



# 2016-2017 Code of Student Conduct



**The School District of Philadelphia**



**School Reform Commission**

**Chairman**  
**Marjorie Neff**

**Commissioners**  
**Feather Houstoun      Farah Jimenez      William Green      Sylvia P. Simms**

**Superintendent**  
**Dr. William R. Hite, Jr.**

**Deputy Chief,**  
**Office of Student Rights and Responsibilities**  
**Rachel Holzman, Esq.**

The Code of Student Conduct will be in effect for a period of five years and is subject to change by the School Reform Commission (SRC).

## Student Pledge

As a student of The School District of Philadelphia, I pledge to follow the Code of Student Conduct, **to respect others** and myself, and to treat everyone in my school community with fairness and consideration.

I understand and agree that school must be a positive and cooperative environment so that everyone can learn.

I understand that my daily attendance is the key to my success.

I understand that violence, disruptive behavior, and abusive language **are unacceptable** and will not be tolerated.

By signing this pledge, I understand and accept the responsibility of the Code of Student Conduct, for as long as I am a student in The School District of Philadelphia.

Student's Signature: \_\_\_\_\_

## District Pledge

As a member of The School District of Philadelphia, I understand that I play a critical role in providing a safe and positive environment for all students. I pledge to follow the Code of Student Conduct, **to respect others** and myself, and to treat everyone in my school community with fairness and consideration.

I commit to celebrate learning.

I commit to support teaching and learning by creating and maintaining a safe, orderly, and engaging environment.

I commit to promote respectful two-way communication with all school and community members.

I pledge to enforce the Code of Student Conduct in a fair and consistent manner.

Administrator's Signature: \_\_\_\_\_

## Parent/Guardian/Caregiver Pledge

As a member of my child's school community, I have read and understand the Code of Student Conduct, and agree to support its purpose for as long as I am a member of this school community.

I understand that I play a critical role in maintaining an environment where learning is celebrated.

I will emphasize to my child the importance of good behavior and the possible consequences if he or she violates the Code of Student Conduct.

I understand the importance of, and expect open communication with, The School District of Philadelphia when my child's behavior and discipline at school are involved.

I pledge to provide positive support for my child to encourage his/her daily attendance, and to promote a positive learning environment for all.

Parent/Guardian/Caregiver's Signature: \_\_\_\_\_

**PLEASE NOTE: The Code of Student Conduct is available in full on the District website - <http://www.philasd.org>**

**The Code is available in hard copy from your principal or from the Office of Family and Community Engagement, phone number 215-400-4180 or website - <http://webgui.phila.k12.pa.us/offices/p/publicengagement>**

**For copies in languages other than English, please contact The Translation and Interpretation Center at phone number 215-400-4180, or consult the Center's website - <http://webgui.phila.k12.pa.us/offices/t/translation>**

## Purpose of the Code of Student Conduct

- To support the creation of a safe learning environment for all members of the school community.
- To provide clear and explicit expectations for social behaviors in all school settings.
- To provide administrators with interventions that address students' disruptive behaviors.

**The safety and security of all school children is our highest priority, and The School District of Philadelphia is committed to providing a safe learning environment.**

The Code of Student Conduct establishes policies, rules, and expectations for all school community members to learn, teach, and work together.

Consequences for students who endanger school safety or disrupt the educational experience of others are listed in detail. The Code of Student Conduct applies during school and on the way to and from school, including, but not limited to travel on School District vehicles, private transportation, and public transit systems.

Families and guardians are critical to our community. We ask that they please read and understand the Code of Student Conduct and School Student Handbook, and discuss them with their children. We understand that families and guardians know best how to make sure that their children understand the expectations that will lead to a safe and orderly school community.

This Code of Student Conduct provides definitions of disruptive behaviors. Although some definitions include examples, the behaviors include, but are not limited to, the examples given.

**Parents, guardians, and caregivers who have any questions or concerns are encouraged to contact the school principal and/or the Office of Student Rights and Responsibilities at phone number 215-400-4830 or website - <http://webgui.phila.k12.pa.us/offices/s/student-rights-and-responsibilities>**

### Responsibilities of Teachers

- Respect all members of the school community.
- Use professional judgment to prevent minor incidents from becoming major problems.

