



The Laboratory Charter School of Communication and Languages

CODE OF CONDUCT FOR THE LAB CHARTER SCHOOL DISCIPLINE CODE AND RECORDS POLICY

Revised August 28, 2018

RESPECTING MEMBERS OF THE LABORATORY CHARTER SCHOOL COMMUNITY

The fundamental premise of this policy is that students will show tolerance to all members of the school community. All students have a right to be free of bullying and/or intimidation either by word, gesture, or deed that is sexual, racial, cultural or religious in nature. Students who violate this premise will be subject to disciplinary action as determined by the administration.

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.

SOME BASIC LAB UNDERSTANDINGS

The Laboratory Charter School (“Lab”) Board of Trustees (“Board”) has the authority to make reasonable and necessary rules governing the conduct of students in school. Provided by Section 1317 of the School Code of the Commonwealth of Pennsylvania: Authority of Teachers, Vice Principals and Principals over Pupils; every teacher, vice principal and principal in the public schools (CEO in the charter schools) shall have the right to exercise the same authority as to conduct and behavior over the pupils attending the school, during the time they are in attendance, including the time required in going to and from their homes, as the parents, guardians or persons in parental relation to such pupils may exercise over them.

- ▶ The teachers, with the support of the classroom assistants, have the responsibility to maintain a suitable environment for learning and the CEO has the responsibility for maintaining and facilitating the educational programs.
- ▶ The CEO and/or Principal is authorized by statute to suspend students for cause.
- ▶ Rules and regulations shall be published and reviewed with staff and students at the opening of each school year and shall be posted. Copies shall be available in the school office and available for parents upon request.
- ▶ The CEO and/or Principal shall be responsible for informing both parents and students of school rules and regulations at the opening of the school year.
- ▶ The teacher has the authority to send a student from a class to the Administrative Assistant or CEO for cause.

► Teachers and the school administrator shall administer discipline within federal and state statutes, regulations and guidance, and other specific policies relating to student behavior and discipline as adopted by the Lab Board.

In order that infractions of the rules established for student conduct may be treated equitably and consistently, the Lab Board has approved a Disciplinary Action Schedule for Lab. The intent of this schedule is to provide students with a definition of the limits of acceptable behavior and to equip teachers, principals, and the CEO for their disciplinary responsibilities. **The schedule shall be interpreted by the CEO and his or her designees in a manner which they deem just, given the circumstances of individual case.** Additionally, students must understand that the CEO shall have the authority to enforce other reasonable disciplinary actions which they find warranted by situations not covered. The implementation of the student discipline policy rests with the CEO and instructional team and is an area which should be considered in performance evaluation.

WHY DISCIPLINE AT LAB?

Discipline should, as a minimum, have three objectives in mind:

- PRESERVE the optimum environment in which to deliver instructional services to every child.
- RESPOND to disruptive influences with corrective measures in a firm and consistent manner while attempting to correct deviant behavior and keep disrupters in school.
- REMOVE, as a last resort, the disrupters from the educational environment so that the majority may pursue their educational goals.

12.4 LAB STUDENT RIGHTS & RESPONSIBILITIES

The Lab Board recognizes that it has the responsibility to assure students the legal rights that are theirs by virtue of guarantees offered to all persons under the federal/state constitutions and statutes. In connection with rights are responsibilities that must be assumed by students.

It is the Lab Board's belief that as part of the educational process, the students and the families of the Charter School should be made aware of their legal rights and also the legal authority of the Lab Board to make or delegate authority to employees of the Lab to make rules and regulations regarding the orderly operation of Lab.

Student rights include, but are not limited to:

1. Civil Rights, including the rights to equal educational opportunity and freedom from discrimination;
2. The right to attend free public schools;
3. The right to due process of the law with respect to suspensions, expulsions, and unreasonable searches and seizures;
4. The right to not be subject to corporal punishment;
5. The right to free inquiry and expression which implies the right of a person to decline to recite the Pledge of Allegiance and salute the flag; and
6. The right to privacy, which implies the right of a person to dress and/or groom as he/she pleases within certain limits.

Student responsibilities include, but are not limited to:

1. The responsibility to attend school as required by law;
2. The responsibility to observe school rules, regulations and policy, as well as federal, state and local laws;
3. The responsibility to work with the CEO and LAB staff to develop a climate within the school that is conducive to learning;
4. The responsibility to respect the rights of CEO, staff, students and all others who are involved in the educational process;
5. The responsibility not to interfere with the education of other students;
6. The responsibility to assist the school staff in operating a safe school;
7. The responsibility not to discriminate against others;
8. The responsibility to observe reasonable rules regarding free inquiry and expression; and
9. The responsibility to exercise proper care when utilizing public facilities and equipment.

