned areas and on task.
7. In the classroom, we follow the directions of the teacher.

### **Cafeteria Norms**

1. In the cafeteria, we use inside voices and talk amongst ourselves.
2. In the cafeteria, we follow directions.
3. In the cafeteria, we clean up after ourselves.
4. In the cafeteria, we use good manners.
5. In the cafeteria, we practice safety.
6. In the cafeteria, we remain seated in our designated area unless otherwise instructed.
7. All food and drink remain in the cafeteria.

### **Assembly**

1. In Assembly, we track the speaker.
2. In Assembly, we keep our hands and our feet to ourselves.

3. In Assembly, we sit where directed.
4. In Assembly, we arrive and dismiss in an orderly fashion.
5. In Assembly, we talk only when directed.
6. In Assembly, we sit up straight with our feet on the floor.
7. In Assembly, we acknowledge the speaker/performer appropriately.
8. In Assembly, we are engaged.

**\*This is a list of shared school-wide norms and is not all encompassing of our high expectations for behavior.**

Memphis Street Academy believes that students learn best in a positive and supportive environment. School staff will use language that is clear, simple and direct in recognition, redirection and reinforcement; language that is genuine and respectful to all members of the School community, showing faith in an individual's abilities and potential. Students celebrate their academic and social achievements throughout the year. Celebrations occur frequently and in various settings. These celebrations may be as a school, a grade, and as a class or as individuals. All students will have the privilege of participating in these celebrations by upholding the School Scholar Norms.

### **3.20.70 Grading**

In order to pass each class, students must achieve an average grade of 65% across all four marking periods. A student who fails three or more subjects will face retention. Students who have more than 18 absences will be required to attend summer school.

### **3.25 Code Of Conduct**

[3.25.05 School Disciplinary Approach](#)

[3.25.10 Positive Behavior Support Statement](#)

[3.25.15 Disciplinary Consequences](#)

[3.25.20 Renaissance Charter School Behavior Grid](#)

[3.25.25 Act 26 \(Pennsylvania Law\)](#)

[3.25.30 Application Of Code Of Conduct To Off-Campus Activities](#)

[3.25.35 Protections Of "Thought To Be Eligible" Students](#)

[3.25.40 Discipline Of Students With Disabilities](#)

[3.25.45 Anti-Bullying, Cyber-Bullying, Harassment, Cyber-Harassment, And Hazing](#)

[3.25.50 Controlled Substances: Drug And Alcohol Abuse Policy](#)

[3.25.55 Harassment And Intimidation](#)

[3.25.60 Personal Electronic Devices](#)

[3.25.65 Recording And Reporting Of Behaviors](#)



[3.25.70 Search And Seizure Policy](#)

[3.25.75 Students And The Police](#)

[3.25.80 Good Sporting Conduct](#)

[3.25.85 Social Networking And Social Media Policy](#)

[3.25.90 Suspension Hearings And Expulsions](#)

[3.25.95 Terroristic Threats](#)

[3.25.100 Tobacco Use](#)

[3.25.105 Weapons](#)

[3.25.110 Damage Of School Property](#)

[3.25.115 Definitions For Terms Found Within The Code Of Conduct](#)

### **3.25.05 School Disciplinary Approach**

We believe that all students are capable of achieving high levels of success. A student is most successful when cooperative strategies are implemented between school and home. Parents/Guardians and families are an integral part of the learning process and a Student's success.

We believe that a safe and nurturing environment is essential to student learning. All members of the school community deserve to be treated with dignity and respect. We support all students regardless of race, ethnicity, gender, class, sexual orientation or religious beliefs. We believe that all Students have unique qualities that contribute to a positive learning environment.

### **WE BELIEVE IN YOUR SUCCESS!**

We promise to respect and trust you.

We vow to prepare you for college, career and beyond.

We care about your future.

You are important to our Caring School Community.

### **WE PLEDGE TO**

- support students by giving them proper tools to ensure academic, social and emotional development
- prepare students for high school, college and career readiness
- work cooperatively with students and families to ensure an optimal learning environment for all Students
- build relationships through a variety of activities that encourage trust and a focus on community
- uphold the school wide norms that support academic achievement and positive social conduct

## **Caring School Community**

The School has instituted Developmental Study Center's (DSC) Caring School Community model. This is a well-researched program designed to promote fairness, personal responsibility, kindness, and helpfulness throughout the school community. Teachers use several means to deepen students' thinking and build community. Class meetings are a time to team-build, collectively make decisions, and check in with students about how they are feeling and how their class is doing in creating a caring community.

These meetings are an excellent way to involve students in the thought process of how they wish to be treated and how they want to treat others. Some activities are designed to let students get to know each other better, thereby teaching an appreciation for differences and an awareness of the ways in which they are similar. Teachers use cooperative structures to encourage partner and group/work and discussion amongst students.

The School values the knowledge and experience that students bring with them to school. Therefore, the School provides opportunities for students to learn from each other in the classroom. The School further strives to create a caring environment through relationship building activities such as "cross-grade buddies."

According to DSC's research, the program has several benefits:

- In a caring and safe environment, students are more likely to enjoy school and learning activities,
- Have trusting relationships with teachers, and
- Make better decisions regarding issues, such as drugs or tobacco, in the middle school years.

These benefits show why the School has chosen to implement the Caring School Community model.

### **3.25.10 Positive Behavior Support Statement**

It is the goal of Memphis Street Academy to provide a positive educational setting for every student. This requires an understanding of and adherence to acceptable standards of respectful behavior which will allow learning to take place in classroom settings. The policies of the Family Guidebook must be implemented with attention to creating an environment where expected behaviors are taught and positively reinforced and where student interventions match the need.

It is therefore the school's responsibility to ensure that the standards of behavior are

taught and positively reinforced in each classroom on a daily basis, using a school-wide process of positive behavior support. This includes careful monitoring of each student's academic progress with appropriate interventions, to avoid behavioral disruptions often caused by academic failure, as well as attention to classroom and school environment. It is the school's belief that with an organized process of providing positive supports, the school can reduce disruptions and disciplinary referrals. Interventions work best when they are proactive, not reactive. The utilization of an efficient and well-understood system of reinforcing expected behaviors and monitoring student progress using all the available data is essential to student success.

## CARING SCHOOL COMMUNITY

The School has instituted the Collaborative Classroom's Caring School Community model. This is a well-researched program designed to promote fairness, personal responsibility, kindness, and appreciation for diversity throughout the school community. The School will focus on building communities within each classroom, each grade level and school-wide through the use of class meetings, cooperative structures, buddy classes and inclusive school wide activities. Class meetings provide teachers and scholars with a forum to get to know one another, discuss issues, identify and solve problems, and make decisions that affect the classroom and school climate. Conducting daily class meetings and monthly scholar assemblies, will create an environment in which scholars' learning, opinions and concerns are taken seriously. As scholars learn to listen and talk to each other, they begin building a safe learning environment.

### **3.25.15 Disciplinary Consequences**

While the following procedures outline the School's process of progressive discipline, the School considers the facts of each incident in determining whether suspension or expulsion may be an option. Therefore, while the School is committed to progressive discipline, the severity of a given action by a student may warrant direct consideration of suspension and/or expulsion. Students will be asked to make a written statement about incidents at the time of investigation.

The School practices progressive discipline. This is defined as a system of discipline where the consequences increase upon repeat occurrences. We consider previous behaviors, and when those behaviors are repeated, consequences build from minor to moderate to severe.

The School has developed the following guidelines to guide the conduct of students, school employees/volunteers, and parents/guardians. These guidelines expand upon the School Community Guidelines and will apply at all times that school is in session, during any school program or function, either in the building or at any other location, as well as during arrival and dismissal, and traveling to and from school. This includes

travel on school district vehicles, private and public transportation.

The guidelines are informed by two basic themes. First is the understanding that all individuals in the School community will treat others with dignity, respect, kindness, and understanding. This is consistent with the School’s mission to enhance, support and promote creative and critical thinking as well as the problem solving skills of school-age learners in the making of original inventions as amazing solutions to puzzling problems while mastering Pennsylvania and national standards.

### Tier 1 Incidents and Consequences

The table below outlines the possible consequences for various student behaviors. Examples of inappropriate behavior include, but are not limited to, those listed in the left-hand column. The right hand column lists the possible consequences, all of which may apply to any of the listed behaviors. To document these behaviors the School uses 3 different forms. These are the Behavior Growth Report, the Student Disciplinary Action Form and the Detention Notification. Each of these forms serve both to notify parents of their student’s behavior and to document the behavior event. If your student receives one of these forms the parent or guardian is required to sign the form and return it to school on the following day.

<b>Behavior</b>	<b>Possible Consequences*</b> ( <i>More than one consequence may be assigned</i> )
<ul style="list-style-type: none"> <li>● Damage of property</li> <li>● Disrespectful tone and/or body language toward school employee</li> <li>● Dress Code violation</li> <li>● Eating gum, candy, seeds</li> <li>● Hurtful word/action Inappropriate displays of affection</li> <li>● Misuse of technology (K-2)</li> <li>● Not following directions (including during safety drills)</li> <li>● Play fighting Student arguments Unexcused lateness to class</li> <li>● Taking other people’s belongings (K-2)</li> <li>● Talking back</li> <li>● Tantrums (K–1)</li> </ul>	<ul style="list-style-type: none"> <li>● Student may take a Break</li> <li>● Student will discuss and practice expected behavior with teacher and/or peers</li> <li>● Mediation may occur between all participants. This will include a chance to “fix” relationships or objects</li> <li>● Teacher may contact parent by phone, note or by e-mail and complete and send home a Behavior Growth Report for parent/guardian to sign and return</li> <li>● Students may lose a privilege (ball privileges, field trip, free time, etc.)</li> <li>● Student may be given a reflective assignment to be done at home</li> <li>● Parent meeting may be requested</li> <li>● Student may be given in-school community service to “fix” relationships or objects</li> </ul>

<ul style="list-style-type: none"> <li>● Unkind toward other</li> </ul>	<ul style="list-style-type: none"> <li>● Parent/guardian may receive a Detention Notification and student will be assigned an After-School Detention</li> <li>● Behavior Success Plan may be implemented.</li> </ul>
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*\*Middle and high school students MUST arrive to class on time. Should a student arrive late to class three times, a parent will be notified and a detention will be assigned. If the student continues to arrive late, a parent meeting will be requested to discuss next steps.*

The following may apply to ALL behaviors listed in the column to the left:

**Hierarchy of Consequences**

- If a student displays the same behavior for a third time, the student consequence will likely move to the next level of severity and a parent meeting will be required.

For example:

- If a student has been assigned two after school detentions, a Friday Detention may be assigned
- If a student has been assigned two Saturday Detentions, a parent meeting may be requested, and other School team members (teachers, counselors, administration) may be present.

If a student has repeat Tier 1 infractions, a Behavior Success Plan may be implemented.

**Tier 2 Incidents and Consequences**

The table below outlines the possible consequences for various student behaviors.

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

<b>Behavior</b>	<b>Possible Consequences*</b> <i>(more than one consequence may be assigned)</i>
	<ul style="list-style-type: none"> <li>● The student may be immediately</li> </ul>

<ul style="list-style-type: none"> <li>● Aggressive language (including cursing)</li> <li>● Use of slurs or offensive language motivated either by any actual or perceived characteristic such as gender, age, race, color, sexual orientation, gender identity expression (known or perceived), ethnicity, national origin, religion, disability, physical appearance, socioeconomic status and/or political beliefs.</li> <li>● Deliberately throwing chairs, furniture, school property</li> <li>● Deliberately walking away from school group when on a field trip or at the park Destruction of property</li> <li>● Endangering self or others</li> <li>● Harassing or instigating the harassment of another student</li> <li>● Inappropriate use of the Internet and other social media</li> <li>● Inappropriate touching Instigating a fight or assault</li> <li>● Making threats</li> <li>● Making threats that refer to the use of a weapon to cause harm</li> <li>● Plagiarism/Cheating</li> <li>● Physical Violence</li> <li>● Spitting on another person or their things</li> <li>● Stealing or assisting another student who is stealing</li> <li>● Tantrums that disrupt learning and/or make the class feel unsafe</li> <li>● Bullying, Cyberbullying, Hazing</li> </ul>	<p>removed from the classroom and sent to the dean’s office.</p> <ul style="list-style-type: none"> <li>● Student may discuss and practice expected behavior with the dean of students and/or teacher.</li> <li>● Mediation may be held for all participants. This will include a chance to “fix” relationships or objects.</li> <li>● Parents may be called by the dean of students.</li> <li>● Parent may be asked to speak with the student at the time of the call to discuss the behavior and expectations.</li> <li>● A letter, documenting the incident, may be given to the parent.</li> <li>● Parents are expected to sign and return the letter on the next school day.</li> <li>● Students may lose a privilege.</li> <li>● Students may be given an assignment to be done at home.</li> <li>● Students may be given after-school community service.</li> <li>● Students may be assigned after-school detention.</li> <li>● Students may be assigned Friday detention.</li> <li>● Students may be suspended. Parent will be asked to come to school and take the student home within one and-a-half hours. A reinstatement meeting will be held. (K-2 students may only be suspended for physical violence).</li> <li>● Parent meeting may be required.</li> <li>● Behavior Success Plan may be implemented.</li> </ul>
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Tier 2 Behaviors may also result in additional in-school consequences. These consequences will be unique to each situation and will focus on safety and rebuilding the school community. The parent/guardian may be involved in creating meaningful consequences and reparative exercises.

## Hierarchy of Consequences

- If a student displays the same behavior repeatedly, the student consequence will move to the next level of severity and a parent meeting will be required.
- If a student is suspended three times they may be brought before the Board of Trustees for a disciplinary hearing.
- If the behavior continues, it will be considered an Incident Qualifying for Expulsion and the student may be brought to the Board of Trustees for an expulsion hearing.
- The School will consider the facts of each case in determining whether expulsion should be an option.

## Incidents Qualifying for Expulsion

When a student displays an inappropriate behavior, including, but not limited to:

Behavior	Consequences
<p>Any criminal conduct as defined by Pennsylvania Law.</p> <p>Attempting to engage or engaging in any conduct that threatens the health, welfare or safety of any member of the school community</p> <p>Student is under the influence of drugs or in possession of tobacco or related paraphernalia, e-cigarette or alcohol product</p> <p>Possession of over the counter medication, look alike drugs and/or drug paraphernalia</p> <p>Possession of any weapon, but not limited to, any knife, pocket knife, Swiss army knife, cutting instrument, cutting tool, nunchaku, firearm, shotgun, rifle and any other tool, instrument or implement capable of inflicting serious bodily injury (as specified by Act 26)</p> <p>Repeated behaviors as defined under</p>	<p>The following may apply to ALL behaviors listed in the column to the left:</p> <ul style="list-style-type: none"> <li>● Students will be escorted to the dean’s office.</li> <li>● Parents/Guardian will be notified immediately.</li> <li>● Parents/Guardian will be asked to pick their child up IMMEDIATELY.</li> <li>● A letter, documenting the incident, may be given to the parent. Parents are expected to sign and return the letter within five (5) days.</li> <li>● Students will be suspended from the School until a full evidentiary hearing on the expulsion of the student can be held before the Board of Trustees.</li> <li>● The School may call the Department of Human Services (DHS).</li> </ul>

<p>Tier 2 Incidents</p> <p>Any item brought or used with the intent to cause harm (as specified by Act 26 on following pages)</p>	
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**EARLY ELEMENTARY DISCIPLINE GRADES K-2**

Prior to suspension of K-2 grade scholars, the Principal must review the incident to ensure that all progressive options have been explored. Scholars in K-2 will only be suspended for behaviors that are violent. For repeated violations students may be referred to the MTSS process. It is preferred that K-2 scholars be referred to a counselor to discuss appropriate behavioral or behavioral health support.

**3.25.20 Renaissance Charter School Behavior Grid**

In order to fulfill the mission of a Renaissance Charter School, Memphis Street Academy follows the Code of Conduct of the School District of Philadelphia, so that scholars may be supported holistically, to ensure not only their academic success, but also their social development as caring and responsible members of the school community and beyond. This requires scholars to learn that their choices and actions have consequences, and that accountability is part of responsibility for the consequences of their actions.

**Early Elementary Discipline**

Consistent with the School District of Philadelphia’s 2023-2024 Code of Conduct:

- Scholars in Kindergarten through Grade 2 will not be suspended unless their actions result in serious bodily injury, substantiated by medical documentation. Rather than suspension, scholars in Grades K - 2 must be referred to a counselor to discuss appropriate behavioral or behavioral health interventions and supports.
- Students in Grades kindergarten through 5 will not be referred for disciplinary hearing or formal hearing for possible expulsion. Instead, such students who exhibit a pattern or disruptive behavior(s) and/or who commit serious violation(s) of the Code of Conduct will be referred to the Multi-tiered Systems of Support (MTSS) process.
- Any suspension over 5 days for Grade 5 must be approved by the Principal. Students must be provided with assignments to perform at home.



- Any suspension over 5 days for Grades 6-8 must be approved by the Principal. Students must be provided with assignments to perform at home.
- Students who are exhibiting a pattern of disruptive behavior(s) and/or committing serious violation(s) of the Code of Conduct may be referred for a student disciplinary hearing or expulsion referral hearing. Prior to making a referral, schools must complete a Behavior Performance Review (BPR) for regular education students or a Manifestation Determination for students with an Individualized Education Plan (IEP) or 504 plan and share the results of the review at the parent/guardian conference. If the behavior is deemed a manifestation of the student's disability or if the student is "thought to be" to have a disability, schools cannot move forward with a discipline hearing.
- For certain infractions marked with a pound sign (#), attempt of at least one strategic instruction or intensive intervention must be documented.
- When a formal hearing is not scheduled during the period of a Student's suspension, they have the right to return to School pending the outcome of the hearing, unless the behavior of Student continues to create such a risk of harm to the School community. In such cases, the School may seek an interim placement where available, and subject to a formal hearing prior to transfer unless waived. For a special education student, an interim placement also is subject to Manifestation Determination and formal hearing, and is limited to situations where there is documentation of weapons, drugs or serious bodily injury.
- For a weapons-related offense under Act 26, the CEO may, after a hearing, decide to allow the student who brought a weapon to school to remain in school.

<b>Behavior Definitions</b>	<b>School Based Interventions Only</b>	<b>Short-Term Suspension</b> Grades 3-12 1-3 days	<b>Long-Term Suspension</b> Grades 3-12 4-10 days	<b>Disciplinary Hearing Referral</b> Grades 6-12	<b>Expulsion</b> Grades 6-12
<b>Profane or obscene Language or Gestures.</b>  Students who curse or use insulting or sexually explicit language/gestures to put	Grades K-12	X	X	X	X

another community member down.					
<p>Disruptive Classroom Behavior.</p> <p>Students who intentionally disrupt the school environment by not following expectations despite non-verbal and verbal redirection. This can include excessive talking that limits others' ability to learn, distracting peers, and not cooperating with teacher/peers in hallway/lunchroom.</p>	Grades K-12	X	X	X	X
<b>Forgery/Alteration of Grades, Excuse Notes, or School Documents.</b>					

<p>Students who reproduce the signature of another with the intent to alter official school records such as grades, attendance or reports.</p>	<p>Grades K-12</p>	<p>Grades 3-12</p>	<p>Grades 3-12</p>	<p>Grades 6-12</p>	<p>X</p>
<p><b>Cheating.</b> Students who submit or intend to submit work that is not their own.</p>	<p>Grades K-12</p>	<p>X</p>	<p>X</p>	<p>X</p>	<p>X</p>
<p><b>Unauthorized Entry into School Property.</b> Students who gain entry to a school building at an unauthorized time, including during suspension. This also includes students who allow themselves</p>	<p>Grades K-12</p>	<p>Grades 3-12</p>	<p>Grades 3-12</p>	<p>Grades 6-12</p>	<p>X</p>

or other community members into a school building not via the main entrance.					
<p><b>Destruction of Property (Less than \$500).</b></p> <p>Students who damage or deface school property or the personal property of another school community member.</p>	Grades 3-12	Grades 3-12	X	X	X
<p><b>Destruction of Property (More than \$500).</b></p> <p>Students who damage or deface school property or the personal property of another school community member.</p>	Grades K-12	Grades 3-12	Grades 3-12	Grades 6-12	X
<p><b>Theft (Less than \$500).</b></p> <p>Students</p>					

<p>who take school property or the personal property of another school community member.</p>	Grades K-12	Grades 3-12	X	X	X
<p><b>Theft (More than \$500).</b></p> <p>Students who take school property or the personal property of another school community member.</p>	Grades K-12	Grades 3-12	Grades 3-12	Grades 6-12	X
<p><b>Class Cutting.</b></p> <p>A student who intentionally does not attend their classes on a consistent basis (weekly, daily), affecting student learning/progress and school climate. This includes hall walking or leaving the</p>	Grades K-12	x	x	x	x

building.					
<p><b>Robbery .</b></p> <p>Students who take or attempt to take the property of another student or school community member by force, threat of force, or by putting the victim in fear.</p>	Grades K-12	Grades 3-12	Grades 3-12	Grades 6-12	X
<p><b>Mutual Fight.</b></p> <p>Students who willingly engage in a one-on-one physical altercation. This is a physical altercation in which none of the participants are identified as victims.</p>	Grades K-12	Grades 3-12	X	X	X
<p><b>Mutual Group Fight.</b></p> <p>Students who willingly engage in a</p>					

<p>physical altercation with multiple willing participants. This is a physical altercation in which none of the participants are identified as victims.</p>	<p>Grades K-12</p>	<p>Grades 3-12</p>	<p>Grades 3-12</p>	<p>Grades 6-12</p>	<p>X</p>
<p><b>Instigation and/or Participation in a Group Assault.</b></p> <p>Students who instigate or participate in an assault by multiple students on one or more other students. This is a physical confrontation in which participants can clearly be identified as victims and offenders.</p>	<p>Grades K-12</p>	<p>Grades 3-12</p>	<p>Grades 3-12</p>	<p>Grades 6-12</p>	<p>Grades 6-12</p>
<p><b>Assault.</b></p> <p>Students who hit, punch, kick,</p>					

<p>stab or physically harm a school community member in any way, intentionally and without provocation.</p>	<p>Grades K-12</p>	<p>Grades 3-12</p>	<p>Grades 3-12</p>	<p>Grades 6-12</p>	<p>X</p>
<p><b>Assault Causing Serious Bodily Injury.</b></p> <p>Students who intentionally engage in an act that causes serious bodily injury to another community member. Serious bodily injury causes serious, permanent disfigurement, or protracted loss or impairment of the function of any body part or organ.</p>	<p>Grades K-12</p>	<p>Grades 3-12</p>	<p>Grades 3-12</p>	<p>Grades 6-12</p>	<p>Grades 6-12</p>
<p><b>Inappropriate</b></p>					



<p><b>Touch/Exposure.</b></p> <p>Students who engage in unwanted touching of another school community member either with their own body or with an object or who expose a part of their body to another school community member.</p>	Grades K-12	Grades 3-12	Grades 3-12	Grades 6-12	X
<p><b>Bullying/Cyberbullying.</b></p> <p><b>Bullying</b> is repeated intentional conduct (physical, psychological, verbal, nonverbal, written, or electronic) that is directed at another student or students. It could happen in or outside of a school</p>					

setting, is severe, persistent or pervasive, and has one of the following effects: (1) substantially interfere with a student's education, (2) creates a hostile learning environment, or (3) substantially disrupts school operation. Bullying occurs within an interpersonal relationship where there is an imbalance of power (e.g., one person is physically larger, stronger, mentally quicker, or socially more powerful). **Cyberbullying** occurs through electronic communication devices

Grades K-12

Grades 3-12

Grades 3-12

Grades 6-12

Grades 6-12

<p>including but not limited to social networking, e-mail, messaging, texts, tweets, etc.</p>					
<p><b>Harassment</b>          . Students who engage in unwelcome verbal, written, graphic or physical <b>conduct relating to an individual's gender, age, race, color, sexual orientation, gender identity expression, national origin, religion, disability, English language proficiency, socioeconomic status and/or political beliefs.</b> The behavior must be</p>	<p>Grades K-12</p>	<p>Grades 3-12</p>	<p>Grades 3-12</p>	<p>Grades 6-12</p>	<p>Grades 6-12</p>

<p>considered severe, persistent or pervasive to be considered harassment. The behavior does not have to include intent to harm, be directed at a specific target, or involve repeated incidents.</p>					
<p><b>Hazing.</b></p> <p>Students who for the purpose of initiating or enhancing a student's membership in a school organization/ activity causes or forces that student to violate any criminal law, consume a substance that subjects the student to harm, endure physical,</p>	<p>Grades K-12</p>	<p>Grades 3-12</p>	<p>Grades 3-12</p>	<p>Grades 6-12</p>	<p>X</p>

mental or sexual brutality or perform any activity that endangers another.					
<b>Sexual Misconduct.</b>  Students who engage in a <b>consensual</b> sexual act.	Grades K-12	Grades 3-12	Grades 3-12	X	X
<b>Threatening Mass Violence.</b>  Students who threaten to engage in an act that causes serious physical harm or creates a substantial risk of serious physical harm to a school community.	Grades K-12	Grades 3-12	Grades K-12	Grades 6-12	Grades 6-12
<b>Threats/Intimidation.</b>  Students who threaten to engage in an act that					