## District Policy Regarding Behavior

## Behavioral Expectations & Responsibilities

- expectations for students and staff.
- Motivate students to live up to the expectations through positive reinforcement.
- Use good judgment to prevent minor incidents from becoming major problems.

### Responsibilities of Administrators

- Respect all members of the school community.
- Implement the Code of Student Conduct and all disciplinary procedures in a fair and consistent manner.
- Provide students and parents whose first language is not English with translation and interpretation services free of charge.
- Inform all school personnel, parents, and students of discipline policies.
- Review and act upon allegations and requests from school personnel concerning violations.
- Teach proper behavior and positively reinforce rules of conduct.
- Maintain a learning environment that provides for academic success.
- Hold students accountable for disorderly conduct in school and on school grounds.
- Address rule violations with multiple strategies to keep students in school.
- Use professional judgment to prevent minor incidents from becoming major problems.

### Responsibilities of Students

- Respect all members of the school community.
- Understand and comply with school rules and climate expectations, including the Code of Student Conduct and School Student Handbook.
- Comply with the School District's attendance, dress code, unlawful harassment, and bullying policies.
- Behave in a manner that focuses on academic success.
- Be responsible and accountable for following rules.

### Responsibilities of Parents/Guardians and Advocates

- Respect all members of the school community.
- Respect, understand, and support school rules and regulations.
- Respect, understand, and support the policies of The School District of Philadelphia.
- Recognize and understand that school personnel must enforce school rules.
- Teach children to respect the rights of others and follow school rules.
- Emphasize the importance of being prepared for school and adhering to

### Responsibilities of Everyone

- Respect all members of the school community.
- Maintain a positive school climate by being responsible, respectful, and cooperative.
- Communicate Code of Student Conduct

school rules to foster academic success.

## Dress Code Expectations

Students are expected to follow their school's dress code so that their appearance does not constitute a health or safety hazard. School principals must determine and communicate the final decision regarding what is considered proper or improper

attire. For information regarding a school's dress code, please consult the School Student Handbook.

A dress code violation shall not result in an exclusion from the classroom environment. Repeated uniform violations may result in a detention during non-instructional time.

Principals may declare spirit or club days and allow students to wear school spirit shirts, or schedule dress-up days (e.g., when school pictures are scheduled) or allow students to wear other attire such as uniforms or special dress for Boy Scouts, Girl Scouts, athletes, cheerleaders, band, or chorus. Nothing in this Code of Student Conduct restricts or bans a student from wearing religious garb. Parents with concerns regarding religious dress are encouraged to discuss them with the principal.

Students shall have the right to dress in accordance with their stated gender identity and/or expression within the constraints of the school's dress code.

**Additional questions concerning the dress code should be referred to the principal or his/her designee.**

## School Attendance Requirement

## Attendance Expectations

In Philadelphia County, school attendance is required for all children ages 6 to 17. "Attend school" means that a child must be enrolled and attend a public school, a charter school, a cyber charter school, or a private or religious-based school, or else participate in an approved home schooling program. Once a student of age 5 or older is registered for school, he/she is considered school-age and is required to attend school daily. If the student/family does not comply, they can be referred to DHS for truancy services.

Pennsylvania Department of Education regulations state that children are considered school age from the time they are admitted to the public school educational program until graduation from high school or the age of 21 is reached. During the time a child is of school age, he/she is entitled to attend the public schools in The School District of Philadelphia or a charter school. Students who turn 21 during the school term are entitled to finish out the school year.

Parents/guardians are expected to:

- Ensure that their children between the ages of six and 17 are enrolled in school and attend school regularly, on time, and for the entire school day.
- Emphasize the importance of on-time attendance in school, class, and supervised activities-and celebrate good attendance and success.

- Send their child to school every day prepared to participate and learn by providing a good night's sleep and breakfast.
- Establish reasonable, age-appropriate curfews and bedtimes.
- Make personal appointments for their child outside of the school day or during school breaks as often as possible.
- Ensure that their child receives the periodic student health examinations that are required by law.
- Schedule family vacations to coincide with school recesses.
- Call the school when their child is absent.
- Provide a written excuse for every absence when their child returns to school.
- Provide a written excuse for every late arrival and early departure.
- Provide the school with correct current addresses, emergency contacts, home, cell, and work telephone numbers, e-mail addresses at the beginning of each school year and update information whenever there are changes.
- Help develop and implement the individualized plan for their child's improved attendance when necessary.

