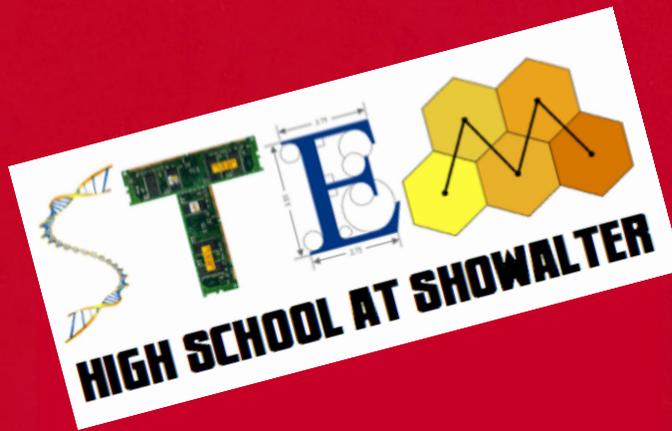
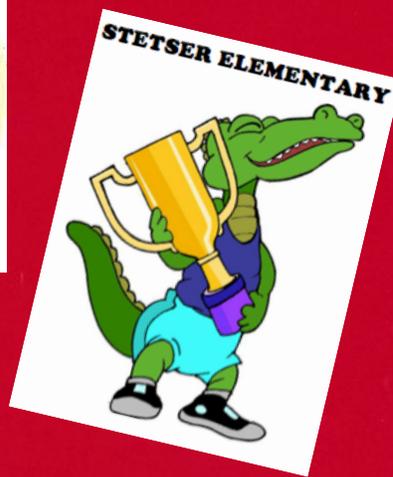
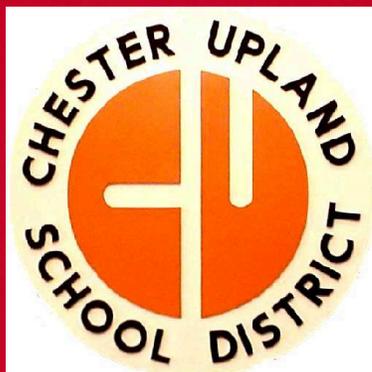




**TOBY FARMS  
INTERMEDIATE**



# Code of Student Conduct, 2014-2015

10.5" x 8" (26.7cm x 20.3 cm)

## **SECTION 1. INTRODUCTION**

### **1.1. Policy Statement**

The Chester Upland School District is committed to creating a safe and positive learning environment for all of our students, staff, parents, and community partners. The Chester Upland School District will work to ensure that all students and staff are well motivated, fully aware of their potential, and dedicated to lifelong learning as competent and productive citizens. The Chester Upland School District believes that all children can learn in a safe learning environment. The Chester Upland School District utilizes a range of activities to recognize, celebrate, and reward positive behavior at the classroom, school, and District levels.

With everyone's commitment to adhering to the Code of Student Conduct, we can all create a proper learning environment in the Chester Upland School District.

In addition to the Code of Student Conduct, the Chester Upland School District has various policies that govern conduct in the District. A copy of those policies can be obtained at 1720 Melrose Ave., Chester, PA, 19013.

### **1.2. Purpose of the Code of Student Conduct**

The Chester Upland School District has adopted the Code of Student Conduct to support the creation of a safe learning environment for all members of the school community. The purpose of the Code of Student Conduct is to clearly state our standards for acceptable conduct of students. The Code of Student Conduct also explains the consequences of not meeting these standards of conduct.

The Code of Student Conduct also sets forth the discipline procedures for the students who have committed violations of the Code of Student Conduct. The Code of Student Conduct is not meant to be a contract between the Chester Upland School District and the students, and may be amended at any time. It is a place for the Chester Upland School District to explain certain policies applicable to students.

**1.3. Scope of the Code of Student Conduct** - The Code of Student Conduct applies to any conduct that occurs:

**1.3.1** on school grounds at anytime;

**1.3.2** off school grounds at any school activity, function or event;

**1.3.3** off school grounds when the conduct may reasonably be expected:

**1.3.3.1** to undermine the proper disciplinary authority of the school;

**1.3.3.2** to endanger the safety of members of the school community; or

**1.3.3.3** to disrupt the school; and

**1.3.4** while traveling to and from school, including but not limited to actions on any school bus, van or public transportation.

#### **1.4. Equal Opportunity Statement**

The Chester Upland School District complies with all federal, state, and local laws, and provides an equal opportunity for all students. The Chester Upland School District prohibits discrimination in admission, grading, discipline, or any other activity based on race, creed, color, national origin, religion, ancestry, age, marital status, sexual orientation (known or perceived), gender identity expression (known or perceived), gender, handicap, nationality, or citizenship. All decisions of the Chester Upland School District will be administered without regard to any of the categories listed above.

#### **1.5. Language Access Statement**

Students and parents whose first language is other than English have the right to translation and interpretation services free of charge. If services are requested, by federal, state, and local law, the Chester Upland School District is obligated to provide language access services through qualified personnel.

#### **1.6. Glossary of Terms**

“Aggravated Assault” – an act that causes serious bodily injury, serious physical harm or creates substantial risk of serious physical harm to another member of school.

“Alternative Educational Setting” - a private, parochial school or a General Educational Development (GED) program.

“Behavior Performance Review” - a review of a regular education student’s academic and behavioral progress.

“Bullying” - engaging in behavior that prevents or discourages another student from exercising his/her right to education. Bullying behavior is defined as intentional hurtful behavior perpetrated repeatedly over a period of time in a relationship characterized by an imbalance of power (with regards to gender, physical or mental strength, social acceptance etc.). Such prohibited behavior includes the use of threats, coercion, repeated harassment, abuse, oppression, intimidation against students, school personnel, or school visitors or exclusion of anyone physically, psychologically, or sexually.

“Board” - the Chester Upland School District’s Elected Board of School Directors.

“Citizenship” - doing your share to make your school, community, and the world a better place. Taking responsibility for what goes on around you. Participating in community service. Helping take care of the environment. Being a good neighbor. Treating other people with respect and dignity. Using non-judgmental language that does not offend or demean. Following the rules of your family, your school, and your society. Showing concern for the success and safety of others; Doing the right thing, especially when it is difficult. Doing the right thing, even when no one is looking. Taking responsibility for your actions.

“Code” - the Code of Student Conduct.

“Comprehensive Student Assistance Process or CSAP” - state mandated K-12 student support process. It allows for identification, intervention, and follow-up for students experiencing barriers to learning.

“Corporal Punishment” - physically punishing a student for an infraction of the Code. Corporal Punishment is prohibited in the Chester Upland School District. Corporal Punishment does NOT include teachers’ and school authorities’ use of force (1) to quell a disturbance; (2) to obtain possession of weapons or other dangerous objects; (3) for the purpose of self-defense; or (4) for the protection of persons or property.

“Cyber-Bullying” - the bullying or harassing of another person and failing to stop when asked to do so by the other person. Cyber-Bullying will include but not be limited to: bullying of another person that occurs by use of electronic device through e-mail, instant messaging, text messaging, blogs, photos, video sharing, chat rooms, mobile phones, pagers, and websites causing substantial disruption to the school community.

“Detention” - the assignment of students to a classroom that is supervised by the principal or his/her designee after the regular school hours.

“Disability” - a physical or mental impairment that substantially limits one or more of the major life activities of an individual; a record of such an impairment; being regarded as having such an impairment; or a specific disability such as: autism, mentally disabled, specific learning disability, hearing impairment, speech/language impairment, visual impairment, serious emotional disturbance, orthopedic impairment, traumatic brain injury, or other health impairment.