CHEATING/PLAGIARISM

LAB's mission is to expand a parents' choice to make informed decisions about their child's education. LAB is a custom designed, public school, transition program, funded with public dollars, providing a "private school style", science based education program for grades K-2.

LAB educates and inspires K-2 students to achieve their personal best. Young learners will be expected to develop and maintain a sense of academic integrity; that is, students will be expected to do their own work. Instances of cheating and/or plagiarism will be dealt with by the classroom teachers, with administrative intervention, when necessary.

12.6 ELEMENTARY STUDENT EXPECTATIONS

12.6.1.1.1 Lab Code of Conduct

- Students will respect everyone's right to learn
- Students will choose ways to resolve conflict using word, without fighting
- Students will accept others for who they are and respect differences
- Students will show proper respect for: themselves, other students, adults, school property and personal property

12.6.1.1.2 Student Job Description

My education is important. To the best of my ability, I will:

- Arrive at school on time every day
- Complete my homework and be prepared every day
- Be a cooperative learner
- Ask for help when I need it
- Help others when possible
- Demonstrate a positive attitude
- Follow school and classroom rules

Students have the responsibility to conduct themselves according to the Code listed above and to meet their responsibilities by following the Student Job Description. Students who fail to do so will be subject to follow the schedule of disciplinary action.

12.7 ADMINISTRATIVE ACTION ELEMENTARY

At times, during the course of operation of the LAB, student misbehavior will necessitate action on the part of the Board. At this point, the school administration will have exhausted all approaches in attempting to correct the student's misbehavior. The CEO may have, at various times, worked with these resources and shall keep records and documentation as evidence of other efforts. The resources shall include:

- Parents
- Teachers
- Guidance counselor/counselor
- Community or religious resource personnel
- Social agencies
- Psychologist

The breach of discipline within the schools will probably fall into two major classes of offense:

1. Violation of the rules of conduct of the school (see Level I, II and III)
2. Violation of rules of conduct of the school because they are a violation of the law (a crime has been committed) (see certain Level III offenses)

This second category of infraction calls for dual corrective action of LAB's CEO response as well as a community administered response. The school action would be as in the class one infraction, except for the sanction imposed. In addition, the appropriate law enforcement agency would be brought into the matter.

This course of action would remove from the school personnel that discretion which decides that, for example, one case of physical assault is breaking the law while another is not.

12.8 SCHOOL OFFENSES

Any student subjected to disciplinary action which involves his/her removal from the normal classroom environment is still to demonstrate mastery of all subject matter for advancement to the next grade level. It is the responsibility of the student, with parent & school support, subjected to such disciplinary action to ensure that he/she remains current with course subject matter/curriculum and that she/he arranges with the parent & school support, with the CEO/School Staff for the taking of any examinations missed due to his/her absence from school. Parents/guardians of the LAB student shall be notified immediately by phone, if possible, and in writing when a student has been suspended internally or externally from class.

Possession, distribution or use of alcoholic beverages or drugs will result in the application of Policy JCDAC.

A student who is on suspension shall not participate in, or attend any extracurricular school activity during the period of internal or external suspension. This will be in effect immediately upon notification of the suspension. Suspension shall be in effect until the start of the first school day that the student is eligible to return to school. A student who is participating in an extracurricular activity must be in school in order to participate on that day. Further, a student will be subject to the terms of the Extra-Curricular Code of Conduct.

12.8.1 ELEMENTARY SCHOOL DISCIPLINARY ACTION SCHEDULE

Different offenses should require different responses. The following is a categorization of offenses into levels:

A. Level I

1. Unexcused lateness to school or class
2. *****Possession/use of personal technology devices in violation of Policy JCDAE
3. Disrespect to peer(s)
4. Other minor infractions of unacceptable behavior in or on school property

B. Level II

1. Cutting class
2. Tobacco use (see Policy JCDDA)
3. Truancy (see Policy JB)
4. Insubordination
5. Willful fighting
6. *Defacing school property
7. Violation of Student Acceptable User Policy IFBH and Software Policies IFBI
8. Verbal assault
9. Intimidation
10. Foul and abusive language
11. Theft
12. Peer conflict/disrespect/disturbance
13. ***Harassment (see Policy JGDB)
14. *****Possession/use of personal technology devices in violation of Policy JCDAE
15. Other serious infractions of unacceptable behavior in or on LAB's school property, or while under LAB/school supervision or jurisdiction

