

Series 600: Student Policies

605 ECS Student Code of Conduct and ECS Discipline Policy

I. Purpose

All Environmental Charter School (“ECS”) students are guaranteed important rights and privileges, including the right to learn in a safe, orderly, and respectful environment where all individuals are valued. ECS is deeply committed to equity and to supporting the whole child, ensuring that each student’s academic, social, emotional, and environmental growth is recognized and nurtured. Students have the right to be respected and to have their property protected. To uphold these rights, students are expected to take on equally important responsibilities. ECS staff believe that when students are supported as whole individuals within an equitable and inclusive community, they are better able to make positive decisions. Productive decision-making is encouraged through Positive Behavioral Interventions and Supports (PBIS), with a focus on relationship building, reflection, and growth.

Discipline at ECS is a collaborative effort among the school, families, and students. It is not simply punishment, but the development of responsibility, respect, and self-discipline. ECS expectations are grounded in equity, respect for self and others, and care for the environment, and are designed to support a safe and inclusive learning community.

The purpose of the ECS Student Code of Conduct is to define the rights and responsibilities of student and parent/guardian members of the school community, the standards for acceptable conduct of students, and the consequences for failure to meet those standards. In doing so, the Board of Trustees seeks to provide a safe environment in which students can learn.

To support our discipline policy/philosophy, we have developed the following core expectations:

Primary School & Intermediate

Be Safe
Be Responsible
Be Kind

Middle Schools

Be Safe
Be Respectful
Be Responsible

High School

Empathetic
Collaborative
Honorable
Scholarly

II. Policy

The Board of Trustees of ECS (“The Board”) has the authority to make reasonable and necessary rules governing the conduct of students in school in accordance with 22 Pa. Code § 12.3. The Board of Trustees is committed to creating a safe and positive learning environment wherein students recognize their rights and responsibilities, as well as those of other students, teachers, parents, administrators, and members of the school community. The following ECS Code of Conduct has been approved by the Board of Trustees and directs student behavior in school.

The ECS Code of Student Conduct must be implemented with attention to creating an environment where expected behaviors are taught and positively reinforced, and where student interventions match the actions. ECS employs a system of positive behavior support and interventions.

Nothing in this Code shall be interpreted to limit a student's rights under federal or state law, including due-process protections, anti-discrimination laws, and special education regulations.

Equal Opportunity

ECS complies with all applicable federal, state, and local laws in providing equal opportunity to all students. The Charter School prohibits discrimination in admission, grading, discipline or any other activity based on race, sex, color, national origin, religion, sexual orientation, disability, genetic information or any other classification protected by law.

Discipline of Students with Disabilities

ECS complies with Chapter 711 of Title 22 of the Pennsylvania Code pertaining to the discipline of students with disabilities and thought-to-be eligible students. Please refer to the School's Annual Notice of Special Education Services and Programs contained in this Handbook for applicable accommodations and procedures regarding the discipline of special education students. Disciplinary actions involving students with disabilities will follow the procedural safeguards required under IDEA and Section 504, including manifestation determination reviews when applicable. Any questions regarding the discipline of special education or Section 504 students should be directed to the school's Principal.

Scope of the ECS Student Code of Conduct

This Code of Conduct (the "Code") applies to the conduct of ECS students that occurs:

- On school grounds at any time;
- Off of school grounds at any school-related activity, function or event;
- Off of school grounds when the conduct may reasonably be expected to (i) undermine school authority; (ii) endanger the safety of students, teachers, administrators, or any other member of the school community; or (iii) interfere with the educational process or program of the school;
- While traveling to and from school on school buses, vans, or other transportation, regardless of the School or District of ownership, or on public transportation, including the time spent traveling to and from bus stops. This Code of Conduct will be followed unless superseded by the individual bus company's disciplinary code.
- During such time as they are under the supervision of the board of school directors and teachers, including the time necessarily spent coming to and returning from school. 24 P.S. § 5-510.