“District” - the Chester Upland School District.

“Due Process Formal Hearing” - a hearing conducted by a committee, that has been appointed by the Receiver or by a hearing examiner.

“Due Process Informal Hearing” - a hearing that enables the student to meet with the principal or his/her designee to explain the circumstances surrounding the event for which the student is being suspended or to show why the student should not be suspended.

“Drugs” - any controlled substances and illegal substances, as well as “look-alikes” which are defined by 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.

“Expulsion” - the removal of a student from school for more than 10 days because the student has violated the Code of Student Conduct.

“Extortion” - the act of taking money from someone by force or by undue or illegal power/ingenuity.

“Gang” - any ongoing organization or group of people which has an identifiable name or identifying sign or symbol or whose members individually or collectively engage in or have engaged in a pattern of activity that endangers or disrupts the safety of the school or members of the school community.

“IEP” - an Individual Education Plan to support a student with disabilities who requires specially designed instruction and related services.

“In-School Suspension” – an exclusion from a classroom for disciplinary purposes that allow a student to remain under direct supervision of school personnel, but prohibits him or her from attending his or her regular classes.

“Insubordination” - the act of not obeying instructions or following the rules of authority.

“Manifestation Determination” - a review of a special education student’s program and disability to determine if misconduct is related to the disability.

“Member of the School Community” - includes, but is not limited to any student, parent/guardian, teacher, administrator, or employee of the Chester Upland School District or visitor at any school.

“NOREP” - a Notice of Recommended Educational Placement. This notice shall be presented to the parent/guardian of a child with a disability, and shall summarize the recommendations for the child’s educational program.

“Offensive” - vulgar, lewd, sexually, racially or ethnically derogatory, insensitive, or likely to disrupt the educational process.

“Out-of-School Suspension” – an exclusion from school and/or any school activity or function for a period of three to 10 days.

“Plagiarism” - the act of stealing and passing off as one’s own ideas and work that in fact was derived from an existing source or a source other than one’s own.

“Possession” - physical control over property (whether lost, found, or stolen), such as clothing, lockers, or bags and the contents contained therein.

“SAP Team” - a Student Assistance Program team that is housed in each school to help students with problems including substance abuse problems.

“School Grounds” - any property owned or utilized by the Chester Upland School District or property utilized by any vendor under contract with the Chester Upland School District.

“School Privileges” - any school-related activity or program including but not limited to graduation ceremonies, class trips, dances, sport teams, clubs, or recess.

“Serious Incident Form” - a form used by the Chester Upland School District in documenting incidents and recommending expulsion.

“Service Agreement” - accommodations needed by a student with disabilities to access the curriculum and/or school environment.

“Trespass” - the entrance onto school grounds when prohibited.

“Weapon” - includes any of the following but not limited to: any knife, cutting instrument, cutting tool, nunchak, firearm, shotgun, rifle, scissors, and any other tool, instrument or object used to or intended to be used to inflict serious bodily injury on another Member of the School Community. This definition includes, but is not limited to, the use or intended use of pepper spray; mace; simulated weapons or laser pointer to inflict serious bodily injury on another Member of the School Community.

## SECTION 2. STUDENT INFRACTIONS AND CONSEQUENCES

### 2.1. Appropriate Interventions/Responses for Violations of the Code of Student Conduct

The following tables are meant to provide a menu of appropriate interventions/responses that can be used alone or in combination in response to a single offense. For example, for a single violation of Rule 1, a student may be required to write a journal entry and an apology, meet with his/her parent and be assigned an adult mentor. **Except as described below, a principal may impose other interventions not listed in this table as deemed appropriate by the principal.**

#### LEVEL I Rules and Interventions

<b>Level I Disciplinary Procedures</b>	
<p>Immediate intervention by a staff member (usually the teacher) who supervises the student, or who observes the students' misconduct. Staff member uses penalty options for Level I as a guide. Level I violations are recorded by referrals.</p>	
<p><b>Repeated Level I violations will move up to Level II Rules and Interventions</b></p>	
Rule	Classroom-based Interventions
<p>Rule 1. Prohibition of Disruption of School*</p>	<p>Discuss the incident with student                      Counseling or staff member-student conference                      Use educational/creative interventions (e.g. student writes a journal entry describing the offense and its consequences; parent signs journal entry; behavioral contract; instruct student to make a verbal or written apology to affected community members)                      Phone call and/or meeting with parent                      Time-out area in the classroom                      Assign student temporarily to different class                      Detention</p>
<p><i>* Note: If a student is late to school or late to class, the student can be prohibited from attending the class for which the student is late or the class in session at the time the student arrives at school. Students shall not be sent home for lateness. <b>Students shall not be Suspended for cutting class, lateness, or truancy.</b></i></p>	
<p><i>** Note: designated school staff shall conduct conflict management internally. Where necessary, however, the Chester Upland School District reserves the right to require a student to attend conflict management with an outside service provider.</i></p>	
<p>Rule 2. Prohibition of Offensive Language</p>	<p>Discuss the incident with student                      Counseling or staff member-student conference                      Use educational/creative interventions (e.g. student writes a journal entry describing the offense and its consequences; parent signs journal entry; behavioral contract; instruct student to make a verbal or written apology to affected community members)                      Phone call and/or meeting with parent                      Time-out area in the classroom                      Assign student temporarily to different class                      Detention</p>

Rule 3. Mandate of Academic Honesty	Discuss the incident with student Counseling or staff member-student conference Use educational/creative interventions (e.g. student writes a journal entry describing the offense and its consequences; parent signs journal entry; behavioral contract; instruct student to make a verbal or written apology to affected community members) Phone call and/or meeting with parent Time-out area in the classroom Assign student temporarily to different class Detention
Rule 4. Compliance with Dress Code:	Discuss the incident with student Provide appropriate attire to student for the day In-school suspension Detention Withdrawal of privileges Parent conference Require student to attend conflict management

### LEVEL II Rules and Interventions

<b>Level II Disciplinary Procedures</b>  Administrator investigates the problem, meets with the student, teacher/staff member as appropriate and then determines the appropriate disciplinary action. This shall include preparation of a serious incident report where appropriate.	
<b>Repeated Level II violations will move up to Level III Rules and Interventions</b>	
<b>Rule</b>	<b>Classroom-based Interventions</b>
Rule 4. Prohibition Against Nuisance Devices	Discuss the incident with student In-school suspension Detention Withdrawal of privileges Parent conference Require student to attend conflict management Out of school suspension (Possible)
Rule 5. Prohibition of Gang Colors and Symbols:	Discuss the incident with student Provide appropriate attire to student for the day In-school suspension Detention Withdrawal of privileges Parent conference Require student to attend conflict management Out of school suspension (Possible)
Rule 6. Prohibition of Indecent Exposure and Inappropriate Touching	Discuss the incident with student Refer student to appropriate family support services Instruct student to write letter of apology to the student, staff person & principal; parent signs letter Assign student temporarily to different class Assign student permanently to another class In-school suspension Detention

	<p>Require student to attend conflict management</p> <p>Withdrawal of privileges</p> <p>Parent conference</p> <p>Out of school suspension (Possible, depending on intent)</p>
Rule 7. Prohibition of Gambling:	<p>Discuss the incident with student</p> <p>Require restitution where appropriate</p> <p>Instruct student to write paper on the effects of gambling in society</p> <p>In-school suspension</p> <p>Detention</p> <p>Withdrawal of privileges</p> <p>Parent conference</p> <p>Out of school suspension</p>
Rule 8. Abuse of Computer or Internet Privileges:	<p>Discuss the incident with student</p> <p>Use educational/creative interventions (e.g. student writes a journal entry describing the offense and its consequences; parent signs journal entry; behavioral contract; instruct student to make a verbal or written apology to affected community members)</p> <p>Revoke student's computer &amp; internet privileges for 1 day</p> <p>Revoke student's computer &amp; internet privileges for 5 days</p> <p>Permanently revoke student's computer &amp; internet Privileges</p> <p>In-school suspension</p> <p>Detention</p> <p>Require student to attend conflict management</p> <p>Withdrawal of privileges</p> <p>Parent conference</p> <p>Out of school suspension (Possible, depending on intent)</p>