## When Can A Child Be Absent?

Sometimes students have to miss school. These "excused absences" apply under circumstances such as illness or injury, teen parent leave (six weeks or 30 school days) after the birth of a child, death/funeral-related absence, education-related trips or activities, suspension, and religious holidays. A written notice from a parent or guardian must be submitted to the school immediately upon a student's return to school. Such notice must include a valid telephone number or other means of contact for verification purposes. Certification of illness/injury/delivery is required if the absence extends for three or more consecutive days. The student/family has three days from the date of the absence to provide documentation to the school for an excused absence. After the third day, the school principal or designee has the discretion to approve or deny the note.

An "unexcused" or "illegal" absence occurs when a student is absent without a valid excuse in writing. That means that either no written notice was submitted to the school upon the student's return or that the reason provided in the notice was deemed invalid. Examples of invalid excuses include (but not limited to) babysitting, waking up late, or being on vacation with family.

Additional attendance and truancy information is available on The School District of Philadelphia's Attendance and Truancy website - <http://webgui.phila.k12.pa.us/offices/a/attendance--truancy>

## Responses to Non-Attendance (Truancy)

A student who is absent from school without a valid excuse is considered "truant". A pattern of truancy can lead to a variety of interventions or penalties, depending upon the circumstances. On the school level, truancy can result in school-based interventions (Home Visits, Response to Interventions and Instruction (RtII), Attendance Plan, Academic Supports, Social Service Referrals, Truancy Court).

**Suspension from school or transfer to an alternative education setting is not a permissible response to truancy.**

According to Compulsory School Attendance Law, a judge or hearing officer may require students and/or their parents/guardians to do any or all of the following:

- Appear at a hearing regarding the student's truancy.
- Perform reasonable school or community service for a period designated by the hearing officer.
- Complete a parenting education program.
- Obtain counseling or other supportive services, including a re-entry, or other service plan determined appropriate by authorized school officials.
- Pay a fine of up to \$300.
- Pay court costs.
- Serve up to five days in county jail.

Children who are truant may be declared dependents of the state as part of the adjudication process.

For more information concerning Attendance and Truancy, refer to the website - <http://webgui.phila.k12.pa.us/offices/a/attendance--truancy>

## Visitors to Campus

Parents and guardians are encouraged to visit schools and meet with teachers and administrators about their child progress. Visitors to campus must present themselves to the school office with proper identification. To provide safe and orderly learning environments, each visitor to public school buildings

or grounds must receive authorization from the school principal or his/her designee.

The Code of Student Conduct applies to all students while traveling to and from school, using any mode of transportation, as well as during any school related event. Additionally, the Code applies to off ground and after-hours behavior if there is a nexus to the school and the learning environment at the school is disrupted.

## When Does the Code Apply?

Some infractions of the Code of Student Conduct may also be crimes. The Memorandum of Understanding (MOU) lists the crimes that *must* be reported to the Philadelphia Police Department. Additionally, The School District of Philadelphia has a Memorandum of

## Referrals to the Philadelphia Police Dept.

Understanding with the Philadelphia Police Department outlining the Diversion Program that is an alternative to arrest & criminal prosecution.

All relevant Memorandum of Understanding are available on the School District of Philadelphia's website – <http://philasd.org/announcements/MOU-Between-PPD-and-SDP-2014.pdf>

## Diversion Program

The Philadelphia Police Department shall divert a student from arrest if that student has committed a non-violent offense in school and has no prior arrests. In those cases, the student will receive services from the Department of

Human Services.

Principals, teachers, and other school professionals hold high expectations for students' learning and behavior. Adults in schools help students achieve personal and academic success using a range of responses.

