

ADMINISTRATIVE PROCEDURES: NONDISCRIMINATION – QUALIFIED STUDENTS  
WITH DISABILITIES/PROTECTED HANDICAPPED STUDENTS  
(Attachment for Policy No. 103.1)

**Parental Request For Assistance –**

**Parents/Guardians may file a written request for assistance with the Pennsylvania Department of Education (PDE) if one (1) or both of the following apply:[\[32\]](#)**

- 1. The district is not providing the related aids, services and accommodations specified in the student's Service Agreement.**
- 2. The district has failed to comply with the procedures and state regulations.**

**PDE shall investigate and respond to requests for assistance and, unless exceptional circumstances exist, shall, within sixty (60) calendar days of receipt of the request, send to the parents/guardians and district a written response to the request. The response to the parents'/guardians' request shall be in the parents'/guardians' native language or mode of communication.[\[32\]](#)**

**Informal Conference –**

**At any time, parents/guardians may file a written request with the district for an informal conference with respect to the identification or evaluation of a student, or the student's need for related aids, services or accommodations. Within ten (10) school days of receipt of the request, the district shall convene an informal conference. At the conference, every effort shall be made to reach an amicable agreement.[\[32\]](#)**

**Formal Due Process Hearing –**

**If the matters raised by the district or parents/guardians are not resolved at the informal conference, the district or parents/guardians may submit a written request for an impartial due process hearing. The hearing shall be held before an impartial hearing officer and shall be conducted in accordance with state regulations.[\[32\]](#)[\[52\]](#)**

**Judicial Appeals –**

**The decision of the impartial hearing officer may be appealed to a court of competent jurisdiction.[\[32\]](#)**

**Legal References:**

32. 22 PA Code 15.8

52. 22 PA Code 14.162

# THE SCHOOL DISTRICT OF PHILADELPHIA

SECTION: 100 Programs

TITLE: Nondiscrimination –  
Qualified Students With  
Disabilities/Protected Handicapped  
Students

ADOPTED:

REVISED:

## NONDISCRIMINATION – QUALIFIED STUDENTS WITH DISABILITIES/PROTECTED HANDICAPPED STUDENTS

### Authority

The School Reform Commission declares it to be the policy of this district to ensure that all district programs and practices are free from discrimination against all qualified students with disabilities/protected handicapped students. The SRC recognizes its responsibility to provide academic and nonacademic services and programs equally to students with and without disabilities. [\[1\]](#)[\[2\]](#)[\[3\]](#)[\[4\]](#)[\[5\]](#)[\[6\]](#)[\[7\]](#)[\[8\]](#)[\[9\]](#)

The district shall provide to each qualified student with a disability/protected handicapped student enrolled in the district, without cost to the student or parent/guardian, a free and appropriate public education (FAPE). This includes provision of education and related aids, services, or accommodations which are needed to afford each qualified student with a disability/protected handicapped student equal opportunity to participate in and obtain the benefits from educational programs and extracurricular activities without discrimination, to the same extent as each student without a disability, consistent with federal and state laws and regulations.

The SRC encourages students and parents/guardians who believe they have been subjected to discrimination or harassment to promptly report such incidents to designated employees.

The SRC directs that complaints of discrimination or harassment shall be investigated promptly, and corrective action be taken for substantiated allegations. Confidentiality of all parties shall be maintained, consistent with the district's legal and investigative obligations.

The district shall not intimidate, threaten, coerce, discriminate or retaliate against any individual for the purpose of interfering with any right or privilege secured by this policy.

**In the event that the district fails to investigate a complaint of discrimination, fails to document the outcome of an investigation of discrimination, or if discrimination continues after an investigation has concluded, individuals may report submit a complaint in accordance with applicable SRC policy.**[\[10\]](#)

### Definitions

**Qualified student with a disability/protected handicapped student** - a student who has a physical or mental disability which substantially limits or prohibits participation in or access to an aspect of the district's educational programs, nonacademic services or extracurricular activities.[\[11\]\[12\]](#)

**Section 504/ Chapter 15 Team**- a group of individuals who are knowledgeable about the student, the meaning of the evaluation data and the placement options for the student. This could include, as appropriate, documentation or input from classroom teachers, **administrators or designers**, counselors, psychologists, school nurses, **related service providers**, outside care providers and the student's parents/guardians.[\[3\]\[8\]](#)

**Section 504 Service Agreement (Service Agreement/504 Plan)** - an individualized plan for a qualified student with a disability/protected handicapped student which sets forth the specific related aids, services, or accommodations needed by the student, which shall be implemented in school, in transit to and from school, and in all programs and procedures, so that the student has equal access to the benefits of the school's educational programs, nonacademic services, and extracurricular activities.[\[13\]](#)

**Disability harassment** - intimidation or abusive behavior toward a student based on disability that creates a hostile environment by interfering with or denying a student's participation in or receipt of benefits, services, or opportunities in the school's educational programs, nonacademic services, or extracurricular activities.[\[14\]](#)

### **Delegation of Responsibility**

In order to maintain a program of nondiscrimination practices that is in compliance with applicable laws and regulations, the SRC shall designate a district **Section 504/Chapter 15** Coordinator.[\[15\]](#)

In addition, each school within the district shall have a **Section 504/Chapter 15** Administrator and case manager.

The district shall publish and disseminate this policy and complaint procedure on or before the first day of each school year by posting it on the district's website and in school calendars or brochures. The district shall notify parents/guardians of students residing in the district of the district's responsibilities under applicable laws and regulations, and that the district does not discriminate against qualified individuals with disabilities/**protected handicapped students**. **The notice shall include the name, position, office address, telephone number and email address of the Section 504/Chapter 15 Coordinator.**[\[16\]\[17\]](#)

### **Guidelines**

**This policy shall be made available in English and all other languages necessary to facilitate understanding by district residents.**

### **Regulatory Procedure**

## Identification and Evaluation

The district shall conduct an annual child find campaign to locate and identify every district student with a disability thought to be eligible for Section 504 services and protections. The district may combine this search with the district's IDEA child find efforts, in order to not duplicate efforts.[\[17\]](#)[\[18\]](#)

If a parent/guardian or the district has reason to believe that a student should be identified as a qualified student with a disability/protected handicapped student, should no longer be identified as a qualified student with a disability/protected handicapped student, or requires a change in or modification of the student's current Service Agreement, the parent/guardian or the district shall provide the other party with written notice.[\[19\]](#)[\[20\]](#)[\[21\]](#)

The district's notices to the parents/guardians shall be in the parents'/guardians' native language or mode of communication.

The district shall establish standards and procedures for initial evaluations and periodic re-evaluations of students who need or are believed to need related services because of a disability.[\[21\]](#)

The district shall specifically identify the procedures and types of tests used to evaluate a student, and provide the parent/guardian the opportunity to give or withhold consent to the proposed evaluation(s) in writing.[\[21\]](#)

The district shall establish procedures for evaluation and placement that assure tests and other evaluation materials:

1. Have been validated and are administered by trained personnel.
2. Are tailored to assess educational need and are not based solely on IQ scores.
3. Reflect aptitude or achievement or anything else the tests purport to measure and do not reflect the student's impaired sensory, manual or speaking skills (except where those skills are what is being measured).

## Service Agreement

If a student is determined to be a qualified student with a disability/protected handicapped student, the district shall develop a written Service Agreement for the delivery of all appropriate aids, services, or accommodations necessary to provide the student with FAPE.[\[13\]](#)

The Service Agreement shall be in writing and signed by the principal **or designee** and one (1) parent/guardian. Oral agreements may not be relied upon.[\[13\]](#)

The Service Agreement shall set forth the date the services shall begin; the date the services shall be discontinued; when appropriate, the procedure to be followed in the event of a medical emergency; specific related aids, services or accommodations the student shall receive, or if an agreement is being modified, the modified services the student shall receive.