### **LEVEL III Rules and Interventions**

<p><b>Level III Disciplinary Procedures</b></p> <p>A serious incident is completed and forwarded to the Deputy Superintendent.</p>	
<p><b>Repeated Level III violations will move up to Level IV Rules and Interventions</b></p>	
<b>Rule</b>	<b>Classroom-based Interventions</b>
Rule 11. Prohibition of Destruction and Theft of Property:	<p>Repair and/or clean up marred area/property</p> <p>Discuss the incident with student</p> <p>Instruct the student to write letter of apology to victim and principal; parent signs letter</p> <p>Require restitution where appropriate</p> <p>Withdrawal of privileges</p> <p>Out of school suspension – up to three days</p> <p>In school suspension</p> <p>Parent-teacher conference</p>
Rule 12. Prohibition of Reckless Endangerment:	<p>Discuss the incident with student</p> <p>Instruct student to write letter of apology to victim, staff person, principal; parent signs letter</p> <p>Use opportunity to explain safety to the entire class; have student develop safety posters to be posted in the classroom</p> <p>Assign student temporarily to different class</p> <p>Assign student permanently to another class</p> <p>Out of school suspension</p> <p>In school suspension</p> <p>Parent-teacher conference</p>
Rule 13. Prohibition of Threats:	<p>Discuss the incident with student</p> <p>Instruct student to write a letter of apology to victim, staff person</p>

	<p>and principal; parent signs letter</p> <p>Use the incident as an opportunity to explain threats and the feelings they invoke</p> <p>Assign student temporarily to different class</p> <p>Assign student permanently to another class</p> <p>Withdrawal of privileges</p> <p>Require student to attend conflict management</p> <p>Out of school suspension</p> <p>In school suspension</p> <p>Parent-teacher conference</p>
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Rule 14. Prohibition of Fighting	<p>Discuss the incident with student</p> <p>Instruct student to write letter of apology to other student, staff person and principal; parent signs letter</p> <p>Assign student to mediation, conflict resolution, or refer student to anger management</p> <p>Assign student temporarily to different class</p> <p>Assign student permanently to another class</p> <p>Withdrawal of privileges</p> <p>Require student to attend conflict management</p> <p>Out of school suspension</p> <p>In school suspension</p> <p>Parent-teacher conference</p>
Rule 15. Prohibition of Simple Assault:	<p>Discuss the incident with student</p> <p>Instruct student to write letter of apology to victim, staff person &amp; principal; parent signs letter</p> <p>Assign student to mediation, conflict resolution, or refer student to anger management</p> <p>Assign student temporarily to different class</p> <p>Assign student permanently to another class</p> <p>Withdrawal of privileges</p> <p>Require student to attend conflict management</p> <p>Out of school suspension</p> <p>In school suspension</p> <p>Parent-teacher conference</p>
Rule 16. Prohibition of Drugs or Alcohol:	<p>Confiscate prohibited products</p> <p>Discuss the incident with student</p> <p>Instruct student to write about the use and abuse of drugs and alcohol;</p> <p>Refer student to drug treatment program (where available)</p> <p>Refer student to SAP</p> <p>Report the incident to the police</p> <p>Out of school suspension</p> <p>Parent-teacher conference</p> <p>Expulsion</p>
Rule 17. Prohibition of Voluntary Sexual Acts:	<p>Suspension</p> <p>Board hearing</p> <p>Transfer student to another school in the district</p> <p>Refer to appropriate family support services</p> <p>Expulsion</p>

### LEVEL IV Rules and Interventions

<b>Level IV Disciplinary Procedures</b>	
<p>Call the police and report the incident. The police shall determine if an arrest(s) should be made. Call the Deputy Superintendent as soon as possible and report the incident. Call the parent or guardian immediately and report the incident. Complete and forward a Serious Incident form to the Deputy Superintendent by the end of the workday.</p>	
<b>Rule</b>	<b>Classroom-based Interventions</b>
Rule 16. Prohibition of Destruction & Theft of Property:	Suspension –three or more days Board hearing Transfer student to another school in the district Expulsion Report incident to police (where appropriate)
Rule 17. Prohibition of Bullying and Serious Threats:	Suspension Board hearing Transfer student to another school in the district Expulsion Report incident to police (where appropriate)
Rule 18. Prohibition of Sexual Assault:	Suspension Board hearing Transfer student to another school in the district Expulsion Report incident to police (where appropriate) Refer to appropriate family support services
Rule 19. Prohibition of Assault on School Personnel:	Suspension Board hearing Transfer student to another school in the district Expulsion Report incident to police (where appropriate)
Rule 20. Prohibition of Aggravated Assault:	Suspension Board hearing Transfer student to another school in the district Expulsion Report incident to police (where appropriate)
Rule 21. Prohibition of Robbery:	Suspension Board hearing Transfer student to another school in the district Expulsion Report incident to police (where appropriate)
Rule 22. Prohibition of Possession of a Weapon:	Suspension Board hearing Expulsion Report incident to police
Rule 23. Prohibition of Distribution of Drugs or Alcohol:	Suspension Board hearing Transfer student to another school in the district Expulsion Report incident to police (where appropriate)
Rule 24. Prohibition of Placing Another in Danger:	Suspension Transfer student to another school in the district Expulsion Report incident to police (where appropriate)
Rule 25. Prohibition of Harassment	Suspension Transfer student to another school in the district Expulsion Report incident to police (where appropriate)

## **SECTION 3. DISCIPLINE PROCEDURES**

### **3.1 Procedures for Expulsions**

**3.1.1.** Exclusion of students from school for more than ten (10) days is an expulsion from school. Only the Board can expel a student. Any student who commits an infraction that requires Expulsion shall be afforded a formal Board hearing.

**3.1.2.** When deemed appropriate, the student shall be transferred into the Alternative Education Program and the parent/guardian shall be advised of this determination pending the outcome of the Expulsion hearing.

**3.1.3.** When not deemed appropriate, during the period prior to the expulsion hearing, the student is either on a suspension of ten (10) days or less or is placed in his or her regular class, unless, at the informal hearing held by the principal, it is determined that continued placement in school constitutes a threat to the health, welfare, or safety of others. In that case, a request to the Deputy Superintendent to extend the suspension can be made.

**3.1.3.1.** In such cases, the principal shall provide a report to the Deputy Superintendent confirming that the possible extension of the suspension has been discussed with the parent/guardian and the student at the informal due process hearing and provide the Deputy Superintendent with the facts and reasons for the extension.

**3.1.3.2.** If circumstances justify the extension beyond ten days for the informal due process hearing, the Deputy Superintendent shall inform the parent/guardian and the student in writing of the extension beyond ten days. The parent/guardian shall have the right to request a hearing with the Deputy Superintendent concerning the reasons for the extension.

**3.1.3.3.** The formal hearing may not be unreasonably delayed. An unreasonable delay occurs where the hearing cannot be held in a second ten day extended period. In such cases, the student must return to school.