C. Level III

1. Physical assault
2. ****Possessing a weapon
3. Arson, false alarm or 911 Call
4. Bomb threats
5. *Vandalism
6. Controlled substance abuse (drugs and alcohol) (see Policy JCDAC)
7. ***Harassment (see Policy JGDB)
8. Intentional contact
9. Terroristic threats
10. **Bullying (see Policy JGDC)
11. Commission of any other act punishable under the Pennsylvania Crimes Code
12. Other most serious infractions of unacceptable behavior in or on school property, or while under school supervision or jurisdiction

12.8.2 LAB/ELEMENTARY SCHOOL ADMINISTRATIVE ACTION SCHEDULE

The LAB Board Action Schedule shall be interpreted by the CEO and their designees in a manner which they deem just given the circumstances of the individual case.

A. LEVEL I

LAB disciplinary options may include, but are not limited to, any one or more of the following:

1. Verbal reprimand
2. Detention
3. Restrictions
4. Parent notification
5. Internal suspension

B. LEVEL II

LAB Disciplinary options may include, but are not limited to, any one or more of the following:

1. Parent notification
2. Parent conference
3. Restrictions
4. Internal suspension
5. External suspension
6. Notification of local law enforcement agency

C. LEVEL III

The offenses in this class are of a nature that their commission represents a violation of law and are subject to civil and/or criminal penalties. This type of behavior is obviously unacceptable in the educational environment. The local law enforcement agency will be notified on all Level III offenses. In addition, the following action will be taken:

1. A first offense may result in a 10-day external suspension from school.
2. A second offense may result in a 10-day external suspension from school and a LAB Board hearing shall be held with administration recommendation for exclusion of the student for the remainder of the school year.

The administrator may, if he/she considers the committing of offenses in this category serious enough to be a threat to the health, safety or welfare of others, request a LAB Board Hearing for exclusion of the student upon commitment of the offense for the first time.

Disruptive Behaviors	Consequence Levels		
	Level I	Level II	Level III
Failure to follow classroom rules/Creating disruption	✓		
Failure to carry hall-pass	✓		
Truancy/Excessive tardiness/Cutting class	✓		
Possession of inappropriate personal items	✓		
Profane or obscene language or gestures	✓		
Inappropriate use of an electronic device	✓	✓	✓
Mutual fighting (without serious bodily injury)	✓	✓	
Forgery of administrator, teacher, or parent's guardian's signature	✓	✓	
Alteration of grade reporting, excuse notes, and/or school documents	✓	✓	✓
Destruction and/or theft of property (less than \$500)	✓	✓	✓
Harassment (including Sexual Harassment)	✓	✓	✓
Bullying/cyber-bullying	✓	✓	✓

Intimidation	✓	✓	✓
Sexual Act (consensual)	✓	✓	✓
Threatening students/staff with aggravated assault		✓	✓
Destruction and/or theft of property (totaling \$500 or more)		✓	✓
Breaking and entering school property		✓	✓
Robbery		✓	✓
Extortion		✓	✓
Mutual fighting (with documented serious bodily injury)		✓	✓
Simple assault on a school community member		✓	✓
Possession of alcohol and/or drugs		✓	✓
Possession and/or use of fireworks, incendiary devices and/or explosives		✓	✓
Instigation and/or participation in a group assault		✓	✓
Aggravated Assault		✓	✓
Sexual act (non-consensual)		✓	✓
Possession of a weapon			
Reckless endangerment		✓	✓

*Consequence Levels are not mutually exclusive.

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 Laboratory Charter School has a Memorandum of Understanding with the Philadelphia Police Department outlining the Diversion program that is an alternative to arrest and criminal prosecution

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

13 DISCIPLINARY GUIDELINES FOR SPECIAL EDUCATION STUDENTS

Special Education guidelines address the often-confusing subject of discipline for students with disabilities. Should questions arise regarding disciplining of these students, they should be directed to the Supervisor of Special Education for clarification. The ability of school districts to exclude students with disabilities for disciplinary violations depends upon three factors:

- (1) whether the exclusion constitutes a “change of placement;”
- (2) whether the conduct was a “manifestation of the disability;” and
- (3) whether the conduct is the result of an “inappropriate placement.”

Please keep in mind the following guidelines:

1. Mentally retarded students may not be excluded from school without parental agreement, or unless an injunction is obtained.
2. Other special education students should not be excluded from school for behavior that is a manifestation of his or her disability or which is the result of an inappropriate placement.