<p>causes harm and introduces fear in another school community member. Threats can be made verbally, in writing, or with gestures.</p>	<p>Grades K-12</p>	<p>Grades 3-12</p>	<p>Grades 3-12</p>	<p>Grades 6-12</p>	<p>Grades 6-12</p>
<p><b>Possession and/or Use of Tobacco or Electronic Smoking Devices.</b></p> <p>Students who use or possess tobacco or any electronic smoking device on school district property or at school sponsored event. This includes but is not limited to products containing tobacco, electronic cigarettes, cigars,</p>	<p>Grades K-12</p>	<p>Grades 3-12</p>	<p>X</p>	<p>X</p>	<p>X</p>

vaping, and hookah.					
<p><b>Possession and/or Use of Alcohol and/or Drugs.</b></p> <p>Students who are found to be in possession or who use alcohol/other drugs, which includes drugs in edible/liquid form.</p>	Grades K-12	Grades 3-12	Grades 3-12	Grades 6-12	X
<p><b>Distribution of Alcohol and/or Drugs.</b></p> <p>Students who are found to be selling and/or distributing alcohol or drugs, which includes drugs in edible/liquid form.</p>	Grades K-12	Grades 3-12	Grades 3-12	Grades 6-12	Grades 6-12
<b>Possession of Incendiary</b>					

<p><b>Devices and/ or Explosives.</b></p> <p>Students who are found to be in possession of incendiary devices such as matches, lighters, fireworks, firecrackers and/or other explosives.</p>	Grades K-12	Grades 3-12	Grades 3-12	Grades 6-12	Grades 6-12
<p><b>Use of Incendiary Devices and/or Explosives.</b></p> <p>Students who use or activate incendiary devices such as matches, lighters, fireworks, firecrackers and/or other explosives. This may include accidental or intentional fire starting.</p>	Grades K-12	Grades 3-12	Grades 3-12	Grades 6-12	Grades 6-12
<p><b>Gang Affiliation.</b></p> <p>Students who engage</p>					



<p>in dangerous activities on behalf of an identified gang to commit disruptive or illegal acts on school property on behalf of the gang.</p>	<p>Grades K-12</p>	<p>Grades 3-12</p>	<p>Grades 3-12</p>	<p>Grades 6-12</p>	<p>Grades 6-12</p>
<p><b>Possession /Use of a Weapon.</b></p> <p>Students who possess any object, device, or instrument, which, in its inherent and functional purpose is intended to be a weapon. This includes firearms, whether loaded or not, cap guns, pellet guns, BB guns, bombs, knives, box cutters, cutting instruments, nunchaku, taser or</p>	<p>Grades K-12</p>	<p>Grades 3-12</p>	<p>Grades 3-12</p>	<p>Grades 6-12</p>	<p>Grades 6-12</p>

<p>mace.</p> <p><i>This does NOT include toys, such as water or gel blasters, or ordinary objects.</i></p>					
<p><b>Reckless Endangerment.</b></p> <p>Students who take any action that creates a substantial risk such that serious bodily harm could result to any person.</p> <p><i>Examples could include: throwing objects across a room or out of a window; intentionally tripping someone, throwing water resulting in someone slipping and falling; putting</i></p>	<p>Grades K-12</p>	<p>Grades 3-12</p>	<p>Grades 3-12</p>	<p>Grades 6-12</p>	<p>X</p>

<p><i>something harmful in another community member's drink (ex. hand sanitizer); gathering a group to fight and blocking traffic.</i></p>					
<p>Inappropriate Use of an Electronic Device. Students who use electronics (cell phones, chromebooks etc.) in inappropriate ways including, but not limited to, sexting (sending sexual images/videos), videotaping fights, videotaping someone in a place where they have an expectation of privacy, or posting content that materially</p>	<p>Grades K-12</p>	<p>Grades 3-12</p>	<p>Grades 3-12</p>	<p>Grades 6-12</p>	<p>X</p>

<p>impacts the school community.</p> <p><i>Each school has an electronic device protocol and specific parameters around cell phone use within the school building. All students are expected to follow school-level cell phone protocols.</i></p>					
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**Guidelines for Incidents Qualifying for Expulsion (Grades 6-8 Only)**

When a scholar displays egregious behavior in the Behavior Grid above, including, but not limited to:

<b>Behavior</b>	<b>Consequences</b>
<ul style="list-style-type: none"> <li>● Harassment (including Sexual Harassment)</li> <li>● Bullying/cyber-bullying</li> <li>● Threatening/Intimidation</li> <li>● Threatening Mass Violence</li> <li>● Aggravated assault</li> <li>● Sexual act (non-consensual)</li> <li>● Possession/use of a weapon</li> </ul>	<p>The following may apply to ALL behaviors listed in the column to the left:</p> <ul style="list-style-type: none"> <li>● Students will be escorted to the Dean’s office.</li> <li>● Parents/Guardian will be notified immediately.</li> <li>● Parent/guardians will be asked to pick their scholar up IMMEDIATELY.</li> <li>● A letter, documenting the incident, may be given to the parent.</li> </ul>

<ul style="list-style-type: none"> <li>● Instigation and/or Participation in a Group Assault</li> <li>● Use of Incendiary Devices and/or Explosives</li> <li>● Distribution of alcohol and/or drugs</li> <li>● Gang affiliation</li> </ul>	<p>Parents are expected to sign and return the letter within five (5) days.</p> <ul style="list-style-type: none"> <li>● Students will be suspended from Memphis Street Academy until a full evidentiary hearing on the expulsion of the student can be held before the Board of Trustees.</li> <li>● Memphis Street Academy may call the Department of Human Services (DHS).</li> </ul>
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**3.25.25 Act 26 (Pennsylvania Law)**

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

- a. Except as otherwise provided in this section, a school district or area vocational-technical school shall expel, for a period of not less than one year, any student who is determined to have brought onto or is in possession of a weapon on any school property, any school-sponsored activity or any public conveyance providing transportation to a school or school-sponsored
- b. Every school district and area vocational-technical school shall develop a written policy regarding expulsions for possession of a weapon as required under this section. Expulsions shall be conducted pursuant to all applicable regulations.
- c. The superintendent of a school district or an administrative director of an area vocational-technical school may recommend modifications of such expulsion requirements for a student on a case-by-case basis. The superintendent or other chief administrative officer of a school entity shall, in the case of an exceptional student, take all steps necessary to comply with the Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1400 et seq.).
- d. The provisions of this section shall not apply to the following:
  - 1. a weapon being used as part of a program approved by a school by an individual who is participating in the program; or
  - 2. a weapon that is unloaded and is possessed by an individual while traversing school property for the purpose of obtaining access to public

or private lands used for lawful hunting, if the entry on school premises is authorized by school authorities.

- e. Nothing in this section shall be construed as limiting the authority or duty of a school or area vocational-technical school to make an alternative assignment or provide alternative educational services during the period of expulsion.

e.1 A school district receiving a student who transfers from a public or private school during a period of expulsion for an act or offense involving a weapon may assign that student to an alternative assignment or provide alternative education services, provided that the assignment may not exceed the period of expulsion.

- f. All school districts and area vocational-technical schools shall report all incidents involving possession of a weapon prohibited by this section as follows:

1. The school superintendent or chief administrator shall report the discovery of any weapon prohibited by this section to local law enforcement officials.
2. The school superintendent or chief administrator shall report to the Department of Education all incidents relating to expulsions for possession of a weapon on school grounds, school-sponsored activities or public conveyances providing transportation to a school or school-sponsored activity. Reports shall include all information as required under section 1303

- g. As used in this section, the term “weapon” shall include, but not be limited to, any knife, cutting instrument, cutting tool, nunchaku, firearm, shotgun, rifle and any other tool, instrument or implement capable of inflicting serious bodily injury.

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

[FN1] 24 P.S. § 13-1303-A.

Possession of weapons in the school setting is a threat to the safety of students and staff, and is prohibited not only by law.

## **Weapons**

The term “weapon” shall mean any object, device, or instrument designed as a weapon or capable of threatening or inflicting serious bodily harm or which may be used to inflict self-injury. This definition includes, but is not limited to: any firearm, bb gun, shotgun, or rifle, whether loaded or unloaded; any knife, cutting instrument, or cutting tool; any

nunchaku; any chemical agent such as pepper spray or mace; laser pointer; stun gun; incendiary device; any other tool, instrument or object used or intended to be used to inflict serious bodily harm to another. The term “weapon” shall also include any simulated, replica, toy, or look-alike weapon.

Students are prohibited from possessing any weapon on the way to or from the School, while on school property, while attending any school-sponsored activity, and/or while on any public vehicle providing transportation to school or to a school-sponsored activity, including SEPTA.

A student is regarded as in possession of a weapon when the weapon is found on the person of the student; in a student's designated storage space; or under the student's control while on school property, on property being used by the school, at any school function or activity, at any school event held away from the school, or while the student is coming to or from school or a school-sponsored activity.

Being in possession of a weapon is not limited to using it or intending to use it. Merely carrying the weapon, keeping it in one's designated storage space, locker, backpack or purse, or even holding it for a friend, is sufficient to be charged with this offense.

### **Required Expulsion Hearing for Weapons Possession Under Act 26**

Act 26 (24 P.S. Section 13-1317.2) is a Pennsylvania law which requires the expulsion hearing of any student who possesses a weapon on school property, at a school function, or going to or from school. The definition of weapon under Act 26 is “any knife, cutting instrument, cutting tool, nunchaku, firearm, shotgun, rifle, and [anything else] capable of inflicting serious bodily injury,” and therefore may include box cutters, pen knives on key chains or other common household items.

Act 26 additionally requires the school to notify the Police upon discovery of any weapon covered by the Act.

Any student who violates this weapons policy, which is an egregious offense, will be subject to a referral for expulsion, which constitutes the appropriate disciplinary consequence.

### **3.25.30 Application Of Code Of Conduct To Off-Campus Activities**

A student may be subject to discipline for violation(s) of the Code of Student Conduct which occur even off school property, or in transit to/from school on the bus or other vehicle, if any of the following circumstances exist:

1. The conduct occurs during the time the student is traveling to and from school or traveling to and from school-sponsored activities, whether or not via school-furnished transportation.

2. The student is a member of an extracurricular activity and has been notified that particular off-campus conduct could result in exclusion from such activities.
3. Student expression, language, or conduct materially and substantially disrupts the operations of the school, or the administration reasonably anticipates that the expression or conduct is likely to materially and substantially disrupt the operations of the school.
4. The conduct has a direct nexus to attendance at school or a school-sponsored activity, for example, a transaction conducted outside of school pursuant to an agreement made in school that would violate the Code of Student Conduct if conducted in school.
5. The conduct involves the theft or vandalism of school property.
6. There is otherwise a nexus between the proximity or timing of the conduct in relation to the student's attendance at school or school-sponsored activities.

### **3.25.35 Protections Of "Thought To Be Eligible" Students**

If disciplinary procedures are brought against a student who has not been identified as being eligible for special education and related services, the School may impose an out-of-school suspension for up to 10 consecutive days and up to 15 total days in a school year, or recommend permanent exclusion, to the same extent that as for a non-disabled student for the same offense, provided, however, that:

1. The School did not have knowledge that the student was a student with a disability before the violation occurred; and
2. If an evaluation is requested after the violation occurs, the School must conduct the evaluation in an expedited manner and, in the event that a disability is found, then the process for manifestation determination is to be completed, the outcome of which will determine whether discipline may be imposed or if special education and related services will be initiated with parental consent.

The School will be deemed to have knowledge of a disability and the student is entitled to the procedures applicable to students with IEPs if, prior to the violation:

- The parent/guardian expressed a concern, in writing, to supervisory or administrative personnel or a teacher of the student that they may require special education and related services; or
- The student's teacher and/or other school staff has expressed specific concerns about the student's academic and/or functional performance directly to the Special Education Coordinator or other supervisory personnel; or



- The parent has requested an evaluation; or
- The student has a 504 plan or the school is in possession of information indicating that they have or may have a disability which could have been a causal factor for their conduct.

The School will not be deemed to have knowledge of a disability if:

1. The parent/guardian of the student has not allowed an evaluation despite the school's request; or
2. The parent/guardian of the student has refused services; or
3. The student has been evaluated and it was determined that they are not a student with a disability under the IDEA; or
4. No circumstances exist to establish that the School had or should have had knowledge of a disability that could have been a causal factor for the conduct in question.

#### **3.25.40 Discipline Of Students With Disabilities**

There are special rules in Pennsylvania for excluding students with disabilities for disciplinary reasons. Suspension of a special education student identified as Intellectually Disabled may occur only with either written agreement of their parent/guardian or written approval of the Bureau of Special Education.

For other disabled students, including those with 504 Service Agreements, out-of-school suspension may be imposed with cessation of educational services for up to five (5) consecutive days without providing special education procedural safeguards. For a student with a disability who is excluded for more than 10 consecutive school days, or subjected to a series of removals that constitute a pattern because the removals cumulate to more than 10, and up to 15, school days in any one school year, a change in placement has occurred and prior written notice is required.

In addition, a “manifestation determination” must be conducted by the IEP team to decide if the student’s behavior was caused by the student’s disability or is a “manifestation” of the disability. In order to determine that a behavior was not a manifestation of the disability, the team must decide that the current IEP and placement are appropriate and have been put into place; that the student was able to understand the consequences of the behavior, and that the student could have controlled the behavior. Students with disabilities cannot be punished for behaviors that are related to, or are manifestations of their disabilities. If the IEP team decides that the student’s behavior was not related to the disability, the student’s placement may be changed for disciplinary reasons and the student may be subject to the appropriate disciplinary consequences for their actions.

## DISCIPLINE OF STUDENTS WITH AN IEP

Students with IEPs are required to follow the Code of Conduct, except as described below.

1. Instead of a Behavior Contract that a student without an IEP might be given, a student with disabilities, with the agreement of the IEP team, may be given a Positive Behavior Support Plan based upon a Functional Behavioral Assessment, or if such interventions are already in place, these should be revisited for possible revision.
2. A student with disabilities who receives special education services cannot be suspended for more than 10 consecutive days or 15 total days in a school year, unless their parent/guardian agrees or a special education hearing officer (appointed by the state, not the school system) approves such suspension.
3. In any case where the School, as a disciplinary measure, proposes to change a special education student's placement (exclusion from school for more than 10 consecutive school days or more than 15 cumulative school days or transfer to an alternative educational program absent "special circumstances" below), then within 10 days of any decision to change the placement, the relevant members of the IEP team including the student's parent/guardian must conduct a manifestation determination to determine: (1) if the conduct in question was caused by or had a direct and substantial relationship to the student's disability; or (2) if the conduct was the direct result of the local educational agency's failure to implement the IEP. A formal invitation for the manifestation determination meeting will be sent to the student's parent/guardian stating the purpose; parent/guardian also will be provided with notice of procedural safeguards.
4. If the answer to both questions above is "no," the student may be disciplined as a regular education student including out-of-school suspension and/or permanent exclusion; \* however, any alternative educational program must implement the student's IEP and as appropriate, the School must provide a functional behavioral assessment, behavior intervention services and modifications that are designed to address the behavior violation so that it does not recur. The parent/guardian has a right to request an expedited special education due process hearing to challenge the manifestation determination and/or any change in placement.
5. When a student with a disability is excluded for more than 10 consecutive school days or subjected to a series of removals that constitute a pattern because the removals cumulate to more than 10 school days in any one school year, a change in placement has occurred and a Notice of Recommended Placement/Prior Written Notice is required.
6. If the answer is "yes" -- to either the question whether the conduct in question

was caused by or had a direct and substantial relationship to the student's disability, or whether the conduct was the direct result of the local educational agency's failure to implement the IEP -- then the IEP team must:

- a. conduct a functional behavioral assessment and implement a behavior intervention plan or, if a behavior plan exists, review the plan and modify it as necessary to address the behavior; and
- b. return the student to the placement from which the student was removed, unless
  - i. the parent/guardian and the School agree to a change in placement; or
  - ii. "special circumstances" in number (7) exist.

7. A special education student can be transferred to an alternative educational placement for up to 45 school days, regardless of whether or not the conduct was a manifestation of disability, if any of the following "special circumstances" exist:

- a. the student brings or possesses a dangerous weapon\* at school, to or from school, or to any school function,
- b. knowingly possesses, uses, buys, or sells a controlled substance other than a controlled substance legally possessed or used under the supervision of a licensed health care professional in school, at school, on school premises, or at a school function or
- c. has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function.

*\*Change of placement of student with a disability, on account of possession of a "dangerous weapon" at school, to or from school, or to any school function, means a weapon, device, instrument, material or substance that is used for, or is readily capable of causing death or serious bodily injury. However, in the case of a pocket knife, blades less than two-and one half inches in length are not considered dangerous weapons. A multi-tool containing a blade or cutting device is deemed a "dangerous weapon."*

8. While any decision to transfer a student must be discussed and is usually made by their IEP team, the School may ask for an expedited hearing conducted by a special education hearing officer to seek a 45-day interim placement, if the behavior has been determined to be a manifestation of the student's disability and special circumstances do not exist, but the School believes that maintaining the current placement is substantially likely to result in injury to the student or

others. A parent/guardian also can ask for an expedited, special education due process hearing if they believe that the transfer or proposed change of placement is inappropriate.

9. The School will hold a manifestation determination for students diagnosed with an intellectual disability who are excluded for any amount of time. In other words, for students with an intellectual disability, a disciplinary exclusion for any length of time amounts to a change in placement, to trigger a manifestation determination.

### **3.25.45 Anti-Bullying, Cyber-Bullying, Harassment, Cyber-Harassment, And Hazing**

The Board of Trustees recognizes its responsibility for, and is committed to, creation and maintenance of a safe and supportive learning environment, through student awareness activities, staff professional development, intervention and other efforts to prevent, mitigate and intervene in incidents of bullying, cyberbullying, harassment, Cyberharassment and hazing (collectively "bullying behaviors").

#### **Definitions**

"**Bullying**" means an intentional electronic, written, verbal or physical act, or a series of acts:

1. directed at another student or group of students;
2. which occurs in a "school setting" or outside of school and materially and substantially interferes with the educational process or program at the school such as
3. to create a sufficient nexus with the school, as allowed by law;
4. that is severe, persistent or pervasive; and
5. that has the effect of doing any of the following:
  - substantially interfering with a student's education;
  - creating a threatening environment; or
  - substantially disrupting the orderly operation of the school.

Bullying takes many forms and can include a variety of behaviors and may include, but is not limited to:

1. Physical -- touching, hitting, kicking, pushing, shoving, or causing or encouraging another person to hurt someone.
2. Verbal -- slurs, name-calling, teasing, taunting, gossiping or spreading rumors.

3. Nonverbal -- threatening, intimidation, obscene gestures, isolation, exclusion, stalking or cyberbullying.

**"Cyberbullying"** means the use of electronic communication technologies with the intention of harming another person or with reckless disregard for the well-being of another person. Cyberbullying can occur through an electronic or communication device including, but not limited to, a telephone, cellular phone or computer, through email, instant messaging, text messaging, blogging, photo and video sharing, chat room messaging, posting on message boards or social networking sites, or any other medium of communication.

As a form of bullying, even if occurring off school premises, cyberbullying shall be subject to the Code of Student Conduct, if it materially and substantially disrupts the operations of the school, or if the school administration reasonably anticipates that the expression or conduct is likely to materially and substantially disrupt the operations of the school.

**"Harassment"** means unwelcome verbal, written, graphic or physical conduct relating to a person's gender, age, race, color, sexual orientation (known or perceived), gender identity expression (known or perceived), national origin, religion, disability, English language proficiency, socioeconomic status and/or political beliefs. Harassment does not depend on intent to harm, need to be directed at a specific target, or involve repeated incidents. Harassment creates a hostile environment when it:

1. is directed at another student or group of students;
2. has the purpose or effect of substantially or unreasonably interfering with a student's education; or
3. otherwise adversely affects a person's learning opportunities, health, safety or wellbeing.

**"Sexual harassment"** is unwelcome conduct of a sexual nature. Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature.

**"Cyberharassment"** means direct use of electronic communications or electronic social media service to inflict harm to a student, including threats to inflict harm or making seriously disparaging statements or opinions about the student's physical characteristics, sexuality, sexual activity, mental or physical health. Though similar to Cyberbullying, Cyberharassment of a student, whether on school grounds or not, is a crime to warrant notification to the Police Department. This may result in a criminal investigation and criminal charges to be filed against the student.

**"Hazing"** means:

Any action or situation which recklessly or intentionally endangers the mental or physical health or safety of a student or which willfully destroys or removes public or private property for the purpose of initiation or admission into or affiliation with, or as a condition for continued membership in, any organization. The term shall include, but not be limited to, any brutality of a physical nature, such as whipping, beating, branding, forced calisthenics, exposure to the elements, forced consumption of any food, liquor, drug or other substance, or any other forced physical activity which could adversely affect the physical health and safety of the individual, and shall include any activity which would subject the individual to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct which could result in extreme embarrassment, or any other forced activity which could adversely affect the mental health or dignity of the individual, or any willful destruction or removal of public or private property. For purposes of this definition, any activity as described in this definition upon which the initiation or admission into or affiliation with or continued membership in an organization is directly or indirectly conditioned shall be presumed to be "forced" activity, the willingness of an individual to participate in such activity notwithstanding.

Hazing of a student, whether on school grounds or not, is a crime if committed by any person or by a student in grades 7 and up -- to warrant notification to the Police Department. This may result in a criminal investigation and criminal charges to be filed against the student or person.

**“School setting”** means in the school, on School grounds, on school property, in school vehicles, at designated bus stops or at any activity sponsored, supervised or sanctioned by the School, and any time spent necessarily traveling to and from these locations.

### **Responsibility**

The Board believes that all students are capable of achieving high levels of success if provided with a safe and nurturing environment that is conducive to learning and personal growth. Students, administrators, teachers and other staff all deserve to be treated with dignity and respect, and not only are stakeholders in a positive school climate, but also all must be active participants in, and supporters of, efforts to prevent all forms of bullying behaviors in all school settings. This policy therefore applies to all students and employees. The Board of Trustees delegates to the CEO responsibility for creating and maintaining a safe educational environment through implementation of this policy, including ensuring that:

1. All administrators, teachers and staff members receive annual review, training and/or professional development on the prevention, identification, reporting, investigation and resolution of allegations of bullying behaviors.

2. All allegations of bullying behaviors are promptly, thoroughly and completely investigated.
3. Corrective and/or disciplinary action under the Code of Student Conduct is taken, once a complaint of bullying or variant is verified.
4. Students are made aware of: this policy prohibiting all forms of bullying; that each student is a stakeholder in the creation and maintenance of a safe educational environment, where each student is expected to treat others with civility and respect, without tolerance for bullying; the adverse consequences of such conduct on the student who was bullied, the school community and student(s) who engaged in bullying, and that even being a passive bystander or witness to any type of bullying behavior is harmful; and the procedure for reporting bullying in any form without fear of retaliation or reprisal.

### **Disciplinary Consequences**

Though protection of a victim of bullying or any form thereof shall be paramount and steadfast, consequences for a student who commits one or more acts of bullying behavior, shall be unique to the particular incident, and will vary in method according to the nature and severity of the behavior, the student's history of similar behaviors, and must be consistent with the Code of Student Conduct. Bullying of any type is a Tier Two offense, for which consequences shall range from remedial measures designed to correct the problem behavior, in school or out of school suspension, or expulsion from the School. The full range of possible disciplinary consequences as set forth in the Family Guidebook and Code of Student Conduct shall be considered and enforced, as long as a complaint of bullying, in any form, is founded.

In addition to the above school consequences, a juvenile charged with the crime of Cyberharassment or Hazing by law authorities may be subjected to a diversionary program that might include an educational program on Cyberharassment or Hazing. Also, as a criminal misdemeanor of the third degree, Cyberharassment and Hazing are punishable by a maximum \$2,500 fine and/or one year in prison.

### **Procedures**

Though protection of a victim of bullying or any form thereof shall be paramount The Board encourages all members of the school community including students, witnesses, parents, guardians and volunteers, to report any and all instances of bullying behavior to the CEO and/or their designee, or to any teacher or staff member. Reports may be made anonymously, but formal disciplinary action may not be based solely upon an anonymous report.

The Board requires the CEO and/or their designee to be responsible for receiving complaints alleging violations of this policy. All employees must report alleged violations of this policy to the CEO and/or their designee.