Rights and Responsibilities of Students

General

Student responsibilities include regular school attendance, conscientious effort in classroom work and homework, and conformance to school rules and regulations. Most of all, students share a responsibility with the administration and faculty to develop a climate within the school that is conducive to wholesome learning and living.

No student has the right to interfere with the education of fellow students. It is the responsibility of each student to respect the rights of teachers, students, administrators, and all others who are involved in the educational process. Students should express their ideas and opinions in a respectful manner.

It is the responsibility of the students to conform to the following:

1. Be aware of all rules and regulations for student behavior and conduct themselves in accordance with them. Students should assume that, until a rule is waived, altered or repealed in writing, it is in effect.
2. Volunteer information in matters relating to the health, safety and welfare of the school community and the protection of school property.
3. Dress and groom to meet standards of safety and health, and not to cause substantial disruption to the educational processes.
4. Assist the school staff in operating a safe school for the students enrolled therein.
5. Exercise proper care when using public facilities and equipment.
6. Attend school daily and be on time for all classes and other school functions.
7. Make up work when absent from school.
8. Pursue and attempt to complete satisfactorily the courses of study prescribed by local school authorities.
9. Report accurately in student media.
10. Do not use obscene language in student media or on school premises.

ECS also has the right to impose consequences for acts or behaviors that are not specifically delineated within this Code, including acts or behaviors that threaten the health, safety and/or welfare of members of the school community, break Commonwealth or local laws, disrupt the learning environment or undermine the educational mission of ECS. All disciplinary responses shall be consistent with applicable federal and state law, including due-process requirements and protections for students with disabilities. Parents will be informed of any disciplinary response given by the administration.

Behaviors Warranting Disciplinary Action

Students who commit any of the listed offenses shall be subject to disciplinary action deemed appropriate by Administration. Disciplinary action for an offense may include, but is not limited to:

- Disciplinary referrals and/or write-ups
- Detention
- Loss of privileges
- Letters of apology
- Meetings with the administration, teacher, or student services
- Call to parents
- Suspension from school privileges or transportation
- Reflection assignments
- Make-up assignments
- Removal from class;
- Referral to law enforcement authorities
- Referral to substance abuse treatment program or class
- Attendance at sensitivity class or training; alternative education
- In-school or out-of-school suspension and/or referral to the Board for an expulsion hearing, as set forth in Chapter 12 of Title 22 of the Pennsylvania Code.

Severity Clause

Any offense may receive a lesser or a more severe consequence based on the leveled behavior (up to and including out-of-school suspension and/or expulsion) at the discretion of the Administration, depending on the severity of the offense, repetition of the offense, or the effect of the offense on the student or others. Progressive discipline can also be utilized for repeated behaviors. Administrative discretion is utilized based on the specific incident and/or student disability status.

Disciplinary decisions are made on a case-by-case basis. However, some violations, including but not limited to: *weapons violations, bullying, harassment, drug violations, violations involving serious bodily injury, and violations involving conduct that is illegal under the laws of Pennsylvania, are considered extremely serious and will likely result in out-of-school suspension and/or referral to the Board of Trustees for expulsion from ECS.* The Board of Trustees retains the discretion in these cases to impose a different consequence where appropriate.

Disciplinary Behaviors

This list is not exhaustive of behaviors that may result in disciplinary action as deemed appropriate by ECS:

#	Code	Level	Definition
1	Activates Fire Alarm	3	Intentionally setting off a fire alarm when there is no fire or emergency. This includes pulling a fire alarm lever, pushing a fire alarm button, or otherwise causing the alarm system to activate without a real emergency.
2	Alcohol, Drug, and Tobacco Violations	3-4	Possession, use, under the influence, or distribution of alcohol, prescription drugs, illegal or synthetic drugs, tobacco, controlled substances, or possession of paraphernalia. Categories Include: - Impaired by Drugs or Alcohol (defined as Code 17) - Possession or Distribution of Alcohol/ Marijuana less than 1oz - Unauthorized Possession or Distribution of Over-the-Counter/ Prescription Drugs - Tobacco/ Vaping Violation - Possession of Marijuana at or above 1oz - Possession of Drugs - Possession of Drug Paraphernalia - Distribution of Drugs (defined as Code 10)
3	Arson - Attempted	3	Any act intended to start a fire, or to cause an explosion, that could endanger people, damage property, or disrupt the school environment, even if the fire or explosion does not actually occur.

