Board of Trustees Policy

STUDENT CONDUCT AND DISCIPLINE POLICY

The Board of Trustees ("Board") of the Roberto Clemente Charter School ("Charter School") has the authority to make reasonable and necessary rules governing the conduct of students in the Charter School. The rulemaking power, however, is not unlimited; it must operate within statutory and constitutional restraints. The Board acts within those powers that are enumerated in the statutes of the Commonwealth, or that may reasonably be implied or necessary for the orderly operation of the Charter School. Authorized discipline of Charter School students shall not include corporal punishment.

Accordingly, the Board's adoption of a Student Code of Conduct, which contains student rights and responsibilities as well as levels of misconduct and resulting discipline, is within its grant of authority from the General Assembly. The rules contained within this policy are to be implemented in a consistent and non-discriminatory manner and are a rational means of accomplishing the legitimate school purpose of a safe and orderly environment in which students may be instructed. All students enrolled in the Charter School are entitled to share in its educational and related programs to the extent of their abilities without regard to race, color, sex, sexual orientation, national origin, religion or handicap. All students are expected to conduct themselves at school and in school-related activities and on school-issued technology in accordance with public laws, school rules and lawful directions of assigned staff, and to deal fairly and courteously with fellow students, staff and the public.

The Board directs the Charter School administration to ensure that all Charter School students are protected from any unlawful and excessive force used by teachers and school authorities for discipline purposes. The Charter School and its teachers and employees will be subject to civil action and/or criminal punishment for engaging in corporal punishment of students. For the above reasons, the Charter School strictly prohibits any corporal punishment on any student, including for disciplinary infractions. Teachers and employees may only use reasonable force under the following circumstances: to quell a disturbance, to obtain possession of weapons or other dangerous objects, for the purpose of self-defense, for the protection of persons or property. 22 Pa. Code § 12.5.

The Charter School CEO and/or his or her designee shall develop and disseminate reasonable rules to carry out the purpose of this policy. The CEO and/or his or her designee is responsible for publishing and distributing to all staff, students and

parents/guardians the rules and regulations for student behavior contained in the Code of Student Conduct and the sanctions that may be imposed for violations of those rules. These rules shall comply with applicable public law and shall include the following elements:

(a) Standards of student conduct shall inform students and staff what conduct is acceptable and what is prohibited. These standards shall apply to students while traveling to and from school, at school, while using school issued technology, and in all school-related activities and shall be appropriate to students' ages.

(b) Disciplinary sanctions shall state which staff may employ what sanctions to penalize and correct students who violate reasonable standards of conduct. Discipline must be rationally related to the offense, designed to teach responsibility for one's actions and applied without discrimination on account of race, color, sex, sexual orientation, national origin or religion.

Penalties

If a teacher or an employee of the Charter School engages in corporal punishment or techniques, he or she is subject to discipline as outlined in the employee handbook, which may result in include termination of employment at the Charter School.

Due Process

Procedures to enforce standards of conduct and apply disciplinary sanctions shall provide for due process by giving students notice of the offense charged and an opportunity to respond. The extent of appeal to review the application of any discipline shall be reasonably related to the weight of the sanction.

Discipline Records

Student records shall reflect disciplinary action to the extent necessary to support educational and counseling objectives with appropriate safeguards for proper use and limited dissemination, pursuant to the Family Educational Rights and Privacy Act (FERPA) and other federal and state regulations regarding student discipline records.

Reporting

The CEO, or his/her designee, shall annually, or such other time frame as required, per the Pennsylvania Department of Education (PDE) Office for Safe Schools, at 24 P.S. §13-1303-A, report on the required form, all new incidents that occurred on school property and involved conduct including, but not limited to, acts of violence, weapons, terroristic threats, controlled substances, alcohol or tobacco. The CEO, or his/her designee, shall annually, or such other time frame as required per PDE, submit the prepared Office of Safe Schools report to the police department with jurisdiction over the school building for review and comparison with police incident data. Discrepancies shall be resolved in accordance with the procedures outlined in the memorandum of understanding pursuant to 24 P.S. §13-1302.1-A regarding procedures between the Charter School and law enforcement.

The Individuals with Disabilities Education Act, 20 U.S.C. Section 1400 et seq., and its implementing regulations ("IDEA"); does not prohibit a LEA from reporting a crime committed by a student eligible for special education to appropriate authorities, or to prevent state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by an eligible student. A LEA reporting a crime committed by a student eligible for special education must ensure that copies of the special education and disciplinary records of the student are transmitted, in compliance with the provisions of the Family Education Rights and Privacy Act, for consideration by the appropriate authorities to whom it reports the crime.

Special Education Students

Special education students are afforded appropriate protection of their due process rights through both IDEA and state regulations at 22 Pa Code §711.46 (Positive Behavior Support); 22 Pa Code §711.61 (Suspension and Expulsion); and 22 Pa Code §711.62 (Procedural Safeguards).

TO THE EXTENT THAT ANYTHING IN THIS POLICY COULD BE CONSTRUED TO CONFLICT WITH APPLICABLE STATE AND/OR FEDERAL LAWS, THE APPLICABLE STATE AND/OR FEDERAL LAWS CONTROL. THIS POLICY IS NOT INTENDED TO CONFLICT WITH CHARTER REQUIREMENTS.

ADOPTED this day ___15th_____ of __October_____, 2024

DR. LYNN COLUMBA
President

ALEX ROLÓN
Secretary