The Board requires the CEO to be responsible for determining whether an alleged act constitutes a violation of this policy and the Code of Student Conduct. In so doing, a prompt, thorough, and complete investigation of each alleged incident must be conducted, including:

- Individual interviews with the victim, the accused and others with knowledge of the alleged incident;
- Evaluation of any other information and materials that may be relevant to the investigation;
- The victim shall not be required to meet face-to-face with the accused;
- Attempt shall be made to secure statements from all participants in, and witnesses to, the incident(s).
- When a student with limited English proficiency is a party to a complaint, interpretation and/or translation services shall be provided. The parents or guardians of a victim of bullying behavior and the student who allegedly committed bullying shall be notified immediately of the incident(s). The parents or guardians of the victim and the accused shall be notified of the progress at appropriate stages of the investigation.

If the complaint of bullying behavior is substantiated, notification of resources and support also shall be given to the student who was bullied.

### **Awareness and Prevention**

This policy shall be disseminated annually, including incorporation in the Family Guidebook and Code of Student Conduct, to all school staff, students and parents or guardians, with a statement explaining that it applies to all forms of bullying that occur in school, on school grounds, on school property, in school vehicles, at designated bus stops or at any activity sponsored, supervised or sanctioned by the school, and any time spent necessarily traveling to and from these locations. Additionally, any student's out-of-school conduct that materially and substantially interferes with the educational process in the school shall be subject to this policy.

This policy prohibiting all types of bullying also shall be made available:

- In the Family Guidebook
- On the School's website;
- In every classroom; and
- By posting in a prominent location within each school building.

The CEO shall ensure annual review of this policy with all teachers and the entire



school staff, as well as professional development, on the prevention, identification, reporting, investigation and resolution of allegations of all forms of bullying.

The CEO will ensure that bullying awareness and prevention activities and educational programs are conducted for students, such as:

- Establishing, teaching and reinforcing rules against bullying behaviors; and
- Spotlight of the subject in assemblies.

### **Compliance**

The School shall comply with federal and state laws as may be applicable to this policy, including the Pennsylvania School Code, the Charter School Law, Chapter 711 of Title 22 of the Pennsylvania Code and the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act, and applicable implementing regulations.

### **3.25.50 Controlled Substances: Drug And Alcohol Abuse Policy**

We recognize that the abuse of controlled substances is a serious problem with legal, physical, and social implications for the entire school community. The schools will strive to eliminate this insidious problem from its Caring School Community, for the safety, health and well-being of all members in general.

For the purposes of this policy, the term “controlled substance” includes all of the following:

- Any controlled substance prohibited by federal and state law
- Any item or substance that is designed or intended to resemble a controlled substance prohibited by this policy, or that is used in a manner likely to induce others to believe the material is a controlled substance
- Alcoholic beverages
- Anabolic steroids
- Drug paraphernalia
- Any volatile solvents or inhalants, such as but not limited to glue and aerosol products
- Any substance that when ingested causes a physiological effect that is similar to the effect of a controlled substance as defined by state or federal law, such as but not limited to products containing synthetic cannabinoids
- Prescription or nonprescription (over-the-counter) medications, except those for which permission for use in school has been granted.

Students are prohibited from using, possessing, distributing, selling or being under the influence of any “controlled substance” during school hours, on school grounds, at a school program or activity, or traveling to/from school. The Police will be notified promptly if a student is suspected of unlawfully possessing any “controlled substance” that is prohibited by federal or state law. If any such substance is seized, the suspected contraband will be turned over to the Police for analysis. If it is determined, after investigation, that a student is in possession of a “controlled substance,” is under the influence of a “controlled substance,” did or attempted to use, distribute or sell any “controlled substance” during school hours, on school grounds, at a school program or activity, or traveling to/from school, then the school will take corrective disciplinary action for this egregious violation, up to referral for expulsion from the School.

### **3.25.55 Harassment And Intimidation**

All students shall have the right to a learning environment that is free from intimidation, harassment, and hostility. The forms of harassment that are prohibited may include, but are not limited to the following list:

1. Verbal harassment such as derogatory comments, jokes, slurs, or threats.
2. Physical harassment such as unnecessary or offensive touching, or impeding or blocking movement
3. Visual harassment such as derogatory or offensive posters, cards, pictures, cartoons, graffiti, drawings, gestures, or symbols

Any individual who is found to be responsible for harassment or other prohibited discriminatory conduct shall be subject to appropriate discipline. The severity of the disciplinary action will be based upon the circumstances of the infraction and may result in suspension or expulsion.

### **3.25.60 Personal Electronic Devices**

Personal electronic devices, including, but not limited to, iPods, iPads, MP3 players, recorders, cameras and electronic games may not be used while on school grounds. Students maintain the responsibility for properly securing their property. Personal electronic devices, including earbuds/earphones, which are used on school property will be confiscated and may be retrieved from the Dean of Students or Team Leader by a parent or guardian only. If this is a repeated offense, these items will be held by the Dean of Students or Team Leader until the end of the school year. **The school will not assume responsibility for any lost, stolen, or damaged personal electronic devices.**

Student cell phones may not be seen or heard in the building at any time. This includes

texting in any form, at any time. This also includes using the clock, camera, or calculator feature on a cell phone. Cell phones which are seen or heard will be confiscated and may be retrieved from the Dean of Students or Team Leader by a parent or guardian only. If this is a repeated offense, the cell phone will be held by the Dean of Students or Team Leader until the end of the school year. **The school will not assume responsibility for any lost, stolen, or damaged cell phones or any other electronic devices.**

Sometimes, personal social media used by students, including off-hours use, may result in disruption at school and the School may need to get involved. All infractions outlined in the Discipline Code prohibiting negative and bullying communication apply to electronic communication as well.

It is understood that students attending school events such as sporting events and other activities may take photos or generate social media regarding the event. Unless prohibited, this use of social media is acceptable. It is important to note, however, that if such social media is used to bully, harass, intimidate or otherwise defame students, staff, or the school. The School may decide to take action regarding misuse of social media.

### **3.25.65 Recording And Reporting Of Behaviors**

The School keeps a record of all behavioral incidents and the resulting outcomes. These records are then kept in a locked filing cabinet. At any time, a parent or guardian may request their student's behavioral record. The request must be written and may be addressed to the Dean of Students or Team Leader. The request will take between 24 and 48 hours to process. The parent/guardian must then come to the school to pick-up the records, as records will not be mailed or delivered via student backpacks. The Parent/ Guardian does have the right to appeal any information in the student's behavioral record. To appeal the factual information (this is different from "not agreeing" with the decision), please write a letter addressed to:

#### **The Disciplinary Committee of the Board of Trustees.**

Mail or deliver the letter to your Dean of Students. This letter will then be forwarded to the School's Board of Trustees. Parents will be contacted by the committee within 48 hours regarding their appeal. All records will be redacted to protect the privacy of other students involved.

### **3.25.70 Search And Seizure Policy**

Various types of school property including, but not limited to, lockers, storage bins and computer terminals are assigned to students for their convenience of storage or educational usage. School property remains the property of the School. School property

is not to be construed as belonging to, or for the sole use of a student, even though they assume full responsibility for the security of such property.

In the interest of maintaining an educational environment and providing for the health and safety of all students, the School reserves the right, when necessary, for the CEO or designee to search, without a warrant, a student, their locker, purse, book bag, backpack, or school computers, if there are reasonable grounds for suspicion that the student has violated or is violating state or federal laws, city codes, or school policies.

If a school official has reasonable suspicion that a student's locker contains illegal or unauthorized materials, the school may conduct a locker search upon notification to the student, who will be given the opportunity to be present during the search. When school officials have reasonable suspicion that the locker contains materials that pose a threat to the health, welfare or safety of students in school, the locker may be searched without prior warning.

Without notice or consent of the student or their parent, a student's person and/or personal effects (i.e., purse, book bag, backpack or athletic bag, electronic devices) or computer may be searched, whenever a school official has reasonable suspicion to believe that the student is in possession of illegal or unauthorized material, contraband, evidence of a crime or evidence of a violation of the school's rules and policies. Should a need arise to search a student's person, the search shall be conducted by a school official of the same gender as the student's.

Parents will be immediately contacted if a dangerous or missing item is found on or in the possession of their student. Also, parental presence will be required if there is good reason to believe that an item of importance or value may be concealed in such a manner as not to be revealed by the above search procedures.

If items of importance or value are missing and there is a reasonable chance they have not left a defined area, that area and persons in that area may be searched.

If a properly conducted search yields illegal or contraband materials, such findings will be turned over to proper legal authorities for ultimate disposition. Additionally, illegal or prohibited materials seized during a search may be used as evidence against the student in a school disciplinary proceeding.

## **TO SUMMARIZE:**

**Personal Searches** - A student's person and/or personal effects (e.g. purse, book bag, etc.) may be searched whenever a school official has reasonable suspicion to believe that the student is in possession of illegal or unauthorized materials.

**School Computers** - School computers and any data they contain remain under control of the School, and are subject to inspection at any time.

**Locker Searches** - Lockers may be searched if a school official has reasonable

suspicion that the locker contains illegal or unauthorized materials. The student assigned to the locker will be notified, and opportunity to be present during the search will be given. When there is reasonable suspicion that the locker contains materials that pose a threat to the health, welfare or safety of students in school, the locker may be searched without prior warning or opportunity to be present during the search.

### **3.25.75 Students And The Police**

Memphis Street Academy recognizes the responsibility both for the protection of the legal rights of its students and for notification to parents/guardians of matters affecting those rights. Whenever the school has reasonable suspicion that a student has committed a criminal act, the Administration will promptly notify the Police.

The CEO and/or Principal shall permit properly identified Police, Court, or law enforcement officers to interview students on school premises. When Police request permission to interrogate a student at school, the CEO and/or Principal shall make a record of the name(s) of the student(s); the name and badge number of the officer; the purpose of the interview; and, the date and time of the interview and so inform parents and/or guardians.

Unless instructed otherwise by the Police, whenever a student is interrogated within the confines of a school building, the CEO, Principal or their representative shall be present throughout the proceedings. A female member of the staff shall be present when female students are interviewed.

When the Police request permission to arrest a student at school, the CEO and/or Principal shall attempt to inform the student's parents. The CEO and/or Principal must also request the arrest warrant and inspect it.

No student shall be released to Police authorities without proper warrant, appropriate evidence or written parental permission, except in the event of emergency or for the protection of life or property as determined by the CEO and/or Principal.

### **3.25.80 Good Sporting Conduct**

The School believes that athletic competition should be a positive and safe experience for everyone involved, conducted in an environment that cultivates values and ethics, strengthens the community, promotes competition without conflict and enriches the lives of student-athletes and all individuals involved. In order to promote core values such as discipline, fairness, responsibility, trustworthiness and citizenship, all participants, including players and spectators, are expected to exhibit good sportsmanship during athletic events and all activities relating to athletic events.

Student-Athletes in exhibiting sportsmanship, student-athletes shall:

- Understand and follow the rules of the sport;
- Recognize skilled performance of others, regardless of team affiliation;
- Demonstrate respect for teammates, opponents, coaches and officials;
- Respect the judgment of officials and accept their decisions;
- Refrain from antics, taunting opponents, using insulting language or any other negative behavior;
- Be modest when successful and gracious in defeat;
- Recognize that their conduct reflects strongly on their schools; and
- **Follow all school Discipline Policy rules pertaining to conduct on school property or during activities that are related to school events.**

Spectators attending athletic events shall:

- Realize that the main purpose of the competition is the play of the game and that the role of the spectator is one of support;
- Show positive support to the teams and players;
- Show compassion for injured players, regardless of which team they are on;
- Refrain from angry or abusive language, including heckling, taunting or insulting players, officials, coaches or other spectators;
- Refrain from negative or harmful actions;
- Follow all school Discipline Policy rules pertaining to conduct on school property or during activities that are related to school events.

## **DISCIPLINARY ACCOUNTABILITY**

School athletic events are school activities that are part of the educational program. Appropriate behavior by spectators provides a positive model for students and contributes to the value and educational purposes of athletic activities. Conversely, negative comments and unsportsmanlike behaviors are damaging to the purposes of athletic activities. School Administration, officials, and coaches have the authority and discretion to remove any student-athletes or spectators who do not comply with these rules of sportsmanship. At the discretion of School Administration, any violation of this Policy by any student may result in disciplinary consequences consistent with the Discipline Code of Conduct.

### **3.25.85 Social Networking And Social Media Policy**

## Purpose

The School recognizes that many individuals, including students, have embraced social networking and social media as a fun and rewarding way to share one's life and opinions with family, friends and fellow students. "Social media" means any form of online posting, publication or presence that allows end users to engage in multi-directional conversations. Social media includes, but is not limited to, Facebook, Twitter, YouTube, blogs, wikis, Second Life, social bookmarking, document sharing and email.

Engaging in such activity, however, carries with it certain risks and/or responsibilities – even though performed away from school or using a computer or other device that was neither supplied by the school nor connected to the school network.

Although the school's regulation of student activities is generally confined to the boundaries of the school, while school is in session or during a school-based or school-sponsored activity, students and their parents/guardians must nevertheless be aware that inappropriate behavior at student activities can and will be given consequences by school staff, if warranted, even though the conduct occurred off school premises, not on school-time, through the use of a personally-owned computer or other device, and/or on a non-school-owned or operated Internet or social networking site.

The purposes of this policy is to provide clarity regarding prohibited use of social networking and social media which may be subject to punishment up to, and including expulsion, and to provide students and their parents/guardians with general guidelines for using social media.

## Prohibited Use of Social Networking and Social Media

1. At no time during school or upon school premises, whether using school computer equipment or a personal computing device brought to school, may students access any social networking site unless specifically authorized to do so by the student's teacher for a legitimate educational purpose.
2. Unless specifically authorized by the administration, no student may represent himself or herself as a spokesperson for or on behalf of the school.
3. **No electronic communication between any student and any teacher is allowed through any social networking site.** Allowable electronic contact between students and teachers shall be confined to email on the school's network, and only for a legitimate educational or school-business purpose.
4. Just as the school does not tolerate bullying, cyber-bullying, intimidation, harassment, obscene or derogatory language, etc. *The school also will not tolerate any student's misuse of social media -- regardless of the location of the conduct, or occurrence after school hours -- if the conduct threatens another school community member, amounts to bullying and/or harassment, or*

*otherwise substantially disrupts the school or adversely affects another member of our Caring School Community. The School thus prohibits and may legitimately regulate and punish off-campus behavior (including misuse of social networking or social media) that creates a foreseeable risk of reaching school property or impacting the school environment and which causes a material and substantial disruption or interference with the school's work, operation or discipline, or substantially collides with or invades the rights of others to be secure and to be let alone.*

## **Accountability**

The potential sanction for a violation of the school's Social Networking and Social Media Policy is dependent upon the nature of the posting and the severity of the offense. If the posting constitutes a serious offense such as, but not limited to, bullying or cyber-bullying, harassing or intimidating any member of the school community, or threatening students or school personnel with assault then the appropriate consequence may be imposed, including long-term out-of-school suspension, expulsion and/or referral to law enforcement officials.

## **General Guidelines For Students Using Social Media and Social Networking**

- Consult the Family Guidebook. Be aware that all existing policies and behavior guidelines extend to school-related activities in the online environment as well as on school premises.
- Be respectful. Remember that you are a member of a "Caring School Community" with responsibility for behaving in a manner that helps promote a school environment that is caring, nurturing, safe, orderly, and conducive to learning and personal and social development. Students are a diverse group of people with many different backgrounds, customs, viewpoints and beliefs. Communications which are pornographic, racist, threatening or bullying are never appropriate. Broad generalizations ("all teachers ..."; "all Students ...") are almost never accurate.
- Be reflective. Think before you post online. If you are upset or angry, take time to cool down. Read, then Reply. Do not skim statements and respond. Try to understand the thoughts of another before you comment on them.
- Exercise good judgment. Think about the type of image that you want to convey when posting to social networks and social media sites. How you represent yourself online should be comparable to how you wish to present yourself to others, consistent with the purpose and mission of the school.
- Be transparent. Do not misrepresent who you are. Never assume another's identity.
- Be cautious how you set up your profile, bio, avatar, etc. The same guidelines



apply to this information as well as the substantive content you post. Do not post on blogs, wikis or other social media any identifying personal information such as full names, addresses or phone numbers.

- Keep confidences. Respect the power of public media, and do not violate the privacy of others. Social media may seem private, but it is highly public and durable. What you post will be viewed and archived permanently online once you hit the “publish” button.
- Do not threaten, harass or bully others using social media. You are responsible for your statements and can be held personally accountable by the school and subjected to discipline under its Code of Conduct, as well as criminally or civilly liable for your statements.
- Use appropriate language. Threatening, derogatory, obscene, insulting, inflammatory or bullying language is never appropriate.
- Be factual. Add to the information available to others, and provide value. Think about what you have to offer, whether it is thoughtful, relevant and based in fact. Do not Spam. Meaningless messages, mass messages or repetitive messages are not appropriate.
- Do not plagiarize. Do not copy the work of others. Follow copyright law. Whenever quoting or relying on another’s work, give proper citation to your source. Develop and write your own thoughts.
- Be aware that photographs taken by professional photographers cannot be scanned and used on the Internet without the photographer’s permission -- even if they are photos of you and for which you paid. It is not uncommon for photographers to seek compensation for “digital rights” to photos. When uploading digital pictures or avatars that represent yourself, be sure you select a school- appropriate image. Do not utilize protected images.
- Accept responsibility. If you make a mistake, correct it quickly. If someone correctly points out that you made a mistake, own up to it. Apologize, if an apology is owed.
- Write well. When posting to social networking or other social media sites, your comments convey a public image of you. Therefore, express yourself effectively. Use proper grammar, capitalization and punctuation. Check spelling, avoid slang and excessive abbreviations.
- Be wise. People often share too much information electronically. Those who reveal the names of their pets, parents, or other details may give hackers the clues to passwords. Information about planned vacations can be used by burglars. Think about how information can be used and misused.
- Do not hack. Never access someone else’s identity or account, or restricted sources of information.

- Contact someone immediately, such as your parents, School Administration or the police, if you are threatened, harassed or bullied.

### **General Guidelines for Parents/Guardians**

- Discourage rumors. Do not rely upon or pass on unsubstantiated information or gossip. If information seems unlikely or inflammatory, when in doubt, go directly to the source.
- Respect confidentiality. Many issues involving other families and students, or personnel issues, are legitimately confidential.
- Raise and debate issues constructively. Schools often face legitimate controversies. The school respects and solicits parent/guardian voices in addressing such issues. You are invited and encouraged to raise your concerns with the school's Administration and/or through attending an open meeting of the Board of Trustees and participating in the "public comment" session of the meeting.

### **3.25.90 Suspension Hearings And Expulsions**

#### **Suspensions**

- No student may receive a suspension unless the student has been informed of the reasons for the suspension and has been given an opportunity to respond before the suspension becomes effective.
- Communication to the parents or guardians shall follow the suspension action taken by the school.
- When the suspension exceeds 3 consecutive school days, an informal hearing with the principal shall be offered to the student and the student's parent or guardian within the first 5 school days in accordance with the procedures relating to hearings.

#### **Conditions for Suspension**

- The CEO, Principal, or Dean of Students will meet with the student prior to the suspension and discuss the reasons for the suspension. The student is to be offered an opportunity to explain the circumstances surrounding the event for which they are being suspended.
- A suspended student is to be retained in the school building under supervision until the end of the school day, unless released to parents, guardian, or other responsible adult. Every effort should be made to establish immediate contact with the responsible adult.

- Students are permitted to make up examinations while under suspension, and are required to make up all missed assignments. Students will be provided with assignments to perform at home.

### **Procedure for Suspensions**

1. Written notification that the student has been suspended is to be forwarded to the parent on the day that suspension is initiated. The notice must contain the following information.
  - The reasons for suspension as provided in the Code of Student Conduct
  - The number of days of suspension
  - The reinstatement date of Student
5. The date, time, and place for the parental conference.
6. Parents/Guardians are to be requested to come to school for a reinstatement conference as a result of a suspension. The purpose of this conference is to discuss ways by which future offenses can be avoided, as well as to discuss behavioral interventions that are available to support students. Parents/Guardians are expected to attend the conference during the scheduled reinstatement date and time. In the event that a parent/guardian is unable to keep the appointment, the parents should call the Dean of Students or the Team Leader to reschedule the reinstatement meeting. Parents/Guardians are requested to come to the main office to pick up missed schoolwork and assignments. Parents/Guardians are encouraged to call the main office to coordinate the exchange of schoolwork and assignments.
7. A student who fails to return to school on the reinstatement date is to be taken off the suspension list and handled as an absentee. The usual procedures are to be followed to encourage the student's return to school.

### **Statement of Purpose of Suspensions**

1. The use of suspension is for the involvement of parent/guardians in the remediation of a problem.
2. It offers an opportunity for students to reflect on choices and align future behaviors with the school norms.
3. It immediately diffuses a situation when the final resolution is not yet assured.
4. It is a forthright display of the dissatisfaction of the school with the behavior of the student.

### **Due Process and School Hearings**

Education is a statutory right, and students must be afforded all appropriate elements of due process if they are to be excluded from school, whether by suspension or expulsion. In a case involving a possible expulsion, the student is entitled to a formal hearing, which is a fundamental element of due process.

Informal Hearings (for suspensions of more than three (3) days or pending referral for expulsion): 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 students, their parents or guardians, and school officials to discuss ways by which future offenses might be avoided.
2. The following due process requirements shall be observed in regard to the informal hearing:
  - a. Notification of the reasons for the suspension shall be given in writing to the parent/guardian and the student.
  - b. Sufficient notice of the time and place of the informal hearing shall be given.
  - c. A student has the right to speak and produce witnesses on their own behalf.
  - d. A student has the right to question any witnesses present at the hearing.
  - e. The school shall offer to hold the informal hearing within the first 5 days of the suspension.

Formal Hearings for Expulsions: Following the informal hearing, if the infraction so warrants, the Principal may move forward with a recommendation for expulsion. A formal hearing is required for all expulsion recommendations. This hearing may be held before the Board of Trustees, a Disciplinary Sub-Committee of the Board, or a qualified hearing examiner appointed by the Board. A majority vote of the entire school Board is required to expel a student. The following due process requirements are to be observed with regard to the formal hearing:

1. Notification of the charges shall be sent to the student's parent or guardian by certified mail.
2. At least 3 days' notice of the time and place of the hearing will be given. A copy of the expulsion policy, notice that legal counsel may represent the student and hearing procedures will be included with the hearing notice. A student may request the rescheduling of the hearing upon showing good cause for an extension.

3. The hearing will be held in private unless the student or parent requests a public hearing.
4. The student may be represented by counsel, at the expense of their parent or guardian, and may have a parent or guardian attend the hearing.
5. The student has the right to be presented with the names of witnesses against them, and copies of the statements or affidavits of those witnesses, if any.\*
6. The student has the right to request that the witnesses appear in person and answer questions or be cross-examined.\*
7. The student has the right to testify and present witnesses on their own behalf.
8. A written or audio record will be kept of the hearing. The student is entitled, at the family's expense, to a copy. A copy shall be provided at no cost to a student who is indigent.

The formal hearing usually occurs before completion of the 10th day of suspension, but must be held within 15 school days of the notification of charges, unless a longer time period is mutually agreed to by both parties. A hearing may be delayed for any of the following reasons, in which case the hearing shall be held as soon as reasonably possible:

- i. Laboratory reports are needed from law enforcement agencies.
- ii. Evaluations or other court or administrative proceedings are pending due to a student invoking his rights under the Individuals with Disabilities Education Act (20 U.S.C.A. §§ 1400-1482).
- iii. In cases in juvenile or criminal court involving sexual assault or serious bodily injury, delay is necessary due to the condition or best interests of the victim.

Notice of the right to appeal the results of the formal hearing will be provided to the student with the expulsion decision. If a Student is expelled, their Parent/Guardian has thirty (30) days to find another educational program.

*\*If the Administration feels that this would be harmful to the students involved, we will require written statements in lieu of appearance.*

### **3.25.95 Terroristic Threats**

The School recognizes the danger that terroristic threats by students present to the safety and welfare of students, staff and community, even if the result is fear or disruption without physical injury. Therefore, the School will not tolerate any such conduct by any student, which is prohibited. "Terroristic threat" is defined as a threat communicated either directly or indirectly to commit any crime of violence with the intent

to terrorize another; to cause evacuation of a building, place of assembly or facility of public transportation; or to otherwise cause serious public inconvenience, or cause terror or serious public inconvenience with reckless disregard of the risk of causing such terror or inconvenience. Any student who is determined, after investigation, to have engaged in such conduct, alone or having any part thereof, shall have committed the egregious offense of “terroristic threat.” Such a student may be recommended for expulsion.

### **3.25.100 Tobacco Use**

The School recognizes that tobacco use by students poses a health and safety hazard which can have serious consequences for both users and nonusers, and the safety and environment of the school. “Tobacco use” includes the use and/or possession of a lighted or unlighted cigarette, cigar, and pipe; other lighted smoking products; smokeless tobacco in any form; and paraphernalia associated with tobacco use such as rolling papers, matches, and lighters. “Tobacco use” by students is prohibited at any time in a school building or any property, facility, bus or other vehicle owned, leased or controlled by the school or by a third-party on behalf of the school and its students. Any student who is determined, after investigation, to have committed the serious offense of “tobacco use” will face appropriate disciplinary consequences.