4	Arson	4	The willful and malicious burning or attempt to burn any building, structure, or property, whether it belongs to the school, another student, staff member, or any other individual. This includes setting fire to school facilities, personal belongings, or any items on school grounds.
5	Bombing/ Use of Explosives	4	Possession, use, detonation, or threat to detonate any incendiary or explosive material or device on school property. This includes both actual explosives and "look-alike" bombs.
6	Bullying	1	Student repeatedly delivers disrespectful or harmful messages (verbal, written, digital, or gestural) toward another student where there is a misuse of power. Bullying may involve repeated behaviors or a single significant incident where a power imbalance exists
7	Cell Phone/ Electronic Devices - Major	1	Student insists on using personal electronic devices repeatedly and/or refuses to turn in devices when prompted.
8	Cheating/ Plagiarism	1	Using another student's work during a test, or assignment, receiving help from someone else (e.g., getting answers or using cheat sheets) during an exam or on assignments where collaboration is not allowed; utilizing books, notes, or electronic devices during an exam without permission; and/or submitting work that was bought, borrowed, copied, or otherwise not done by the student as their own.
9	Classroom Disruptions - Major	1	Student disrupts the class to the extent that class is no longer able to continue for an extended period of time.
10	Distribution of Drugs	4	The act of delivering, distributing, or transferring illegal drugs or marijuana over 1 oz.
11	Distribution/ Recording of Sexual Images	3	The creation, possession, sharing, or distribution of visual or digital content depicting sexually explicit acts or images. ECS will follow all applicable reporting requirements under state law when such conduct involves minors. Conduct that meets the definition of sexual harassment under Title IX will be addressed through ECS's Title IX Policy and grievance procedures.

12	Elopement from the Building	1	The act of leaving school boundaries during the school day.
13	Elopement - High Risk	2	The act leaving the school grounds, or assigned supervision without permission in a manner that creates a significant and immediate safety concern. This includes entering unsafe or unsupervised environments, situations in which the student's whereabouts are unknown for a significant period of time, or leaving school property to go home or another location without authorization.
14	Fighting	2 - 3	Engaging in two-sided or multi-sided physically aggressive behavior towards one another. Categories Include: - Fighting K-5 - Fighting 6-12
15	Gambling - Minor	2	Participating in any game of chance or contest on an outcome determined by luck or chance. This does not include staff-led or classroom games used for instruction.
16	Gambling - Major	3	Participating in any game of chance or contest where a student risks money or other items of value with the hope of gaining more in return, or losing what was risked, on an outcome determined by luck or chance.
17	Hazing	3	Any action or situation, intentional or unintentional, that causes a student mental or physical discomfort, embarrassment, humiliation, or ridicule for the purpose of initiation into or affiliation with a group, team, or organization.
18	Impaired by Drugs or Alcohol	3	The student has admitted to being under the influence of drugs, alcohol, inhalants and/or shows clear signs of impairment and there is substantial proof of use, including possession or direct observation. Drugs are defined as: all illegal or controlled substances, including but not limited to cocaine, heroin, non-prescription opioids, hallucinogens, illegal or legal synthetic drugs, etc. For more information on what is considered an illegal drug, please refer to the Drug Enforcement Administration Schedule of Controlled Substances.