The district shall not modify or terminate a student's current Service Agreement without the parent's/guardian's written consent.[\[19\]](#)

#### Educational Programs/Nonacademic Services/Extracurricular Activities

The district shall educate a qualified student with a disability/protected handicapped student with students who are not disabled to the maximum extent appropriate to the needs of the student. A qualified student with a disability/protected handicapped student shall be removed from the regular educational environment only when the district determines that educating the student in the regular educational environment with the use of related aids, services, or accommodations cannot be achieved satisfactorily. Placement in a setting other than the regular educational environment shall take into account the proximity of the alternative setting to the student's home.[\[22\]](#)[\[23\]](#)

The district shall not discriminate against any qualified student with a disability/protected handicapped student in its provision of nonacademic services and extracurricular activities including, but not limited to, counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs, and referrals to agencies which provide assistance to individuals with disabilities.[\[22\]](#)[\[23\]](#)[\[24\]](#)[\[25\]](#)[\[26\]](#)[\[27\]](#)[\[28\]](#)

#### Discipline

When necessary, the district shall discipline qualified students with disabilities/protected handicapped students in accordance with state and federal laws and regulations, SRC policies **and district administrative procedures**.[\[29\]](#)[\[30\]](#)[\[31\]](#)

#### Parental Involvement

Parents/Guardians have the right to inspect and review all relevant school records of the student, meet with the appropriate school officials to discuss any and all issues relevant to the evaluation and accommodations of their child, and give or withhold their written consent to the evaluation and/or the provision of services.[\[13\]](#)[\[20\]](#)[\[21\]](#)[\[32\]](#)

#### Confidentiality of Student Records

All personally identifiable information regarding a qualified student with a disability/protected handicapped student shall be treated as confidential and disclosed only as permitted by the Family Educational Rights and Privacy Act (FERPA) and its implementing regulations, state regulations, and SRC policy.[\[33\]](#)[\[34\]](#)[\[35\]](#)

#### **Referral to Law Enforcement and Reporting Requirements**

**For reporting purposes, the term incident shall mean an instance involving an act of violence; the possession of a weapon; the possession, use, or sale of a controlled substance or drug paraphernalia as defined in the Pennsylvania Controlled Substance, Drug, Device and Cosmetic Act; the possession, use, or sale of alcohol or tobacco; or conduct that constitutes an offense listed under the Safe Schools Act.**[\[36\]](#)[\[37\]](#)[\[38\]](#)

**The Superintendent, Office of School Safety or designee shall immediately report required incidents and may report discretionary incidents committed on school property, at any school-sponsored activity or on a conveyance providing transportation to or from a school or school-sponsored activity by a qualified student with a disability/protected handicapped student, including a student for whom an evaluation is pending, to the local police department that has jurisdiction over the school's property, in accordance with state and federal laws and regulations, the procedures set forth in the memorandum of understanding with local law enforcement, and SRC policies. The Superintendent or designee shall respond in a manner that is consistent with the student's Service Agreement and Behavior Support Plan, if applicable.**[\[11\]](#)[\[13\]](#)[\[22\]](#)[\[30\]](#)[\[34\]](#)[\[36\]](#)[\[39\]](#)[\[40\]](#)[\[41\]](#)[\[42\]](#)[\[43\]](#)[\[44\]](#)[\[45\]](#)[\[46\]](#)[\[47\]](#)[\[48\]](#)[\[49\]](#)

**In making a determination of whether to notify the local police department of a discretionary incident committed by a qualified student with a disability/protected handicapped student, including a student for whom an evaluation is pending, the Superintendent, Office of School Safety or designee shall use the same criteria used for students who do not have a disability.**[\[40\]](#)[\[49\]](#)[\[50\]](#)[\[9\]](#)

**For a qualified student with a disability/protected handicapped student who does not have a Behavior Support Plan as part of the student's Service Agreement, subsequent to notification to law enforcement, the district, in consultation with the student's parent/guardian, shall consider whether a Behavior Support Plan should be developed as part of the Service Agreement to address the student's behavior.**[\[13\]](#)[\[41\]](#)

**In accordance with state law, the Superintendent shall annually, by July 31, report to the Office for Safe Schools on the required form all new incidents committed by qualified students with disabilities/protected handicapped students, including students for whom an evaluation is pending, which occurred on school property, at any school-sponsored activity or on a conveyance providing transportation to or from a school or school-sponsored activity.**[\[37\]](#)[\[49\]](#)

#### Procedural Safeguards

The district shall establish and implement a system of procedural safeguards that includes notice of rights to the parent/guardian of a student suspected of being a qualified student with a disability/protected handicapped student, an opportunity for the parent/guardian to review relevant records, an impartial hearing with an opportunity for participation by the student's parent/guardian, and a review procedure.[\[32\]](#)[\[51\]](#)

A student or parent/guardian filing a claim of discrimination need not exhaust these procedures prior to initiating court action under Section 504.[\[20\]](#)

#### Parental Request For Assistance

~~Parents/Guardians may file a written request for assistance with the Pennsylvania Department of Education (PDE) if one (1) or both of the following apply:~~[\[32\]](#)

1. The district is not providing the related aids, services and accommodations specified in the student's Service Agreement.
2. The district has failed to comply with the procedures and state regulations.

PDE shall investigate and respond to requests for assistance and, unless exceptional circumstances exist, shall, within sixty (60) calendar days of receipt of the request, send to the parents/guardians and district a written response to the request. The response to the parents'/guardians' request shall be in the parents'/guardians' native language or mode of communication. [\[32\]](#)

#### Informal Conference

At any time, parents/guardians may file a written request with the district for an informal conference with respect to the identification or evaluation of a student, or the student's need for related aids, services or accommodations. Within ten (10) school days of receipt of the request, the district shall convene an informal conference. At the conference, every effort shall be made to reach an amicable agreement. [\[32\]](#)

#### Formal Due Process Hearing

If the matters raised by the district or parents/guardians are not resolved at the informal conference, the district or parents/guardians may submit a written request for an impartial due process hearing. The hearing shall be held before an impartial hearing officer and shall be conducted in accordance with state regulations. [\[32\]](#)[\[52\]](#)

#### Judicial Appeals

The decision of the impartial hearing officer may be appealed to a court of competent jurisdiction. [\[32\]](#)

### Regulatory Procedure

#### Complaint Procedure

This complaint procedure is in addition to and does not prevent parents/guardians from using any option in the procedural safeguards system. [\[9\]](#)

#### **Step 1 – Reporting**

A student or his/her parent/guardian who believes s/he has been subject to conduct **by any student, employee or third party** that constitutes a violation of this policy is encouraged to immediately report the incident to the Section 504/Chapter 15 case manager or to any other member of the school staff, including teachers, guidance counselors, **nurses**, coaches and administrators.

A school employee who witnesses, suspects or is notified that a student has been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the Section 504/Chapter 15 case manager or designee.

If the Section 504/Chapter 15 case manager is the subject of a complaint, the student, parent/guardian or employee shall report the incident directly to the district's Section 504/Chapter 15 Coordinator.

The complainant or reporting employee is encouraged to use the report form available from the Section 504/Chapter 15 building administrator, but oral complaints shall be acceptable. Oral complaints shall be documented by the Section 504/Chapter 15 case manager.

## **Step 2 – Investigation**

Upon receiving a complaint of discrimination, the Section 504/Chapter 15 administrator, case manager or designee shall investigate the complaint, unless the Section 504/Chapter 15 administrator, case manager or designee is the subject of the complaint or is unable to conduct the investigation.

**The Section 504/Chapter 15 administrator, case manager or designee shall conduct an adequate, reliable and impartial investigation and shall provide the opportunity for each party to present witnesses and other evidence.**

The investigation may consist of individual interviews with the complainant, the accused, and others with knowledge relative to the incident. The investigator may also evaluate any other information and materials relevant to the investigation.

The investigator shall attempt to secure statements from all participants in, and witnesses to the complaint. The accused shall have the right of representation during his/her interview as required by the applicable collective bargaining agreement or practice.

**If the investigation results in a determination that the conduct being investigated may involve a violation of criminal law, the building administrator or designee shall inform law enforcement authorities about the incident.**

The obligation to conduct this investigation shall not be negated by the fact that a criminal investigation of the incident is pending or has been concluded. **The investigator should coordinate with any other ongoing district or criminal investigation of the incident.**

All investigations shall be completed by the assigned investigator within fourteen (14) days from the filing date of the complaint. Extenuating circumstances for not being able to comply with the deadline must be approved by the **Section 504/Chapter 15 Coordinator**. The extension must be a specified period of time not exceeding fourteen (14) days, and must be communicated to the complainant.