### **3.25.105 Weapons**

Possession of weapons in the school setting is a threat to the safety of students and staff, and is prohibited not only by law.

The term “weapon” shall mean any object, device, or instrument designed as a weapon or capable of threatening or inflicting serious bodily harm or which may be used to inflict self-injury. This definition includes, but is not limited to: any firearm, bb gun, shotgun, or rifle, whether loaded or unloaded; any knife, cutting instrument, or cutting tool; any nunchaku; any chemical agent such as pepper spray or mace; laser pointer; stun gun; incendiary device; any other tool, instrument or object used or intended to be used to inflict serious bodily harm to another. The term “weapon” shall also include any simulated, replica, toy, or look-alike weapon.

Students are prohibited from possessing any weapon on the way to or from any American Paradigm School, while on school property, while attending any school-sponsored activity, and/or while on any public vehicle providing transportation to school or to a school-sponsored activity, including SEPTA.

A student is regarded as in possession of a weapon when the weapon is found on the person of the student; in a student’s designated storage space; or under the student’s

control while on school property, on property being used by the school, at any school function or activity, at any school event held away from the school, or while the student is coming to or from school or a school-sponsored activity.

Being in possession of a weapon is not limited to using it or intending to use it. Merely carrying the weapon, keeping it in one's designated storage space, locker, backpack or purse, or even holding it for a friend, is sufficient to be charged with this offense.

### **3.25.110 Damage Of School Property**

Students who willfully cause damage to school property shall be subject to disciplinary measures. Students and others who damage or deface school property may be prosecuted and punished under law. Parents and guardians of students shall be held accountable for student actions. The Board may report to the appropriate authorities any student whose damage of school property has been serious or chronic in nature.

### **3.25.115 Definitions For Terms Found Within The Code Of Conduct**

**Act 26:** Pennsylvania State Code referring to a weapons violation. Please see a copy of Act 26 Act 26 (found on the previous page).

**Assault:** *An unlawful attack by one person upon another.* The victim does not or is not able to defend themselves with enough force to prevent harm. The act should be intentionally, knowingly or recklessly causing bodily injury or serious bodily injury. **(Simple)** unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury. **(Aggravated)** assault with a weapon, where the attacker either uses a weapon or displays a weapon in a threatening manner, to attempt or cause serious bodily injury.

**Alteration of Grade Reporting, Excuse Notes, and/or Documents:** Students who, with the intent to deceive, alter grade reports, excuse notes, or official school documents.

**Behavioral Success Plan:** When a student is placed on a behavioral success plan, the following will take place: The student will be placed on a behavior plan/contract which will require:

1. behavior tracked with the use of a form, to be completed and signed by each of their teachers.
2. daily check-in with Dean of Students
3. daily communication between home room teacher and parent

#### 4. weekly phone call check-in with parents

The behavioral success plan will be revisited bi-weekly during the time a student is on Behavioral Success Plan.

During this time, students may experience other disciplinary consequences directly related to their behaviors. i.e., loss of trip without a parent, lunch in a small group setting, staff escort in the halls.

**Bullying:** By law, “bullying” shall mean an intentional electronic, written, verbal or physical bullying:

An act, or a series of acts:

1. directed at another student or students;
2. which occurs in a school setting;
3. that is severe, persistent or pervasive; and
4. that has the effect of doing any of the following:
  - a. substantially interfering with a student’s education;
  - b. creating a threatening environment; or

substantially disrupting the orderly operation of the school; and “school setting” shall mean in the school, on school grounds, in school vehicles, at a designated bus stop or at any activity sponsored, supervised or sanctioned by the school

However, it should be noted that both genders can engage in direct or indirect bullying, and it can be either physical and/or psychological in nature. Bullying can be carried out by a single individual or by a group. The target/victim or bullying can be a single individual or a group of students. The behavior can be either overt or covert in nature utilizing various methods of communication. For example, the term cyber bullying is being used to describe bullying behavior which occurs on the internet. Behavior is clearly bullying when: (1) there is an intent to harm – the perpetrator appears to find pleasure in taunting and continues even when the target’s distress is obvious. Mutual “teasing” should not be confused with bullying behavior and (2) there is intensity and duration – the taunting continues over a period of time, and is not welcomed by the target.

**Breaking and Entering School Property:** Students who enter any property owned or utilized by the School or American Paradigm Schools or by any vendor under contract with the School either through force (as minimal as pushing open a door) and without authorization.



**Cheating:** To violate rules dishonestly. The consequence may include one or more of the following: loss of grade for the academic activity, loss of grade for the semester (grades 5th- 8th), mandatory summer school, or suspension.

**Destruction and/or theft of property (less than \$500):** Willful and malicious acts of damage or defacement to school property, personal property, including but not limited to graffiti, school pranks that cause a major disruption, or arson.

**Destruction and/or theft of property (totaling \$500 or more):** Students who intentionally damage, deface, or take school property or personal property without permission. Damage or defacement includes graffiti, school pranks that cause a major disruption, and arson.

**Detention:** Consequence that may be assigned by a dean or a teacher for repeated minor incidents and/or a major incident. The Dean of Students will contact parents 24 hours in advance to inform them about the detention. Parents must arrange transportation for the student. Students who do not attend detention will be required to attend the next scheduled Saturday Detention.

**Discipline Referral Form:** Form used by staff to record major or repeated minor behavioral incidents (see Tier 2 incidents table). When a student is sent to the Dean's office, they will be accompanied by a Discipline Referral Form. A copy of the discipline referral form is available from the Dean of Students.

**Dress Code Violation:** Any student who does not ARRIVE to school in the approved Dress Code, and/or does not comply with the Dress Code throughout the length of the school day will receive a logical consequence. The parent may be contacted to bring appropriate Dress Code attire or the student may be loaned appropriate Dress Code attire (if possible). If the student continues to dress out of code, a parent meeting will be required and disciplinary action may be taken. Please note that this consequence will NOT apply to students whose parents/guardians contact the school about special circumstances regarding the reason for the dress code violation. Certain clothing items worn in school in violation of the dress code will be confiscated. This item will be returned at a later time. The School does not assume responsibility for any lost, stolen, or damaged personal items that violates the School's dress code policy.

**Expulsion:** Students are dismissed from the school permanently, unless otherwise stated, due to severe or repeated serious behaviors. The student and parent have the right to be informed of the reasons for the movement toward expulsion and to respond to these reasons prior to the expulsion taking effect. Parents and guardians of children who have been recommended for expulsion will have the right to a full evidentiary hearing before the Disciplinary Committee of the Board of Trustees of the School, at which time they may present their argument and evidence for not expelling the student. The parent/guardian will be notified of the hearing date in writing no less than three (3) days before the date of the hearing. If the Disciplinary Committee recommends

expulsion of the student, the recommendation will be made at the next regularly scheduled meeting of the Board of Trustees (BOT). If the next meeting of the BOT is more than three (3) weeks from the date of the incident, the CEO or Principal will call a special meeting of the BOT. Parents and guardians may address the BOT if they wish, as specified by the BOT. The BOT will take a roll call vote, and the decision of the BOT will be final. Please Note: Recommendation for expulsion of a student with a disability will be made by the LEA\* in accordance with federal laws and regulations, on a case by case basis. \*LEA=Local Education Agency. In Pennsylvania, charter schools are their own LEA.

**Extortion:** To obtain something by using threat or intimidation.

**Fight:** Taking part in a physical struggle. Both parties involved will receive consequences. "Hitting Back" will be considered fighting. Students are expected to walk away from physical altercations and get help from the nearest staff member.

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

**Harassment:** A person commits the crime of harassment when, with the intent to harass, annoy or alarm another, the person:

- Strikes, shoves, kicks or otherwise subjects the other person to physical contact, or attempts or threatens to do the same;
- Follows the other person in or about a public place or places; or
- Engages in a course of conduct or repeatedly commits acts that serve no legitimate purpose.

**Impairment:** Demonstrating physical signs of concerning behavior including but not limited to slurred speech, loss of balance, irritated eyes, a suspicious odor, or lethargy.

**In School Suspension:** Student will remain in the Dean of Students' office for the duration of their suspension. During this time the student will complete all classroom work, work on additional behavioral assignments given by the Dean of Students and receive all homework.

In-School Suspensions are not a typical consequence. They will only be assigned in special circumstances, to be determined by the Dean of Students. **Please Note:** The LEA shall decide suspension for Special Education students as stated in IDEA laws and regulations, on a case by case basis.

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

**Inappropriate use of an electronic device:** Including but not limited to sexting, videotaping fights, videotaping someone in a place where they have an expectation of privacy, or posting videos of inappropriate student conduct to a social media site that affects the school community in a negative manner.

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

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

**Logical Consequences:** Defined (by Ruth Charney, Teaching Children to Care) as: reasonable and respectful, neither punishment nor permission. The consequence will help students assume responsibility through structured learning opportunities and the opportunity to try again.

**Manifestation Determination:** A Manifestation Determination is a process, required by the Individuals With Disabilities Education Act (IDEA 2004), which is conducted when considering the exclusion of a student with a disability that constitutes a change of placement.

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

**Mutual Fighting (with documented serious bodily injury):** When one or more students engage in physical confrontation in which it is unclear which student is the aggressor and which student is the victim. Serious bodily injury means bodily injury that involves (1) a substantial risk of death; (2) extreme physical pain; (3) protracted and obvious disfigurement; or (4) protracted loss or impairment of the function of a body part, organ, or mental faculty.

**Out of Bounds:** To be away from the school, teacher or classroom without direct permission. All students must have a pass at all times to travel through the hallways during non- transitional periods. Consequences will be assigned on an individual basis and will depend on the reason for a student being Out of Bounds.

**Out of School Suspension:** No student may receive a suspension unless the student has been informed of the reason(s) for the suspension and has been given the opportunity to respond before the suspension takes effect. Communication to the parent or guardian will follow the suspension imposed by the school. Students will remain in the Dean of Students' office on the day of the incident until the parent or guardian is able to pick them up. The School expects that the parent or guardian will arrive at the

school within one and a half hours of the original phone call. The day of pick up does NOT count as a day of suspension. The student is responsible for completing all in class and all homework for the day(s) missed due to suspension. The student may also be responsible for completing any assignments given by the Dean of Students. ALL PARENTS OR GUARDIANS ARE REQUIRED TO ATTEND A REINSTATEMENT MEETING AS SCHEDULED. The student will arrive at school with the parent or guardian and will re-enter the classroom when the reinstatement meeting is finished. The student and parent have the right to be informed of the reasons for the suspension and to respond to them prior to the suspension taking effect. The parent has the right to immediate written notice of the suspension and when it exceeds three (3) school days, the school must offer to hold an informal hearing within the first five (5) school days. Please note: The LEA shall decide suspension for Special Education students as stated in IDEA laws and regulations, on a case by case basis.

**Play Fighting/Rough Housing:** Taking part in aggressive physical play that simulates a fight. Play fighting is considered to be dangerous as students often become injured or the play fighting turns to a real fight. It is important to understand that for the safety of all students play fighting is not allowed under any circumstances. This would also include “Birthday Punches” and “Two-for-Flinching” type games.

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

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

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

**Profane or Obscene Language or Gestures:** Students who curse, use sexually explicit language, or gestures.

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

**Reinstatement:** A meeting held to restore the student to active standing.

**Self-Defense:** Self Defense applies only to those situations where a student could not

walk away. Self Defense is NOT reacting to being hit or kicked. If a child could walk away or there is an adult in the vicinity to assist, then "Hitting Back" is not considered self-defense. Students are expected to walk away and get help from the nearest staff member if at all possible.

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

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

**Simple Assault on a School Community Member:** Students who intentionally and without provocation, hit, punch, or kick a school community member.

**Teasing:** To upset or annoy by taunting or making fun of another student. Teasing is a "one time" occurrence. Teasing that occurs on more than one occasion and/or becomes a patterned behavior is considered bullying.

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

**Under the Influence:** Having any detectable amount of alcohol or a controlled substance in your system and/or showing physical manifestations of being under the influence.

### **3.30 Special Services**

#### **3.30.05 Purpose**

#### **3.30.10 Annual Notice Of Special Education Services And Programs: Child Find Notice**

#### **3.30.15 Identification Activity ("Child Find")**

#### **3.30.20 Signs Of Potential Developmental Delays And Other Risk Factors That Could Indicate Disability**

#### **3.30.25 Confidentiality Of Information**

#### **3.30.30 Description Of Special Education Programs And Services**

#### **3.30.35 Outreach Activities**

#### **3.30.40 Equal Opportunity In Educational Programs Or Activities**

#### **3.30.45 Mode Of Communication**

#### **3.30.50 Outreach Activities**

#### **3.30.55 Prior Notice To Parents**

#### **3.30.60 Parent Consent**

#### **3.30.65 Independent Educational Evaluation**

- [3.30.70 Surrogate Parents](#)
- [3.30.75 Extended School Year \("ESY"\)](#)
- [3.30.80 Intensive Interagency Coordination](#)
- [3.30.85 Positive Behavioral Supports](#)
- [3.30.95 Section 504 Grievance Policy](#)
- [3.30.100 English As A Second Language Program](#)
- [3.30.105 Title 1 Announcement](#)

### **3.30.05 Purpose**

Memphis Street Academy provides a full continuum of services to students with disabilities who qualify for Special Education or related services. These services include but are not limited to counseling, occupational therapy, physical therapy, speech therapy, learning support, emotional support, and autistic support.

If you are concerned about your student's academic, social or behavioral performance or their progress in school, please speak to your student's teacher about your concerns. As a school, we monitor our student's academic, social and behavioral progress closely. When you are working on your student's academics at home it is important to note that there may be a problem if your student's reading level is more than one year below grade level, if your student has memory retention issues, or an inability to remain on task and complete assignments. If you believe that your student may have special needs, please contact the Special Education Coordinator to discuss the options that the school can offer.

At any time that you feel that your student may qualify for special education, you may initiate testing procedures by forwarding a written statement to the Principal and Special Education Coordinator stating your concerns about your student and that you wish your student to be tested.

Special Education law states that the School has 60 days to complete the testing process. Your student will remain in their present educational placement until testing is completed. No change in educational placement will be made unless both you and the school agree to the change in placement. If any disagreement arises regarding the recommendations following testing, the student will remain in their current educational placement while the disagreement is resolved following established special education procedures.

After the testing is completed and a report prepared, there will be a meeting to discuss the results. You have the right to attend this meeting and offer input into the goals and supports that will be put in place for your student. When this discussion results in differences that cannot be resolved you have the right to request a pre-hearing conference, mediation, or an impartial due-process hearing. You may also request a combination of these alternatives.

For further information on the evaluation procedures and provision of services to

protected handicapped students or students with disabilities, contact the Special Education Coordinator.

Memphis Street Academy has adopted the Philadelphia Intermediate Unit's policies and procedures under the federal requirements of 34 CFR Part 300.

Parents/guardians who wish to learn more, or who believe that their student may need to be identified, are encouraged to contact:

Steven Bilski – Chief Executive Officer

Rhonda Richman - Assistant Principal (7th and 8th Grade)

Catherine Blumenstock - Assistant Principal

Tara Mellace– Director of Special Education

Memphis Street Academy Charter School  
2950 Memphis Street  
Philadelphia, PA 19134  
215-291-4709

### **3.30.10 Annual Notice Of Special Education Services And Programs: Child Find Notice**

Each charter school and school district, along with other public education agencies in the Commonwealth, must establish and implement procedures to identify, locate and evaluate all students who need and may need special education and related services or other accommodations because of a student's disability. This notice, highlighting special education services and identification activities and procedures, is to help find these students, offer assistance to parent/guardians, and to describe their rights concerning confidentiality of information which is maintained not only during the identification process, but also throughout students' enrollment at Memphis Street Academy Charter School (MSA). MSA performs identification activities in order to locate not only these exceptional students, but also protected handicapped students and mentally gifted ones, so that all students enrolled at MSA are provided with suitable programs and services.

### **3.30.15 Identification Activity ("Child Find")**

"Child Find" refers to identification activities performed by public education agencies such as charter schools to identify, locate, and evaluate students who are suspected of

having a disability that may interfere with their learning, unless special education programs and related services are provided, in accordance with the federal Individuals with Disabilities Education Act and corresponding federal and state regulations. The purpose of locating such students is so that a free, appropriate, public education (FAPE) can be made available to them, regardless of the severity of their disability.

The types of disabilities that, if found to cause a student to need services, are:

- Autism
- Deaf-blindness
- Deafness
- Developmental delay
- Emotional disturbance
- Hearing impairment
- Intellectual disability
- Multiple disabilities
- Orthopedic impairment
- Other health impairment due to chronic or acute health problems
- Specific learning disability
- Speech and language impairment
- Traumatic brain injury
- Visual impairment including blindness

The identification activities, which are sometimes called screening activities, may include: review of group data (i.e., cumulative records, enrollment records, health records, and report cards), conducting hearing and vision screening, assessment of the student's academic functioning, observation of the student displaying difficulty in behavior, and determining the student's response to attempted remediation. Input from parents/guardians is another information source of identification.

Though scheduled annually, screening activities at the School also occur in an ongoing fashion throughout the school year. The School annually evaluates the effectiveness of its screening process.

Once a student is identified for suspected disability, they are evaluated by the School, but only if the parent/guardian has given written permission to proceed with the evaluation process. Regardless of screening activities, at any time that parents/guardians feel that their student may qualify for special education, they may



initiate testing procedures by forwarding a written statement stating the parent/guardian's concerns about the student, and that the parent/guardian wishes for the student to be tested. Verbal requests may be presented to administrators and staff, but should be followed up in writing as well. Before the School may proceed with an evaluation, it must notify the parent/guardian of the specific types of testing and assessment proposed and of the parent's/guardian's rights, which are fully explained and contained in Procedural Safeguards. A copy of Procedural Safeguards must be given to parents/guardians once a year and in certain circumstances, including initial referral or parent's/guardian's request for an evaluation. Once parent/guardian has given necessary written permission to enable the School to commence evaluation testing, the School has sixty (60) school days to complete the evaluation process. If the School denies a request from a parent/guardian for an evaluation, the parent/guardian has the right to challenge the denial through an impartial hearing or voluntary alternative dispute resolution.

After the evaluation is completed and a report is prepared, a meeting will be held to discuss the results. If the student qualifies for special education and related services, the parent/guardian has the right to offer input into the educational programming and annual goals to be developed for their student. Together as a team, the School and the parent/guardian determine the type and intensity of special education and related services according to particular student needs. Tailored to the student's unique needs, the educational program is described in writing in an individualized education program or "IEP," after joint development by an IEP team consisting of educators, parent/guardian, and other persons with special expertise or familiarity with the student.

Public schools including the School must reevaluate school-age students receiving special education services every three years, though students with intellectual disabilities are reevaluated every two years. By agreement of the IEP team, including the parent/guardian, a reevaluation may be waived in some cases; however, waivers are not allowed in the case of a student with intellectual impairment.

Any parent/guardian wishing to initiate an evaluation may forward a written request with a statement of concerns or oral request to the Special Education Coordinator or persons listed in this notice.

## **OTHER IDENTIFICATION ACTIVITIES**

The School's Child Find Identification activities extend to homeless students, wards of the state, highly mobile students including migrant students, and students with disabilities enrolled by their parents/guardians in private schools necessary to provide them with equitable services.

Child Find activities are also conducted for students with a disability who may not need special education, but who may be eligible for services or accommodations under Section 504 of the Rehabilitation Act of 1973 and companion federal and state

regulations. Parents/guardians who believe that their student may be eligible for disability accommodations in school may submit, at any time, a written request with a statement of concerns to the Special Education Coordinator or any person listed in this notice.

The School engages in screening activities to identify students who may be mentally gifted, and uses the data generated during regular classroom instruction to determine whether a Gifted Multidisciplinary Evaluation (GMDT) is warranted. Parents/Guardians may request gifted screening or a GMDT evaluation at any time, in writing to the Special Education Coordinator or any person listed in this notice.

### **3.30.20 Signs Of Potential Developmental Delays And Other Risk Factors That Could Indicate Disability**

Students develop at their own pace, and the rate of normal development varies by the individual student. However, it is helpful for parents/guardians to be aware of signs of potential developmental delays or other risk factors that could indicate disability -- and need for evaluation and/or support and services in school -- particularly if, when compared to other students of the same age, problems are noticed in one or more areas of physical development, gross motor skills, cognitive development, communication development, social and emotional development and adaptive skills:

- Speech or Language Skills – involving ability to express and receive information at age-appropriate levels
- Cognitive Skills – involving ability to learn, solve problems and remember tasks
- Gross Motor Skills – involving ability to use the large muscle groups that assist in walking, running, standing, sitting, changing positions and maintaining balance and coordination
- Fine Motor Skills – involving ability to grasp, pinch and eat and dress
- Social and Emotional Skills – involving ability to interact with others, understand social rules, demonstrate social reciprocity and self-regulation
- Adaptive Behavior – involving everyday skills for functioning such as bathing, dressing, grooming, feeding one's self or performing age-appropriate skills independently

Risk factors for developmental delay are genetic, environmental or a complex mix of factors.

Questions or concerns may be directed to the Special Education Coordinator, Chief Executive Officer or Principal at the address and phone number at the end of this

notice. Any parent wishing to initiate an evaluation may forward a written statement to the CEO stating their concerns about the student, with a request for the student to be evaluated.

### **3.30.25 Confidentiality Of Information**

Memphis Street Academy maintains records concerning all students enrolled in the school, including students with a disability or suspected of having a disability, in accordance with state law and federal law, namely, The Family Educational Rights and Privacy Act ("FERPA"). Confidentiality requirements applicable to use of information pertaining to disabled students apply equally to gifted students.

Identification activities undertaken by the School for a particular student constitutes an education record for them that the School maintains in the strictest confidence, as it does for all other education records that contain confidential and personally identifiable information. FERPA serves to protect education records and personally identifiable information such as the student's name, the name of the parent/guardian or other family member, the address of the student or family, student number or biometric record, indirect identifiers such as the student's date of birth or mother's maiden name, or a list of characteristics or other information that would make the student's identity easily traceable.

The School will gather information regarding a student's academic, intellectual, physical, mental, emotional and health functioning through testing and assessment, observation of the student, as well as through review of any records made available to the school from the student's physician and/or other providers of services such as any outside agencies.

The School stores all education records and personally identifiable information of students receiving special education services, disability accommodations or gifted services in such a way as to protect the confidentiality and integrity of the records and information, prevent unauthorized access to and disclosure of records and information, and ensure compliance with other legal and regulatory requirements regarding records retention. These safeguards are assured by one school official being responsible for ensuring the confidentiality of the records. Training is provided to all persons who need to use the information. A current list of employees by names and positions who may have access to the information is maintained for public inspection.

Consent of the parent/guardian is required before personally identifiable information contained in a student's education records is disclosed to anyone other than officials of the school collecting or using the information for purposes of identification activities and evaluation, or for any other purpose in order to make available FAPE to the student. School officials have a legitimate educational interest in the education record if review of the education record is necessary in order to fulfill their professional responsibility.

Additionally, upon request, the School discloses records without consent to officials of another school or school district in which a student seeks or intends to enroll.

Parents/guardians have a number of rights regarding the confidentiality of their student's records, including the right to inspect and review any education records pertaining to their student that are collected, maintained or used by the School. The School will comply with a parent/guardian's request to review the records without unnecessary delay, and before any meeting regarding planning for a student's special education program or Individual Education Program (IEP), and before a hearing in the event of disagreement about a student's special education needs. In no event may the School take more than 45 days to furnish a parent/guardian with the opportunity to inspect and review the student's records.

A parent/guardian of a student with, or suspected of having, a disability, has the right: to an explanation of the records; to be provided with a copy of the records if otherwise the parent/guardian would be effectively prevented from exercising the right to inspect and review the records; and to have a representative inspect and review the records upon authorization of parent/guardian.

The School will not charge a fee to search for or to retrieve information in response to a request from parent/guardian. The School may charge a fee of \$0.10 per page for copies of records that are made for parents/guardians, so long as the fee does not effectively prevent them from exercising their right to inspect and review those records. Upon request, the School will provide parent/guardian with a list of the types and location of education records collected, maintained or used by the School.

A parent/guardian of a student with, or suspected of having, a disability has the right to request the amendment of the student's education records, which the parent/guardian believes are inaccurate or misleading, or violates the privacy or other rights of the student. The School will decide whether to amend the records within a reasonable time of receipt of a parent/guardian's request. If the School refuses to amend the records, the parent/guardian will be notified of the refusal and right to a hearing. The parent/guardian will be given, at that time, additional information regarding the hearing procedures. Upon request, the School will provide the parent/guardian with a records hearing to challenge information in the student's education files. If, as a result of the hearing, the School still decides not to amend the record, the parent/guardian has the right to insert a statement which remains with the contested part of the student's record for as long as the record is maintained. These amendment procedures under FERPA cannot be used to challenge a grade, an individual's opinion, or a substantive decision made by the School about the student.