Classroom management strategies may include the following:

- Acquire a student's attention by calling his/her name in a calm voice.
- Address the student privately.
- State the problem behavior.
- State expected behavior and explain why the student needs to satisfy the expectation.
- Listen to the student's response and help student to recognize appropriate behaviors for him/herself.
- Indicate the specific consequence of continuing to engage in the problem behavior--and the positive consequences of good behavior.
- Ask the student to demonstrate the expected behavior.
- Acknowledge the student (i.e., thanks, praise, reward, etc.) for listening to you and/or exhibiting the appropriate behavior.
- Document the infraction on a discipline referral report (EH20 – Pink Slip).
- For more information on classroom management strategies please call the Office of School Climate and Safety.

School interventions may include the following:

- Create a Student Behavior Contract
- Before or after school detention
- Alternative volunteer service (e.g., soup kitchens, shelters)
- Cafeteria duty
- Community Conferencing/Restorative Justice
- School Counselor referral for individual and/or group counseling, and individual behavioral health assessment and resource linkage
- In-school work detail
- Lunch detention
- Parent shadowing
- Peer mediation
- Reflective essay
- Independent study
- Student/teacher/parent conference
- Daily reports/self-charting
- Restorative practices
- Mentoring program
- Check in/Check Out
- Evidenced-based Tier II programs

- For more information on school-wide interventions, please call the Office of School Climate and Safety
- Functional Behavior Assessment for Individual Behavior Planning, Implementation and Progress Monitoring
- Referral for SAP (Student Assistance Program) for Mental Health Assessment and appropriate referral
- Referral to School- Based Therapeutic Program (STS, CASST)
- Interagency Team Meeting with School, Parent, Behavioral Health Providers
- For more information on individual behavioral health interventions and school-based therapeutic programs, please call the Office of Prevention and Intervention
- For mental/behavioral health crises, please call the Emergency Crisis Line at 267-784-7895
- For allegation of abuse/neglect, please call ChildLine at 800-932-0313

**Note: For details related to RtII refer to website –**  
<http://webgui.phila.k12.pa.us/offices/c/curriculum/interventions/rtii>

**Out-of-school suspensions should be used as a last resort and only when in-school interventions and/or consequences do not sufficiently address a student's inappropriate behavior.**

Disruptive Behaviors	Rule	Consequences Levels				
		Level 1: In-school Interventions (including in- school suspension)	Level 2: Out-of-School Suspension	Level 3: Contract w/ Intervention or Lateral Transfer	Level 4: Disciplinary School Assignment	Level 5: Disciplinary School Assignment w/Expulsion Referral
Failure to follow classroom rules/Creating disruption	1A	✓				
Failure to carry hall-pass and/or appropriate ID	1C	✓				
Failure to participate in class/Unpreparedness	1D	✓				
Truancy/Excessive tardiness/Cutting class	2	✓				
Possession of inappropriate personal items	3B	✓				
Profane or obscene language or gestures	4	✓				
Inappropriate use of an electronic device	5B	✓	✓	✓	✓	✓
Mutual fighting (without serious bodily injury)	6	✓	✓			
Forgery of administrator, teacher, or parent's/guardian's signature	7	✓	✓			
Alteration of grade reporting, excuse notes, and/or school documents	8	✓	✓	✓	✓	
Destruction and/or theft of property (less than \$500)	9	✓	✓	✓		
Harassment (including Sexual Harassment)	10A	✓	✓	✓	✓	✓
Bullying/cyber-bullying	10B	✓	✓	✓	✓	✓
Intimidation	10C	✓	✓	✓	✓	✓
Sexual act (consensual)	11	✓	✓	✓		
Threatening students/staff with aggravated assault	12		✓	✓	✓	✓
Destruction and/or theft of property (totaling \$500 or more)	13		✓	✓	✓	
Breaking and entering school property	14		✓	✓	✓	
Robbery	15A		✓	✓	✓	✓
Extortion	15B		✓	✓	✓	✓
Mutual fighting (with documented serious bodily injury)	16		✓	✓	✓	
Simple assault on a school community member	17		✓	✓	✓	
Possession of alcohol and/or drugs	18		✓	✓	✓	✓
Possession and/or use of fireworks, incendiary devices and/or explosives	19		✓	✓	✓	✓
Instigation and/or participation in a group assault	21		✓	✓	✓	✓
Aggravated assault	22			✓	✓	✓
Sexual act (non-consensual)	23		✓	✓	✓	✓
Possession of a weapon	24				✓	✓
Reckless endangerment	25		✓	✓	✓	✓

\*Consequence Levels are not mutually exclusive. If a student is referred to the Office of Student Rights and Responsibilities, that student will also be suspended out of school for some period between 1-10 days. Please note disciplinary hearings **ONLY** apply to 6<sup>th</sup> -12<sup>th</sup> graders. There are **NO** out of school suspensions for the following violations: 1A,1B,1C,1D, 2, 3B and 4.