## **Step 3 – Investigative Report**



The Section 504/Chapter 15 administrator, case manager or designee shall prepare a written report to the Section 504/Chapter 15 Coordinator within fourteen (14) days, unless additional time to complete the investigation is required. The report shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual and whether it is a violation of this policy, the basis for the determination and a recommended disposition of the complaint.

The complainant and the accused shall be provided written notice of the outcome of the investigation, including the recommended disposition. The accused shall not be notified of the individual remedies offered or provided to the complainant.[\[33\]](#)

#### **Step 4 – District Action**

If the investigation results in a finding that the complaint is factual and constitutes a violation of this policy, the district shall take prompt, corrective action to ensure that such conduct ceases. The district shall take steps to prevent the recurrence of prohibited conduct and to correct the discriminatory effect on the complainant and others, if appropriate. District staff shall document the corrective action taken and, where not prohibited by law, inform the complainant.[\[33\]](#)

Disciplinary actions shall be consistent with the Code of Student Conduct, SRC policies and administrative procedures, applicable collective bargaining agreements, and state and federal laws, and may include educational activities and/or counseling services.

If it is concluded that a student has knowingly made a false complaint under this policy, such student shall be subject to disciplinary action.

#### **Appeal Procedure**

- 1. If the complainant or the accused is not satisfied with a finding of no violation of the policy or with the recommended corrective action, s/he may submit a written appeal to the Section 504/Chapter 15 Coordinator within fifteen (15) days.**
- 2. The Section 504/Chapter 15 Coordinator shall review the investigation and the investigative report and may also conduct a reasonable investigation.**
- 3. The Section 504/Chapter 15 Coordinator shall prepare a written response to the appeal within fifteen (15) days. Copies of the response shall be provided to the complainant, the accused and the Section 504/Chapter 15 case manager who conducted the initial investigation.**

#### **Legal References:**

1. 22 PA Code 12.1
2. 22 PA Code 12.4
3. 22 PA Code 15.1 et seq
4. 22 PA Code 4.4
5. 29 U.S.C. 794
6. 42 U.S.C. 12101 et seq

7. 28 CFR Part 35  
8. 34 CFR Part 104  
9. Pol. 103  
10. Pol. 906  
11. 22 PA Code 15.2  
12. 42 U.S.C. 12102  
13. 22 PA Code 15.7  
14. Pol. 248  
15. 34 CFR 104.7  
16. 22 PA Code 15.4  
17. 34 CFR 104.32  
18. Pol. 113  
19. 22 PA Code 15.5  
20. 22 PA Code 15.6  
21. 34 CFR 104.35  
22. 22 PA Code 15.3  
23. 34 CFR 104.34  
24. 34 CFR 104.37  
25. Pol. 112  
26. Pol. 122  
27. Pol. 123  
28. Pol. 810  
29. Pol. 113.1  
30. Pol. 218  
31. Pol. 233  
32. 22 PA Code 15.8  
33. 20 U.S.C. 1232g  
34. 22 PA Code 15.9  
35. Pol. 216  
36. 22 PA Code 10.2  
37. 24 P.S. 1303-A  
38. 35 P.S. 780-102  
39. 22 PA Code 10.21  
40. 22 PA Code 10.22  
41. 22 PA Code 10.23  
42. 22 PA Code 10.25  
43. 24 P.S. 1302.1-A  
44. Pol. 113.2  
45. Pol. 218.1  
46. Pol. 218.2  
47. Pol. 222  
48. Pol. 227  
49. Pol. 805.1  
50. 22 PA Code 15.1  
51. 34 CFR 104.36  
52. 22 PA Code 14.162

**Related Information:**

28 CFR Part 35

34 CFR Part 99

Philadelphia Code of Ordinances (Fair Practice Ordinance) - 9-1101 et seq

Philadelphia Commission on Human Relations Guidance

ADMINISTRATIVE PROCEDURES: NONDISCRIMINATION IN SCHOOL AND  
CLASSROOM PRACTICES  
(Attachment for Policy No. 103)

**Complaint Procedure – Student/Third Party**

**Step 1 – Reporting**

**A student or third party who believes s/he has been subject to conduct by any student, employee or third party that constitutes a violation of this policy, or the parent/guardian of a student, is encouraged to immediately report the incident to the building principal or designee, or to any other member of the school staff, including teachers, guidance counselors, coaches and administrators.**

**A school employee who witnesses, suspects or is notified that a student has been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the building principal or designee.**

**If the building principal is the subject of a complaint, the student, parent/guardian, third party or employee shall report the incident directly to the Compliance Officer.**

**The complainant or reporting employee is encouraged to use the report form available from the building principal, but oral complaints shall be acceptable.**

**Step 2 – Investigation**

**Upon receiving a complaint of discrimination, the building principal or designee shall investigate the complaint, unless the building principal or designee is the subject of the complaint or is unable to conduct the investigation.**

**The building principal or designee shall conduct an adequate, reliable and impartial investigation and shall provide the opportunity for each party to present witnesses and other evidence.**

**The investigation may consist of individual interviews with the complainant, the accused, and others with knowledge relative to the incident. The investigator may also evaluate any other information and materials relevant to the investigation.**

The investigator shall attempt to secure statements from all participants in and witnesses to the complaint.

**The obligation to conduct this investigation shall not be negated by the fact that a criminal investigation of the incident is pending or has been concluded. The investigator should coordinate with any other ongoing school or criminal investigation of the incident.**

All investigations shall be completed by the assigned investigator within fourteen (14) days from the filing date of the complaint. Extenuating circumstances for not being able to comply with the deadline must be approved by the Compliance Officer. The extension must be a specified period of time not exceeding fourteen (14) days, and must be communicated to the complainant.

### **Step 3 – Investigative Report**

**The building principal or designee shall prepare and submit a written report to the Compliance Officer, which shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual and whether it is a violation of this policy, the basis for the determination, and a recommended disposition of the complaint.**

**The complainant and the accused shall be provided written notice of the outcome of the investigation, including the recommended disposition. The accused shall not be notified of the individual remedies offered or provided to the complainant.**[\[17\]](#)

### **Step 4 – District Action**

**If the investigation results in a finding that the complaint is factual and constitutes a violation of this policy, the district shall take prompt, corrective action to ensure that such conduct ceases. The district shall take steps to prevent the recurrence of prohibited conduct and to correct the discriminatory effect on the complainant and others, if appropriate. District staff shall document the corrective action taken and, where not prohibited by law, inform the complainant.**[\[17\]](#)

**Disciplinary actions shall be consistent with the Code of Student Conduct, SRC policies and administrative procedures, applicable collective bargaining agreements, and state and federal laws, and may include educational activities and/or counseling services.**

**If it is concluded that a student has knowingly made a false complaint under this policy, such student shall be subject to disciplinary action.**

### **Appeal Procedure**

- 1. If the complainant or the accused is not satisfied with a finding of no violation of the policy or with the recommended corrective action, s/he may submit a written appeal to the Compliance Officer within fifteen (15) days.**
- 2. The Compliance Officer shall review the investigation and the investigative report and may also conduct a reasonable investigation.**
- 3. The Compliance Officer shall prepare a written response to the appeal within fifteen (15) days. Copies of the response shall be provided to the complainant, the accused and the building principal who conducted the initial investigation.**

**Legal References:**

17. 20 U.S.C. 1232g

# THE SCHOOL DISTRICT OF PHILADELPHIA

SECTION: 100 Programs

TITLE: Nondiscrimination in School  
and Classroom Practices

ADOPTED:

REVISED:

## NONDISCRIMINATION IN SCHOOL AND CLASSROOM PRACTICES

### Authority

The **School Reform Commission** declares it to be the policy of this district to provide an equal opportunity for all students to achieve their maximum potential through the programs offered in the schools regardless of race, color, **age, creed**, religion, sex, sexual orientation, **gender orientation**, ancestry, national origin, **marital status, pregnancy or disability**.