**3.1.4.** Expulsion from the schools in the Chester Upland School District requires a formal hearing before the Governing Board. A majority vote of the entire Board is required to expel a student (Board members shall have been present at the hearings or have reviewed the notes of testimony). The student:

**3.1.4.1.** And his/her parent or guardian shall receive notification of the charges and the time and place of the hearing by certified mail;

**3.1.4.2.** Shall receive sufficient notice of the time and place of the hearing (at least three days in advance of the hearing). A copy of the expulsion policy, notice that legal counsel may represent the student, and hearing procedures shall be included in the hearing notice. A student may request the rescheduling of the hearing when the student demonstrates good cause for an extension.

**3.1.4.3.** Shall receive a private hearing, unless the student or parent requests a public hearing;

**3.1.4.4.** May be represented by counsel at the parent/guardian's expense;

**3.1.4.5.** Has the right to be presented the names of witnesses against the student and copies of the statements and affidavits of those students;

**3.1.4.6.** Has the right to request that any such witness appear in person and answer questions or be cross-examined; Has the right to testify and present witnesses on his or her own behalf;

**3.1.4.7.** Has the right to a copy of the transcript of the hearing;

**3.1.4.8.** Shall have the proceedings concluded within 15 school days of the notification of charges, unless mutually agreed by both parties. However a hearing may be delayed for any of the following reasons, in which case the hearing shall be held as soon as is reasonably possible:

**3.1.4.8.1** Laboratory reports are needed from law enforcement agencies.

**3.1.4.8.2.** Evaluations or other court or administrative proceedings are pending due to a student invoking his or her rights under the Individuals with Disabilities Education Act.

**3.1.4.8.3.** In cases in juvenile or criminal court involving sexual assault or serious bodily injury, delay may be necessary due to the condition or best interests of the victim.

**3.1.4.9.** Shall receive notice of any expulsion decision and shall have the opportunity to appeal such decision.

**3.1.4.10.** Shall not be excluded from school for longer than fifteen (15) school days without a formal hearing unless mutually agreed upon by both parties. Any student so excluded shall be provided with alternative education. It shall be the responsibility of the principal to monitor the length of suspensions and compliance with this requirement.

**3.1.4.11** The parents of a student that is expelled must make reasonable efforts to find an alternative educational program for the student such as a private or parochial school or a G.E.D. program.

**3.1.4.12** If the family is unable to find an alternative placement within thirty (30) days, they must notify the school district in writing. The school district will then, within ten days of receipt of the notification, make some reasonable provision for the student's education.

## **3.2. Procedures for Special Education Discipline**

**3.2.1.** Suspensions for Special Education students identified as Intellectually Disabled ("MR"). Generally, intellectually disabled students may not be suspended or expelled. The Chester Upland School District can only suspend students identified as Intellectually Disabled with either (a) written agreement of the parent (signed Notice of Recommended Educational Placement (NOREP)) or (b) in an emergency where the student represents an immediate danger to self or others and with the written approval of the Bureau of Special Education of the Pennsylvania Department of Education. In such cases, the student may not be excluded for more than ten (10) cumulative school days in a school year. "Immediate danger to self or others" does not normally include fighting or generally disruptive behavior. The conduct must result in substantial injury to person or property or such injury must be imminent and the danger real.

**3.2.2** Consent of the Parent. The parent or guardian can sign a NOREP agreeing to the exclusion of an intellectually disabled student. However, there must be a re-evaluation of the student and a completion of the IEP process in order to provide the student with an appropriate educational program while excluded from school pursuant to the NOREP. The re-evaluation and IEP process is not required where a mentally retarded student is reassigned within their school to an alternative program where the student's full IEP can be implemented with the consent of a parent/guardian.

**3.2.3.** Suspensions, Expulsion and Transfer for All Other Disabled Students. The Chester Upland School District may suspend students with disabilities and cease educational services for up to ten consecutive school days or fifteen (15) cumulative school days in one school year without providing special education procedural safeguards.

**3.2.3.1.** The Chester Upland School District will provide the following safeguards for other disabled students referred for expulsion, transfer to another school for discipline reasons, or Suspension for more than five (3) days, or for more than ten (10) cumulative days:

- a. Written notice to the parent/guardian of the recommended disciplinary action and the date of an Individualized Education Program (IEP) meeting;
- b. A Manifestation Determination meeting convened by the IEP team within 10 days of the misconduct with the parents having been invited;
  - i. Manifestation Determination. The manifestation determination requires that the IEP Team determine if the conduct is a manifestation of the student's disability using the following criteria:
    - 1. evaluations and diagnostic results or other relevant information supplied by the parent or guardian of the child;
    - 2. observations of the child;
    - 3. the child's IEP and placement;
    - 4. a determination of whether the behavior was caused by, or directly and substantially related to, the student's disability?
    - 5. a determination that the supplementary aides and services, and behavior intervention strategies were provided consistent with the child's IEP and placement;
    - 6. a determination that the student's disability did not impair the ability of the child to understand the impact and consequences of the behavior subject to the disciplinary actions; and
    - 7. a determination that the student's disability did not impair the ability of the child to control the behavior subject to the disciplinary action.
- c. If the IEP team answers "yes" to either question, and therefore determines that the behavior is a manifestation of the student's disability, the proposed disciplinary action is voided and the team must immediately take steps to remedy any and all deficiencies in the IEP. A functional behavioral assessment (FBA) must be conducted and a positive behavior support plan must be implemented. If an FBA and a positive behavior support plan were completed, then the IEP team must review and modify them as necessary.
- d. If the student's behavior is NOT a manifestation of Disability:
  - i. The student may be referred to the Deputy Superintendent for an informal Due Process Hearing for placement in the alternative program or to the Board for an expulsion hearing;
  - ii. The normal due process procedures outlined in Code sections 4.5. and 4.6 shall be followed;
  - iii. Not later than the day on which the decision to take disciplinary action is made, the school notifies the parent or guardian of the action and of their rights under federal and state law;
  - iv. The parent or guardian shall also be notified of the right to appeal the determination of the IEP team. While any appeal is pending, the Chester Upland School District may not take further disciplinary action against the student until the issue has been resolved; and
  - v. If the result of the manifestation determination is that the conduct is not a manifestation of the child's disability then the disciplinary procedures applicable to children without disabilities may be applied to the child in the same manner in which they would be applied to children without disabilities.
- e. The IEP team shall issue a NOREP with the results of the Manifestation Determination.
- f. The IEP team shall determine the appropriateness of an interim transfer to another school or an alternative educational program and, as indicated, include in the IEP those services and modifications that will enable the student to continue to participate in the general curriculum and address the behavior so that it will not recur;
  - i. Transfer to an alternate education setting requires prior approval of a state due process hearing officer.