Kindergarten students may not be suspended unless another person suffers sserious bodily injury as a result of their acrions.Any suspension over 3 days must be approved by an Assisstant Superintendent.

## Due Process

Pursuant to ACT 26, the Superintendent or their designee, may, after a hearing, decide to allow the student who brought a weapon to school to remain in the school.

All students are to be treated with fairness and respect. Students have a right to be heard and are to be provided the opportunity to explain their version of events to administrators.

If you feel you need victim services, please contact the Office of Safe Schools Advocate at phone number 215-656-5381 or website – <http://www.phillyossa.com>

## Student Conference Procedures

At student conferences, students have the right to expect that school officials will:

1. Inform the student of the reason for a conference.
2. Give the student an opportunity to respond to allegation(s).
3. Discuss student's problem behavior and ways to correct it.
4. Inform the student of the corrective action and/or next steps to be taken.
5. Document the problem behavior and intervention.

## Suspension Procedures

According to Pennsylvania law, suspension is defined as the denial to a student of the right to attend school and to take part in any school function for any period of up to 10 days. Suspensions must be preceded by notification to the student and parent/guardian in writing. For the purposes of The School District of Philadelphia's Code of Student Conduct, suspensions comprise three categories: In-school, short-term, and long-term.

## In-School Suspensions

**In-school Suspension** is an exclusion from a classroom for disciplinary purposes that allow a student to **remain** under the direct supervision of school personnel. Direct supervision means school personnel are physically in the same location as students under their supervision.

## Out-of-School Suspensions

### **Kindergarten students may not be suspended unless their actions result in serious bodily injury**

**Short-term Suspension** is an exclusion from school and/or any school activity or function for a period of **three or fewer school days**. Students who are suspended must meet with the principal or his/her designee prior to the suspension. During the conference, the student has the right to the procedures described under *Student Conference Procedures* outlined in this Code of Student Conduct.

**Long-term Suspension** is an exclusion from school and/or any school activity or function for a period of **four to 10 school days**. Students who are given a long-term suspension are to participate in a student conference and a parent/guardian conference. During the parent conference, the student and parent/guardian have the right to the procedures described under *Parent/Guardian Conference Procedures* section in the Code of Student Conduct. **In addition, prior approval by the Deputy Chief of the Office of Student Rights and Responsibilities is required for all suspensions exceeding eight school days.**

## Parent Conference Procedures

**All referrals to the Office of Student Rights and Responsibilities for a student discipline hearing must be preceded by an out of school suspension.**

At parent conferences, parents, guardians, and caregivers can expect that school administrators will adhere to the following protocol:

1. Notice of a conference must be provided to the parent/guardian in writing and either hand-delivered to the home, sent by certified mail, faxed, emailed, or communicated by other reasonable means.
2. When a student is suspended, a parent/guardian conference must be held no later than day three of the suspension.
3. At the conference, the parent/guardian or caregiver may request to review and have a copy of the student's records and any witness statements, with other student names and information redacted.
4. School administrators will discuss the student's problem behavior and ways to correct it.
5. School administrators will inform the parent/guardian of any further disciplinary action.

## Student Discipline Transfer Procedures

**Students in kindergarten through grade 5 are NOT eligible for disciplinary hearings.**

Those students in kindergarten through grade 5 exhibiting a pattern or disruptive behavior(s) and/or committing serious violation(s) of the Code of Student Conduct are referred to the Response to Instruction and Intervention (RtII) process.

Students in grade 6 through 12 exhibiting a pattern of disruptive behavior(s) and/or committing serious violation(s) of the Code of Student Conduct may be referred to the Office of Student Rights and Responsibilities for a student disciplinary hearing. Students who are referred receive full due process, including a hearing to determine whether the student will be transferred to a disciplinary school. These schools provide high-quality alternative education programs and supports to help students achieve their intellectual and social potential.