Once a student graduates from or leaves the School, the School will maintain a permanent record of the former student's name, telephone number, grades, achievement, attendance, classes attended, grade level completed and year completed, without time limitation. When information gathered is no longer needed to provide educational services to the student, such information shall be destroyed upon

request of the parent/guardian or after written notice to the parent/guardian.

The School will ensure the destruction of education records in a manner that protects the confidentiality and privacy rights of the student and their family. No education record shall be destroyed if there is an outstanding request to inspect or review the record or if a litigation hold exists.

When a student reaches age 18, the rights of the parent/guardian regarding confidentiality of personally identifiable information is transferred to the student. A parent/guardian may file a written complaint alleging that the rights described in this notice were not provided to the following:

Pennsylvania Department of Education, Bureau of Special Education  
Compliance Division  
333 Market St.  
Harrisburg, PA 17126-0333

Complaints alleging failure regarding confidentiality of personally identifiable information may also be filed with:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-4605

### **3.30.30 Description Of Special Education Programs And Services**

Memphis Street Academy provides appropriate special education programs and related services that are:

- at no cost to parents/guardians;
- under the authority of the School directly, or by referral or contract;
- individualized to meet the student's unique educational needs; and
- reasonably calculated to produce meaningful educational benefit and progress through an IEP, developed with meaningful input of parent/guardian.

Related services available to students, if appropriate to address their particular needs, include transportation, speech therapy, occupational therapy, school health services, hearing services, vision services, counseling and training.

For more information about the School's Special Education Programs and Services, please see the Annual Public Notice of Special Education Programs and Services and Services for Protected Handicapped Students and Gifted Students. Questions or

concerns also may be directed to the Special Education Coordinator or any person listed in this notice.

### **3.30.35 Outreach Activities**

Memphis Street Academy performs awareness activities to inform the public of its efforts to locate and identify students thought to be eligible for special education services and programs, procedures for requesting services, and processes ensure confidentiality of information pertaining to students with disabilities. Outreach efforts include, but are not limited to, any of the following: parent/teacher conferences, resources in the school building, materials mailed home, and/or generally accessible print or electronic media as appropriate such as publication in the Student-Parent Handbook and posting on the school's website.

Information about the School's special education programs and services, and the manner in which such services may be requested and accessed, also is made available to health and mental health professionals, daycare providers, county agency personnel and other interested professionals who work with homeless students, wards of the state, highly mobile students including migrant students, and students with disabilities enrolled by their parents/guardians in private schools.

### **3.30.40 Equal Opportunity In Educational Programs Or Activities**

Memphis Street Academy will not discriminate in educational programs or activities based on race, color, national origin, age, sex, sexual orientation, handicap, creed, marital status or disability. No student enrolled at the School will be denied equal opportunity to participate in age and program-appropriate instruction or activities for any reason prohibited by federal or state law.

### **3.30.45 Mode Of Communication**

The content of this notice has been written in straightforward, simple language. If a person does not understand any of this notice, they should contact any person listed above or the Special Education Coordinator.

The School will arrange for an interpreter for parents/guardians with limited English proficiency. If a parent is deaf or blind or has no written language, the School will arrange for communication of this notice in the mode normally used by the parent (e.g., sign language, Braille, or oral communication).

### **3.30.50 Outreach Activities**

Memphis Street Academy performs awareness activities to inform the public of its efforts to locate and identify students thought to be eligible for special education services and programs, procedures for requesting services, and processes ensure confidentiality of information pertaining to students with disabilities. Outreach efforts include, but are not limited to, any of the following: parent/teacher conferences, resources in the school building, materials mailed home, and/or generally accessible print or electronic media as appropriate such as publication in the Student-Parent Handbook and posting on the school's website.

Information about Memphis Street Academy's special education programs and services, and the manner in which such services may be requested and accessed, also is made available to health and mental health professionals, daycare providers, county agency personnel and other interested professionals who work with homeless students, wards of the state, highly mobile students including migrant students, and students with disabilities enrolled by their parents/guardians in private schools.

### **3.30.55 Prior Notice To Parents**

All American Paradigm Schools must provide you with prior written notice each time it proposes, refuses to initiate, or changes the identification, evaluation, or educational placement of your student or the provision of a free appropriate public education to your Student.

The prior written notice will include the following:

1. a full explanation of all of the procedural safeguard available to you;
2. description of the action proposed or refused by the School, an explanation of why the agency proposes or refuses to take the action, and a description of any options the school considered and the reasons why those options were rejected;
3. description of each evaluation procedure, test, record, or report the school uses as a basis for the proposal or refusal; and
4. description of any other factors which are relevant to the school's proposal or refusal

The notice must be written in language understandable to the general public, and provided in your native language or other mode of communication. If your native language or other mode of communication is not a written language, the administration of the school will take steps to ensure that the notice is translated orally or by other means to you in your native language or other mode of communication; that you understand the content of the notice, and that there is written evidence that these requirements have been met.

### **3.30.60 Parent Consent**

The administration of the School must obtain your consent before conducting an initial pre-placement evaluation and before an initial placement of your student in a program providing special education and related services. (Except for pre-placement evaluation and initial placement, consent may not be required as a condition of any benefit to you or your Student.) The school may require parental consent for other services and activities if it establishes and implements effective procedures to ensure that a parent's refusal to consent does not result in a failure to provide the Student with a free appropriate public education.

This means that no part of a free appropriate public education or other benefit for your Student can be denied because of your electing to not consent to a school district proposal. For example, the school cannot refuse to provide one service because of your unwillingness to consent to another service. Similarly, the school cannot cease providing special education (or any other particular benefit) because of your unwillingness to consent to a change in the array of services or benefits provided to your Student.

Whereas state law requires parental consent before a Student with disabilities is evaluated or initially provided special education and related services, state procedures govern the school in overriding your refusal to consent. Where there is no state law requiring consent before a Student is evaluated or initially provided special education and related services then the school may use the federal procedures for due process hearings to determine whether your Student may be evaluated or initially provided special education and related services without your consent. If the hearing officer upholds the school, it may evaluate or initially provide special education and related services to your Student without your consent, subject to your rights to appeal the decision and to have your Student remain in their present educational placement during the pending of any administrative or judicial proceeding.

### **3.30.65 Independent Educational Evaluation**

You have the right to obtain an independent educational evaluation of your student.

You have the right to an independent educational evaluation at public expense if you disagree with the evaluation obtained by the school. However, the school may initiate a due process hearing to show that its evaluation is appropriate. If the final decision is that the evaluation is appropriate you still have the right to an independent educational evaluation, but not at public expense. This provision for independent evaluation at public expense excludes Students who are solely gifted or thought-to-be gifted.



If you obtain an independent educational evaluation at private expense, the results of the evaluation must be considered by the school in any decision made with respect to the provision of a free appropriate public education to your Student, and may be presented as evidence at a due-process hearing regarding your Student.

If a hearing officer requests an independent educational evaluation as part of a hearing, the cost of the evaluation must be at public expense.

The administration or special education coordinator of the school will provide to you, on request, information about where an independent educational evaluation may be obtained.

Whenever an independent evaluation is conducted at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria which the public agency uses when it initiates an evaluation.

### **3.30.70 Surrogate Parents**

The provisions for surrogate parents do not apply to students who are solely gifted or thought-to-be gifted.

Memphis Street Academy shall ensure that an individual is assigned to act as a surrogate for the parents of a student when no parent can be identified; the school, after reasonable efforts, cannot discover the whereabouts of a parent; or the student is a ward of the State under the laws of the State. The school must have a method for determining whether a Student needs a surrogate parent, and for assigning a surrogate parent to the student.

The school may select a surrogate parent in any way permitted under State law, but must ensure that a person selected as a surrogate is not an employee of a public agency which is involved in the education or care of the Student, has no interest that conflicts with the interest of the student they represent, and has knowledge and skills that ensure adequate representation of the student. (An individual is not disqualified as a school employee from appointment as a surrogate solely because they are paid by the school to serve as a surrogate parent.)

The surrogate parent may represent the Student in all matters relating to the identification, evaluation, and educational placement of the student, and the provision of a free appropriate public education to the student.

### **Definitions**

**Consent** means that: (a) you have been fully informed of all information relevant to the activity for which consent is sought, in your native language or other mode of

communication; (b) you understand and agree in writing to the carrying out of the activity for which your consent is sought, and the consent describes that activity and lists the records (if any) that will be released and to whom; and (c) you understand that the granting of consent is voluntary on your part and may be revoked at any time.

**Evaluation** means procedures used in accordance with state special education rules found at 22 Pa. Code 14.25 and 342.25 to determine whether a Student has a disability and the nature and extent of the special education and related services that the Student needs. The term refers to procedures used selectively with an individual Student and does not include basic tests administered to or procedures used with all Students in a school, grade, or class.

**Independent educational evaluation** means an evaluation conducted by a qualified examiner who is not employed by the school.

**Independent educational evaluation at public expense** means that the school either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to you.

**Personally identifiable** means data or information including the following characteristics:

- The name of a Student or the name of any Student's family members;
- The address of the Student;
- Any personally identifying piece of information such as the Student's telephone number or social security number; and
- Any list of personal characteristics or other information which would make the Student's identity easily traceable.

### **Applicable Laws and Regulations**

22 Purdon's Statutes §5-501, 13-1371, 13-1372, 13-1373.1, 13-1374, 13-1376, and 13-1377, Pennsylvania School Code.

22 Pa. Code, Chapter 14, Regulations of the State Board of Education.

22 Pa. Code, Chapter 342, Standards for Special Education.

20 USC 1401 et seq., The Individuals with Disabilities Education Act (1990), formerly known as Public Law 94-142, The Education of All Handicapped Children Act. This includes the Handicapped Children's Protection Act of 1986, P.L. 99-372, August 5, 1986.

34 CFR, Parts 300-303, Rules and Regulations for Individuals with Disabilities Education Act.

Public Law 101-392, The Carl D. Perkins Vocational and Applied Technology Education Act Amendments of 1990.

### **3.30.75 Extended School Year ("ESY")**

Each Local Education Agency (LEA) such as Memphis Street Academy Charter School must ensure that Extended School Year (ESY) services are available as necessary if a student's IEP team determines, on an individual basis, that the services are necessary to provide a Free Appropriate Public Education (FAPE). If so, ESY services are provided beyond the normal school year, in accordance with the student's IEP, and at no cost to the student's parent.

Eligibility must be considered at each Individualized Education Program (IEP) meeting. This determination must be made even if the student's parents have not specifically requested that their student be evaluated for ESY programming. This consideration also applies to students who are attending Approved Private Schools (APS) or other such facilities, and Memphis Academy Charter School. APSs must share necessary information with Memphis Street Academy, as the responsible Local Education Agency (LEA) so that a timely decision can be made by the student's IEP team. Ultimate responsibility for timely IEP review and revision rests with the LEA.

The timing of an ESY determination is dependent on whether the student is a member of the "target group," as defined by Armstrong guidelines. Students in the "target group" are those students with a severe disability, such as:

- Autism / pervasive developmental disorder
- Serious emotional disturbance
- Severe mental retardation
- Degenerative impairments with mental involvement
- Severe multiple disabilities

Notice of Recommended Educational Placement (NOREP), containing the IEP team's determination regarding ESY eligibility, must be issued to the parent in a timely manner. If the student is determined to be eligible, ESY program specifics must be included in the IEP. For students in the target group, this must be done no later than March 31 of the school year.

Memphis Street Academy must consider the eligibility for ESY of all students with disabilities at the IEP meeting, not just those in the "target group." ESY determinations for students other than those in the "target group" are not subject to the above timeline. However, the eligibility determination still must be made in a timely manner in accordance with the requirements in 22 Pa.Code Chapter 14 and Chapter 711. If the parents of those non-"target group" students disagree with the LEA's recommendation, the parents will be afforded an expedited due process hearing.

Moreover, whenever the parent of any student with a disability requests that the LEA

consider a student for an ESY program, the request must be treated as a request for a change in the provision of a Free Appropriate Public Education (FAPE), and an IEP meeting must be conducted. Following the IEP meeting, the NOREP, which indicates the team's recommendation concerning whether the student is or is not eligible, will be issued to the parent.

LEA notice concerning ESY eligibility or ineligibility must be by NOREP, which only needs to be issued if Memphis Street Academy is:

- Proposing to add ESY services to an IEP that previously did not have it
- Proposing to delete the provision of ESY services from an IEP
- Refusing to initiate the provision of ESY services requested by the parent
- Proposing or refusing to change the provision of the ESY program

Pursuant to 22 Pa. Code §14.132(2) and §711.44(4), ESY determinations can be based on the traditional regression/recoupment criteria as well as other factors, such as:

- Extent to which the student has mastered and consolidated an important skill or behavior at the point when educational programming would be interrupted
- Extent to which a skill or behavior is particularly crucial for the student to meet the IEP goals of self-sufficiency and independence from caretakers
- Extent to which successive interruptions in educational programming result in a student's withdrawal from the learning process

If these factors "make it unlikely that the student will maintain skills and behaviors relevant to IEP goals and objectives," or if the student otherwise requires ESY services to receive FAPE, the student is ESY eligible.

### **3.30.80 Intensive Interagency Coordination**

Memphis Street Academy Charter School identifies, reports, and provides for the provision of a Free Appropriate Public Education (FAPE) for all students with disabilities, including those students needing intensive interagency approaches.

The Pennsylvania Department of Education (PDE) has developed a system for providing intensive interagency coordination to students with disabilities whose Local Educational Agency (LEA) has determined they cannot be appropriately educated in a public educational setting and who have waited more than 30 days for the provision of an appropriate educational placement. This system is also aimed at providing assistance to students who are at substantial risk of waiting more than 30 days for an

appropriate educational placement.

## **Procedures**

The system of intensive interagency coordination is not intended to replace the local interagency process. In most situations requiring interagency efforts, local Individualized Education Program (IEP) and interagency teams do not require additional assistance to ensure the provision of appropriate educational programs and placements for students whom they serve. Intensive interagency coordination is designed for rare situations where local teams are unable to arrange for the placement of students in the public educational setting and those who have waited, or at risk of waiting, more than 30 days for an appropriate educational placement.

LEAs have a crucial role in identifying which students require intensive interagency coordination, since these are students whom the LEA has determined cannot currently be served in the public educational setting. In addition to assisting LEAs with providing appropriate educational programs and placements, intensive interagency coordination also works toward the goal of enhancing the capacity of LEA programs so that the needs of students with disabilities can be met in public educational settings in most situations.

In event of a dispute about the appropriateness of a student's program or placement, such dispute must be resolved through mediation and/or due process hearing procedures. These disputes cannot be resolved through intensive interagency coordination.

Memphis Street Academy Charter School is required to identify any student in need of intensive interagency coordination and to submit a report in the Special Education Students @ Home Reporting System. Initial reports must be filed within five (5) days of initial identification of these students and reports must be updated on a monthly basis until an appropriate placement is provided. Parents, advocates, representatives of child serving agencies, and others may call ConsultLine at 800-879-2301 regarding a student who may potentially require intensive interagency coordination.

Once a student is reported by completing the required form in the Special Education Students @ Home Reporting System, the student's case will be referred to a regional interagency coordinator (RIC). The RIC will make an initial determination whether the student needs intensive interagency coordination, or if they can be served otherwise in the special education system.

If the student requires intensive interagency coordination in order to access an appropriate educational placement, the RIC will assess the matter and work with the IEP and interagency teams to determine the barrier(s) preventing the student from receiving the agreed-upon placement. If necessary, the RIC will promptly schedule a meeting of the local interagency team, including the family of the student, the LEA and Intermediate Unit (IU), and other relevant child serving agencies. If the student's

placement is not resolved within thirty (30) calendar days, excluding the summer months, by the local interagency team, the RIC will forward a report to the Bureau of Special Education (BSE) for appropriate intervention with other state agencies.

In collaboration with BSE, the RIC will review whether enhancement of capacity of an LEA or IU program is warranted. If so, capacity-building activities will be undertaken.

### **3.30.85 Positive Behavioral Supports**

#### **Purpose**

The Individualized Education Program (IEP) of each student who exhibits behaviors that interfere with their learning or that of others must include provisions for positive behavior supports and strategies, rather than negative behavior techniques, to develop and maintain skills that will enhance such student's opportunity for learning and self-fulfillment.

#### **Authority**

The school's Positive Behavior Support Programs shall ensure that students shall be free from demeaning treatment and unreasonable use of restraints or other aversive techniques. The use of restraints shall be considered a measure of last resort and only to control acute or episodic aggressive behavior or self-injurious behavior when the student is acting in a manner as to be a clear and present danger to himself/herself, to other student(s), or to employee(s), and shall only be used after other less restrictive measures including de-escalation techniques have proven to be or are less effective. The Board directs that Memphis Street Academy Charter School's Positive Behavior Support Programs and techniques used in special education should be varied and individually designed to develop and maintain skills that will enhance a student's opportunity for learning and to receive a Free and Appropriate Public Education (FAPE).

#### **Definitions**

The following terms shall have these meanings, unless the context clearly indicates otherwise.

**Alternative skills** - the teaching of replacement skills, general skills, and coping and tolerance skills.

**Aversive techniques** - deliberate activities designed to establish a negative association with a specific behavior.

**Behavior support** - development, change and maintenance of selected behaviors

through the systematic application of behavior change techniques.

**Functional Behavior Assessment (FBA)** - a collection of tools, scales, observations, and interviews that are tailored to the needs of a specific student whose behavior is problematic and/or jeopardizes their educational placement. The purpose of the FBA is to determine the antecedents, the behavior(s) of concern, the consequences maintaining the behavior(s) of concern, and the perceived function of the behavior(s) of concern in order to develop a hypothesis statement. This assessment is utilized to create the Positive Behavior Support Plan (PBSP) for the student.

**Positive Behavior Support Plan (PBSP)** - plan for students with disabilities and eligible young children, who require specific intervention, to address behavior that interferes with learning. A Positive Behavior Support Plan shall be developed by the Individualized Education Program (IEP) team, be based on a functional behavior assessment, and becomes part of the individual eligible young child's or student's IEP. These plans must include methods that utilize positive reinforcement and other positive techniques to shape a student's or eligible young child's behavior, ranging from the use of positive verbal statements as a reward for good behavior to specific tangible rewards.

**Positive techniques** - methods that utilize positive reinforcement to shape a student's behavior, ranging from the use of positive verbal statements as a reward for good behaviors to specific tangible rewards.

**Restraints** - application of physical force, with or without the use of any device, for the purpose of restraining the free movement of a student's body. The term does not include briefly holding, without force, a student to calm or comfort him; guiding a student to an appropriate activity; or holding a student's hands to safely escort them from one area to another. Excluded from this definition are hand-over-hand assistance with feeding or task completion and techniques prescribed by a qualified medical professional for reasons of safety or for therapeutic or medical treatment, as agreed to by the student's parent(s) and specified in the IEP. Devices used for physical safety or occupational therapy, seatbelts in wheelchairs or on toilets used for balance and safety, safety harnesses in buses, and functional positioning devices are examples of mechanical restraints that are excluded from this definition.

**Seclusion** - confinement of a student in a room, with or without staff supervision, in order to provide a safe environment to allow the student to regain self-control.

**Students with disabilities** - school-aged children within the jurisdiction of Memphis Street Academy who have been evaluated and found to have one or more disabilities as defined by law, and who require, because of such disabilities, special education supports and services.

**Mechanical restraints** - are used to control involuntary movement or lack of muscular control due to organic causes or conditions, may be employed only when specified in

the IEP, as determined by a medical professional qualified to make the determination, and as agreed upon by the student's parent(s)/guardian(s). Mechanical restraints prevent a student from injuring themselves or others and should not prevent normative body positioning and functioning.

**Prone restraint** – defined as a student laying with the front of their body on a surface (face down).

### **Delegation of Responsibility**

The CEO or designee shall ensure that the Board policy is implemented in accordance with State and Federal laws and regulations.

The CEO or designee shall provide training and retraining as needed of appropriate staff in the use of specific procedures, methods and technique that will be utilized to implement the positive behavior support or intervention in accordance with the student's IEP and Board policy. Training also shall address obtaining parental consent prior to the use of restraints or intrusive procedures when included in a student's IEP.

The CEO or designee shall maintain and report on the use of restraints, as required. Such report shall be readily available for review during the State's cyclical compliance monitoring. Procedures shall be established requiring reports to be made to Memphis Street Academy by entities educating students with disabilities who attend programs or classes outside of the LEA, including approved private schools.

### **Guidelines**

Behavior support techniques shall be positive rather than negative measures to ensure that all students and eligible children shall be free from demeaning treatment. Behavior support programs must include research-based practices and techniques to develop and maintain skills that will enhance an individual student's opportunity for learning and self-fulfillment. The technique/intervention chosen for a particular student shall be the least intrusive necessary and in accordance with Chapter 711 of the current Special Education Regulations and Standards.

Development of a separate PBSP is not required when appropriate positive behavioral interventions, strategies and supports can be incorporated into a student's IEP.

However, any eligible student who exhibits behavior problems, which interfere with the student's ability to learn, or that of others, must have a PBSP. The PBSP will be included in the IEP and shall:



1. Primarily focus on positive rather than negative measures.
2. Use interventions that are the least intrusive necessary.
3. Not substitute aversive techniques, restraints, or discipline for the systematic application of behavior change techniques.
4. Use techniques only for which the staff has been adequately trained.

Development of a Positive Behavior Support Plans (PBSP) must be based on a functional assessment of behavior and utilize positive behavior techniques. When an intervention is needed to address problem behavior, the types of intervention chosen for a particular student shall be the least intrusive necessary.

Prior to the use of more intrusive or restraining measures, positive techniques for the development, change and maintenance of behavior shall be attempted. The use of restraints is considered a measure of last resort, only to be used after other less restrictive measures, including de-escalation techniques. Aversive techniques, restraints, or discipline procedures may not be used as a substitute for a behavior support program.

### **Physical Restraints**

Restraints to control acute or episodic aggressive behavior may be used only when the student is acting in a manner that presents a clear and present danger to the student, other students or employees, and only when less restrictive measures and techniques have proven to be or are less effective

The Director of Special Education shall notify the parent , as soon as practicable of the use of restraints to control the aggressive behavior of the student, and shall convene a meeting of the IEP team within ten (10) school days of the use of restraints, unless the parent after written notice, agrees in writing to waive the meeting. At this meeting, the IEP team shall consider whether the student needs a functional behavioral assessment, re-evaluation, a new or revised PBSP, or a change of placement to address the inappropriate behavior.

The use of restraints shall not be included in the IEP for the convenience of staff, as a substitute for an educational program, or employed as punishment. Restraints may be included in an IEP only if:

1. The restraint is used with specific component elements of a PBSP.
2. The restraint is used in conjunction with teaching socially appropriate alternative skills or behaviors.
3. Staff members are authorized to use the restraint and have received appropriate

training.

4. PBSP includes efforts to eliminate the use of restraints.

### **Mechanical Restraints**

Mechanical restraints, which are used to control involuntary movement or lack of muscular control of students when due to organic causes or conditions, may be employed only when specified by an IEP and as determined by a medical professional qualified to make the determination, and as agreed to by the student's parent.

Mechanical restraints shall prevent a student from injuring themselves or others or promote normative body positioning and physical functioning.

### **Seclusion**

Memphis Street Academy permits involuntary seclusion of a student in accordance with the student's IEP or in an emergency to prevent immediate or imminent injury to the student or others, but the seclusion must be the least restrictive alternative.

Memphis Street Academy prohibits the seclusion of students in locked rooms, locked boxes and other structures or spaces from which the student cannot readily exit.

### **Aversive Techniques**

The following aversive techniques of handling behavior are considered inappropriate and shall not be used in educational programs:

1. Corporal punishment.
2. Punishment for a manifestation of a student's disability.
3. Locked rooms, locked boxes, other locked structures or spaces from which the student cannot readily exit.
4. Noxious substances.
5. Deprivation of basic human rights, such as withholding meals, water or fresh air.
6. Suspensions constituting a pattern as defined in state regulations.
7. Treatment of a demeaning nature.
8. Electric shock.

9. Methods implemented by untrained personnel.
10. Prone restraints, which are restraints by which a student is held face down on the floor.

### **Referral to Law Enforcement**

The CEO or designee shall immediately report required incidents and may report discretionary incidents committed on school property, at any school-sponsored activity or on a conveyance providing transportation to or from a school or school-sponsored activity by a student with a disability, including a student for whom an evaluation is pending, to the local police department that has jurisdiction over the school's property, in accordance with state and federal laws and regulations, the procedures set forth in the memorandum of understanding with local law enforcement and Board policies.

Subsequent to notification to law enforcement, an updated functional behavioral assessment and PBSP shall be required for students with disabilities who have PBSPs at the time of such referral.

If, as a result of such referral, the student is detained or otherwise placed in a residential setting located outside Memphis Street Academy, the Director of Special Education or designee shall ensure that the responsible school district or intermediate unit is informed of the need to update the student's functional behavioral assessment and PBSP.