[\[10\]](#)[\[11\]](#)[\[12\]](#)[\[13\]](#)[\[14\]](#)[\[15\]](#)[\[1\]](#)[\[2\]](#)[\[3\]](#)[\[4\]](#)[\[5\]](#)[\[6\]](#)[\[7\]](#)[\[8\]](#)[\[9\]](#)

~~The district shall provide to all students, without discrimination,~~ The District without discrimination shall provide to all students; course offerings, counseling, assistance, employment, athletics and extracurricular activities. The equitable distribution of district resources is one means the district shall use to ensure all students receive a quality education. The district shall make reasonable accommodations for identified physical and mental impairments that constitute disabilities, consistent with the requirements of federal and state laws and regulations.

The SRC encourages students and third parties who have been subject to discrimination, or parents/guardians of students, to promptly report such incidents to designated employees.

The SRC directs that complaints of discrimination shall be investigated promptly, and corrective action be taken when allegations are substantiated. Confidentiality of all parties shall be maintained, consistent with the district's legal and investigative obligations. All parties will be treated with dignity and respect.

No reprisals nor retaliation shall occur as a result of good faith charges of discrimination or participation in an investigation.

In the event that the district fails to investigate a complaint of discrimination, fails to document the outcome of an investigation of discrimination, or if discrimination continues after an investigation has concluded, individuals may report the incident to the district's hotline at 215-400-SAFE and/or submit a complaint in accordance with applicable SRC policy.<sup>[16]</sup>

### **Delegation of Responsibility**

**In order to maintain a program of nondiscrimination practices that is in compliance with applicable laws and regulations, the SRC shall designate a district Compliance Officer to coordinate the district's efforts to comply with this policy and applicable laws and regulations.**

**The Compliance Officer shall publish and disseminate this policy and complaint procedure at least annually to students, parents/guardians, employees and the public. Nondiscrimination statements shall include the name, position, office address, telephone number and email address of the Compliance Officer.**

**The Compliance Officer is responsible to monitor the implementation of nondiscrimination procedures in the following areas:**

- 1. Curriculum and Materials - Review of curriculum guides, textbooks and supplemental materials for discriminatory bias.**
- 2. Training - Provision of training for students and staff to identify and alleviate problems of discrimination.**
- 3. Student Access - Review of programs, activities and practices to ensure that all students have equal access and are not segregated except when permissible by law or regulation.**
- 4. District Support - Assurance that like aspects of the school program receive like support as to staffing and compensation, facilities, equipment, and related areas.**
- 5. Student Evaluation - Review of tests, procedures, and guidance and counseling materials for stereotyping and discrimination.**

**Each staff member shall be responsible to maintain an educational environment free from all forms of discrimination.**

The Superintendent or designee shall develop administrative procedures to implement this policy.

**The building principal or designee shall be responsible to complete the following duties when receiving a complaint of discrimination:**

- 1. Inform the student or third party of the right to file a complaint and the complaint procedure.**
- 2. Inform the complainant that s/he may be accompanied by a parent/guardian during all steps of the complaint procedure.**
- 3. Notify the complainant and the accused of the progress at appropriate stages of the procedure.**



4. Refer the complainant to the Compliance Officer if the building principal is the subject of the complaint.
5. Take interim action, as necessary, to address prohibited conduct prior to the completion of the investigation.

### Guidelines

This policy shall be made available in English and all other languages necessary to facilitate understanding by district residents.

### Regulatory Procedure

#### ~~Complaint Procedure – Student/Third Party~~

##### **Step 1—Reporting**

~~A student or third party who believes s/he has been subject to conduct by any student, employee or third party that constitutes a violation of this policy, or the parent/guardian of a student, is encouraged to immediately report the incident to the building principal or designee, or to any other member of the school staff, including teachers, guidance counselors, coaches and administrators.~~

~~A school employee who witnesses, suspects or is notified that a student has been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the building principal or designee.~~

~~If the building principal is the subject of a complaint, the student, parent/guardian, third party or employee shall report the incident directly to the Compliance Officer.~~

~~The complainant or reporting employee is encouraged to use the report form available from the building principal, but oral complaints shall be acceptable.~~

##### **Step 2—Investigation**

~~Upon receiving a complaint of discrimination, the building principal or designee shall investigate the complaint, unless the building principal or designee is the subject of the complaint or is unable to conduct the investigation.~~

~~The building principal or designee shall conduct an adequate, reliable and impartial investigation and shall provide the opportunity for each party to present witnesses and other evidence.~~

~~The investigation may consist of individual interviews with the complainant, the accused, and others with knowledge relative to the incident. The investigator may also evaluate any other information and materials relevant to the investigation.~~

The investigator shall attempt to secure statements from all participants in and witnesses to the complaint.

~~The obligation to conduct this investigation shall not be negated by the fact that a criminal investigation of the incident is pending or has been concluded. The investigator should coordinate with any other ongoing school or criminal investigation of the incident.~~

All investigations shall be completed by the assigned investigator within fourteen (14) days from the filing date of the complaint. Extenuating circumstances for not being able to comply with the deadline must be approved by the Compliance Officer. The extension must be a specified period of time not exceeding fourteen (14) days, and must be communicated to the complainant.

### **Step 3—Investigative Report**

~~The building principal or designee shall prepare and submit a written report to the Compliance Officer, which shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual and whether it is a violation of this policy, the basis for the determination, and a recommended disposition of the complaint.~~

~~The complainant and the accused shall be provided written notice of the outcome of the investigation, including the recommended disposition. The accused shall not be notified of the individual remedies offered or provided to the complainant.~~[\[17\]](#)

### **Step 4—District Action**

~~If the investigation results in a finding that the complaint is factual and constitutes a violation of this policy, the district shall take prompt, corrective action to ensure that such conduct ceases. The district shall take steps to prevent the recurrence of prohibited conduct and to correct the discriminatory effect on the complainant and others, if appropriate. District staff shall document the corrective action taken and, where not prohibited by law, inform the complainant.~~[\[17\]](#)

~~Disciplinary actions shall be consistent with the Code of Student Conduct, SRC policies and administrative procedures, applicable collective bargaining agreements, and state and federal laws, and may include educational activities and/or counseling services.~~

~~If it is concluded that a student has knowingly made a false complaint under this policy, such student shall be subject to disciplinary action.~~

### Appeal Procedure

- ~~1. If the complainant or the accused is not satisfied with a finding of no violation of the policy or with the recommended corrective action, s/he may submit a written appeal to the Compliance Officer within fifteen (15) days.~~
- ~~2. The Compliance Officer shall review the investigation and the investigative report and may also conduct a reasonable investigation.~~
- ~~3. The Compliance Officer shall prepare a written response to the appeal within fifteen (15) days. Copies of the response shall be provided to the complainant, the accused and the building principal who conducted the initial investigation.~~

### Legal References:

1. 24 P.S. 1310
2. 24 P.S. 1601-C et seq
3. 22 PA Code 12.1
4. 22 PA Code 12.4
5. 22 PA Code 15.1 et seq
6. 22 PA Code 4.4
7. 24 P.S. 5004
8. 43 P.S. 951 et seq
9. 20 U.S.C. 1681 et seq
10. 20 U.S.C. 6321
11. 29 U.S.C. 794
12. 42 U.S.C. 12101 et seq
13. 42 U.S.C. 2000d et seq
14. Pol. 103.1
15. Pol. 248
16. Pol. 906
17. 20 U.S.C. 1232g

### Related Information:

- 28 CFR Part 35
- 28 CFR Part 41
- 34 CFR Part 100
- 34 CFR Part 104
- 34 CFR Part 106

34 CFR Part 110

Philadelphia Code of Ordinances (Fair Practices Ordinance) - 9-1101 et seq

Pol. 122

Pol. 123

Pol. 701

Philadelphia Commission on Human Relations Guidance

# THE SCHOOL DISTRICT OF PHILADELPHIA

SECTION: 100 Programs  
TITLE: Homebound Instruction  
ADOPTED: 9/21/2011  
REVISED:

## HOMEBOUND INSTRUCTION

### Purpose

The purpose of homebound instruction is to provide students, who are confined to the home or hospital and meet the prescribed criteria, during a temporary period of absence, the opportunity to re-engage successfully in their instructional program upon return to school.