Students referred for a hearing will be suspended and provided the procedures indicated in the Suspension Procedures section of the Code of Student Conduct. The school must complete a Behavior Performance Review (BPR) for regular education students or a Manifestation Determination for special education students and share the results of the review at the parent/guardian conference. **When a hearing is not scheduled during the period of a student's suspension, the student has the right to return to his/her school pending the outcome of the hearing, unless the behavior of the student continues to create such a risk of harm to the school community, than the school may request an interim placement. (See below for details of that process)**

Students/Parents/Guardians have the right to a hearing to be conducted by an independent and impartial hearing officer. During the hearing process, parents/guardians may oppose the request for their student's removal from the school. At a hearing, students and parents/guardians have the right to:

- Present witnesses
- Present evidence relevant to the alleged infraction
- Request and ask questions of school district personnel
- Review student records in advance

If the hearing officer makes a finding that the alleged violation occurred, s/he shall determine an appropriate consequence within the applicable range of the matrix.

## Interim Placements

Schools may request an interim placement for a regular education student with documentation that the student's continued presence poses a threat to the school community. In those cases when an interim assignment is granted by the Office of Student Rights and Responsibilities a hearing must be held as soon as possible after that assignment. For a special education student interim assignments will only be granted if there is documentation of weapons, drugs, or serious bodily injury.

Note: Please refer to the **Discipline for Students with Disabilities** section for discipline protocols for students with disabilities.

According to Pennsylvania law, expulsion is defined as an exclusion from school and any school activities for more than 10 school days. Students who have committed an offense subject to expulsion will also be suspended and have the right to the procedures found in the Suspension procedures section of the Code of Student Conduct.

**The formal expulsion hearing process includes the following due process requirements:**

1. Notification of the charges in writing by certified mail to the student's parent/guardian.
2. At least three days' notice of the time and place of the hearing, which shall include a copy of this policy, hearing procedures, and notice of the right to representation by legal counsel. A student may request the rescheduling of the hearing when he/she demonstrates good cause for an extension.
3. The hearing shall be private unless the student or parent/guardian requests a public hearing.
4. Representation by counsel at the parent's/guardian's expense and parent/guardian may attend the hearing.
5. Disclosure of the names of witnesses against the student and copies of their written statements or affidavits.
6. The right to request that witnesses against the student appear in person and answer questions or be cross-examined.
7. The right to testify, make arguments and present witnesses on the student's behalf.
8. A written or audio record shall be kept of the hearing and a copy made available to the student at the student's expense, or at no charge if the student is indigent.
9. The hearing shall be held within 15 school days of the notice of charges, unless a delay is mutually agreed to by both parties or is delayed by:
  - a) The need for laboratory reports from law enforcement agencies.
  - b) Evaluations or other court or administrative proceedings are pending due to a student's invoking his/her rights under the Individuals with Disabilities Education Act (IDEA).
  - c) Delay is necessary due to the condition or best interests of the victim in cases of juvenile or criminal court involving sexual assault or serious bodily injury.
10. Notice of a right to appeal the results of the hearing shall be provided to the student with the expulsion decision.

## Expulsion Procedures

## Expulsion Procedure

If a student is expelled by the School Reform Commission (SRC), the parent/guardian of the student has 30 days to provide written documentation that the student is in another educational program. If they are unable to find an alternative educational program, the School District of Philadelphia will provide for the student's education.

A student who has been permanently expelled from the School District of Philadelphia by the affirmative vote of a majority of the SRC may apply for readmission.

The SRC delegates complete authority for all readmission decisions to the Chief Executive Officer/Superintendent or his/her designee. Temporarily expelled students need not apply for readmission because they are automatically readmitted to The School District of Philadelphia at the end of the expulsion period. Readmission decisions are final and not subject to review by appeal to the SRC or the courts.

A student who has been permanently or temporarily expelled by the affirmative vote of a majority of the SRC, beginning in school year 2008-2009, may apply to The School District of Philadelphia to have the records of expulsion erased from the his/her records, or expunged. Expunging records occurs at the discretion of the Superintendent or his/her designee, and is not subject to review or appeal to the SRC or the courts.