For a student with a disability who does not have a PBSP, subsequent to notification to law enforcement, Memphis Street Academy shall convene the student's IEP team to consider whether a PBSP should be developed to address the student's behavior.

### **Relations With Law Enforcement**

Memphis Street Academy shall provide a copy of its procedures for Positive Behavior Support to each local police department that has jurisdiction over school property. Updated copies shall be provided each time the procedures for Positive Behavior Support are revised by Memphis Street Academy.

Memphis Street Academy shall invite representatives of each local police department that has jurisdiction over school property to participate in school training on the use of Positive Behavior Supports, de-escalation techniques and appropriate responses to student behavior that may require intervention.

### **Emergency Procedures**

Emergency procedures for behaviors that present a clear and present danger to student or others may be delineated in the IEP. These emergency procedures may include such activities as:

1. Contacting parent(s)/guardian(s) immediately to remove student from school.
2. Notifying police. Subsequent to a referral to law enforcement for students with disabilities who have PSBP, an updated and PBSP must be completed.
3. Notifying mental health agencies.
4. Calling emergency services and ambulances.
5. Implementing mental health commitments procedures.

### **3.30.95 Section 504 Grievance Policy**

#### **Purpose**

The Board of Trustees prohibits unlawful discrimination against students on the basis of disability with regard to the school's services, programs and activities in accordance with the Americans with Disabilities Act ("ADA") and Section 504 of the Rehabilitation Act of 1973 ("Section 504").

#### **Delegation of Responsibility**

The Board designates the school's Special Education Coordinator, who shall also be the school's ADA/Section 504 Coordinator, to coordinate the school's efforts to comply with and carry out its responsibilities under the ADA and Section 504 as they pertain to students.

#### **Grievance Procedures**

The Board adopts the following grievance procedures for the purpose of ensuring that complaints alleging that a student was discriminated against in violation of the ADA and/or Section 504 are resolved in a prompt and equitable manner.

##### **Step 1: Reporting**

A student or her/his parent/guardian who believes that conduct that constitutes a violation of this policy has occurred is encouraged to immediately submit a complaint, or otherwise report the conduct, to the ADA/Section 504 Coordinator.

School employees and contractors who are aware of conduct that constitutes discrimination against a student on the basis of disability shall immediately report the

conduct to the ADA/Section 504 Coordinator.

The complaint should be in writing and contain information about the alleged conduct such as name, address, phone number of the person filing the complaint and location, date and description of the problem. When an oral complaint is made, the ADA/Section 504 Coordinator shall reduce the complaint to writing.

#### Step 2: Review Complaint/Conduct Investigation

Within fifteen (15) calendar days after receipt of a complaint, the ADA/Section 504 Coordinator or her/his designee will review the complaint with the grievant to discuss its content as well as possible resolutions.

To the extent deemed necessary by the ADA/Section 504 Coordinator or her/his designee, an investigation of the allegations contained within the complaint shall occur.

#### Step 3: Written Response

Within thirty (30) days of receipt of a complaint or upon the conclusion of an investigation as referenced in Step 2, the ADA/Section 504 Coordinator or her/his designee shall provide a written response to the grievant that explains the position of the district with regard to the complaint.

#### Step 4: School Action

To the extent that the Written Response prepared by the ADA/Section 504 Coordinator or her/his designee in Step 3 indicates that conduct in violation of this policy has, in fact, occurred, the school shall take any and all action which is necessary to ensure that said conduct ceases and does not recur.

### **Appeal Procedure**

In the event that a grievant is not satisfied with the Written Response and/or School Action described in Steps 3 and 4 of this Grievance Procedure, she/he may file an appeal with the school's Chief Executive Officer within fifteen (15) calendar days. Within fifteen (15) calendar days after receipt of an appeal, the Chief Executive Officer shall respond in writing with a final resolution of the complaint.

### **3.30.100 English As A Second Language Program**

#### **English as a Second Language Program**

Last Revised: 8/2021

## **Purpose**

It is the policy of the Memphis Street Academy Charter School to provide all students equal access to a quality education, including those whose dominant language is not English and who are learning English as a second language (ESL). Memphis Street Preparatory Charter School will provide assistance through an appropriate, planned instructional program to enable English Learners (EL) students to progress academically while they are learning English.

The purpose of the program is to increase the English language proficiency of eligible students so that they can attain the academic standards adopted by the Board and achieve academic success.

Memphis Street Academy Charter School (MSA) shall provide a program for each student whose dominant language is not English for the purpose of facilitating the student's achievement of English proficiency and the academic standards. The program shall meet the three-pronged test of program compliance: (1) sound research-based education theory, (2) sufficient resources and staffed by appropriate personnel, and (3) periodic program evaluation.

As used here, the term "program" refers to: (1) planned instruction by a qualified ESL Teacher, (2) adaptations/modifications in the delivery of content instruction by all teachers based on the student's language proficiency level and the Pennsylvania English Language Development Standards (PA ELDS) for ELs as well as the Pennsylvania academic standards.

Authority: Title 22 Section 4.26; Castañeda v. Pickard, 1981

## **THE LANGUAGE INSTRUCTIONAL PROGRAM**

MSA will have a written program plan, in compliance with the Pennsylvania Department of Education (PDE), that includes:

- A description of the instructional models implemented by MSA (see chart below)
- The process for identification of ELs
- The criteria for program exit
- Exit monitoring process for 2 years after exit from a language instructional program

The description will be sufficient to provide guidance to school personnel and families regarding the programs and services that students will receive. The language instructional program will include planned instruction for English Language Acquisition by an ESL certified teacher and scaffolds and support for instruction in content area

classes for ELs.

### Instructional Models

The Program model(s) that MSA adopts for ELs (see chart below) will consider MSA demographics and student characteristics, and will be in accordance with the PDE standards and *Castañeda v. Pickard*, 648 F.2d 989 (1981):

- Based on an educational theory recognized as sound by some experts in the field or considered by experts as a legitimate experimental strategy.
- Reasonably calculated, including provisions for resources and personnel, to implement the theory effectively.
- Evaluated and adjusted where needed to ensure language barriers are actually being overcome.

Program Name	Native Language of Students	Language of Content Instruction	Language of Instruction
<b>ESL Pull-Out</b>	Students can share the same NL or be from different language backgrounds; generally no support for NL	English adapted to students' proficiency level & supplemented by gestures and visual aids	English; students leave their English only classroom to spend part of the day receiving ESL instruction often focused on Grammar, Vocabulary, and Communication Skills
<b>ESL Push-In</b>	Students can share the same NL or be from different language backgrounds	English; ESL teacher provides support in the classroom and provides clarification and translation as needed (scaffolding, graphic organizers, vocabulary preview, study notes, etc.)	English

### *Planned Instruction for English language acquisition (ESL) classes*

MSA will provide that planned instruction according to the PDE standard:

- Direct English language instruction will not take place during other content classes which are required under 22 Pa Code § 4.
- Planned Instruction in the ESL Program will include daily instruction supporting the program model chosen by MSA, including scientific/research-based instructional tools and resources.
- Language instruction will be commensurate with the student's proficiency level (i.e. students at levels 1-3 require a greater amount of language instruction than students at levels 4 and 5). This includes both direct language instruction and adaptations to instruction/assessment in all content areas.
- Exact hours of direct language instruction by proficiency level will be determined based on student need and program/instructional delivery model. Instruction will meet all requirements under *Lau v Nichols*, 414 U.S. 563 (1974) and *Castañeda v. Pickard*, 648 F.2d 989 (1981).
- MSA will consider the following recommendations when planning direct ESL instruction:
  - Entering (Level 1)/ Beginning (Level 2): 2 hours
  - Developing (Level 3): 1-2 hours
  - Expanding (Level 4): 1 hour
  - Bridging (Level 5): Up to 1 hour or support dictated by student need, must still occur daily
- ESL instruction will be delivered via curriculum aligned with Pennsylvania's Reading, Writing, Speaking, and Listening Standards, and the PA ELDS for ELs.
- In order to acquire English, students with Limited English Proficiency will receive instruction the same as they would receive instruction for other curricular areas. ESL classes will be part of the daily schedule and thoughtfully planned so that students are not removed from other content classes to receive instruction for English language acquisition.
- As the proficiency of a student advances into the upper levels (i.e. Expanding/Bridging), if a student requires only minimal ESL instructional time, this will still be in the form of planned, ongoing support during a structured time within the school day.

### *Planned Instruction in Academic content areas (content area classes)*



MSA will ensure that content area instruction is consistent with the PDE requirements:

- The language instructional program will provide ELs with meaningful, comprehensible access to instruction in all content areas required by Pennsylvania academic standards.
- The PA ELDS (K-12) are an overlay to the academic standards and will be incorporated in planned instruction for ELs by all teachers.
- MSA will support instructional planning/evaluation efforts between the ESL teachers and the content-area teachers by providing common planning time as appropriate.

ESL is a basic core curricular area (i.e., content area subject) that will be available to all identified students as determined by appropriate assessments and consideration of multiple criteria. It will be provided to all identified students until English proficiency is achieved. Sufficient daily instructional time based on level of English proficiency and supporting the chosen instructional model will be allotted to enable students' development of English at the proficient level.

## **PROFESSIONAL DEVELOPMENT**

The Board shall include provisions for appropriate professional development for all stakeholders in its professional development plan.

MSA will offer staff development related to ESL for all LEA personnel as part of the Professional Development Act 48 Plan.

Professional development topics will include:

- Review of Can-Do Descriptors
- Review of Accommodations and Modifications checklist
- Collaboration sessions with ESL teacher (support with lesson plans, instructional strategies, and monitoring progress)
- Review of grading guidelines for ELs and documentation requirements -Review of English Language Development Standards and academic language -Equity vs. Equality (Meeting the needs of English Language Learners)

Title 22 Section 4.13 (c) (7) 24 P.S. § 12-1205.1 and § 49.16-17

## **IDENTIFICATION OF ENGLISH LANGUAGE LEARNERS**

The Board shall establish procedures for identification of students whose dominant language is not English. The LEA is required to identify ELs at the time of enrollment, notify parents of the identification and programming options, and appropriately place the ELs into a language instruction educational program (LIEP). This process must be completed within the first 30 days of school or within 14 days of enrollment if a student enrolls after the first day of school.

In the LEA of residence, the Home Language Survey shall be completed for every student by their caregiver(s) and filed in the student's permanent record folder. For students whose native language is not English and for whom background and/or additional evidence warrants formal assessment of the student's English proficiency level, the LEA of residence will administer the required proficiency assessment and consider multiple criteria to determine the need for English as a Second Language instruction.

LEP students shall be enrolled upon presentation of a local address and proof of immunization.

Civil Rights Act of 1964,; Title VI; P.L. 103-328; Basic Education Circular April 14, 2009: Educating Students with Limited English Proficiency (LEP) and English Language Learners (ELL)

## **Enrollment**

*Student identification for placement in an instructional program for ELs*

MSA uses the following PDE criteria to determine placement in the language program:

- Based on the responses to the Home Language Survey (HLS) and parent interview, students will be assessed for potential placement in the program unless they meet the criteria outlined below. There are certain scenarios that may preclude assessment if a student can demonstrate English language proficiency.
- Students should meet two of the following three criteria to be exempt from a formal ELD assessment: Final grades of B or better in core subject areas (Mathematics, Language Arts, Science and Social Studies); Scores on district-wide assessments that are comparable to the Basic performance level on the PSSA; Scores of Basic in Reading, and Math on the PSSA or an equivalent assessment from another state. Student records for children from other states or school systems can be considered as part of the criteria.
- Newly enrolling students without academic records must be assessed for their ELD level.
- MSA will use the WIDA Screener for Grades 1 to 12, which is aligned to the

required annual State ELD assessment, ACCESS for ELs, to assess students for placement in language instructional programs for ELs.

- MSA may choose to use other formal, standardized ELD assessments for additional information but identification and placement must be based on the screening and the multiple criteria outlined above.
- The screening results are one of the indicators for placement in the ESL program and must be used in combination with the above multiple criteria, if available, to determine placement in an ESL program.
- Educators must take into consideration the State's ELD levels described within the PA ELDS standards when placing students in an instructional program for ELs.
- Instructional placement of ELs must be age and grade appropriate. Additionally, ELs must be given equal access to all educational programs, opportunities, and extra-curricular activities in the same manner as for all students.
- Parent permission to assess is not required.
- A parent interview is required using the approved PDE form.
- Parent notification of student assessment results and placement in an ESL program is required.

### **Parents' Limited Right to Opt Out of ESL/Bilingual Programs**

All LEAs must recognize a parent's unqualified right to decline enrollment in specialized, separate EL services for a child. Accordingly, a parent of an EL student may choose to decline a child's placement in a Language Instruction Education Program (LIEP) or opt-out of specific components of that program. A parent's decision to decline a LIEP program or opt-out of specific components of it must be fully informed and voluntary. A meeting must be held in person with the parent and the school to discuss this decision. The parent must sign a parental waiver form. The parent must be notified of their right to reinstate the services at any time. The student must participate in ACCESS testing even when opting out of EL services. LEAs may not recommend that a parent opt a child out of the LIEP program or specific EL services for any reason.

### **Guidelines for the ESL Program**

The ESL program shall be designed to provide planned instruction to meet each student's individual needs based on the English language development level as identified through multiple criteria in reading, writing, listening, and speaking. Adequate content area support shall be provided while the student is learning English with a

focus on both English Language Development Standards and Academic Standards to ensure student achievement in both language and content. ESL curriculum will be aligned to Pennsylvania's English Language Arts standards and the PA English Language Development Standards. Content area instruction will incorporate the PA English Language Development Standards as an overlay to Pennsylvania academic standards.

Teachers are professionally developed in the English Language Development standards. All ELs are provided with instruction in the core curriculum by professionally developed teachers. The ESL program focuses on providing Listening, Speaking, Writing and Reading standards-based instruction, but it is also content based. Dr. Deborah Short asserts, "ELs clearly need support in acquiring academic English and in achieving success in content area classes." Our program bolsters academic vocabulary and focuses on exposing students to major topics in science and social studies. Both fiction and nonfiction text provide students with opportunities to connect to the information through their own experiences and cultures. Our program goals are to develop English language while also preparing ELs to be successful in the content area classes (Lyster, 2007; Short, 2006; Stoller, 2004). ESL lessons target key content area vocabulary as well as the academic tasks ELs need to become familiar with for the content area classes (e.g., creating a timeline, taking notes from reference materials, creating an oral presentation, solving a math problem, writing observations during a science experiment, etc.)" (Short, Best Practices). Students are seen in grade-span clusters for the PA recommended amount of time according to their ELD level. MSA provides both a push-in and pull-out model. MSA teachers are professionally developed to preview vocabulary, use pictures and graphic organizers, use role play and songs with younger students, and build background knowledge with English Learners to assist students in gaining full access to the core curriculum. ELs' writing skills take longer to master than the speaking, reading, and listening skills. Intensive writing intervention is a strong focus of the ESL teacher, classroom teachers, and reading specialist for English Learners so we can prepare students to meet the new PA Common Core expectations and write focused, organized, evidence - based essays and responses.

Fourteenth Amendment Plyler v. Doe, 1882 Lau v. Nichols, 1974

## **Staffing**

A highly qualified PA certified teacher with a Program Specialist ESL Certificate shall provide the ESL instruction.

## **Program Funding**

Adequate resources and funds, including a specific line item in the appropriate program budget, will be provided for an ESL program (e.g., staffing, professional development, assessments, etc.). Instructional resources shall be comparable to the resources provided for other core academic subjects. The disbursement of Title III funds, as allocated within the LEA's budget, must be used to supplement the ESL/Bilingual Education Program.

The MSA budget will include provision for resources/materials, staffing for language instructional programs, and professional development for all school personnel as part of core programming outlined in 22 Pa Code § 4.26.

- Federal funds will be used to supplement local funding for language instructional programs, but not to supplant state/local funds.

### **Program Evaluation**

Periodic ESL program evaluations will be conducted for the purpose of program improvement. Evaluations will be based on students making progress and attaining proficient levels of English as collected in PIMS. The program shall be evaluated for its effectiveness and compliance based on the attainment of Annual Measurable Achievement Objectives (AMAOs). If ELs are not progressing and/or achieving English language proficiency, the program must be revised to ensure greater achievement.

MSA will periodically (annually and ongoing) evaluate its language instructional program to ensure all components are aligned and working effectively to facilitate the acquisition of the English language and academic achievement defined by the PA academic standards as stated in:

22 Pa. Code §4.52, *Castañeda v. Pickard*, 648 F.2d 989 (1981) and 20 U.S.C. § 6841

Data reported to MSA from state level assessments of ELD and academic achievement (ACCESS for ELs) will be used in program review and improvement.

The program will be evaluated based on the attainment of English proficiency. If ELs are not learning English, the program will be revised to ensure greater success.

### **Program Exit Criteria**

Districts must employ uniform procedures in accordance with state requirements for reclassifying English learners (ELs) as former ELs (FELs) when they attain proficiency. This document outlines the procedure and rules for doing so. Upon exit from the ESL

program, a student’s progress will be monitored quarterly for two years.

An EL must demonstrate the ability to access challenging academic content and interact with other students and teachers both academically and socially in an English language setting in order to be considered for reclassification. Evidence of this ability is demonstrated by the student on the annual English language proficiency assessment, ACCESS for ELLs®, and gathered by teachers using standardized language use inventories.

Using the following system, the ACCESS for ELLs® and the language use inventory together produce a single score. If that score exceeds the state-defined threshold, then the student is eligible to be reclassified. Two language use inventories must be completed. An ESL teacher must complete one of the inventories when possible. The other inventory may be completed by a single content teacher or a team of content teachers. In cases in which an ESL teacher cannot complete an inventory (e.g. students whose parents have refused services and who are not seen by an ESL teacher or ELs in higher proficiency levels who do not work with an ESL teacher regularly), both inventories may be completed by content teachers or teams of teachers. If only one teacher can accurately complete the inventory (e.g. elementary classes in which the classroom teacher is ESL certified and provides both content and language instruction and there is no other teacher or administrator who can accurately complete the inventory), one inventory may be completed and the single score is multiplied by two. The two inventories do not need to agree. The language use inventories must be completed prior to the release of ACCESS scores each year for students who, based on teacher input and previous ACCESS scores, are likely to reach the threshold. Once ACCESS scores are released, the points are added to the points from the rubrics to determine if students are eligible to be reclassified. Each language use inventory produces a single score and the sum of the two inventory scores is added to the ACCESS for ELLs® points assigned to determine if the student meets the minimum threshold for reclassification.

The following tables display the points possible from the ACCESS for ELLS and Teacher Inventories:

<b>ACCESS Proficiency Level Score</b>	<b>Points Assigned</b>
4.5 to 4.7	3.6
4.8 to 5.0	4.5
5.1 to 5.3	5.8
>5.3	8.4

	<b>Language</b>		
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Rubric	Use Inventories	ESL Teacher			Content Area Teacher		
		Low	Moderate	High	Low	Moderate	High
1	Interaction	0	.3	.5	0	.3	.5
1	Speaking	0	.3	.5	0	.3	.5
1	Reading	0	.3	.5	0	.3	.5
1	Listening	0	.3	.5	0	.3	.5
2	Writing: Cohesion	0	.2	.3	0	.2	.3
2	Writing: Word/Phrase	0	.2	.3	0	.2	.3
2	Writing: Grammar/Sentence	0	.2	.3	0	.2	.3
2	Writing: Narrative	0	.2	.3	0	.2	.3
2	Writing: Reports/Essays	0	.2	.3	0	.2	.3
2	Writing: Arguments	0	.2	.3	0	.2	.3

Total possible points from both inventories 7.6

Total Possible Points from all components: 16

Threshold for reclassification: 10.5

When this reclassification score is equal to or greater than the cutoff, then a student should be reclassified. However, if there is compelling evidence to suggest that a student should remain identified as an EL when their score exceeds the cutoff, and this evidence is documented along with the ACCESS for ELLs® score report and language use inventory forms, then the EL status may be retained.

Reclassification of current ELs to former ELs takes place annually between June and September. The EL status of students for the 2018-2019 school year must be determined by September 30, 2018 and reported in the PIMS October, 2018 District and School Enrollment Collection. Students reported as current ELs in the PIMS October District and School Enrollment Collection cannot be reclassified during the period from

October 1, 2018 until June, 2019.

## **Post-Exit Monitoring**

All English learners (ELs) who are exited from language instructional programs must be monitored for a two year period after exit.

Specifically the law requires LEAs to maintain “a description of the progress made by children in meeting challenging state academic content and student academic achievement standards for each of the 2 years after such children are no longer receiving services.” Monitoring of student progress shall begin as soon as the student exits an ESL/bilingual program. For students who exit a program at the end of the school year, monitoring begins the following school year.

It is recommended that the progress of the exited EL be monitored at quarterly intervals throughout the academic year, utilizing collaborative conversations regarding progress monitoring of the exited ELs between content and ESL teachers. The Pennsylvania Department of Education form should be completed. The completed report form is evaluated by an ESL professional in collaboration with other administrators and educators and must be maintained in the student record folder.

The primary purpose of the report forms is to monitor a former EL’s academic achievement after exit and to ensure that they are continuing to progress and be successful without encountering difficulty as a result of English language skills.

Please note that multiple criteria related to progress monitoring such as summative, benchmark, formative, and diagnostic assessments, grades, work samples, teacher observations, and other relevant academic achievement records must be considered. Attention must also be focused upon the core instructional program that has been offered to the student, including differentiated instruction, student progress in meeting state academic and student achievement standards, and MTSS tier interventions and related implications. To that end, the report form includes additional space for LEAs to document additional multiple criteria considered in monitoring former ELs’ academic achievement and progress.

During the two year monitoring period, any student encountering academic difficulty that is determined to be a result of English language proficiency skills may be reclassified and returned to an ESL/bilingual education program. However, reclassification should only occur after collaboration between the ESL teacher and content teachers has ensured that effective and appropriate core curriculum instruction, including differentiation and interventions has been implemented. Content and ESL teacher input is critical in determining whether reclassification is the appropriate support to enable the former EL to succeed.

Teachers may offer support to monitored students as they would for any student seeking additional assistance with classroom work, instruction, or assessment. Monitoring is



NOT an extension of the language instructional program.

Parents must be notified of the student's progress and any evaluation to reclassify the student into an ESL/bilingual program if monitoring of student academic achievement and progress identifies the need for continued ESL/bilingual instruction.

Students who are monitored CANNOT be counted as ELs in any state or federal data collection systems for the purpose of acquiring state or federal funding.

EL students will participate in the PSSA/Keystone assessments and other large-scale assessments with appropriate accommodations. Formative assessments will align to the academic standards and English language development standards and ELs will be graded with the same grading system used for all students. EL students will not be retained in a grade based solely on a lack of English proficiency.

Every Student Succeeds Act; Castañeda v. Pickard, 1974 Certification and Staffing Policies and Guidelines (CSPG) No.68; Title III ESSA Section 3115(g)

### **Annual Assessment of ELs**

MSA will adhere to the PDE's guidelines for assessment requirements as follows:

- Assessment processes will align to the academic standards and PA ELDS.
- The annual state ELD assessment of ELs is required by federal law. 20 U.S.C. §§ 6311(b)(7), 6826(b)(3)(C),(d)(2)
- The State ELD assessment will be administered annually to measure progress and/or attainment of the student's English language proficiency for each language domain, i.e., reading, writing, speaking and listening. These score results will be maintained in the student's permanent record folder.
- The annually published PSSA accommodations allowable for ELs will be utilized

### **Grading of ELs**

MSA will ensure, in compliance with the PDE, that ELs will be graded using the same grading system as all other students.

The below guidelines are followed when grading English Learners:

No EL student should receive a D or F unless the teacher can provide documentation in the following areas:

- Teacher has modified instruction and assessment to be in alignment with Can-Do Descriptors appropriate for the student's level
- The student has not made a reasonable effort despite appropriate accommodations
- Parent outreach has occurred and been documented
- Documented collaboration between ESL and classroom teachers took place

### **Retention/Promotion**

MSA will ensure that EL students are not retained in a grade based solely on their lack of English language proficiency, as stated by PDE.

If an EL is retained in a grade, the LEA must be able to demonstrate that all appropriate modifications were made to instruction and assessment in order to allow ELs meaningful access to the general curriculum as well as to promote second language learning. *Lau v Nichols*, 414 U.S. 563 (1974)

1. Teachers share lesson objectives with ESL teacher for assistance.
2. Can-Do Descriptors are reviewed by teachers, for language learning domains.
3. ESL teacher provides supplemental material based on lesson objectives.
4. Modifications for assignments and tests are created and implemented.
5. Progress is evaluated to determine whether proper modifications and supplements were effective.

Students shall have access to and should be encouraged to participate in all academic and extracurricular activities available specific to the MSA program.

MSA ensures all academic and extracurricular activities are available to all students. Permission forms can be translated as needed. Translation services are utilized to contact parents.