### Authority

The School Reform Commission may provide, pursuant to law and regulations, homebound instruction to students confined to home or hospital for physical disabilities, chronic medical conditions, illness, injury urgent medical reasons, or when such confinement is recommended for psychological or psychiatric reasons expressly written by a board certified psychologist or psychiatrist.

The term “urgent reasons” shall be strictly construed and does not permit irregular attendance. [\[1\]](#)[\[2\]](#)[\[3\]](#)

The period of homebound instruction for an individual shall not exceed three (3) months unless extenuating circumstances prove otherwise. Exceptions may be recommended by the Superintendent or designee as deemed advisable and in the best interests of the student and/or district **and must be approved by the Pennsylvania Department of Education.** [\[2\]](#)

### Delegation of Responsibility

**The Superintendent or designee shall create administrative processes to enact this policy.**

### Procedures

The parent/guardian shall submit the required application and medical documentation for homebound instruction to the District, and shall include:

1. A written request by the student's parent(s)/guardian(s) **documenting the** urgent reasons **accompanied by** medical documentation from a physician for an acute condition that prevents the student attending school for a period of at least four (4) weeks.
2. A written signed request for homebound instruction from the licensed physician, licensed psychiatrist or by a licensed treating specialist,
  - (a) certifying the nature of the illness or disability,
  - (b) the necessity of homebound instruction that supports the student cannot be in a school setting,

- (c) demonstrates a treatment plan that includes goals/supports that return the student to the school setting as quickly as possible, and
- (d) the expected duration of confinement and provides a projected date when the student will return.

3. If the urgent reason is due to a condition that is treated by a specialist, the proper documentation will be required to be completed by the treating specialist. For example: respiratory dysfunction, documentation by a pulmonologist, allergist or immunologist will be requested. If the urgent reason is due to mental/behavioral conditions, documentation by a board certified psychiatrist will be requested.

4. A written consent signed by the parent/guardian consistent with FERPA, HIPAA and the Mental Health Act permitting designated school personnel to speak with the physician regarding information that pertains to the student's inability to attend school.

At any point, the district may request additional information to justify initial approval or continuation of homebound instruction.

The Superintendent or designee **must** request approval from the Department of Education to extend the period of homebound instruction for an individual, which shall be re-evaluated every three (3) months.[\[2\]](#)

Parents/Guardians and students are advised that a second request during a school year will be considered a request for continuance of homebound instruction at which time another request must be submitted within three (3) calendar weeks of the impending extension in order for homebound to be extended.

Upon submission for continuance, parent and student must meet with the school team to discuss plans for transition back to school.

### **Mandated Regulatory Procedures**

Homebound instruction should be used as a last resort after all other options and/or alternative schedules have been exhausted.

Parents/Guardians and students are advised that the granting of homebound instruction are subject to the following conditions:

- Students on homebound may not also work at a job and may not be involved in other activities outside the home. The premise of homebound is that students are unable to come to school and therefore should be unable to go to work, or leave their home for any length of time.
- Homebound instruction is not to be used as an educational option while a student is awaiting placement within or outside of the school district.
- Homebound instruction is not intended, nor can it be construed, as a method of delivering a full curriculum and may not provide sufficient grades/credits for promotion.

If the student is denied any homebound instruction he/she will become subject to mandatory school attendance regulations.

### Intermittent Homebound

A student may be provided homebound instruction on an intermittent basis during short but repeated periods of absences due to exacerbation of a chronic medical condition. The student is expected to return to school when the exacerbation subsides. The approval for intermittent homebound instruction will be granted for no longer than one (1) school year and will expire **at the end** of any school year.

The program of homebound instruction provided to each student shall be in accordance with the standards established by the state.

The SRC reserves the right to withhold homebound instruction when any one (1) of the following occurs:

1. The instructor's presence in the place of a student's home presents a hazard to the health of the teacher.
2. A parent/guardian or other adult in authority is not present with the student during the hours of instruction.
3. The medical, psychological or psychiatric condition of the student precludes any benefit from such instruction.

Students receiving homebound instruction may be counted for attendance purposes as if in school.

The Superintendent or designee may request approval from the Department of Education to extend the period of homebound instruction for an individual, which shall be re-evaluated every three (3) months.[\[2\]](#)

Parents/Guardians and students are advised that a second request during a school year will be considered a request for continuance of homebound instruction at which time another request must be submitted within three (3) calendar weeks of the impending extension in order for homebound to be extended.

Upon submission for continuance, parent and student must meet with the school team to discuss plans for transition back to school.

Any breach of the conditions set forth in this policy, in part or in whole may result in the withdrawal of approval of homebound instruction.

### **Legal References:**

1. 24 P.S. 1329 - Excuses from Attending School
2. 22 PA Code 11.25 - Temporary excusals due to illness or other urgent reasons
3. Pol. 204 - Attendance

**Related Information:**

Pol. 234 - Pregnant/Parenting/Married Students



# THE SCHOOL DISTRICT OF PHILADELPHIA

SECTION: 100 Programs

TITLE: Student and Staff Wellness

ADOPTED: 12/15/2016

REVISED:

## STUDENT AND STAFF WELLNESS

The School Reform Commission is committed to providing a school environment that promotes student and staff wellness and supports students in their efforts to become fit, healthy and ready to learn. Through implementation of this policy, students shall become more knowledgeable and skilled in making behavior choices that support optimum health.

### Authority

The SRC adopts the Wellness Policy based on the recommendations of the Central Level School Wellness Council and in accordance with federal and state laws **and regulations.** [\[1\]](#)[\[2\]](#)[\[16\]](#)

**The district shall inform and update the public, including parents/guardians, students, and others in the community, about the contents, implementation, and assessment of this policy.**

### Mandated Regulatory Procedures

The Wellness Policy will establish the following:

1. Coordinated School Wellness Councils – development of a Coordinated School Wellness Council at each school, using the CDC Coordinated School Health Program Model as a template for wellness council development.
2. Nutrition standards for all foods available on school property during the school day – district schools shall establish standards to address all foods and beverages sold or served to students, including those available outside of reimbursable school meal programs.
3. Nutrition education – all students shall receive nutrition education that is interactive and teaches the skills they need to adopt healthy behaviors. Nutrition education will be provided within or in addition to the sequential, comprehensive, standards-based health education program.
4. **Nutrition promotion – the district aims to teach, encourage, and support healthful eating by students. District schools shall promote nutrition by providing appropriate nutrition education in accordance with this policy.** [\[2\]](#)
5. Physical education – all students will have access to a sequential, comprehensive, standards-based physical education program taught by a certified health and physical education teacher.

6. Physical activity – opportunities shall be provided for every student to develop the knowledge and skills for specific physical activities, maintain physical fitness, regularly participate in physical activity, and understand the short and long-term benefits of a physically active and healthful lifestyle.
7. Other school-based activities – a healthy school environment shall be promoted and maintained that provides consistent wellness messages and is conducive to overall health for students, staff and the school environment.

#### Central Level School Wellness Council

1. The Health, Safety and Physical Education Department will coordinate the Central Level School Wellness Council, which shall be comprised of but not be limited to, internal and external health and wellness partners and include the following: SRC member, district administrators, ~~students, parent(s)/guardian(s), physical education teacher(s), and school health professionals, and representative(s) from health-related organizations and agencies.~~ The Central Level School Wellness Council may also include representatives from private and public agencies, as determined by the council leadership. **It shall be the goal that council membership will include representatives from each school building and reflect the diversity of the community.** [\[2\]](#)

Each school shall establish a School Wellness Council comprised of school health professionals, faculty and administration, a student if a secondary school, a parent representative and community representatives.

2. **The Central Level School Wellness Council shall serve as an advisory committee regarding student health issues and shall be responsible for developing, implementing and periodically reviewing and updating a Wellness Policy that complies with law to recommend to the SRC for adoption.**
3. **The Central Level School Wellness Council shall review and consider evidence-based strategies and techniques in establishing goals for nutrition education and promotion, physical activity and other school based activities that promote student wellness as part of the policy development and revision process.**[\[16\]](#)
4. The Central Level School Wellness Council may evaluate current health-related SRC policies and administrative procedures, and raise awareness about student health issues.
5. The Central Level School Wellness Council **may** identify and communicate health-related issues from local school wellness councils to upper administration and the SRC.