## Expunging Records for Expelled Students

The complete SRC Board Policy No. 233, including the criteria and process for readmission and/or impingement or records, may be found on the The School District of Philadelphia's website – <http://www.philasd.org/offices/administration/policies>

## Discipline for Students with Disabilities

### Suspensions for Special Education Students Identified as Intellectually Disabled

The District can only suspend students identified as Intellectually Disabled with either written agreement of the parent/guardian or the written approval of the Bureau of Special Education of the Pennsylvania Department of Education (PDE). PDE can be contacted by calling 717-783-6913 or visit their website – <http://www.pde.state.pa.us>.

### Suspensions, Expulsion, and Transfer for All Other Disabled Students – Including Students with 504 Service Agreements

The District may suspend student's with disabilities and cease educational services for up to five consecutive school days or 15 cumulative school days in one school year without providing special education procedural safeguards.

Schools must complete the following steps A through G below, for students with an Individualized Education Program (IEP) or Section 504 Service Agreements if any of the following are being considered:

1. Expulsion Referral.
2. Request to transfer to an Alternative School for disciplinary reasons (the school must file an EH-21).
3. Suspension for more than 10 consecutive days.
4. Suspension for more than 15 cumulative days.
5. Suspensions totaling more than 10 days in an academic school year and when there is a pattern or problem behavior.

#### Steps:

A team must convene a Manifestation Determination meeting within 24 hours of the misconduct, and will invite the parents/guardian. The team must:

- A. Provide written notice to the parent/guardian of the recommended disciplinary action and the date of the proposed Individualized Education Program (IEP) team meeting.
- B. During the IEP/Manifestation Determination meeting, the IEP team will review the student's most current evaluation, IEP and placement to determine if the referred misconduct is related to the student's disability. Two questions are to be answered by the school team at the manifestation meeting: (1) is the conduct caused by, or did it have a direct and substantial relationship to, the student's disability? or (2) was the conduct in question a direct result of the school's failure to implement the student's IEP?
- C. If the school team determines that the student's behavior is **NOT a Manifestation of the Disability**, school officials may apply the Code of Student Conduct. In no event, however, may the student be suspended without providing appropriate educational services for more than five consecutive or 15 cumulative school days in a school year.
- D. A Notice of Recommended Educational Placement (NOREP) must be issued with the results of this determination and a copy of the Procedural Safeguard Notice (PSN) must be given to the parent/guardian.

**\*If parents or caregivers disagree with the decision, they can request an expedited Special Education Hearing and the Commonwealth-appointed hearing officer will review the manifestation determination.**

- E. If necessary, the IEP team reviews and revises the existing behavior intervention plan or, as necessary, complete a functional behavior assessment and intervention plan to address the misconduct.
- F. The IEP team determines the appropriateness of an interim alternative educational setting, and as indicated, include in the IEP those services and modifications that will enable the student to continue to participate in the general education curriculum and help prevent the problem behavior from recurring.

G. If the student's **behavior IS a Manifestation of the Disability**, the student's placement may be changed if:

- (1) The student carried a dangerous weapon\* to school or a school function;
- (2) The student knowingly possessed or used illegal drugs or sold or solicited the sale of a controlled substance while at school or at a school function; and
- (3) The student has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function.

**Discipline for Students with Disabilities (continued)**

In these special circumstances and **over parent/guardian objections**, school officials may remove the student, by issuing a NOREP to an interim alternative education setting for not more than 45 school days.

- If the behavior is determined to be a manifestation of the student's disability, the conduct is not a "special circumstances" (see step G.1-3 above), and the student is substantially likely to cause injury to himself/herself or others if maintained in the current placement, the District may ask for an expedited hearing conducted by a Special Education Hearing Officer to obtain a 45-day interim placement.
- Students with disabilities, even if expelled, must be provided with a Free and Appropriate Public Education (FAPE).

\*NOTE: A "dangerous weapon" is 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 pocketknife, 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."

## Glossary

**Aggravated Assault** – An act that causes serious physical harm or creates a substantial risk of serious physical harm to another student and/or school community member.