19	Inappropriate Sexual Behavior (Nonviolent)	1	Exposing or touching one's own genitals, breast, or buttocks, or those sexual parts of another person or engaging in inappropriate sexual gestures.
20	Insubordination - Major	1	A more severe form of insubordination in which a student not only refuses to follow directions from school staff but does so in a manner that is openly defiant, disruptive, or disrespectful, such as repeated refusal after warnings, use of abusive language, or actions that undermine the authority or safety of staff or students or the orderly operation of the school.
21	Instigation of Conflict - Major	1	Continuation of instigation after adult intervention that leads to harm to others and/or of the school learning environment.
22	Lewd Notes/ Pictures	1	Written or visual content that is sexually explicit, vulgar, or obscene in nature.
23	Lying During Investigation - Major	1	There is proof that a student lied during an investigation and the false information impeded the investigation.
24	Physical Aggression - Major	1 - 2	Making offensive physical contact with another person repeatedly in a short period of time in an aggressive manner. This includes hitting, punching, kicking, pushing or other similar actions. The aggression is one-sided. An incident becomes major when physical injury to the victim is involved; this may include bite marks, minor injuries, broken skin, bruising, etc. Categories Include: - Physical Aggression Major K-5 - Physical Aggression Major 6-12
25	Physical Assault	3	A one-sided intentional physical attack on another person that causes bodily injury, this may include one or more of the following: severe bite marks, broken bones, uprooted hair, internal injuries, disfigurement, etc. Physical assault may include: punching, repeated hitting or kicking, choking, or attacking another person with an object or weapon.
26	Play Fighting - Major	1	Students repeatedly engaged in non-serious physical contact with another peer during instructional time, or in a manner that significantly disrupts the environment (hallway, bathroom, etc.) and has a reasonable possibility of resulting in injury. This may include ignored adult prompts.

27	Profanity - Major	1	Use of profanity or other extremely vulgar words/ messages that include swearing, name-calling, or any language used in an attack against another person.
28	Property Destruction - Major	1-2	Destroying property in a major way, including school-owned property and technology (ex. Throwing materials, punching, kicking or in any other way damaging the property), and technology destruction that violates the Acceptable Use Policy. Additional Acceptable Use Policy procedures may be followed, if applicable. Categories Include: - Property Destruction - Major K-5 - Property Destruction - Major 6-12
29	Racist Language/ Hate Speech	1	The use of any words, phrases, or expressions that demean, insult, or promote prejudice against individuals or groups based on their race, ethnicity, religion, gender, sexual orientation, disability, national origin or other protected attributes.
30	Recording and/or Disseminating Fights or Other Conduct	1	Capturing, sharing, posting, distributing, or intent to distribute through any means, including cell phones, cameras, or social media, videos, images, or audio recordings of physical altercations, threats, or other inappropriate or disruptive behavior that occurs on school grounds, during school activities, or that impacts the school environment.
31	Serious Bodily Injury	4	Bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.
32	Sexual Acts in School	3	Any intentional and consensual sexual act or behavior of a sexual nature on school grounds.
33	Sexual Assault	4	Sexual contact or behavior that occurs without explicit consent of the victim. Some forms of sexual assault include: Attempted rape, Fondling or unwanted sexual touching, or Forcing a victim to perform sexual acts, such as oral sex or penetrating the perpetrator's body. Conduct that meets the definition of sexual harassment under Title IX will be addressed through ECS's Title IX Policy and grievance procedures.

34	Sexual Harassment	3	Sexual harassment means conduct on the basis of sex that satisfies one or more of the following: a. Quid pro quo harassment: A school employee or student conditioning the provision of a school-related aid, benefit, or service on an individual's participation in unwelcome sexual conduct; b. Hostile environment harassment: Unwelcome conduct on the basis of sex that is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's education program or activity. Such conduct can be carried out by school staff, a student, or another person; and c. Specific offenses: Sexual assault, dating violence, domestic violence, or stalking as defined in the 2020 Title IX regulations. Harassment can be carried out by school staff, a student, or another person. It can occur in-person or online, including through email, texts or messages, apps, or other technologies. Depending upon facts and circumstances, some examples may include, but are not limited to: • Unwelcome conduct on social media platforms, such as sexually demeaning or discriminatory slurs or threats of sexual violence • Nonconsensual texting, posting, or otherwise sharing naked or intimate images of a person— whether real, altered, or created through artificial intelligence (AI) technologies; or • Stalking using technology, including sending multiple unwanted text messages, creating fake social media accounts, or using apps to work around a blocked number. Conduct that meets the definition of sexual harassment under Title IX will be addressed through ECS's Title IX Policy and grievance procedures.
35	Skippping - Major	1	Student does not attend or leaves school without parental permission or student intentionally avoids or misses scheduled classes, school activities, or leaves an assigned area for 20 or more minutes without valid permission or a legitimate reason.
36	State Assessments - Stealing/ Attempted Stealing	3	Taking, attempting to take, or possessing testing materials or answers from a state assessment without permission. This includes removing test materials from the testing room, or trying to obtain test questions or answers in any way.