#### Nutrition Guidelines for All Foods/Beverages at School

All foods **and beverages** available in district schools during the school day shall be offered to students with consideration for promoting student health and reducing childhood obesity.

**Foods and beverages provided through the National School Lunch or School Breakfast Programs shall comply with established federal nutrition standards.**[\[3\]](#)[\[4\]](#)[\[5\]](#)[\[6\]](#)

*School Meal Guidelines –*

1. Information shall be shared with parents/guardians and students about the nutritional content of meals.
2. The district shall engage students and parents/guardians in focus groups using taste-tests of new entrees and surveys to identify new, healthful and appealing food choices.
3. The district shall arrange bus schedules and utilize various methods to serve school breakfasts, including serving breakfast in the classroom, “grab-and-go” breakfast, or scheduled breakfast in the cafeteria.
4. Parents/Guardians and students shall be notified of the availability of school meal programs and the possibility of providing free or reduced-price meals.[\[7\]](#)
5. Parents/Guardians shall be encouraged to provide a healthy breakfast for their child(ren) through newsletter articles, take-home materials, or other means.
6. Students shall be discouraged from sharing their foods or beverages with one another, given concerns about allergies and diet restrictions.[\[8\]](#)
7. District schools will not withhold food or beverages as a punishment.

All reimbursable school meals served through the National School Lunch and School Breakfast Programs, After School Feeding Program, and any other reimbursable school meal programs implemented by the district shall:[\[7\]](#)

1. Be appealing and attractive to students.
2. Be served in clean and pleasant settings.
3. Be in compliance, at a minimum, with nutrition requirements established by local, state, and federal statutes and regulations, including USDA guidelines under the School Meals Initiative.
4. Ensure that all grains offered in meals are whole grain rich.
5. **Ensure that** foods are free of artificial sweeteners, flavors or colors.
6. Offer a variety of fruits and vegetables daily, including dark green, red/orange and legumes weekly.

*Meal Times and Scheduling –*

1. The district shall ensure that schools are open in time for student meal times.

2. Students shall be provided with at least ten (10) minutes to eat after sitting down for breakfast and twenty (20) minutes after sitting down for lunch.
3. Meal periods shall be scheduled at appropriate hours, as defined by the district. Schools should make every attempt to schedule lunch between 11 a.m. to 1 p.m.
4. Student tutoring and club or organizational meetings or activities shall not be scheduled during mealtimes, unless students may eat during such activities.
5. In elementary schools, lunch periods shall normally be scheduled to follow lunchtime recess periods.
6. Students shall be provided access to hand washing or hand sanitizing before meals or snacks.
7. The district shall accommodate the tooth-brushing regimens of students with special oral health needs (e.g., orthodontia or high tooth decay risk).

### Beverages

**Drinking water shall be available and accessible to students, without restriction and at no cost to the student, at all meal periods and throughout the school day.**[\[5\]](#)[\[6\]](#)

The district observes a stricter beverage policy than the products allowed in the Smart Snack standards of the Healthy, Hunger-Free Kids Act of 2010. Product selection for schools must be made from the guidelines listed below for beverages. Online tools cannot be used to evaluate beverage products:

1. Drinking water with no additives except those minerals normally added to tap water.
2. Unflavored low-fat milk, and unflavored nonfat milk (including nutritionally equivalent milk alternatives as permitted in the school meal programs): elementary schools - may be sold in up to 8-ounce servings; middle and high school - may be sold up to 12 ounces.
3. 100% fruit and/or vegetable juice (100% juice diluted with water, without carbonation with no added sweeteners or additives): elementary schools - maximum serving size is 8 ounces; middle and high schools - maximum serving size is 12 ounces.
4. Caffeine: Only caffeine-free beverages allowed for elementary, middle and high school students. Foods and beverages that contain trace amounts of naturally-occurring caffeine substances, such as chocolate milk, are exempt.
5. No artificial sweeteners, flavors or colors. Allowable sweeteners in beverages include but are not limited to the following: sugar (raw, refined, unrefined, cane, brown, turbinado, white), invert sugar, dextrin, sucrose, honey, corn syrup, high fructose corn syrup, cane juice, molasses, xylitol, sorbitol, mannitol, galactose, lactose, fructose and Splenda. These sugars are not chemically derived.

Additional beverages for high school students (grades 9-12):

1. Calorie-free beverages: maximum serving size is 16 fluid ounces. Calorie-free flavored water without carbonation. No carbonated beverages allowed in high schools.
2. Electrolyte replacement drinks that do not contain more than 20 grams of added sweetener per 8-ounce serving. Sodium should not exceed 110 milligrams per 8-ounce serving. Potassium should not exceed 60 milligrams per 8-ounce serving. Electrolytes and minerals added might include: sodium, potassium, chlorine and phosphorous. No artificial flavorings or sweeteners. These drinks will be placed in gymnasiums, field houses, and other areas where high intensity athletic activities take place. These drinks may not be placed in cafeterias or food service areas.

### Competitive Foods/Non-Sold Competitive Foods

All competitive foods available **for sale** to students in district schools shall **meet or exceed the established federal nutrition standards (USDA Smart Snacks in School)**, district guidelines, and any applicable administrative procedures.[\[10\]](#)[\[9\]](#)[\[16\]](#)

**Competitive foods** are defined as all foods and beverages **offered or** sold to students outside the school meal programs, on the school campus, and at any time during the school day. **Sold** refers to the exchange of money, tokens, or the use of some type of prepaid account to purchase an item and includes items sold a la carte, in vending machines, at school stores, during fundraisers, or at any other venue that sells food/beverages to students during the school day. For purposes of this definition, **school campus** shall include all areas of the property under the jurisdiction of the school that are accessible to students during the school day, and **school day** shall include the period from the midnight before **school begins until** thirty (30) minutes after the end of the official school day.[\[16\]](#)[\[9\]](#)

### *Non-Sold Competitive Foods -*

**Non-sold competitive foods available to students, which may include but are not limited to foods and beverages offered as rewards and incentives, at classroom parties and celebrations, or as shared classroom snacks, shall meet or exceed the standards established by the district.**

**If the offered non-sold competitive foods do not meet or exceed the Smart Snacks in School nutrition standards, the following standards shall apply:**

1. **Rewards and Incentives:**
  - a. District schools will not use unhealthy foods or beverages as rewards for academic performance or good behavior.
2. **Classroom Parties and Celebrations:**
  - a. School celebrations that involve food during the school day will occur no more than one (1) time per class per month. Each celebration should include foods or beverages that meet established nutrition standards and applicable administrative procedures.

**The district shall provide a list of suggested nonfood ideas and healthy food and beverage alternatives to parents/guardians and staff, which may be posted via the district website,**

student handbooks, newsletters, posted notices and/or other efficient communication methods.

### **Marketing/Contracting**

**Any foods and beverages marketed or promoted to students on the school campus during the school day shall meet or exceed the established federal nutrition standards (USDA Smart Snacks in School) and comply with established SRC policy and administrative procedures.**[\[16\]](#)[\[9\]](#)

Exclusive competitive food and/or beverage contracts shall be approved by the SRC, in accordance with provisions of law. **Existing contracts shall be reviewed and modified to the extent feasible to ensure compliance with established federal nutrition standards, including applicable marketing restrictions.**[\[11\]](#)

### **Fundraisers**

All foods that meet the **established nutrition** standards may be sold for fundraising purposes on the school campus during the school day without a limit on frequency. The standards do not apply to items sold during nonschool hours, weekends, or off-campus fundraising events. A maximum of five (5) exempt fundraisers in each elementary and middle school building per year, and a maximum of ten (10) exempt fundraisers will be permitted in each high school building per year. Each fundraiser may not exceed one (1) school week. Exempt fundraisers may not be sold in the food service areas during the meal period.[\[9\]](#)

Recordkeeping - Schools must keep a record of all exempt fundraisers to assure they are not exceeding the yearly limits. Fundraising records must be kept on file for four (4) years and made available, upon request. Schools need to ensure that receipts, nutrition labels or product specifications are maintained by those designated as responsible for competitive food service at the various venues in the school. All parts of the school involved with selling food to students during the school day will have a role in meeting these requirements.