3. Special education students whose conduct is not related to a disability and whose conduct is not the result of an inappropriate placement may be subject to normal discipline rules and excluded from school for up to ten (10) consecutive days.
4. No special education student may be subject to disciplinary exclusion for more than ten (10) consecutive days without initiating due process procedures applicable to a change of educational assignment.
5. No special education student may be excluded for more than fifteen (15) days in a school year.
6. If a student with a disability brings a firearm to school, the District may place the student in an interim alternative educational setting for up to 45 calendar days. During this interim period, an IEP team will convene to determine an educational placement which would be appropriate for the student. In the event that the student's disability is mental retardation, the District is to issue a Notice of Recommended Assignment (NORA) requesting a change in placement. If the parent disagrees, then a court order is needed.
7. Even if an exclusion from school is agreed to or approved, both the IDEA (Individuals with Disabilities Education Act) and Pennsylvania regulations governing expulsion indicate that expelled students still have a right to special education and related services.
8. In situations where the student's inappropriate conduct is related to the disability, is the result of an inappropriate placement, or where the administration's recommendation is to exclude the student from school beyond ten (10) days so that a change of educational assignment must take place, or if there are any questions regarding the implementation of any of these guidelines, the Supervisor of Special Education shall be contacted for guidance.
9. The provisions of this Discipline and Records Policy regarding possession of weapons shall apply to special education students. However, in applying these weapon possession provisions to special education students, the CEO of School or other chief administrative officer shall take all steps necessary to comply with the Individuals with Disabilities Education Act (20 U.S.C. §1400 et seq.). Each case represents unique circumstances that must be analyzed individually to ensure that proper procedures are followed.

14 POSITIVE BEHAVIOR SUPPORT POLICY

To ensure compliance with the requirements of Chapter 14 of the regulations of the Pennsylvania State Board of Education governing behavior interventions and the use of restraint with students identified with disabilities.

14.1 GENERAL POLICY

The following principles shall govern the use of behavior supports and interventions for children with disabilities:

- a. Positive techniques for the development, change, and, maintenance of behaviors shall be the least intrusive necessary.
- b. Restraints to control acute or episodic aggressive or self-injurious behavior may be used only when the student is acting in a manner as to be a clear and present danger to himself to other students or to employees, and only when less restrictive measures and techniques have proven to be or are less effective.
- c. The use of restraints to control the aggressive behavior or an individual student shall cause a meeting of the IEP team to review the current IEP for appropriateness and effectiveness.
- d. The use of restraints may not be included in the IEP for the convenience of staff, as a substitute for an educational program or employed as punishment.

- e. Mechanical restraints, which are used to control involuntary movement or lack of muscular control of students when due to organic causes or conditions, may be employed only when specified by an IEP and as determined by a medical professional qualified to make the determination, and as agreed to by the student's parents. Mechanical restraints shall prevent a student from injuring himself/herself or others or promote normative body positioning and physical functioning.
- f. The following aversive techniques for addressing behavior are inappropriate and may not be used by agencies in educational programs:
 - Corporal punishment;
 - Punishment for a manifestation of a child's disability;
 - Locked rooms, locked boxes, or other locked structures or spaces from which the child cannot readily exit;
 - Noxious substances;
 - Deprivation of basic human rights, such as withholding meals, water or fresh air;
 - Suspensions constituting a pattern as defined in Section 14.143(a) of the regulations of the State Board of Education, 22 Pa Code § 14.143(a), and any successor regulation;
 - Treatment of a demeaning nature;
 - Electric shock;
 - The use of prone restraints, which are those by which a student is held face down on the floor.
- g. The LEA of Lab has the responsibility for ensuring that Positive Behavior Support Programs are in accordance with 22 Pa. Code Chapter 711, including the training of personnel for the use of specific procedures, methods, and techniques.
- h. Policy requires that the LEA obtain parental consent prior to the use of restraints or intrusive procedures when included in a student's IEP as reflected in 22 Pa. Code Chapter 14.133(c).

14.2 SPECIAL DEFINITIONS

As used in this policy, the following words and terms shall have the following meanings, unless the context clearly indicates otherwise:

- a. *Aversive techniques* - Deliberate activities designed to establish a negative association with a specific behavior;
- b. *Behavior support* - The development, change and maintenance of selected behaviors through the systematic application of behavior change techniques;
- c. *Positive behavior support plans* - A plan for students with disabilities who require specific intervention to address behavior that interferes with learning. These plans must include methods that use positive reinforcement and other positive techniques to shape the behavior of the child with disabilities, ranging from the use of positive verbal statements as a reward for good behavior to specific tangible rewards;
- d. *Restraints* - The application of physical force, with or without the use of any device, for the purpose of restraining the free movement of a student's body, excluding the following:
 - (a) Briefly holding a student, without force, to calm or comfort himself/herself;
 - (b) Guiding a student to an appropriate activity;
 - (c) Holding a student's hand to escort him/her safely from one area to another;
 - (d) Hand-over-hand assistance with feeding or task completion;
 - (e) Techniques prescribed by a qualified medical professional for reasons of safety or for therapeutic or medical treatment, as agreed to by the student's parents and specified in the IEP;