37	Technology/ Computer Misuse - Major	1	A serious violation of the district's Acceptable Use Policy involving the intentional access, creation, or sharing of digital content that is age-inappropriate or harmful. This includes content that is obscene, sexually explicit, threatening, harassing, defamatory, violent, insulting, demeaning, or otherwise inappropriate as determined by a teacher or administrator. Additional Acceptable Use Policy procedures may be followed, if applicable.
38	Terroristic Threats of Violence	4	Threatening behavior or communication that indicates another person, group, or property may be significantly harmed or killed. This includes threats of mass violence, bomb threats, or targeted threats to individuals or small groups. Threats may be communicated in any form, including verbal, written, electronic (text, email, social media), or implied through body language or gestures.
39	Theft - Major	3	Taking or attempting to take another person's or the school's property without permission, with the intent to permanently deprive the owner of it, and/or when the value or significance of the item is substantial. This also includes repeated theft or theft that endangers others.
40	Theft - Minor 6-12	1	Taking or attempting to take property without permission, but with low value or minimal impact, or a first-time offense.
41	Threats	1, 3	Making a substantive or non-substantive serious threat towards school or others with intent (examples: kill, shoot, blow up, set on fire). Categories Include: - Repetitive and Non-Substantive/ Substantive with Threat of Minor Injury - Non-Substantive with Lethal Threat - Substantive Threat A threat may be considered a violation based on how a reasonable person would interpret the statement or conduct, regardless of a student's claimed intent.
42	Trespassing/ Loitering	2	Entering or remaining on school property, or in school buildings or areas, without authorization or a legitimate purpose. This includes being in restricted areas, refusing to leave when asked, or lingering on school grounds without reason.

43	Urination	1	The act of a student intentionally or inappropriately urinating on school property or grounds outside of a designated restroom facility.
44	Vandalism	3	Willful or reckless damaging, destruction, or defacing of public or private property, including school property, personal property of others, and school grounds.
45	Verbal Aggression - Major	1	Communication with the intention to harm an individual through words, tone or manner, regardless of whether harm occurs.
46	Verbal Harassment	1	A pattern of persistent language that is intended to cause emotional or psychological harm to another person. This includes, but is not limited to: insults, name-calling, or derogatory comments based on personal characteristics, such as race, religion, or disability; threats or expressions of intent to inflict harm or discomfort; persistent teasing, taunting, or mockery; spreading harmful rumors or falsehoods about an individual.
47	Weapons - Major/ Statutory Violation	4	Items that are defined as weapons under Pennsylvania law, including, but not be limited to, any knife, cutting instrument, cutting tool, nunchaku, firearm, shotgun, rifle, and any other tool, bombs and explosives, instrument or implement capable of inflicting serious bodily injury. Possession of such items on school property, to or from school or at school-sponsored activities will be addressed through the expulsion process required by law, subject to applicable board-level modification authority and special education protections.
48	Weapons - Minor/ Non-Statutory Violation	3	Items that are prohibited on school grounds because they pose a safety risk or could reasonably be perceived as a weapon, but which do not meet the strict definition of a weapon under the Public School Code. This may include, depending on context, pepper spray, ammunition, or weapon components, replica or look-alike weapons, or other objects capable of causing harm. Disciplinary responses will be determined on a case-by-case basis, taking into account the nature of the item, student intent, manner of possession or use, age and developmental level, and overall impact on school safety.