### **Nutrition Education**

Nutrition education programs will:

1. **Be consistent with law, regulations and established academic standards for Health, Safety and Physical Education, and Family and Consumer Sciences.**[\[12\]](#)[\[13\]](#)
2. Teach, encourage and support healthy eating by students.
3. Be taught across the curriculum.
4. Include enjoyable, developmentally appropriate, culturally relevant, participatory activities such as contests, promotions, taste testing, farm visits and school gardens.
5. Promote fruit, vegetables, whole grain products, low-fat and fat-free dairy products, healthy food preparation methods, and health-enhancing nutrition practices.

6. Emphasize caloric balance between food intake and energy expenditure.
7. Provide links with school meal programs, other school foods, nutrition-related community services and Central Level and local Coordinated School Wellness Councils.
8. Teach media literacy with an emphasis on food marketing.
9. Provide professional development to teachers and nutrition professionals to enhance their skills in nutrition education training.

### **Nutrition Promotion**[\[2\]](#)

**District staff shall cooperate with agencies and community organizations to provide opportunities for appropriate student projects related to nutrition.**

**Consistent nutrition messages shall be disseminated and displayed throughout the district, schools, classrooms, cafeterias, homes, community and media.**

**Consistent nutrition messages shall be demonstrated by avoiding use of unhealthy food items in classroom lesson plans and school staff avoiding eating less healthy food items in front of students.**

**District schools shall encourage parents/guardians to provide healthy meals for their children through newsletter articles, take-home materials or other means.**

### **Physical Education**

The physical education program will:

1. **Be consistent with law, regulations and established academic standards for Health, Safety and Physical Education.**[\[13\]](#)[\[14\]](#)[\[15\]](#)
2. Not be listed and referred to as a prep course.
3. Be recognized as an integral part of the core curriculum.
4. Be consistent and aligned with local, state and federal standards and guidelines.
5. Ensure that every effort is made to optimize physical education time in shared spaces (cafeterias, auditoriums, etc.).
6. Include a physical fitness assessment for each student, using a fitness assessment tool for grades 3 to 12.
7. Devote at least fifty percent (50%) of class time to moderate to vigorous physical activity.
8. Be designed to meet the needs of all students (athletic and nonathletic), feature cooperative as well as competitive activities, and focus on understanding and ownership of personal fitness and wellness for life.

9. Include components related to self-management, movement, cooperation, fair play and social skills.
10. Take into account gender and cultural differences in students' interests.
11. Encourage classroom teachers to integrate concepts of movement and wellness across the curriculum.
12. Be an enjoyable experience.
13. Provide quality professional development to all physical education teachers to stay current with research and current programs.
14. Encourage and actively engage families and community members to become advocates for quality physical education.
15. Not support or include "contract" or "waiver" opportunities for students.
16. Include topics of pedestrian and bicycle safety and traffic rules at appropriate grade levels.

**All district students must participate in physical education.**[\[14\]](#)

#### Physical Activity

1. Students will acquire the knowledge and skills to understand the benefits of being physically active.
2. Time will be devoted, in the elementary schedule, for supervised and safe recess.
3. Elementary students will be given "Movement Breaks" every ninety (90) minutes of seat time.
4. Opportunities will be provided before and after school for school physical activities, including clubs, intramurals and interscholastic athletics.
5. Opportunities for district staff to be physically active will be encouraged.
6. The Coordinated School Wellness Council at each school will apprise students, staff and families of programs that support physical activity and wellness in the community.
7. Physical activity shall not be used as a form of punishment or consequence.
8. **The district will** encourage active commuting to and from school for both students and staff.

#### Other School-Based Activities

Other school-based activities related to student and staff wellness shall ensure that:



1. A non-stigmatizing atmosphere is provided for all students.
2. Screenings are provided for students for optimum health.
3. Care is provided to students for chronic conditions.
4. A safe, clean and hygienic environment is maintained in all schools.
5. Students may be involved in menu selections through various means, including annual student surveys.
6. To the extent possible, the district shall utilize available funding and outside programs to enhance student wellness.
7. Prevention education, including topics of substance abuse, violence, HIV/STD/teen pregnancy, mental health and suicide, CPR/AED and fire/water safety **will be** provided to appropriate grades using appropriate resources and curriculum.

#### Staff Wellness

The district will encourage and may provide opportunities and programs related to staff wellness, in collaboration with employee unions, insurance providers and outside agencies.

#### Safe Routes to School

**The district shall cooperate with local municipalities**, public safety agency, police departments and community **organizations to develop and maintain** safe routes for students to travel to and from school.

#### Assessment of Wellness Program

**Assessment** methods shall be implemented in accordance with established guidelines **and/or** administrative procedures. Designated administrators, the Central Level School Wellness Council, and the Coordinated School Wellness Council at each school shall participate, at different levels, in the **assessment** of **this** policy and established guidelines **and/or** administrative procedures.

1. The Superintendent or designee shall oversee the implementation, monitoring and **assessment** of **this** policy, related policies and established guidelines **and/or** administrative procedures. S/He shall be responsible for monitoring district schools, programs and curriculum to ensure compliance. [\[2\]](#)[\[7\]](#)
2. The Superintendent or designee shall provide **assessment** results to the SRC. [\[2\]](#)
3. Implementation, **assessment** and monitoring of **this** policy are subject to review and approval by the Superintendent or designee.

**The Superintendent or designee and the established Central Level School Wellness Council shall conduct an assessment at least once every three (3) years on the contents and implementation of this policy as part of a continuous improvement process to**

strengthen the policy and ensure implementation. ~~This triennial assessment shall be made available to the public in an accessible and easily understood manner and include:~~ [\[16\]\[2\]](#)

- ~~1. The extent to which each district school is in compliance with law and policies related to school wellness.~~
- ~~2. The extent to which this policy compares to model wellness policies.~~
- ~~3. A description of the progress made by the district in attaining the goals of this policy.~~

~~At least once every three (3) years, the district shall update or modify this policy as needed, based on the results of the most recent triennial assessment and/or as district and community needs and priorities change; wellness goals are met; new health science, information and technologies emerge; and new federal or state guidance or standards are issued.~~ [\[16\]](#)

~~The district shall annually inform and update the public, including parents/guardians, students, and others in the community, about the contents, updates and implementation of this policy via the district website, student handbooks, newsletters, posted notices and/or other efficient communication methods. This annual notification shall include information on how to access the Student and Staff Wellness policy; information about the most recent triennial assessment; information on how to participate in the development, implementation and periodic review and update of the Student and Staff Wellness policy; and a means of contacting Wellness Council leadership.~~ [\[16\]\[2\]](#)

#### Monitoring and Compliance

~~The district shall retain records documenting compliance with the requirements of the Student and Staff Wellness policy, which shall include:~~ [\[16\]\[17\]](#)

- ~~1. The written Student and Staff Wellness policy.~~
- ~~2. Documentation demonstrating that the district has informed the public, on an annual basis, about the contents of the Student and Staff Wellness policy and any updates to the policy.~~
- ~~3. Documentation of efforts to review and update the Student and Staff Wellness policy, including who is involved in the review and methods used by the district to inform the public of their ability to participate in the review.~~
- ~~4. Documentation demonstrating the most recent assessment on the implementation of the Student and Staff Wellness policy and notification of the assessment results to the public.~~

#### Legal References:

1. 24 P.S. 1422.1
2. 42 U.S.C. 1758b
3. 42 U.S.C. 1751 et seq
4. 42 U.S.C. 1773

5. 7 CFR 210.10  
6. 7 CFR 220.8  
7. Pol. 808  
8. Pol. 209.1  
9. 7 CFR 210.11  
10. 7 CFR 220.12a  
11. 24 P.S. 504.1  
12. 24 P.S. 1513  
13. Pol. 105  
14. 24 P.S. 1512.1  
15. 22 PA Code 4.27  
16. 7 CFR 210.31  
17. 7 CFR 210.15  
24 P.S. 1337.1  
24 P.S. 1422  
24 P.S. 1422.3

**Related Information:**

P.L. 111-296  
7 CFR Part 210  
7 CFR Part 220  
Pol. 103  
Pol. 103.1  
CDC Coordinated School Health Program  
Alliance for a Healthier Generation - Smart Snacks Calculator -  
<https://foodplanner.healthiergeneration.org/calculator>

# THE SCHOOL DISTRICT OF PHILADELPHIA

SECTION: 200 Pupils

TITLE: Eligibility Of Nonresident  
Students

ADOPTED: 10/5/2011

REVISED:

## ELIGIBILITY OF NONRESIDENT STUDENTS

### Purpose

The School Reform Commission shall operate district schools for the benefit of students residing in the City of Philadelphia who are eligible for attendance. [1][2][3]

### Authority

The SRC may permit the admission of nonresident students in accordance with law and SRC policy. [4][5][6]

Before any eligible nonresident student may be accepted as a student in district schools, the SRC requires that appropriate documentation verifying the student's eligibility be submitted. The SRC reserves the right to verify claims of residency, dependency and guardianship and to remove from school attendance a nonresident student whose claim is invalid.