- ii. Not later than the day on which the decision to take disciplinary action is made, the school should notify the parent or guardian of the action and of their rights under federal and state law.
- g. If the parent or guardian requests a due process hearing, the alternative placement shall be limited to 45 days. The Chester Upland School District may ask for an expedited hearing where it is dangerous for the student to remain in the current placement and request the Hearing Officer to order a 45 day interim placement if the student is substantially likely to cause injury to self or others. The Hearing Officer may approve a change in placement to an appropriate alternative setting for not more than 45 days.
- h. If the student's behavior is NOT a manifestation of Disability:
  - i. The student may be referred to the Deputy Superintendent for an informal Due Process Hearing for placement in the alternative program or to the Board for an expulsion hearing;
  - ii. The normal due process procedures outlined in Code sections 4.5. and 4.6 shall be followed;
  - iii. Not later than the day on which the decision to take disciplinary action is made, the school notifies the parent or guardian of the action and of their rights under federal and state law;
  - iv. The parent or guardian shall also be notified of the right to appeal the determination of the IEP team. While any appeal is pending the District may not take further disciplinary action against the student until the issue has been resolved; and
  - v. If the result of the manifestation determination is that the conduct is not a manifestation of the child's disability then the disciplinary procedures applicable to children without disabilities may be applied to the child in the same manner in which they would be applied to children without disabilities.
- i. Interim Alternative Placement. A student with a disability who violates either the weapons or controlled substances provisions of this section may be placed by school personnel unilaterally in an interim alternative placement for the same period that a non-disabled student would be excluded from school for the same offense or for not more than forty-five (45) calendar days, whichever is less, provided that:
  - i. The student receives an Informal Due Process Hearing and is provided with the opportunity with the opportunity to respond to the allegations;
  - ii. The IEP Team develops the program for the alternative placement;
  - iii. Not later than the day on which the decision to take disciplinary action is made, the school notifies the parent or guardian of the actions and of their rights under federal and state law;
  - iv. Within ten (10) days of taking the disciplinary action, the IEP team develops a plan for conducting a functional behavioral assessment of the child, if one has not occurred already;
  - v. After conducting the functional behavioral assessment or any other required assessments, the team develops a behavioral intervention plan addressing the conduct in question or reviews the current behavioral intervention plan for modification; and
  - vi. Within ten (10) days of the date on which the decision to impose discipline is made, the team conducts a Manifestation Determination.

Students with disabilities, even if expelled, must be provided with a free and appropriate education.

### **3.3. Arrests, Juvenile Justice and Criminal Justice Consequences for Violating the Code of Student Conduct**

In addition to the interventions specified by the Code of Student Conduct, violations that also constitute delinquent or criminal conduct under the Juvenile Act and the Pennsylvania Crimes Code may subject the student to arrest and/or prosecution in Family or Adult Criminal Court. Special education and disciplinary records of a student shall be supplied to appropriate authorities. An arrest on school property during the regular school day at the request of school personnel is a suspension. An arrest by police for conduct observed by them on school property during the regular school day cannot be prevented by the Chester Upland School District. If school personnel observed the conduct, then the principal may report the conduct to the police who can arrest the student.

## **SECTION 4. POLICIES**

### **4.1. Anti-Discrimination & Anti-Harassment Policy**

The Chester Upland School District maintains a firm policy prohibiting all forms of discrimination and harassment. As such, students have a right to learn in an environment free from harassment and discrimination.

Students have a right to learn in an environment free from harassment and discrimination. Harassment is defined as a demand for a sexual favor or any conduct which harasses, threatens, intimidates or otherwise creates a hostile school environment because of someone's gender, age, race, color, sexual orientation (known or perceived), gender identity expression (known or perceived), national origin, religion, disability, socioeconomic status, and/or political beliefs. Discrimination is defined as treating an individual differently because of someone's gender, age, race, color, sexual orientation (known or perceived), gender identity expression (known or perceived), national origin, religion, disability, socioeconomic status, and/or political beliefs. This list of bases is not all-inclusive.

If a student feels as though he or she is a victim of discrimination or harassment, he or she shall report such conduct. Upon such complaint, the Chester Upland School District shall investigate the complaint thoroughly and completely. To the extent possible and allowed by law, the Chester Upland School District will maintain confidentiality within the confines of the investigation or the alleged prohibited behavior. All parties will be treated with dignity and the Chester Upland School District will not retaliate against anyone making a report.

Nothing contained in this policy prevents a student from contacting the police if the matter involves an alleged criminal offense. If a student has any question regarding the Anti-Harassment Policy, he or she should contact his or her principal.

### **4.2. Grievance/Complaint Policy**

#### **4.2.1. Informal Complaint Procedure.**

- a. If a student believes that he or she has been harassed or discriminated against or has knowledge that another has been harassed or discriminated against the student should contact his or her principal to report the conduct.
- b. Should the principal be the person accused of the harassment or discrimination or should the student feel that the principal is in some way responsible for the harassment or discrimination; the student should report the conduct to the Deputy Superintendent.

#### **4.2.2. Formal Grievance Policy.** The Chester Upland School District has a grievance procedure for students to report harassment, discrimination or bullying committed by another member of the school community. Students should fill out and submit the necessary form. In addition, students are reminded to report incidents by calling their principal or any other representative of the Chester Upland School District. The following is a copy of the procedure:

- a. The complainant reports to the principal or the principal's designee or other Chester Upland School District representative and receives the grievance report.

- b. The complainant completes a Grievance Form. If the complainant needs or requests language assistance to complete the form, the school or office receiving the form must make the proper arrangements for interpretation and translation services.
- c. A signed copy of the form should be given to the complainant by the School District employee to whom the grievance was reported.
- d. A copy should be given to the principal.
- e. The principal shall conduct an investigation **within 48 hours** and take appropriate action.
- f. The principal shall ensure that a serious incident report is filed, and attach the Grievance Form to the school's copy of the Incident Follow-Up Report.
- g. The principal must provide a copy of the Grievance Form and the Incident Follow-Up Report to the District's Title IX Coordinator.
- h. If the allegation is against the principal, the Deputy Superintendent or designee will conduct an investigation **within 48 hours** and take appropriate action as outlined above.

### **4.3. Locker Search Policy**

The Chester Upland School District acknowledges the need for safe in-school storage of books, clothing, school materials and other personal property necessary for school and may provide lockers and cabinets for such storage.

All lockers are and shall remain the property of the Chester Upland School District. However, students have no expectation of privacy in such desks, lockers, or storage areas. Students may not share lockers and are encouraged to keep their assigned lockers or cabinets closed and locked against incursion by other students, but no student may use a locker as a depository for anything of value or a substance or object which is prohibited or which constitutes a threat to the health, safety or welfare of the occupants of the school building or the building itself. Students may not change or replace the lock assigned to them by the school. The school shall keep copies of the combinations of the assigned locks.

The Chester Upland School District authorizes its employees to inspect a student's locker for general inspections periodically or whenever such employee has reason to believe that the locker is improperly used for the storage of contraband, a substance or object the possession of which is illegal, or any material which poses a hazard to the safety and maintenance of order in the schools. Items that are illegal, unauthorized, or related to a disciplinary violation may be seized. The parent or guardian shall be notified of any items seized. The principal or designee shall notify the student assigned to the locker the opportunity to be present during the search. However, where school authorities have a reasonable suspicion that the locker contains materials that pose a threat to the health, welfare, or safety of students in the school, student's lockers may be searched without prior warning. If the student is present they shall be informed of the search. If they are not present they shall be informed of the search thereafter.

### **4.4. Student Search Policy**

Student entry upon Chester Upland School District property is permitted for purposes of education and related activities. Students on Chester Upland School District property are not permitted to carry on their person or otherwise have in their possession illegal or unauthorized items.

The Chester Upland School District may search a student's person or possessions at any time upon reasonable suspicion that the student possesses items that are illegal, unauthorized, or related to a disciplinary violation. The Chester Upland School District may seize such items. Only items directly necessary, proper, and appropriate for daily school activities, studies, extra-curricular activities, or travel to and from school are authorized to be in a student's possession when on District property.

Searches of a student's person (including jackets, purses, pockets, bags, and back packs) shall be performed in the presence of at least two (2) security or staff persons, who shall be present at all times and shall be of the same gender as the student searched. The search of a student's person shall be made in the least offensive manner possible under the circumstances. Under no circumstances may a strip search or body searched be employed. Only a person duly authorized for that purpose by the Principal or Assistant principal or by the Chester Upland School District's Superintendent or Deputy Superintendent shall make the search of a student's person. The administrator must:

- a. Be able to articulate the reason for his or her suspicion and the facts and/or circumstances surrounding a specific incident;
- b. Be able to reasonably connect the student to a specific incident, crime or rule or statute violation;
- c. Have relied on recent, credible information from personal knowledge and/or other eyewitnesses; and
- d. Ensure that a search based on reasonable suspicion is not excessively intrusive in light of the student's age and gender and the nature of the offense.