Leveled Behaviors

The aforementioned behaviors are organized by level and associated consequence options.

LEVEL 1 BEHAVIORS	
Bullying	Property Destruction - Major K-5
Cell Phone/ Electronic Devices - Major	Physical Aggression K-5
Cheating/ Plagiarism	Recording and/or Disseminating Fights or Other Conduct
Classroom Disruptions - Major	Racist Language/ Hate Speech
Elopement from the Building	Skippping - Major
Inappropriate Sexual Behavior (Nonviolent)	Theft - Minor 6-12
Insubordination - Major	Technology/ Computer Misuse - Major
Instigation of Conflict - Major	Threats - Repetitive and Non-Substantive/ Substantive with Threat of Minor Injury
Lewd Notes/ Pictures	Urination
Lying During Investigation - Major	Verbal Aggression - Major
Play Fighting - Major	Verbal Harassment
Profanity - Major	

CONSEQUENCES	
K-5	6-12
Restorative Reflection	Loss of Privilege
Loss of Privilege	Detention
Detention	In-School Suspension
In-School Suspension	Out-of-School Suspension
Out-of-School Suspension	Alternative Education Program consideration for significant repeated behaviors

**Consequences may be applied using a progressive discipline approach, starting with the least restrictive intervention, while incorporating restorative practices as appropriate. Please see the Restorative Practices section for additional details.*

LEVEL 2 BEHAVIORS
Elopement - High Risk
Fighting K-5
Gambling - Minor
Physical Aggression - Major 6-12
Property Destruction - Major 6-12
Trespassing/ Loitering

CONSEQUENCES	
K-5	6-12
Loss of Privilege	In-School Suspension
Detention	Out-of-School Suspension
In-School Suspension	Alternative Education Program consideration for significant repeated behaviors
Out-of-School Suspension	

**Consequences may be applied using a progressive discipline approach, starting with the least restrictive intervention, while incorporating restorative practices as appropriate. Please see the Restorative Practices section for additional details.*

LEVEL 3 BEHAVIORS	
Activates Fire Alarm	Possession of Drug Paraphernalia
Arson - Attempted	Sexual Acts in School
Distribution/ Recording of Sexual Images	Sexual Harassment
Fighting 6-12	State Assessments - Stealing/ Attempted Stealing
Gambling - Major	Tobacco/ Vaping Violation
Hazing	Theft - Major

Impaired by Drugs or Alcohol (defined as Code 17)	Threats - Non-Substantive with Lethal Threat
Possession or Distribution of Alcohol/ Marijuana less than 1oz	Threats - Substantive
Unauthorized Possession or Distribution of Over-the-Counter/ Prescription Drugs	Vandalism
Physical Assault	Weapons - Minor/Non-Statutory Violation

CONSEQUENCES	
K-5	6-12
In-School Suspension	Out-of-School Suspension (1-3 days on 1st instance)
Out-of-School Suspension	Alternative Education Program consideration for significant repeated behaviors
Children and Youth Report, when applicable	Children and Youth Report, when applicable

**Consequences may be applied using a progressive discipline approach, starting with the least restrictive intervention, while incorporating restorative practices as appropriate. Please see the Restorative Practices section for additional details.*

LEVEL 4 BEHAVIORS
Arson
Bombing/ Use of Explosives
Distribution of Drugs (defined as Code 10)
Possession of Drugs
Possession of Marijuana over 1 oz
Serious Bodily Injury
Sexual Assault
Terroristic Threats of Violence
Weapons - Major/ Statutory Violation

CONSEQUENCES	
K-5	6-12
Out-of-School Suspension	Out-of-School Suspension (5 or more days on 1st instance)
Referral to Board for Consideration of Expulsion	Referral to Board for Consideration of Expulsion
Police Report, when applicable	Alternative Education Program
Children and Youth Report, when applicable	Police Report, when applicable
	Children and Youth Report, when applicable