**Breaking and Entering** – The act of entering school property through force, as minimal as pushing open a door, and without authorization.

**Bullying** – Repeated intentional conduct that is directed at another student or students, in or outside a school setting, that is severe, persistent or pervasive, and that either (1) substantially interfere with a student's education, or (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). The conduct may be physical, psychological, verbal, nonverbal, written, or electronic.

**Cyber-bullying** – Bullying that occurs through electronic communication devices

including but not limited to social networking, e-mail, instant messaging, text

messages, tweets, blogs, photo and video sharing, chat rooms, dash boards, or web sites.

**Destruction of Property** – Willful and malicious acts of damage or defacement to school property, including but not limited to graffiti, school pranks that cause a major disruption, or arson.

**Disruption** – Eating, drinking, being too loud, standing, running, loitering, throwing objects, talking out of turn, or other behavior that distracts other students from learning or teachers from instructing.

**District** – The School District of Philadelphia.

**Drugs** – Controlled substances and illegal substances, as well as “look-a-likes”, 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.

**Electronic Device** – Any device that includes, but is not limited, to radios, walkmans, CD players, iPods, MP3 players, DVD players, handheld game consoles, personal digital assistants, cellular telephones, Blackberries, and laptop computers, as well as any new technology developed with similar capabilities.

**Extortion** – Obtaining money, property or services from another student and/or school community member through coercion.

**Group Assault** – An assault committed by multiple offenders. This does not refer to a mutual fight (see “Mutual Fighting” in this Glossary), but a situation where one or more victims are attacked by a larger group of students.

**Harassment** – Unwelcome verbal, written, graphic, or physical conduct relating to a student or school community member’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 have to include intent to harm, be directed at a specific target, or involve repeated incidents.

**Inappropriate Use of Electronic Devices** – 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 effect the school community in a negative manner.

**Inappropriate Personal Items** – Any object that is inappropriate for an educational setting (including, but not limited to, pornography, dice, playing cards, and other gambling instruments).

**Intimidation** – To induce fear or a sense of inferiority in another student and/or school community member.

**Lateral Transfer** – A transfer to another non-disciplinary academic setting.

## Glossary (continued)

**Mutual Fighting** – If one or more students 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.

**Possession** – Physical control over property (whether lost, found, or stolen), such as clothing, lockers, bags, and the contents contained therein.

**Reckless Endangerment** – Recklessly engaging in conduct that places or may place another person in danger of serious bodily injury.

**Response to Instruction and Intervention (RtII)** – The School District’s intervention system for students experiencing academic and/or behavioral challenges.

**Robbery** – Taking or attempting to take the property of another student or school community member by force or threat of force or by putting the victim in fear.

**School Community Member** – Any member of a school community, including but not limited to teachers, students, administrators, contracted employees, visitors, school police officers, and parents/guardians.

**School Grounds/Property** – Any property owned or utilized by The School District of Philadelphia or by any vendor under contract to The School District of Philadelphia.

**Serious Bodily Injury**- an injury that results in significant pain as well as requiring medical attention (with documentation).

**Sexual Act (Consensual/Non-consensual)** – Exposing or touching one’s own genitals, breast, or buttocks or those sexual parts of another person, engaging in intercourse, oral sex, or simulated sex.

**Sexual Harassment** – Unwelcome conduct of a sexual nature that can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature.

**Simple Assault** – Unprovoked attack by one student on another student.

**Theft** – Taking of another student’s or school community member’s property without that person’s permission.

**Threat** – Aggressive verbal or written language or gestures directed towards a student and/or school community member.

**Weapon** – Including but not limited to, any of the following: any object, device, or instrument that is designed as a weapon or through its use is capable of threatening or producing bodily harm; any firearms, whether loaded or unloaded; cap guns; simulated guns; pellet guns or BB guns; knives; box cutters; cutting instruments; nunchaku, scissors; mace; simulated weapons; or laser pointers.

### **A student violates Rule 24 (Possession of a Weapon) even if the student did not intend to use the object as a weapon**

The information in this handbook may be updated during the course of the school year.

The latest version is available on The School District’s website – <http://www.philasd.org>

For copies in languages other English, please contact  
The Translation and Interpretation Center at phone number 215-400-4180.

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