Items seized as a result of searches of a student's locker, desk, person or possessions may be used as evidence against a student in a disciplinary proceeding and may be turned over to law enforcement officials if the commission of a crime is suspected or if identification or verification of the nature of the items is necessary. Unauthorized items that are not permitted in the school, but are not illegal, are subject to seizure.

In addition, random metal detector searches are permissible for the detection of weapons. Random use of metal detectors is appropriate only if:

- a. The method of selection of students to be searched is genuinely random.
- b. Students selected to participate in random metal detector searches are selected without regard to personally identifiable characteristics such as race, gender, surname, group affiliation, or past history of misconduct (i.e., selection is random).
- c. The searches are minimally intrusive.
- d. School officials provide parents and students with advanced and detailed notice of the random metal detector search procedures

If, as a result of a metal detector search, reasonable suspicion arises that a particular student may have a weapon, school officials may conduct a search of that student, in a private area, in accordance with the above guidelines for reasonable suspicion searches.

#### **4.5. Beepers, Cell Phones and Telephonic Devices Policy**

The Chester Upland School District prohibits the possession and use of telephonic paging devices, or pagers, on school grounds, at school-sponsored activities, and on buses or other vehicles provided by the Chester Upland School District. In addition, the Chester Upland School District prohibits students from using personal cell phones on school grounds during school hours. The principal has the authority to address issues that are disruptive to the academic environment that may arise from the improper use of telecommunication devices.

#### **4.6. Student Expression Policy**

Students have a right to freedom of speech and may participate in political or free speech activities while on school campus. Students may distribute literature reflective of their views and opinions. Students may assemble on campus during non-instructional time to discuss their views and opinions and may participate in peaceful demonstrations on campus during non-instructional periods. Students may exercise these rights as long as their speech, expression, or conduct is not obscene, lewd, libelous, or slanderous, or does not incite students to destroy property, encourage unlawful activity, or inflict injury upon any person or interfere with another individual's rights, or cause a substantial disruption to school.

Pennsylvania law permits school administrators to establish reasonable parameters for those students who wish to exercise their free speech rights on campus or during the school day. School administrators may impose restrictions on the time, place, and manner of those speeches or activities in order to maintain a safe and peaceful campus for all students and Chester Upland School District employees. Students, who fail to follow the directives of school administrators or Chester Upland School District policy concerning demonstrations, assemblies, sit-ins, etc., may be appropriately disciplined.

Students who voluntarily leave the school campus or the classroom during a demonstration will be directed to return to the campus or classroom. A student's refusal to adhere to this directive will result in the recording of an unexcused absence and may result in disciplinary action against the student. If the student demonstration or walkout causes a disruption to the general public, then local law enforcement may respond to the situation.

While the Chester Upland School District recognizes and respects a student's freedom of speech rights, Chester Upland School District employees shall not promote, endorse, or encourage students to participate in any student demonstration, distribution of materials, assembly, sit-in, or walkout.

#### **4.7. Internet and Computer Acceptable Use Policy**

Access and use of the Internet is for use in a regular instructional activity or to compile data necessary for research needed in the District schools or offices. It is the user's responsibility not to initiate access to material that is obscene, or inconsistent with the goals, objectives, policies, and the educational mission of the District.

Uses of the Internet include, but are not limited to:

- a. Research;
- b. Communication with other internet users as instructed by school faculty or staff;
- c. Connecting to campus network(s) for exploration, when instructed by school faculty or staff; and
- d. Posting of information for access by others as instructed by school faculty or staff.

Unacceptable uses of the Internet include, but are not limited to:

- a. Violating any state and/or federal law (i.e., copyright laws);
- b. Violating the Pennsylvania Education Code;
- c. Using profanity, obscenity, or other language that may be offensive to other users;
- d. Making personal attacks on other people, organizations, religions, or ethnicities;
- e. "Cyber-Bullying";
- f. Sending or posting false or defamatory information about a person, group, or organization which might injure the reputation of that person, group, or organization;
- g. Not respecting the privacy of a person by posting personal contact information, such as work or home address, telephone, e-mail address, photographs, or names, without obtaining prior permission from the person affected;
- h. Student information (as above) shall be posted ONLY WITH TEACHER AND PARENT PERMISSION, when this is necessary to receive information for instructional purposes;
- i. Forwarding personal communication without the author's prior consent;
- j. Using text, graphics, sound or animation in messages or the creation of web pages without displaying a notice, crediting the original producer of the material, and stating how permission to use the material was obtained;
- k. Using the resources of any Chester Upland School District Internet connection, including a connection from a campus network or through dial-up, to attempt unauthorized access to any other computer system, or to go beyond the users authorized access. This includes attempting

to log in through another person's account or access another person's files. It also includes any attempts to disrupt any computer system performance or destroy data on any computer system;

- l. Using the internet for commercial purposes, financial gain, personal business, produce advertisement, business service endorsement, or religious or political lobbying is prohibited;
- m. Using any Chester Upland School District connection, from a campus network or through dial up access, to get an e-mail account or Web page hosting privileges on another service provider.

## **4.8. Attendance Policy**

### **I. Attendance**

#### **A. Compulsory Attendance Requirements**

Compulsory school age refers to the period of a child's life from the time the child enters school as a beginner, which may be no later than eight years of age, until the age of seventeen or graduation from a high school, whichever occurs first. It is mandatory for all children of compulsory school age having a legal residence in Pennsylvania to attend a day school in which the subjects and activities prescribed by the Standards of the State Board of Education are taught in the English language, except in the following situations found in sections 1327, 1327.1, 1329, and 1330 of the Pennsylvania School Code:

1. Attendance at a private trade school or private business school continuously through the entire term congruent with the school term of the resident school district and that meets the requirements set forth by the State Board of Education or the State Board of Vocational Education when:
  - The child is 15 and has approval from the District Superintendent and
  - The child is 16 and has approval from the District Superintendent.
2. Attendance at a school operated by a bona fide church or other religious body which provides a minimum of 180 days of instruction or 900 hours of instruction per year at the elementary level or 990 hours per year of instruction at the secondary level.
3. Privately tutored or home school students provided a minimum of 180 days of instruction or 900 hours of instruction per year at the elementary level or 990 hours per year of instruction at the secondary level.
4. Children who are 16 and regularly engaged in useful and lawful employment during the school session with a valid employment certificate. The Department of Education's opinion is that "regularly engaged" means 35 or more hours per week of employment.
5. Children who have been examined by an approved professional and identified to be unable to profit from further public school attendance and excused by the school board.
6. Children who are 15 who hold a permit approved by the school district to engage in farm work or domestic service in a private home.
7. Children who are 14 and satisfactorily completed the equivalent of the highest grade of elementary school in their district who hold a permit approved by the Secretary of Education to engage in farm work or domestic service in a private home.