Communication with parents shall include information about placement, assessment, academic achievement, and other related education issues, whenever possible, in the mode and language of communication preferred by the parents.

Equal Education Act of 1974; Every Student Succeeds Act Basic Education Circular April 14, 2009: Educating Students with Limited English Proficiency (LEP) and English Learners (EL)

### **Communication with Parents**

Communication with parents will be in the parent's preferred language and mode of communication according to the Civil Rights Act of 1964, Title VI. Teachers will contact the ESL Coordinator to set up translation services or interpreters for documents, meetings, or parent conferences.

MSA will provide for written translation and/or verbal interpretation in the parents' native language.

MSA will utilize translated documents necessary for communication with parents and students regarding general education and ESSA requirements via Transact.

Communication with parents will include information about assessment, academic achievement, and other related education issues in the language understood by the parent whenever possible.

## **Data Collection and Management**

### *ELL Data Folders/Envelopes*

As required by the Pennsylvania Department of Education ESL Monitoring System, ESL teachers/ESL point persons must maintain an ELL Data Folder/Envelope for every student presently classified as an ELL, enrolled in the ESL program, and those who have exited the program. If a school does not have a full-time ESL teacher, the itinerant ESL teacher or a designee assigned by the Principal is responsible for making sure the ELL Data Folders/Envelopes are maintained with the appropriate documentation.

Additionally, at MSA:

- The ELL Data Folder/Envelope is part of the student's cumulative record and must always accompany the student's permanent file.
- The teacher who provides ESL instruction is responsible for maintaining the updated folder/envelope.
- Records, including the testing results, initial Parent Notification Letter, a copy of Exit Notification to Parents, and the Year 1 and Year 2 Post-Exit Monitoring forms must be included in the folder/envelope.
- If a student transfers to or from a school, ELL Data Folders/Envelopes must accompany the student's pupil pocket
- When a student leaves the Academy, storage of the ELL Data Folder/Envelope will follow the same procedure as storage for the student's pupil pocket.

### *Primary Home Language Other than English List*

As required by the Commonwealth of Pennsylvania, MSA keeps a Primary Home

Language Other Than English List (PHLOTE) in order to ensure that interpretation and translation services are provided appropriately to families. The PHLOTE list includes:

- Student name
- Student ID number
- Country of origin
- Spoken language
- Document language
- ESL status (yes, no, exited)

### **Translation and Interpretation Services**

To serve the needs of the students and families whose primary language is other than English, MSA offers several additional supports which include:

- Translation and Interpretation services
- English for Speakers of Other Languages and bilingual instruction
- Tutoring
- The services of bilingual counseling assistants
- Translation of important parent communications

### **Reporting Requirements**

MSA will ensure completion of the Pennsylvania Information Management System (PIMS) and the Limited English Proficient (LEP System) annually.

### **3.30.105 Title 1 Announcement**

Title I is a federally funded program intended to improve students' academic achievements by expanding learning opportunities and supplementing basic skills instruction in reading and math for students who have a need for improving such skills.

### **SCHOOL-PARENT COMPACT**

The Staff, Students, and Parents/Guardians of our school community agree that this

compact outlines how they will all share the responsibility for improved student academic achievement and the means by the School and parents/guardians will build and maintain a partnership to help student achievement.

## **SCHOOL RESPONSIBILITIES**

The School will:

- Provide high-quality curriculum and instruction in an effective learning environment that supports students in meeting the Commonwealth's high academic achievement standards.
- Establish high expectations for staff, students, and parents/guardians by ensuring a rigorous and challenging curriculum, implementing programs targeted at increasing academic achievement, and committing to recruit, retain, and train qualified staff.
- Highlight ways that parents/guardians can extend and advance the learning environment at home.
- Implement programs, activities, and procedures that will be planned and operated at various times throughout the school year to engage parents/guardians as active participants in increasing student achievement, such as literacy activities with parents/guardians, Family Learning Nights, seminars with the school psychologist, and other activities and workshops.
- Ensure regular progress updates to parents/guardians by holding regular Report Card Conferences, which serve as opportunities for families to participate in discussions relating to the education of their student.
- Offer flexible scheduling times for meetings with parents/guardians, and parent/guardian workshops.
- Use, when appropriate and necessary, the school's Title I funds to pay reasonable fees for childcare to enable parents/guardians to participate in school related Title I meetings and training sessions.
- Offer flexible tutoring and intervention programs.
- Administer family satisfaction questionnaires every Spring.
- Administer family needs/interests surveys every Fall.
- Otherwise support a partnership between the school, parents/guardians, and the community to improve academic achievement; including helping parents/guardians understand the following topics: Pennsylvania's academic content standards, State academic assessments, the School Report Card, and how to monitor their student's progress.
- Provide materials and training to help parents/guardians improve their children's

academic achievement including extended learning opportunities through parent/guardian engagement, take-home activities and books, in addition to articles in a monthly newsletter. Information can be found on the school's website.

- Ensure that information related to all school and family programs, meetings, and other activities will be sent home in a format and language that parents/guardians can understand, and honor requests for alternate formats, to the extent appropriate, in a language that parents/guardians can understand.
- Maximize parent/guardian engagement and participation in their student's education by offering Title I meetings at different times, distributing surveys and questionnaires asking parents/guardians for suggestions and recommendations for continued school program effectiveness and/or improvement, and responding to all suggestions and recommendations as soon as practicably possible.
- Provide parents/guardians with regular reports on their student's academic and behavioral progress through progress reporting during Parent-Teacher conferences, samples of student work, and updates on reading, writing and math assessments. The school will initiate parent/guardian contact whenever a pattern of behavior emerges that interferes with student learning.
- Provide parents/guardians with opportunities to become engaged with their student's educational program and progress, through volunteering and participating in their student's class and observing classroom activities.
- Provide parents/guardians reasonable access to staff.

## **PARENT RESPONSIBILITIES**

Parental engagement means the participation of parents/guardians in regular, two-way, and meaningful communication about Student academic learning and other school activities. This is to ensure that:

- Parents/guardians play an integral role in assisting in their student's learning;
- Parents/guardians are encouraged to be actively involved in their student's education at school.

Also, parents/guardians agree to support their student's learning in the following ways:

1. Establish routines to support their student's success in school:
  - a. appropriate bedtime
  - b. homework & reading
  - c. nutrition

d. grooming and hygiene

2. Communicate the significance of success in school and its relationship with success in life.
3. Volunteer time to the school during the school year.
4. Ensure that their student attends school on a regular basis and arrives at school on time.
5. Make sure that their student completes and returns homework on time.
6. Remain informed about their student's education and communicate with the school by promptly reading all notices from the school and responding as appropriate.

## **STUDENT RESPONSIBILITIES**

Students will share the responsibility to improve their academic achievement and achieve the State's high standards. Specifically, students agree that they will:

- Attend school regularly and arrive at school on time.
- Complete all daily homework and return it to school on time.
- Support the mission of a Caring School Community.
- Follow the Code of Student Conduct.
- Be responsible for giving family members all information sent home from school.
- Plan a portion of each day for a period of uninterrupted reading time.

## **PARENT ENGAGEMENT OPPORTUNITIES**

### **INTRODUCTION**

Parental engagement means the participation of parents/guardians in regular, two-way and meaningful communication about academic learning and other school activities. This is to ensure:

- That all parents/guardians play an integral role in assisting in their student's learning.
- That all parents/guardians are encouraged to be actively involved in their student's education at School.

## **PART 1: SCHOOL EXPECTATION REQUIREMENTS**

1. The School staff agrees to implement the following legal requirements: literacy activities; informational workshops; family engagement events; for the engagement of parents/guardians. These programs will be planned and operated at various times throughout the school year.
2. The staff will create a school/family compact. We believe the school staff and students share in the responsibilities for improved student achievement.
3. Annually, parents and guardians will attend Back to School Night for information on the School's participation in Title 1.

**PART 2: DESCRIPTION OF HOW THE SCHOOL WILL IMPLEMENT REQUIRED PARENT ENGAGEMENT COMPONENTS.** The school will take the following actions to involve parents/guardians in the process by:

- Administering family satisfaction questionnaires every Spring;
- Administering a family needs/interest survey during the school year
- Offering a variety of parent/guardian meetings and workshops;
- When appropriate and necessary, Title 1 funds may be used to pay staff for childcare services to enable parents/guardians to attend workshops and meetings;

The school will assist parents and guardians in understanding:

- The report card
- State academic assessments
- Common Core Standards
- How to monitor Student progress
- Strategies for helping Students learn to read
- Trips and activities

Parents/Guardians will be invited to attend:

- Back to School Night
- Report Card Conferences at least two times a year
- Workshops geared to specific grades

The school will provide materials and training to help parents/guardians improve their children's academic achievement through the use of parent/guardian engagement, take home activities and books.



It is the school's policy that information related to all school and family programs, meetings and other activities will be sent home in a format and language the parents/guardians can understand. We will also honor requests for alternate formats to the extent appropriate, in a language the parent/guardian can understand.

### **PART 3: ADDITIONAL SCHOOL RESPONSIBILITIES POLICY COMPONENTS**

In order to maximize parent/guardian engagement and participation in their student's education, Title 1 meetings will be offered at different times.

Surveys and questionnaires will ask parents/guardians for suggestions and recommendations for continued school program effectiveness and or improvement. Also, report card conferences are opportunities for families to participate in discussions relating to the education of their child. The school will respond to all suggestions and recommendations as soon as practically possible.

### **PART 4: AGREEMENT**

This Title 1 Parent Engagement Policy is approved and adopted for the school year 2022-2023.

### **PARENTS/GUARDIANS RIGHT-TO-KNOW: HIGHLY QUALIFIED TEACHERS POLICY**

Under the No Child Left Behind Act, parents/guardians have the right to know the following information:

- The qualifications of the school staff provide instruction to their students.
- Their student's level of achievement in each state academic assessment.
- Whether their student has been assigned to or has been taught for four or more consecutive weeks by a teacher of a core academic subject who is not highly qualified.

To satisfy the definition of a "highly qualified teacher," Pennsylvania public school teachers must:

1. Hold at least a bachelor's degree;
2. Hold a valid Pennsylvania teaching certificate (i.e., Instructional I, Instructional II or Intern certificate but not an emergency permit); and
3. Demonstrate subject matter competency for the core content area they teach.

In Pennsylvania, 75% of professional staff in a charter school must be certified and 25% can be non-certified. In order to be "highly qualified," all charter school teachers of core content subjects at all grade levels, whether or not they hold state certification, must:

1. Hold at least a bachelor's degree; and
2. Demonstrate subject matter competence in each core content area and grade level at which they teach.

Parents/Guardians may request, and the School will provide in a timely manner, information regarding the professional qualifications of a student's classroom teachers including, at a minimum, the following:

- Whether the teacher has met state qualifications and licensing criteria for the grade level and subject areas in which the teacher provides instruction;
- Whether the teacher is teaching under emergency or other provisional status through which state qualification or licensing criteria have been waived;
- The baccalaureate degree major of the teacher and any graduate certification or degree held by the teacher and the field of discipline of the certification or degree;
- Whether the student is provided services by paraprofessionals and, if so, their qualifications.

### **3.35 Student Health Services**

[3.35.05 School Nurse](#)

[3.35.10 Immunizations](#)

[3.35.15 Vaccines And Examinations](#)

[3.35.20 Medication](#)

[3.35.25 Asthma Inhaler](#)

[3.35.30 Self-Monitoring And/or Management Of Diabetes](#)

[3.35.35 Severe Allergic Reactions](#)

[3.35.40 Illness Or Infectious Condition](#)

[3.35.45 Lice And Ringworm](#)

[3.35.50 Bed Bugs](#)

[3.35.55 Ongoing Need For Current Information](#)

[3.35.60 Transportation](#)

[3.35.65 Return To School After Accident](#)

[3.35.70 Homebound Instruction](#)

[3.35.75 Suicide Awareness And Prevention](#)

[3.35.80 Concussion Management](#)

[3.35.85 Wellness Policy](#)

The 2023-2024 Student-Parent/Guardian Handbook sets forth the scholar's health policies and procedures as follows.

### **3.35.05 School Nurse**

Memphis Street Academy has a registered professional nurse who is responsible for handling a variety of student health concerns, promoting student health, and for maintaining all medical records on each student. The nurse coordinates and conducts all mandated screenings and health programs, and works directly with students to provide care and to give guidance and educational support to students in health-related matters. Parents/guardians and students are asked to contact the school nurse regarding any special health problems.

If a student becomes ill during the school day, they should ask the teacher for a pass to go to the nurse's office. The nurse will determine what care procedure will be followed.

The school nurse will:

1. Provide first aid in emergencies. The nurse will notify parents/ guardians when a student has been hurt or suddenly becomes seriously ill and needs immediate care from a doctor and/or hospital.
2. Notify parents/guardians when a student can no longer remain in class and needs to be taken home because of injury, illness or a communicable condition, such as the following: fever of 100.4 or more, suspected contagious disease, vomiting, diarrhea, head lice, cannot remain comfortably in class, and undetermined rash.

### **3.35.10 Immunizations**

The Pennsylvania Public School Code now requires all public schools, including charter schools, to determine that a student has been immunized in accordance with state law prior to admission to school. The school nurse is responsible to review each student's immunization records to ensure that they meet state requirements.

A student whose parent or guardian fails to provide complete and accurate immunization records to the school nurse risks exclusion from school until state immunization requirements are met.

### **3.35.15 Vaccines And Examinations**

**STUDENTS IN ALL GRADES (K-12) NEED THE FOLLOWING VACCINES:**

- 4 doses of tetanus, diphtheria and acellular pertussis (usually given as DTP or DTaP or DT or Td) (1 dose on or after the 4th birthday)
- 4 doses of polio (4th dose on or after 4th birthday and at least 6 months after

previous dose given, but a 4th dose is unnecessary if the 3rd dose was administered at age 4 years or older and at least 6 months after the previous dose)

- 2 doses of measles (usually given as MMR)
- 2 doses of mumps (usually given as MMR)
- 2 doses of rubella (German Measles) (usually given as MMR)
- 3 doses of hepatitis B
- 2 doses of varicella (Chickenpox) or evidence of immunity

#### **STUDENTS ENTERING 7TH GRADE NEED THE FOLLOWING VACCINES:**

- 1 dose of tetanus, diphtheria, acellular pertussis (Tdap) on the first day of 7th grade
- 1 dose of meningococcal conjugate vaccine (MVC) on the first day of 7th grade

#### **STUDENTS ENTERING 12TH GRADE NEED THE FOLLOWING VACCINE:**

- 1 dose of meningococcal conjugate vaccine (MVC) on the first day of 12th grade (though if one dose was given at 16 years of age or older, that shall count as the 12th grade dose).

On the **FIRST DAY OF SCHOOL**, unless a student has a medical or religious/philosophical exemption, a student must have had at least one dose of the above vaccinations or risk exclusion. If a student does not have all the doses listed above, needs additional doses, and the next dose is medically appropriate, the student must receive that dose within the first five (5) days of school or risk exclusion. If the next dose is not the final dose of the series, the student must also provide a medical plan within the first five days of school for obtaining the required immunizations or risk exclusion. The medical plan must be followed or the student may face exclusion from school.

The school nurse will review the student's immunizations to verify the student meets the standards set by the Pennsylvania Department of Health. If a student's immunization records do not meet state requirements, the student will not be permitted to attend school.

In the event that immunization is against a student's religious beliefs or a parent has a strong moral or ethical conviction against immunization, the parent must provide the school nurse with a written statement stating the reason for the objection. **If immunization is not medically advisable at a particular time, a physician must sign the "Statement of Exemption to Immunization Law" form. If a student is**

**exempt from immunization, they may be excluded from school during an outbreak of a vaccine-preventable disease.**

It is the school nurse’s responsibility to ensure that all students have been properly immunized in accordance with the Pennsylvania Department of Health regulations. In the event that a student is missing the appropriate records or does not have up-to-date immunizations, the school nurse will send a letter home to notify the parent or guardian. If the up-to-date immunization records are not brought to the school within the first 5 days of school and/or there is no documentation to support that a student received the out-of-date immunizations, the student may be excluded from school.

**SCHEDULE OF REQUIRED DENTAL AND PHYSICAL EXAMINATIONS AND REQUIREMENTS FOR PHYSICIAN’S AUTHORIZATION AND OTHER FORMS**

State law requires charter schools to provide the following health services for students who attend or who should attend an elementary, grade, or high school:

**Mandated School Health Services**

<b>SERVICE</b>	<b>K</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>NOTES</b>
School Nurse Services	X	X	X	X	X	X	X	X	X	X	X	X	X	
Maintenance of Health Records	X	X	X	X	X	X	X	X	X	X	X	X	X	
Immunization Assessment	X	X	X	X	X	X	X	X	X	X	X	X	X	
Medical Examination	*	*					X					X		*Required on original entry- K or 1st grade
Dental Examination	*	*		X				X						*Required on original entry- K or 1st grade
Growth Screen	X	X	X	X	X	X	X	X	X	X	X	X	X	
Hearing Screen	X	X	X	X				X				X		

Scoliosis Screen								X	X						6th grade physical may be used in lieu of 6th grade screen
Tuberculin Test	*	*										X			*Required on original entry- K or 1st grade. Unless approved to discontinue
Vision Screen-Far Visual Acuity Test	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Vision Screen-Near Visual Acuity Test	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Vision Screen-Convex Lens Test (Plus Lens)		X													1st grade students meeting criteria & new students (any grade) not previously screened
Vision Screen-Color Vision Test		*	*												*1st or 2nd grade & new students (any grade) not previously screened
Vision Screen-Stereo/Depth		*	*												*1st or 2nd grade & new students (any grade) not

Perception Test																					previously screened
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State law requires students to have updated health and dental examinations upon entering a school for the first time and at the following intervals:

- Updated dental assessments when starting 3rd and 7th grades
- Updated health assessments when starting 6th and 9th grades

Required medical and dental examinations and immunizations are oftentimes performed by the student's primary care provider. If so, the provider may use the school-provided evaluation forms, which are PA Department of Health (DOH)-approved. The School will accept the provider's own form, as long as comparable to the DOH-approved form.

If assistance is needed to fulfill medical requirements for enrollment and continued attendance, then it is the responsibility of the student's parent or guardian to notify the Principal of such need. Otherwise, it is the responsibility of parents or guardians to make sure that their students have fulfilled the necessary requirements for enrollment and continued attendance.

A doctor's authorization is also required for any of the following:

- Any medication given;
- Any controlled drug;
- Emergency medication kept on hand; i.e., inhalers, EpiPens (physician instructions required); and
- Annual update of doctor's authorization for long-term care.

Upon return to school after major surgery or hospitalization, a physician's release must be presented to the school nurse, specifying any necessary restrictions or concerns.

When a student is excused from participation in physical education for medical reasons, they must provide the school nurse with a written excuse from a doctor or their parent/guardian.

Students participating in school-sponsored athletic programs must complete a physical examination every year of participation.

**We recommend that you submit a copy of updated health and dental assessments every year after your student sees their physician and/or dentist, so that the school nurse will have current information.**

Please contact the school office to obtain the necessary health forms. Your student's health provider must complete the forms, which may be returned to the school nurse in person or by mail or fax.

### **3.35.20 Medication**

Students are not allowed to bring any kind of prescription or over-the-counter medication to school, except for the management of Asthma, Diabetes or severe allergic reactions (see below for additional information about these exceptions). All medications should, if possible, be given by the parent/ guardian at home.

In the event that medication must be administered at school, a physician must have prescribed the medication, and arrangements must be made through the school nurse's office for the school nurse to administer the medication. The medication must be furnished by the parent/guardian, in the original container and be properly labeled, at a meeting with the school nurse. The parent/guardian and the nurse will verify the medication and the written order. The medication will be counted and documented. The parent/guardian must have the form for medication administration completed by the student's healthcare provider.

### **3.35.25 Asthma Inhaler**

Students with asthma should bring an inhaler prescribed by their doctor to school each day in accordance with Act 187. This law permits students who, with a physician's diagnosis of asthma, medication orders, parental permission, and demonstrable responsible behavior, to carry and self-administer their own medication via an asthma inhaler. In this situation, the school nurse will communicate the exception in writing to the appropriate staff members, so they are aware that a particular student is permitted to carry their inhaler. As supported above, exceptions must be approved by the CEO, though the school nurse may make an exception on a temporary basis when unusual circumstances exist.

The School is relieved of any responsibility for the benefits or consequences of the prescribed medication, and bears no responsibility for ensuring that the medication is taken.

As part of responsible behavior, the student must notify a staff member as soon as breathing becomes difficult, and following each use of the inhaler, the student must notify the school nurse.

The student is prohibited from making medication or any medical equipment available to other students. Any student who does so will be in violation of, and therefore subject to discipline under, the Student Code of Conduct. Violation of school policy and procedures also may result in restriction of the student's privilege to self-administer



medication or equipment.

### **3.35.30 Self-Monitoring And/or Management Of Diabetes**

The School recognizes that a number of students may have medically certified diabetes requiring medication, equipment or machinery to be administered during school hours in order to maintain health and to function in the school setting.

Diabetic students may possess on their persons, including bookbags and handbags, all necessary supplies, equipment and prescribed medication to perform self-monitoring and treatment.

Upon written consent of a student's parent/guardian, the student with diabetes will be permitted to perform blood glucose checks, treat hypoglycemia and hyperglycemia, and otherwise attend to the care and management of their diabetes in the classroom, in any area of the school or school grounds, and at any school-related activity. The consent form must include a statement from the treating physician, certified registered nurse practitioner or physician assistant indicating that the student has successfully demonstrated capability of independent monitoring and responsible behavior in self-administering treatment or prescribed medication.

The School is relieved of any responsibility for the benefits or consequences of the prescribed medication, and bears no responsibility for ensuring that the medication is taken.

As part of responsible behavior, the student must notify the school nurse following each use of medication or equipment for the student's diabetes-related condition.

The student is prohibited from making medication or any medical equipment available to other students. Any student who does so will be in violation of, and therefore subject to discipline under, the Student Code of Conduct. Violation of school policy and procedures also may result in restriction of the student's privilege to self-administer medication or equipment.

### **3.35.35 Severe Allergic Reactions**

Upon written consent of a student's parent/guardian, a student at risk for severe and life-threatening allergic reaction will be permitted to carry and self-administer EpiPen or other epinephrine auto injector. The consent form must include a statement from the treating physician, certified registered nurse practitioner or physician assistant indicating that the student has successfully demonstrated capability of independent monitoring and responsible behavior in self-administering treatment or prescribed medication.

Parents/guardians of students with severe allergies are requested to provide the school nurse with an extra Epipen or other epinephrine auto injector in case of an emergency. The School is under no obligation to maintain a supply of Epipens or other epinephrine auto injectors, and is relieved of any responsibility if a student's parent/guardian has not provided the school nurse with an extra Epipen or other epinephrine auto injector for their student, or for the benefits or consequences of self-administration thereof, and bears no responsibility.

As part of responsible behavior, the student must notify the school nurse following each use of an Epipen or other epinephrine auto injector.

The student is prohibited from making the Epipen or other epinephrine auto injector available to other students. Any student who does so will be in violation of, and therefore subject to discipline under, the Student Code of Conduct. Violation of school policy and procedures also may result in restriction of the student's privilege to self-administer medication or equipment.

### **3.35.40 Illness Or Infectious Condition**

A student may not attend school if any of the following symptoms are present or suspected by a physician or the school nurse:

- Fever: Students should remain home or be sent home if they have above-normal temperature.
- Conjunctivitis ("pink eye"): A student may return only after discharge discontinues and 24 hours of treatment is completed.
- Rashes: Unidentified rashes must be diagnosed by a healthcare provider.
- Impetigo: Your student must be seen by a healthcare provider.
- Diarrhea: The student experiences diarrhea two days in a row or three times in one day.
- Vomiting: The student experiences repeated forceful evacuation with other symptoms or the student's inability to eat.
- Lice (see Section 3.35.45).
- Ringworm (see Section 3.35.45).
- Any other contagious condition: measles, chickenpox, mumps, whooping cough, or streptococcal infections that are still contagious.

In addition, a student shall not attend school if they experiencing any unusual discomfort such as an earache or other pain that causes the student to cry or to experience significant pain.

Cooperation of parents/guardians with this policy, as mandated by state law, will minimize the number of days that students and staff are sick, thus helping to maintain a healthy learning environment.

Source: 28 Pa Code §§ 27.71 - 27.73

### **3.35.45 Lice And Ringworm**

Title 28, Chapter 27 of the Pennsylvania Department of Health's Regulations of Communicable and Non- Communicable Disease, governs the exclusion from school and readmitting to school students regarding infectious conditions such as lice and ringworm. If a student has been so diagnosed by a physician or is under such suspicion by the school nurse, the student will be excluded from school for the period of time until they are judged noninfectious by the school nurse or by the student's physician.

A student with lice should be treated with a lice shampoo, and the school nurse must be notified of appropriate treatment.

A student with ringworm of the body must be treated with an antifungal ointment and covered. Ringworm of the scalp requires treatment prescribed by a physician, and must be covered while at school. The school nurse must be notified of appropriate treatment.