**Consequences may be applied using a progressive discipline approach, starting with the least restrictive intervention, while incorporating restorative practices as appropriate. Please see the Restorative Practices section for additional details.*

Restorative Practices

ECS has a commitment to support the development of the Whole Child. As such, understanding the impact of behaviors, restoring the community, repairing harm, and learning new skills should accompany any consequence to support student growth. These include, but are not limited to the following:

RESTORATIVE SUPPORTS	
Mediations	Reflections
Restorative Circles/ Conversations	MTSS/ Student Assistance Program Referrals
Student Services Supports	Safety Plans
Behavior Plans/ Contracts	Education (mini-courses, research, etc.)
Accommodations	Apologies
Restoration of Space	Schedule Adjustments
Restitution	Community Service

Restorative practices are not a substitute for due-process protections and will be implemented consistent with student disability status and individual accommodations.

In-School Suspension

1. A student may not receive an in-school suspension unless the student has been informed of the reasons for the suspension and has been given an opportunity to respond before the suspension becomes effective.

2. Parents or guardians shall be notified of the suspension as soon as practicable following the decision.
3. When the in-school suspension exceeds 10 consecutive school days, an informal hearing with the principal shall be offered to the student and the student's parent or guardian prior to the 11th school day in accordance with the procedures in the Pennsylvania Code. 22 Pa. Code § 12.7.
4. ECS has the responsibility to provide for the student's education during the period of the in-school suspension

Out-of-School Suspension and Expulsion

1. Exclusion from school may take the form of suspension or expulsion.
2. Suspension is exclusion from school for a period of 1 to 10 consecutive school days.
 - a. Suspensions may be given by the principal or administrator in charge at ECS.
 - b. A student will be informed verbally of the reasons for suspension and given an opportunity to respond before the suspension becomes effective, unless the student's presence poses an immediate threat to health or safety.
 - c. The parents or guardians shall be notified immediately when the student is suspended.
 - d. When the suspension exceeds 3 school days, the student and parent or guardian shall be given the opportunity for an informal hearing consistent with the requirements of the Pennsylvania Code. 22 Pa. Code § 12.6.
 - e. Suspensions may not be made to run consecutively beyond the 10-school day period.
 - f. Students shall have the responsibility to make up exams and work missed while being disciplined by suspension and shall be permitted to complete these assignments within guidelines established by the Board of Trustees.
3. Expulsion is exclusion from school by the Board of Trustees for a period exceeding 10 school days and may be permanent expulsion from the school rolls. Expulsions require a prior formal hearing pursuant to the Pennsylvania Code. 22 Pa. Code 12.6.
4. During the period prior to the hearing and decision of the Board in an expulsion case, the student shall be placed in their normal class except as set forth in subsection (4).
5. If it is determined after an informal hearing that a student's presence in their normal class would constitute a threat to the health, safety or welfare of others and it is not possible to hold a formal hearing within the period of a suspension, the student may be excluded from school for more than 10 school days. A student may not be excluded from school for longer than 15 school days without a formal hearing unless mutually agreed upon by both parties. Any student so excluded shall be provided with alternative education, which may include home study.
6. Students who are under 18 years of age are still subject to the compulsory school attendance law, even when expelled, and shall be provided with an education.
 - a. The initial responsibility for providing the required education rests with the student's parents or guardian, through placement in another school, tutorial or correspondence study, or another educational program approved by the charter school.
 - b. Within 30 days of the action by the Board, the parents or guardians shall submit to the school written evidence that the required education is being provided as described in paragraph (1) or that they are unable to do so. If the parents or guardians are unable to provide the required education, the charter school shall,

within 10 days of receipt of the notification, make provision for the student's education. A student with a disability shall be provided with educational services as required by the Individuals with Disabilities Education Act 2004.

- c. If the approved educational program is not complied with, the school may take action in accordance with 42 Pa.C.S. Chapter 63 (relating to the Juvenile Act) to ensure that the child will receive a proper education. See § 22 Pa. Code 12.1(b) (relating to free education and attendance).