- (f) Mechanical restraints governed by Section 2.3 of this policy, such as devices used for physical or occupational therapy, seatbelts in wheelchairs or on toilets used for balance and safety, safety harnesses in buses, and functional positioning devices.

14.3 USE OF PHYSICAL RESTRAINTS OTHER THAN MECHANICAL RESTRAINTS Restraints to control acute or episodic aggressive or self-injurious behavior may be used only when the student is acting in a manner as to be a clear and present danger to himself/herself, to other students or to employees, and only when less restrictive measures and techniques have proven to be or are less effective. The CEO of School or his or her designee shall notify the parent as soon as practicable of the use of restraint to control the aggressive behavior of his or her child and shall convene a meeting of the IEP team within ten (10) school days of the inappropriate behavior causing the use of restraints, unless the parent, after written notice, agrees in writing to waive the meeting. At this meeting, the IEP team shall consider whether the student needs a functional behavioral assessment, reevaluation, a new or revised positive behavior support plan, or a change of placement to address the inappropriate behavior.

Whenever the use of restraint to control acute or episodic aggressive or self-injurious behavior can be reasonably anticipated for a particular student, LAB shall make every effort to obtain prior parent consent for such use. Inclusion of such restraints in the IEP of the student, when the parents have received appropriate prior written notice of that IEP, shall constitute sufficient evidence of parent consent for purposes of this policy. In the event that the need to use restraint cannot be reasonably anticipated for a particular student and parents refuse to provide consent, appropriately trained staff may use such restraint under certain conditions. These conditions are when the student is acting in a manner that constitutes a clear and present danger to himself/herself, to other students, or to employees. The parent is to be notified following use of restraint.

The use of restraints may only be included in a student's IEP under the following conditions:

- a. The restraint is used in conjunction with specific components of positive behavior support;
- b. The restraint is used in conjunction with the teaching of socially acceptable alternative skills to replace problem behavior;
- c. Staff is authorized, and has received all training required, to use the specific procedure;
- d. The positive behavior support plan of the student includes a plan for eliminating the use of restraint through the application of positive behavior support;
- e. The use of restraints is not included in the IEP for the convenience of staff, as a substitute for an educational program, or to be employed as punishment.

14.4 USE OF MECHANICAL RESTRAINTS

Mechanical restraints, which are used to control involuntary movement or lack of muscular control of students when due to organic causes or conditions, may be employed only when specified by an IEP and as determined by a medical professional qualified to make the determination, and as agreed to by the student's parents. Mechanical restraints shall prevent a student from injuring himself/herself or others or promote normative body positioning and physical functioning.

14.4.1 PROSCRIPTION OF CERTAIN AVERSIVE TECHNIQUES

The following aversive techniques for addressing behavior are inappropriate and may not be used in educational programs:

- Corporal punishment;
- Punishment for a manifestation of a child's disability;
- Locked rooms, locked boxes, or other locked structures or spaces from which the child cannot readily exit;
- Noxious substances;

- Deprivation of basic human rights, such as withholding meals, water or fresh air;
- Suspensions constituting a pattern as defined in Section 14.143(a) of the regulations of the State Board of Education, 22 Pa Code § 14.143(a), and any successor regulation;
- Treatment of a demeaning nature;
- Electric shock;
- The use of prone restraints, which are those by which a student is held face down on the floor.

14.5 REFERRAL TO LAW ENFORCEMENT

Subsequent to a referral to law enforcement, an updated functional behavior assessment and positive behavior support plan shall be required for students with disabilities who have positive behavior support plans at the time of such referral. If, as a result of such referral, the student is detained or otherwise placed in a residential setting located outside the District, the CEO of School or his or her designee shall ensure that the responsible school district or intermediate unit is informed of the need to update the functional behavioral assessment and the positive behavior support plan of the student.

14.6 REGULAR PROGRAM OF TRAINING

The CEO of School or his or her designee shall provide for the regular training and re-training, as needed, of personnel in the use of specific procedures, methods, and techniques, including restraints, that those personnel will be expected to employ in the implementation of positive behavior supports or interventions in accordance with the IEP of the child and this policy.