## **SECTION 5. RIGHTS AND RESPONSIBILITIES OF STUDENTS, PARENTS/GUARDIANS AND SCHOOL ADMINISTRATION**

### **5.1. Responsibilities of Students**

All students share with the administration and faculty a responsibility to develop a safe learning environment within the school. Students shall have the responsibility to:

- 5.1.1. Be on time and attend school daily;
- 5.1.2. Be prepared for class and put forth conscientious effort towards the completion of classroom work and homework;
- 5.1.3. Make up exams and work missed while suspended;
- 5.1.4. Have knowledge of and conform to school rules, policies, regulations and applicable laws as set forth in the Code of Student Conduct or by the Board, school administrators, or teachers;
- 5.1.5. Dress and groom in conformity with the dress code and SECTION 3, Rule 5;
- 5.1.6. Not use indecent, obscene or foul language; respect the authority of all school personnel and the rights of all students;
- 5.1.7. Behave responsibly and respectfully to other students, teachers, school personnel, visitors and guests at school or school related events;
- 5.1.8. Show good sportsmanship while participating in school related events; and
- 5.1.9. Report incidents or activities that may threaten or disrupt the school environment to a staff member.

### **5.2. Rights of Students**

Students shall have the right to:

- 5.2.1. A Free Appropriate Public Education (FAPE) if the student is between the ages of 6 and 21 years of age;
- 5.2.2. Not be excluded from public schools or from school privileges because the student is married, pregnant, has a disability, is eligible for special education services and programs or because of race, gender, color, religion, sexual orientation (known or perceived), gender identity expression (known or perceived), or national origin;
- 5.2.3. Not be subject to corporal punishment;
- 5.2.4. Be afforded the discipline procedures set forth in Section 4; and
- 5.2.5. Request and receive interpretation and translation assistance for school-related matters if English is not their primary language.

### **5.3. Responsibilities of Parents/Guardians**

Parents/guardians shall have the responsibility to:

- 5.3.1. Ensure that their child/children between the ages of 8 and 17 enrolled in schools in the Chester Upland School District attend school regularly, on time, and for the whole school day in accordance with the laws of the State of Pennsylvania. **If a child enrolls in school prior to**

**the age of 8, the child becomes of compulsory school age and must continue to attend school;**

- 5.3.2. Ensure that their child/children who are younger than 8 years old, but have been enrolled in school, attend school regularly and on time, and for the whole school day in accordance with the laws of the State of Pennsylvania;
- 5.3.3. Enroll their child in a non-district school if he or she is expelled from the Chester Upland School District;
- 5.3.4. Notify and provide proof to the Chester Upland School District, within 30 days of the expulsion, if they cannot provide placement in a non-District school for the child;
- 5.3.5. Stay in regular contact with the school concerning their child's conduct and progress and present to school officials any concern or complaint in a calm, reasoned manner;
- 5.3.6. Work with the school on academic, disciplinary or other related matters pertaining to their child/children and attend and participate in disciplinary proceedings or school conferences pertaining to their child/children;
- 5.3.7. Plan the time and place for homework assignments and provide necessary supervision;
- 5.3.8. Talk with their child about school activities and inform, instruct and assist their child to act responsibly in accordance with expected behavior;
- 5.3.9. Know the rules set forth in this Code and review the rules with their child; and
- 5.3.10. Ensure that their child receives the periodic student health examinations that are required by law.

#### **5.4. Rights of Parents/Guardians**

Parents/guardians shall have the right to:

- 5.4.1. Receive regular official reports of their child's academic progress;
- 5.4.2. Inspect, copy, and challenge according to the appropriate guidelines any and all information contained in their child's records;
- 5.4.3. Receive an explanation for the basis of any grade given by the teacher;
- 5.4.4. Receive a prompt report of their child's tardiness or absence from one or more classes;
- 2.4.5. Request a conference with the teacher and/or the principal;
- 2.4.6. Receive translations and/or interpretations of any written or verbal communications regarding their child and their child's education;
- 5.4.7. Receive all correspondence in the family's preferred language if not English, unless it is an infrequently encountered language, in which case an oral sight translation will be offered and delivered by a bilingual staff person;
- 5.4.8. Bring, or have the Chester Upland School District provide a translator during disciplinary conferences or hearings, when the school observes that a parent or student is not a native English speaker or has a significant difficulty communicating in English;
- 5.4.9. Receive reasonable accommodations for any disability to have access to participate in their child's education, to the extent all parents are permitted to participate, upon request for such accommodation and proof of medical necessity.

## **5.5. School Responsibilities**

School administrators and teachers have the responsibility to:

- 5.5.1.** Be knowledgeable of and adhere to school, Chester Upland School District and State rules, regulations and laws pertaining to the education of students; teach and positively reinforce rules and regulations concerning student conduct;
- 5.5.2.** Inform students, parents/guardians, and staff of the responsibilities, rights, expectations and procedures set forth in the Code of Student Conduct;
- 5.5.3.** Maintain discipline in the school and at school related activities in a fair, consistent, firm, and equitable manner and conduct disciplinary hearings and conferences in an impartial, objective and professional manner;
- 5.5.4.** Encourage and facilitate parental participation in school related activities, cooperation, and communication with the school;
- 5.5.5.** Permit students to make up exams and work missed while suspended; and hold students accountable for disorderly conduct in school/on school grounds;
- 5.5.6.** Attempt to resolve problems, including disciplinary problems by every reasonable means at the school level, involving the student, appropriate staff, and parents or guardians. Address rule violations with multiple strategies.

## **5.6. Central Administration Responsibilities**

Central administration shall have the responsibility to:

- 5.6.1.** Support schools and their staff in executing their responsibilities;
- 5.6.2.** Be knowledgeable of all policies set forth and periodically update rules and regulations to conform with applicable laws;
- 5.6.3.** Provide professional development opportunities to staff;
- 5.6.4.** Coordinate disciplinary hearings referred for Board review and action; and
- 5.6.5.** Periodically update rules and regulations pertaining to the education of all students.

**APPENDIX**  
**Chester Upland School District Anti-Bullying Policy**

It is the policy of the Chester Upland School District to maintain a learning environment that is free from harassment or bullying based on an individual's real or perceived race, color, sex, religion, creed, political belief, age, national origin, linguistic or language differences, sexual orientation, gender identity/expression (this includes gay, lesbian, bisexual, and transgendered students), socioeconomic status, neighborhood or public housing affiliation or status, special education designation, parental status, or physical, mental, or sensory disability.

The protections offered by this policy are not limited to the aforementioned categories, but are meant to be inclusive of all intentional actions that negatively impact a student's educational experience or preclude them from taking full advantage of the educational and extracurricular opportunities offered by the Chester Upland School District. The Board prohibits any and all forms of harassment or bullying/cyber-bullying on School District property or at School District-sanctioned events. This policy also covers any actions that occur while a student is traveling to and from school, and any bullying/cyber-bullying activity that occurs through any electronic means – even though it may not take place in a school setting.

Students who feel bullied, harassed, or intimidated shall make a report via their school's main office, counseling office, nurse, school police officer, climate manager, or any teacher. Students may also make a report anonymously through the Chester Upland School District website or by calling (610) 447-3434. If a student would like to make a report in person, they may visit the Central Administration office at 1720 Melrose Avenue. A parent/guardian of a student or any employee of the Chester Upland School District may also report an incident of bullying.

Bullying is prohibited under Rule 19 of the Chester Upland School District Code of Student Conduct. A clear finding that a student is in violation of this rule may result in any of the following interventions:

- (1) Requirement that a student attends conflict management
- (2) Suspension
- (3) Transfer student to another school in the district
- (4) Expulsion
- (5) Report of incident to the police (where appropriate)

For purposes of this policy, bullying/cyber-bullying is an intentional electronic, psychological, written, verbal, or physical act, or a series of acts:

- (1) Directed at another student or students;
- (2) Which occurs in a school setting (Under Pennsylvania law "school setting" is defined as in the school, on school grounds, in school vehicles, at a designated school or public bus stop or at any activity sponsored, supervised, or sanctioned by the school).
- (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
  - c. Substantially disrupting the orderly operation of the school

These acts include, but are not limited to, hitting, kicking, punching, shoving, getting another person to hurt someone, using a racial slur, name-calling, teasing, taunting, verbal sexual harassment, malicious gossip, spreading malicious rumors, threatening, making obscene gestures, stalking, cyber-bullying - bullying that occurs by use of electronic devices through means of email, instant messaging, text messages, blogs, mobile phones, telephones, pagers, websites, two-way pagers, or through use of you-tube video, or any other electronic means.