Hearings

Education is a statutory right, and students shall be afforded due process if they are to be excluded from school. In a case involving a possible expulsion, the student is entitled to a formal hearing.

Formal Hearings:

A formal hearing is required in all expulsion actions. This hearing may be held before the Board or an authorized committee of the Board, or a qualified hearing examiner appointed by the Board. When a committee of the Board or a hearing examiner conducts the hearing, a majority vote of the entire Board is required to expel a student. The following due process requirement shall be observed with regard to the formal hearing:

1. Notification of the charges shall be sent to the student's parents or guardians by certified mail.
2. At least 3 days' notice of the time and place of the hearing shall be given. A copy of the expulsion policy, notice that legal counsel may represent the student and hearing procedures shall be included with the hearing notice. A student may request the rescheduling of the hearing when the student demonstrates good cause for an extension.
3. The hearing shall be held in private unless the student, or parent, or guardian requests a public hearing.
4. The student may be represented by counsel, at the expense of the parents or guardians, and may have a parent or guardian attend the hearing.
5. The student has the right to be presented with the names of witnesses against the student, and copies of the statements and affidavits of those witnesses.
6. The student has the right to request that the witnesses appear in person and answer questions or be cross-examined.
7. The student has the right to testify and present witnesses on their own behalf.
8. A written or audio record shall be kept of the hearing. The student is entitled, at the student's expense, to a copy. A copy shall be provided at no cost to a student who is indigent.
9. The proceeding shall be held within 15 school days of the notification of charges, unless mutually agreed to by both parties. A hearing may be delayed for any of the following reasons, in which case the hearing shall be held as soon as reasonably possible:
 - a. Laboratory reports are needed from law enforcement agencies.
 - b. Evaluations or other court or administrative proceedings are pending due to a student invoking their rights under the Individuals with Disabilities Education Act 2004 (20 U.S.C.A. § § 1400—1482).
 - c. In cases in juvenile or criminal court involving sexual assault or serious bodily injury, delay is necessary due to the condition or best interests of the victim.
10. Notice of a right to appeal the results of the hearing shall be provided to the student with the expulsion decision.

Informal Hearings:

The purpose of the informal hearing is to enable the student to meet with the appropriate school administrator to explain the circumstances surrounding the event for which the student is being suspended or to show why the student should not be suspended.

1. An informal hearing must be held when a suspension exceeds three consecutive days or a referral is made to an Alternative Education for Disruptive Youth (AEDY) program.
2. The informal hearing is held to bring forth all relevant information regarding the event for which the student may be suspended and for students, their parents or guardians and school officials to discuss ways by which future offenses might be avoided.
3. The following due process requirements shall be observed in regard to the informal hearing:
 - a. Notification of the reasons for the suspension shall be given in writing to the parents or guardians and to the student.
 - b. Reasonable notice of the time and place of the informal hearing shall be given.
 - c. A student has the right to question any witnesses present at the hearing.
 - d. A student has the right to speak and produce witnesses on their own behalf.
 - e. The school entity shall offer to hold the informal hearing within the first 5 days of the suspension.

III. Legal Authority

22 Pa. Code § 12.1
 22 Pa. Code § 12.3
 22 Pa. Code § 12.6
 22 Pa. Code § 12.7
 20 U.S.C.A. § § 1400—1482

IV. Last Revised

August 2023

TO THE EXTENT THAT ANYTHING IN THIS POLICY COULD BE CONSTRUED TO CONFLICT WITH APPLICABLE LOCAL, STATE AND/OR FEDERAL LAWS AND/OR THE CHARTER SCHOOL'S CHARTER, THE APPLICABLE LOCAL, STATE AND/OR FEDERAL LAWS AND/OR CHARTER, AS APPLICABLE, SHALL TAKE PRECEDENCE OVER SUCH CONFLICTING PROVISION(S) AND SHALL CONTROL