The student will be readmitted to school if the nurse is satisfied that the live infestation is noncommunicable, or when the student presents a certificate of non-infectiousness from a physician.

### **3.35.50 Bed Bugs**

While bed bugs are not known to transmit diseases, their occasional transport into school can cause annoyance. It is sometimes possible for a few bed bugs to be carried to school from a home by hiding in clothing or a backpack. Below are several steps you can take to help reduce the risk of bed bugs hitchhiking to school:

1. Please keep all clothes, shoes, backpacks, lunch boxes, coats, homework, books and laptops away from beds and upholstered furniture.
2. Any items that are stored near beds or other furniture should be placed in a clear plastic bin or plastic bag until the student needs to take them outside the home.
3. If you suspect that these items have been in contact with beds or other furniture, please place these items in a dryer on medium-high heat for at least 20 minutes. If any of these items can be laundered, washing and drying on the hottest settings that the fabric can safely withstand (at least 113 degrees F for at least 1 hour) is recommended to kill bed bugs. The higher the temperature, the shorter

the time needed to kill bed bugs at all life stages.

4. Use a protective cover that encases mattresses and box springs. Check the cover regularly for holes.

The School will help by discreetly conducting its own check of items that are brought to school if there is information or reasonable suspicion that bed bugs were carried into school. This check will be accomplished without interruption to your student's education.

### **3.35.55 Ongoing Need For Current Information**

If a student has any chronic health problems, parents/guardians must update their health status yearly.

There may be instances when it would be essential for the school nurse to be able to immediately contact a student's parent or guardian. It is very important that the nurse has current telephone numbers in order to contact a parent, guardian or designated person in case of an emergency.

### **3.35.60 Transportation**

It is the responsibility of a student's parent/guardian to provide transportation home, to a doctor, or by ambulance if such a need arises. It is their responsibility to obtain medical attention unless an emergency is so serious that the student must be taken immediately from school to a doctor. In case of such an emergency, the parent/guardian will be notified as soon as possible and a school employee will remain with the student until the parent/guardian arrives at the school or treatment site. The School is not responsible for any costs of emergency care or transportation.

### **3.35.65 Return To School After Accident**

If a student returns to school following an accident with restrictions, a physician's note outlining the restrictions must accompany the student. The student or the student's parent/guardian is required to deliver the physician's note outlining the restrictions to the school nurse on the first day the student returns to school following an accident.

### **3.35.70 Homebound Instruction**

The purpose of homebound instruction is to provide students with some level of instructional services during a temporary period of absence so that, on return to school, they can re-engage successfully with their instructional programs.

A student may be eligible for homebound instruction if they are confined to home or hospital for physical disability, illness, injury, urgent reasons, or when such confinement is recommended for psychological or psychiatric reasons. The term, "urgent reasons," will be strictly construed and does not permit irregular attendance. The student's condition must be temporary in nature, and the temporary condition must be anticipated to last more than four (4) weeks. Additionally, the student's need for homebound instruction must be formally documented by a physician or psychiatrist.

Any parent/guardian who wishes to enroll their student in homebound instruction should contact the school counselor.

### **3.35.75 Suicide Awareness And Prevention**

The impact of students' mental health on their academic performance and the effect of mental health issues and suicide on students and the entire school community are significant. The Board of Trustees of the School is committed to: maintaining a safe school environment; protecting the health, safety and welfare of its students; promoting healthy development; and safeguarding against the threat or attempt of suicide among school-aged youth. Therefore, in order to ensure the safety and welfare of its students, the School will take a multi-faceted approach to educate students and staff on the actions and resources necessary to prevent suicide and promote mental well-being.

#### **PREVENTION AND EDUCATION**

Students in grade 6 and above will receive age-appropriate lessons in their classrooms through health education or other appropriate curricula such the importance of safe and healthy choices, help seeking strategies for self and/or others, promoting a climate that encourages peer referral and emphasizes school connectedness, and addressing possible precursor problems such as depression and other mental health issues, anger, and drug use.

#### **INTERVENTION AND PREVENTION**

Staff, students, parents or guardians who suspect that a student may be contemplating suicide, or who becomes aware of any threat or witnesses any attempt towards self-harm that is written, drawn, spoken, or threatened, should immediately notify the CEO, who will ensure immediate involvement of the school's crisis response team and implementation of emergency response protocols.

If an expressed suicide thought or intention is made known to member of the school community during an internship or afterschool program and the CEO or other school administrator is not available, call for help:

- 215-686-4420 (Crisis Intervention Hotline in City and County of Philadelphia)

- 1-800-SUICIDE (1-800-784-2433) (Crisis Services of the Treatment Advocacy Center, National Hopeline Network)
- 1-800-273-TALK (8255) (National Suicide Prevention Lifeline/suicidepreventionlifeline.org)

Thereafter, as soon as possible, inform the CEO of the incident and actions taken.

### **3.35.80 Concussion Management**

#### **Purpose**

The Memphis Street Academy Charter School recognizes the importance of ensuring the safety of students participating in the school's athletic programs. This policy has been developed to provide guidance for prevention, detection and treatment of concussions sustained by students while participating in an athletic activity.

#### **Definitions**

“Appropriate medical professional” shall mean all of the following:

1. A licensed physician who is trained in the evaluation and management of concussions.
2. A licensed or certified health care professional trained in the evaluation and management of concussions and designated by a licensed physician trained in the evaluation and management of concussions.
3. A licensed psychologist neuropsychologically trained in the evaluation and management of concussions or who has postdoctoral training in neuropsychology and specific training in the evaluation and management of concussions.

“Athletic activity” shall mean all of the following:

1. Interscholastic athletics.
2. An athletic contest or competition, other than interscholastic athletics, that is sponsored by or associated with a school, including cheerleading, club-sponsored sports activities and sports activities sponsored by school-affiliated organizations.
3. Noncompetitive cheerleading that is sponsored by or associated with a school.
4. Practices, interschool practices and scrimmages for all athletic activities.

## **Delegation of Responsibility**

Each school year, prior to participation in an athletic activity, every student athlete and their parent/guardian shall sign and return the acknowledgement of receipt and review of the [Athlete/Parent/Guardian Concussion Information Sheet and Acknowledgement Form](#).

The Chief Executive Officer shall develop administrative procedures to implement this policy, which shall include protocols for concussion management.

## **Guidelines**

The school may hold an informational meeting prior to the start of each athletic season for all competitors regarding concussions and other head injuries, the importance of proper concussion management, and how preseason baseline assessments can aid in the evaluation, management and recovery process. In addition to the student athletes, such meetings may include parents/guardians, coaches, other appropriate school officials, physicians, neuropsychologists, athletic trainers and physical therapists.

## **Removal from Play**

A student who, as determined by a game official, coach from the student's team, certified athletic trainer, licensed physician, licensed physical therapist or other official designated by the school, exhibits signs or symptoms of a concussion or traumatic brain injury while participating in an athletic activity shall be removed by the coach from participation at that time.

## **Return to Play**

The coach shall not return a student to participation until the student is evaluated and cleared for return to participation in writing by an appropriate medical professional. The school may designate a specific appropriate medical professional(s) to provide written clearance for return to participation.

## **Training**

All coaches shall annually, prior to coaching an athletic activity, complete a concussion management certification training course offered by the Centers for Disease Control and Prevention, the National Federation of State High School Associations or another provider approved by the Department of Health.

## **Penalties**

A coach found in violation of the provisions of this policy related to removal from play and return to play shall be subject to the following penalties:

1. For a first violation, suspension from coaching any athletic activity for the remainder of the season.
2. For a second violation, suspension from coaching any athletic activity for the remainder of the season and for the next season.
3. For a third violation, permanent suspension from coaching any athletic activity.

### **3.35.85 Wellness Policy**

The School recognizes that student wellness and proper nutrition are related to students' physical well-being, growth, development and readiness to learn. The Board is committed to providing a school environment that promotes student wellness, proper nutrition, nutrition education and promotion, and regular physical activity as part of the total learning experience. In a healthy school environment, students will learn about and participate in positive dietary and lifestyle practices that can improve student achievement.

The Board of Trustees adopts this policy based on the recommendations of the School Health Council and in accordance with federal and state laws and regulations.

To ensure the health and well-being of all students, the Board of Trustees establishes that the school shall provide to students:

1. A comprehensive nutrition program consistent with federal and state requirements.
2. Access at reasonable cost to foods and beverages that meet established nutrition guidelines.
3. Physical education courses and opportunities for developmentally appropriate physical activity during the school day.
4. Curriculum and programs for grades K-12 that are designed to educate students about proper nutrition and lifelong physical activity, in accordance with State Board of Education curriculum regulations and academic standards.

### **Delegation of Responsibility**

The CEO shall be responsible for the implementation and oversight of this policy to ensure each of the schools, programs and curriculum is compliant with this policy, related policies and established guidelines or administrative regulations.

Each building principal or designee shall annually report to the CEO regarding compliance in their school.



Staff members responsible for programs related to school wellness shall report to the Principal regarding the status of such programs.

The CEO shall annually report to the Board on the school's compliance with law and policies related to school wellness. The report may include:

- Assessment of school environment regarding school wellness issues.
- Evaluation of food services program
- Review of all foods and beverages sold in schools for compliance with established nutrition guidelines.
- Listing of activities and programs conducted to promote nutrition and physical activity.
- Recommendations for policy and/or program revisions.
- Suggestions for improvement in specific areas.
- Feedback received from school staff, students, parents/guardians, community members and the Wellness Committee.

The Food Service Director and the established School Health Council shall conduct an assessment at least once every three (3) years on the contents and implementation of this policy as part of a continuous improvement process to strengthen the policy and ensure implementation. This triennial assessment shall be made available to the public in an accessible and easily understood manner and include:

1. The extent to which each school is in compliance with law and policies related to school wellness.
2. The extent to which this policy compares to model wellness policies.
3. A description of the progress made by the school in attaining the goals of this policy.

At least once every three (3) years, the school shall update or modify this policy as needed, based on the results of the most recent triennial assessment and/or as school and community needs and priorities change; wellness goals are met; new health science, information and technologies emerge; and new federal or state guidance or standards are issued.

The school shall annually inform and update the public, including parents/guardians, students and others in the community, about the contents, updates and implementation of this policy via the school website, student handbooks, newsletters, posted notices and/or other efficient communication methods. This annual notification shall include information on how to access the School Wellness policy; information about the most recent triennial assessment; information on how to participate in the development,

implementation and periodic review and update of the School Wellness policy; and a means of contacting School Health Council leadership.

### **Recordkeeping**

The school shall retain records documenting compliance with the requirements of the School Wellness policy, which shall include:

The written School Wellness policy.

Documentation demonstrating that the school has informed the public, on an annual basis, about the contents of the School Wellness policy and any updates to the policy.

Documentation of efforts to review and update the School Wellness policy, including who is involved in the review and methods used by the school to inform the public of their ability to participate in the review.

Documentation demonstrating the most recent assessment on the implementation of the School Wellness policy and notification of the assessment results to the public.

### **The School Health Council**

The school shall establish a School Health Council comprised of, but not necessarily limited to, at least one (1) of each of the following: Board of Trustees member, school administrator, Food School Director, student, parent/guardian, school health professional, physical education teacher and member of the public. It shall be the goal that committee membership will include representatives from each school building and reflect the diversity of the community.

The School Health Council shall serve as an advisory committee regarding student health issues and shall be responsible for developing, implementing and periodically reviewing and updating a School Wellness policy that complies with law to recommend to the Board of Trustees for adoption.

The Wellness Committee shall review and consider evidence-based strategies and techniques in establishing goals for nutrition education and promotion, physical activity and other school based activities that promote student wellness as part of the policy development and revision process:

- The School Health Council may study student health issues and to assist in organizing follow-up programs.
- The School Health Council may examine related research, assess student needs and the current school environment, review existing Board policies and administrative regulations, and raise awareness about student health issues.
- The School Health Council may make policy recommendations to the Board

related to other health issues necessary to promote student wellness.

- The School Health Council may survey parents/guardians and/or students; conduct community forums or focus groups; collaborate with appropriate community agencies and organizations; and engage in similar activities, within the budget established for these purposes.
- The School Health Council shall provide periodic reports to the Superintendent or designee regarding the status of its work, as required.

Individuals who conduct student medical and dental examinations shall submit to the School Health Professional annual reports and later reports on the remedial work accomplished during the year, as required by law.

### **Nutrition Education**

Nutrition education will be provided within the sequential, comprehensive health education program in accordance with curriculum regulations and the academic standards for Health, Safety and Physical Education, and Family and Consumer Sciences.

- Nutrition education in the school shall teach, model, encourage and support healthy eating by students. Promoting student health and nutrition enhances readiness for learning and increases student achievement.
- Nutrition education shall provide all students with the knowledge and skills needed to lead healthy lives.
- Nutrition education lessons and activities shall be age-appropriate.
- Nutrition curriculum shall teach behavior-focused skills, which may include menu planning, reading nutrition labels and media awareness.
- School food service and nutrition education classes shall cooperate to create a learning laboratory.
- Nutrition education shall be integrated into other subjects such as math, science, language arts and social sciences to complement but not replace academic standards based on nutrition education.
- Lifelong lifestyle balance shall be reinforced by linking nutrition education and physical activity.
- The staff responsible for providing nutrition education shall be properly trained and prepared and shall participate in appropriate professional development. The school shall develop standards for such training and professional development.
- Nutrition education shall extend beyond the school environment by engaging and involving families and the community.

## **Nutrition Promotion**

- Nutrition promotion and education positively influence lifelong eating behaviors by using evidence-based techniques and nutrition messages, and by creating food environments that encourage healthy nutrition choices and encourage participation in school meal programs.
- The school shall promote nutrition through the implementation of Farm to School activities where possible. Activities may include, but not be limited to, the initiation/maintenance of school gardens, taste-testing of local products in the cafeteria and classroom, classroom education about local agriculture and nutrition, field trips to local farms and incorporation of local foods into school meal programs.
- School staff shall cooperate with agencies and community organizations to provide opportunities for appropriate student projects related to nutrition.
- The Food Service Management Company, under the oversight of the Food Service Director, shall review and implement research-based, behavioral economics techniques in the cafeteria to encourage consumption of more whole grains, fruits, vegetables and legumes, and to decrease plate waste.
- Consistent nutrition messages shall be disseminated and displayed throughout the schools, classrooms, cafeterias, homes, community and media.
- Consistent nutrition messages shall be demonstrated by avoiding use of unhealthy food items in classroom lesson plans and school staff avoiding eating less healthy food items in front of students.
- The school shall offer resources about health and nutrition to encourage parents/guardians to provide healthy meals for their children.

## **Physical Activity**

- The school shall strive to provide opportunities for developmentally appropriate physical activity during the school day for all students.
- The school shall contribute to the effort to provide students opportunities to accumulate at least sixty (60) minutes of age-appropriate physical activity daily, as recommended by the Centers for Disease Control and Prevention. Opportunities offered at school will augment physical activity outside the school environment, such as outdoor play at home, sports, etc.
- Students shall participate daily in a variety of age-appropriate physical activities designed to achieve optimal health, wellness, fitness and performance benefits.
- Age-appropriate physical activity opportunities, such as outdoor and indoor recess, before and after school programs, during lunch, clubs, intramurals and

interscholastic athletics, shall be provided to meet the needs and interests of all students, in addition to planned physical education.

- A physical and social environment that encourages safe and enjoyable activity for all students shall be maintained.
- Extended periods of student inactivity, two (2) hours or more, shall be discouraged.
- Physical activity breaks shall be provided for students during classroom hours.
- Before and/or after-school programs shall provide developmentally appropriate physical activity for participating children.
- The school shall partner with parents/guardians and community members and organizations, such as YMCAs, Boys & Girls Clubs, local and state parks, hospitals, etc., to institute programs that support lifelong physical activity.
- Physical activity shall not be used or withheld as a form of punishment.
- The school shall promote physical activity through encouragement of walking and biking as a means of transportation to and from school.
- Students and their families shall be encouraged to utilize school-owned physical activity facilities, such as playgrounds and fields, outside school hours in accordance with established school rules.
- The school will not withhold physical activities as a punishment (e.g. taking away recess)

## **Physical Education**

A sequential physical education program consistent with curriculum regulations and Health, Safety and Physical Education academic standards shall be developed and implemented. All school students must participate in physical education.

- Quality physical education instruction that promotes lifelong physical activity and provides instruction in the skills and knowledge necessary for lifelong participation shall be provided.
- Physical education classes shall be the means through which all students learn, practice and are assessed on developmentally appropriate skills and knowledge necessary for lifelong, health-enhancing physical activity.
- A comprehensive physical education course of study that focuses on providing students the skills, knowledge and confidence to participate in lifelong, health-enhancing physical activity shall be implemented.
- A varied and comprehensive curriculum that promotes both team and individual activities and leads to students becoming and remaining physically active for a lifetime shall be provided in the physical education program.

- Adequate amounts of planned instruction shall be provided in order for students to achieve the proficient level for the Health, Safety and Physical Education academic standards.
- A local assessment system shall be implemented to track student progress on the Health, Safety and Physical Education academic standards.
- Students shall be moderately to vigorously active as much time as possible during a physical education class. Documented medical conditions and disabilities shall be accommodated during class.
- Safe and adequate equipment, facilities and resources shall be provided for physical education courses.
- Physical education shall be taught by certified health and physical education teachers.
- Appropriate professional development shall be provided for physical education staff.
- Physical education classes shall have a teacher-student ratio comparable to those of other courses for safe and effective instruction.
- Physical activity shall not be used or withheld solely as a form of punishment.

### **Other School Based Activities**

Safe drinking water shall be available and accessible to students, without restriction and at no cost to the student, at all meal periods and throughout the school day.

Nutrition professionals who meet hiring criteria established by the school and in compliance with federal regulations shall administer the school meals program. Professional development and continuing education shall be provided for school nutrition staff, as required by federal regulations.

- The school shall provide adequate space, as defined by the school, for eating and serving school meals.
- Students shall be provided a clean and safe meal environment.
- Students shall be provided adequate time to eat: ten (10) minutes sit down time for breakfast; twenty (20) minutes sit down time for lunch.
- The school shall implement alternative service models to increase school breakfast participation where possible, such as breakfast served in the classroom, “grab & go breakfast” and breakfast after first period to reinforce the positive educational, behavioral and health impacts of a healthy breakfast.
- Meal periods shall be scheduled at appropriate hours, as required by federal regulations and as defined by the school.

- Students shall have access to hand washing or sanitizing before meals and snacks.
- Access to the food service operation shall be limited to authorized staff.
- Nutrition content of school meals shall be available to students and parents/guardians.
- Students and parents/guardians may be involved in menu selections through various means, such as taste testing and surveys.
- To the extent possible, the school shall utilize available funding and outside programs to enhance student wellness.
- The school shall provide appropriate training to all staff on the components of the School Wellness policy.
- Goals of the School Wellness policy shall be considered in planning all school based activities.
- Fundraising projects submitted for approval shall be supportive of healthy eating and student wellness.
- Administrators, teachers, food service personnel, students, parents/guardians and community members shall be encouraged to serve as positive role models through school programs, communications and outreach efforts.
- The school supports the efforts of parents/guardians to provide a healthy diet and daily physical activity for children by communicating relevant information through various methods.
- The school shall maintain a healthy school environment, including air quality, to optimize conditions for learning and minimize potential health risks to students, in accordance with the school environmental health program and applicable laws and regulations.

### **Nutrition Guidelines for All Foods/Beverages at School**

All foods and beverages available in school during the school day shall be offered to students with consideration for promoting student health and reducing obesity.

Foods and beverages provided through the National School Lunch or School Breakfast Programs shall comply with established federal nutrition standards.

Foods and beverages offered or sold at school-sponsored events outside the school day, such as athletic events and dances, shall offer healthy alternatives in addition to more traditional fare.

*Competitive Foods –*

Competitive foods available for sale shall meet or exceed the established federal nutrition standards (USDA Smart Snacks in School). These standards shall apply in all locations and through all services where foods and beverages are sold to students, which may include, but are not limited to: a la carte options in cafeterias, vending machines, school stores, snack carts and fundraisers.

Competitive foods are defined as foods and beverages offered or sold to students on school campus during the school day, which are not part of the reimbursable school breakfast or lunch.

For purposes of this policy, school campus means any area of property under the jurisdiction of the school that students may access during the school day.

For purposes of this policy, school day means the period from midnight before school begins until thirty (30) minutes after the end of the official school day.

The school may impose additional restrictions on competitive foods, provided that the restrictions are not inconsistent with federal requirements.

#### *Fundraiser Exemptions –*

Fundraising activities held during the school day involving the sale of competitive foods shall be limited to foods that meet the Smart Snacks in School nutrition standards, unless an exemption is approved in accordance with applicable Board policy and administrative regulations.

The school may allow a limited number of exempt fundraisers as permitted by the Pennsylvania Department of Education each school year: up to five (5) exempt fundraisers in elementary and middle school buildings, and up to ten (10) exempt fundraisers in high school buildings. **Exempt fundraisers** are fundraisers in which competitive foods are available for sale to students that do not meet the Smart Snacks in School nutrition standards.

The school shall establish administrative regulations to implement fundraising activities in schools, including procedures for requesting a fundraiser exemption.

#### *Non-Sold Competitive Foods –*

Non-sold competitive foods available to students, which may include but are not limited to foods and beverages offered as rewards and incentives, at classroom parties and celebrations, or as shared classroom snacks, shall meet or exceed the standards established by the school.

If the offered competitive foods do not meet or exceed the Smart Snacks in School nutrition standards, the following standards shall apply



1. Rewards and Incentives: (CHOOSE ONE OF THE OPTIONS BELOW)

- a. Foods and beverages shall not be used as a reward or incentive in schools.
- b. Foods and beverages shall not be used as a reward for classroom or school activities unless the reward is an activity that promotes a positive nutrition message (e.g., guest chef, field trip to a farm or farmers market, etc.)
- c. \_\_\_\_\_other

2. Classroom Parties and Celebrations: (CHOOSE ONE OR MORE OF THE OPTIONS BELOW)

- a. Only non-food based parties and celebrations shall occur on the school campus during the school day in schools.
- b. Classroom parties/celebrations with food/beverages shall be limited to no more than one (1) per month in each classroom.
- c. Parents/Guardians shall be informed through newsletters or other efficient communication methods that foods/beverages should only be brought in when requested for scheduled parties.
- d. Classroom parties shall offer a minimal amount of foods (maximum 2-3 items) containing added sugar as the primary ingredient (e.g., cupcakes, cookies) and will provide the following:
  - i. Fresh fruits/vegetables; and
  - ii. Water, 100 percent juice, 100 percent juice diluted with water, low-fat milk or nonfat milk.
- e. When possible, foods/beverages for parties and celebrations shall be provided by the food service department to help prevent food safety and allergy concerns.
- f. Food celebrations shall not occur until thirty (30) minutes after the end of the last lunch period.
- g. \_\_\_\_\_other.

3. Shared Classroom Snacks: (CHOOSE ONE OF THE OPTIONS BELOW)

- a. Shared classroom snacks are not permitted in schools.
- b. \_\_\_\_\_other.

The school shall provide a list of suggested nonfood ideas and healthy food and

beverage alternatives to parents/guardians and staff, which may be posted via the school website, student handbook, newsletters, posted notices and/or other efficient communication methods.

### *Marketing/Contracting –*

Any foods and beverages marketed or promoted to students on the school campus during the school day shall meet or exceed the established federal nutrition standards (USDA Smart Snacks in School) and comply with established Board policy and administrative regulations.

Exclusive competitive food and/or beverage contracts shall be approved by the Board, in accordance with provisions of law. Existing contracts shall be reviewed and modified to the extent feasible to ensure compliance with established federal nutrition standards, including applicable marketing restrictions.

### **Management of Food Allergies in Schools**

The school shall establish Board policy and administrative regulations to address food allergy management in schools in order to:

1. Reduce and/or eliminate the likelihood of severe or potentially life-threatening allergic reactions.
2. Ensure a rapid and effective response in case of a severe or potentially life-threatening allergic reaction.
3. Protect the rights of students by providing them, through necessary accommodations when required, the opportunity to participate fully in all school programs and activities.

### **Safe Routes to School**

The school shall assess and, to the extent possible, implement improvements to make walking and biking to school safer and easier for students.

The school shall cooperate with local municipalities, public safety agency, police departments and community organizations to develop and maintain safe routes to school.

School administrators shall seek and utilize available federal and state funding for safe routes to school, when appropriate.

### **References:**

School Code – 24 P.S. Sec. 504.1, 701, 742, 1337.1, 1422, 1422.1, 1422.3, 1512.1, 1513

National School Lunch Program – 42 U.S.C. Sec. 1751 et seq.

School Breakfast Program – 42 U.S.C. Sec. 1773

Healthy, Hunger-Free Kids Act of 2010 – P.L. 111-296

National Food Service Programs, Title 7, Code of Federal Regulations – 7 CFR Part 210, Part 220