**Chester Upland School District Interim Attendance Policy**  
**Chester High School**

The Chester Upland School District and the City of Chester Police Department embarked on a collaboration to address truancy within the Chester Upland School District. The Attendance Improvement Center (AIC) opened on February 17, 2009 and addressed truancy concerns within the Chester Upland School District. The purpose of AIC is to encourage regular attendance at school and to reduce the number of truant students within the school district. The staff of AIC will work to prevent truancy by identifying students who have displayed a pattern of questionable lateness and absences (as determined by the school district), and/or have displayed a pattern of truancy. The students and families identified will be provided a series of services offered within and outside of the school district. These students having difficulty with success as a result of truancy concerns will be referred through the Solutions/Student Assistance Program (SAP), Individual Education Plan (IEP) teams, and AIC to address the issues that contribute to incidents of truancy.

Compulsory school age is defined as the period from when a student enters school, but no later than age 8, until the age of 17 or graduation from high school, whichever occurs first. The Chester Upland School District mandates the attendance of all compulsory aged children. If your child misses a day of school, they are required to bring a written excuse from their parent or guardian. Three or more consecutive days absent require a medical excuse from a treating physician. These notes should be provided to the homeroom teacher within three school days of the student's return to school. Acceptable excuses should include the student's name, reason for absence, dates of absence, parent signature, and valid telephone number. A parent or doctor's note may be investigated when the authenticity of a note is questionable. After ten unlawful or unexcused absences, the case will be referred to District Court. As a matter of law, parents can be fined up to \$40.00 per day for each unlawful or unexcused absence, and sentenced jail time for failure to pay the fine. Attendance under these structures includes those students who are enrolled in an approved work-study, approved private school, or career education program, or at home when the student is receiving homebound instruction.

3-6-10 Rule is:

- 3 unlawful absences – parent notification in the form of a letter
- 6 unlawful absences – refer to Solutions/SAP Team
- 10 unlawful absences – refer to District Court

Prior to an anticipated student absence for the observance of a religious holiday (not listed on the approved school calendar), the parent must submit a written request to the principal or designee for an approved absence. All absences that are approved by the principal or designee for observance of a religious holiday shall be considered excused absences, and those excused students shall not be deprived of an award or eligibility to compete for an award, or the opportunity to make-up a test given on the religious holiday.

The following are considered lawful absences and require written documentation for excuse:

- Doctor's appointment
- Death in the family
- Religious commitment
- Illness
- Family emergency
- Diagnostic testing
- Out-of-school suspension
- School sponsored field trips
- Educational family trip
- Scheduled court dates

The following are examples of unacceptable absences:

- Oversleeping
- Car Problems
- Missing the bus
- Inclement weather such as rain or snow (unless district closes or delays)
- Personal business (work, hair appointment, shopping, etc.)
- Not wearing proper uniform

The Principal or designee (Climate Manager) is charged with classifying absences as excused or unexcused when:

- Parents must provide a written excuse to the school within three days of the student returning from an absence. A medical excuse is required for a student missing three or more days. Excuses not submitted within three days shall be recorded permanently as an illegal absence.
- Acceptable excuses should include the student's name, reason for absence, dates of absence, parent signature, and a valid telephone number.
- Students are responsible for obtaining class work from their teacher or teachers.
- Students are required to make up class work within five days upon returning to school.
- Whenever parents request an excused absence for any educational experience, which may include a family trip, the principal or designee should monitor the experience. They should consider approval for an excused absence if the student is in good academic standing, has a good attendance record, and arranges in advance for make-up work.

### **Suspension Absences**

Teachers will provide make up work for students during suspensions that are three or more days. All suspensions are excused absences. Students who have been suspended ten or more times will be referred to the Solutions/SAP Team or IEP Team.

### **Early Dismissals**

Early dismissals from school should be for urgent reasons such as medical appointments, court appointments, etc. To be excused early, the student must submit a written note from their parent/guardian that indicates the reason for the early dismissal, time, date, parent/guardian signature, and valid telephone number. When a student frequently leaves school early they are missing quality instruction time. Frequent early dismissals can be viewed as a violation of Public School Code relating to compulsory school attendance. After ten early dismissals students will be referred to the Solutions/SAP Team.

- Students who leave prior to 11:00 am will be marked absent for the day and the absence will be counted as either excused or unexcused depending upon the content of the written excuse received.
- Students who leave after to 11:00 am will be considered absent for ½ day of school and the absence will be counted as either excused or unexcused depending upon the content of the written excuse received.
- Any student leaving early without parent permission will be documented as a class cut and considered truant in violation of daytime curfew.
- Any abuse of this policy may result in a referral to the Solutions/SAP Team, IEP Team or AIC.

## Late Policy

Arriving to school on time is as important as daily attendance. Chronic lateness is viewed as a form of Truancy. Truancy is a violation of Public School Code relating to compulsory attendance. Lateness can be classified under Levels I, II, and III for the purposes of our school district.

<b>Level I Violation</b>	<b>Level II Violation</b>	<b>Level III Violation</b>
Late to class after 2 <sup>nd</sup> Bell Student receives <b>1</b> violation.	Late to Homeroom Student receives <b>2</b> violations.	Arriving after 8:30 am Student receives <b>3</b> violations.
Cutting Class Student receives <b>2</b> violations  (Students receive <b>2</b> violations for every class cut not every day they cut) For example if a student cuts <b>5</b> classes in one day they will receive <b>10</b> violations and be referred to the Solutions/SAP Team.	Homeroom is after 1 <sup>st</sup> period this year, 8:29 am - 8:49 am.  The student will report to homeroom and be recorded as late and receive a discipline referral equivalent to <b>2</b> violations.	Students who arrive after 8:30 am will not be granted admittance in the building without a parent/guardian.  Parents must submit a written excuse to climate manager including the student's name, reason for lateness, date of lateness, parent signature, and valid telephone number.  The climate manager/AIC will determine whether the student's lateness from school is excused or unexcused. Students who are late and unexcused earn a discipline referral equivalent to <b>3</b> violations.
A student who receives <b>10</b> or more violations will be referred to the Solutions/SAP Team and/or IEP Team.	A student who receives <b>10</b> or more violations will be referred to the Solutions/SAP Team and/or IEP Team.	A student who receives <b>10</b> or more violations will be referred to the Solutions/SAP Team and/or IEP Team.
A student who receives <b>20</b> or more violations will be referred to the Internal Review Board. Students may be referred to Saturday School, Community Service, and AIC, etc.	A student who receives <b>20</b> or more violations will be referred to the Internal Review Board. Students may be referred to Saturday School, Community Service, and AIC, etc.	A student who receives <b>20</b> or more violations will be referred to the Internal Review Board. Students may be referred to Saturday School, Community Service, and AIC, etc.

Students who are 17 or older and have missed 10 consecutive days from school will be dropped from roll. A home visit will be completed for students who receive special education services. The entire registration process must be completed for students to attend school after being dropped from roll.

## Summer School Attendance

Students who have missed more than 18 days during the school year will not be eligible to make up courses for credit/promotion through summer school without approval of principal or designee.