Admitted nonresident students shall receive the same benefits and be subject to the same responsibilities as resident students.

The SRC shall not be responsible for transportation to or from school for any nonresident student residing outside school district boundaries **except when the transportation is required per the federal and state mandate (i.e foster care or homeless students)**. [7]

Tuition rates shall be determined annually in accordance with law. Tuition shall be charged monthly, in advance of attendance. [5][8][9]

### Mandated Regulatory Procedures

#### Nonresident Children Attending District Schools

**The School District of Philadelphia may deny the admission of a nonresident student to any school or academic program where such enrollment would displace a resident student or require the district to incur additional costs.**

**Nonresident students are not eligible to participate in the Middle College Program.**

#### Nonresident Children Residing With a District Resident

Any nonresident child of school age residing with a district resident shall be admitted to district schools in accordance with law and regulations without payment of tuition provided that the student lives full-time and not just for the school year with district resident(s) who, without

receiving compensation, have assumed legal dependency/guardianship or full residential support of the student.[\[10\]](#)[\[11\]](#)

The SRC shall require that appropriate legal documentation showing dependency or guardianship or a sworn statement of full residential support be filed with Superintendent or designee before an eligible nonresident student may be accepted as a student in district schools. The SRC may require a resident to submit additional, reasonable information to substantiate a sworn statement, in accordance with guidelines issued by the Department of Education.

**If information contained in the sworn statement of residential support is found to be false, a student may be removed from school after notice and a right to the Office of Student Placement.**

#### Nonresident Children Placed in Resident's Home

Any nonresident child of school age placed in the home of a district resident by a court or government agency, with such resident being compensated, shall be admitted to district schools in accordance with law.[\[13\]](#)

#### Resident Children Placed in a Nonresident Home

**In accordance with the Every Student Succeeds Act of 2015, the School District of Philadelphia has a responsibility to ensure educational stability for all children placed in a nonresident home by a County Children and Youth Agency (CCYA). These children are considered residents of Philadelphia and will be served in a manner consistent with the Every Student Succeeds Act of 2015.**

#### Residents of Institutions

A child who is living in or assigned to a facility or institution for the care or training of children that is located within this district is not a legal resident of the district by such placement; but s/he shall be admitted to district schools, and a charge shall be made for tuition in accordance with law.[\[14\]](#)[\[15\]](#)[\[16\]](#)[\[17\]](#)[\[18\]](#)[\[19\]](#)[\[20\]](#)[\[8\]](#)

#### Juveniles Incarcerated in Adult Facilities

A juvenile who is eligible for educational services and is confined to an adult local correctional institution following conviction for a criminal offense shall receive educational services from the school district in the same manner and extent as an expelled student.[\[21\]](#)[\[22\]](#)

A juvenile who is eligible for educational services and is confined to an adult local correctional institution following a charge for a criminal offense shall receive educational services from the school district in the same manner and extent as a student placed in an alternative education program for disruptive students.[\[21\]](#)

#### Former Residents

Regularly enrolled students whose parents/guardians have moved out of the school district may be permitted to attend district schools **remain in a school in which the student was appropriately enrolled until the last day of the that school year for pupils**, upon district approval and payment of tuition by the parent/guardian or the district of residence. Tuition shall not be charged if a student is attending Philadelphia public **School District of Philadelphia** schools and moves out of the city in the student's senior year.[\[5\]](#)

### Homeless Students

The district shall immediately enroll homeless students, even if the student or parent/guardian is unable to produce the required documents, in accordance with SRC policy and the McKinney–Vento Homeless Assistance Act of 1987 (Pub. L. 100-77, July 22, 1987, 101 Stat. 482, 42 U.S.C. § 11301 et seq.[23]

### Misrepresentation of Residency

**The School District of Philadelphia reserves the right to unenroll and/or charge tuition fees for any misrepresentation of any information used to enroll in a School District of Philadelphia school. Misrepresentation of information used for this purpose may also constitute perjury, unsworn falsification to authorities, fraud and other offenses under the Pennsylvania Criminal Code. Suspected violations will be referred to Philadelphia District Attorney’s Office.**

### Delegation of Responsibility

The Superintendent or designee shall develop administrative procedures for the enrollment of nonresident students which:

1. Admit such **students** only on the proper application of the parent/guardian.
2. Do not discriminate against any eligible **student**. [24][25]
3. Verify claims of eligibility.
4. **Deny admission in circumstances where such admission would displace a resident student, require the school district to incur additional costs, and/or the educational facilities or program maintained for district students is inadequate to meet the needs of the applicant.**
5. Make continued enrollment of any nonresident student contingent upon maintaining **established** standards of **attendance, discipline and academics.**

### Legal References:

1. 24 P.S. 501 - Elementary Schools
2. 24 P.S. 502 - Additional Schools and Departments
3. 24 P.S. 503 - Kindergartens
4. 24 P.S. 1301 - Age Limits; Temporary Residence
5. 24 P.S. 1316 - Permitting Attendance of Non-resident Pupils
6. Pol. 200 - Enrollment of Students
7. Pol. 810 - Transportation
8. 24 P.S. 2561 - Tuition Charges for Pupils of Other Districts
9. Pol. 607 - Tuition Charges for Pupils of Other Districts
10. 24 P.S. 1302 - Residence and Right to Free School Privileges
11. 22 PA Code 11.19 - Nonresident child living with a district resident
12. Pol. 906 - Public Complaints
13. 24 P.S. 1305 - Non-resident Child Placed in Home of Resident
14. 24 P.S. 1306 - Non-resident Inmates of Children's Institutions

- 15. 24 P.S. 1307 - Counties, Other Than Second Class, Responsible for Payment of Tuition
- 16. 24 P.S. 1308 - Liability for Tuition and Enforcement of Payment
- 17. 24 P.S. 1309 - Cost of Tuition; How Fixed
- 18. 24 P.S. 1310 - Assignment of Pupils to Schools
- 19. 24 P.S. 2562 - Payments by Districts for Pupils Attending in Other Districts
- 20. 22 PA Code 11.18 - Nonresident children living in facilities or institutions
- 21. 24 P.S. 1306.2 - Juveniles Incarcerated in Adult Facilities
- 22. 24 P.S. 1318 - Suspension and Expulsion of Pupils
- 23. Pol. 251 - Homeless Students
- 24. Pol. 103 - Nondiscrimination In School And Classroom Practices
- 25. Pol. 103.1 - Nondiscrimination – Qualified Students With Disabilities/Protected Handicapped Students

**Related Information:**

- 24 P.S. 510 - Rules and Regulations; Safety Patrols
- 24 P.S. 2503 - Payments on Account of Tuition
- Philadelphia Home Rule Charter - 12-300
- 22 PA Code 11.41 - School district policies and rules

# THE SCHOOL DISTRICT OF PHILADELPHIA

SECTION: 200 Pupils

TITLE: Student Conduct And  
Discipline

ADOPTED: 8/24/2011

REVISED:

## STUDENT CONDUCT AND DISCIPLINE

### Purpose

The School Reform Commission finds that student conduct is closely related to learning. An effective educational program requires a safe and orderly school environment in which students and employees know and abide by reasonable standards of socially acceptable behavior and respect the rights, person and property of others.

### Authority

The district shall establish fair, reasonable and nondiscriminatory rules and regulations regarding the conduct of all students in the school district during the time they are under the supervision of the school or at any time while on school property, while present at school-sponsored activities, while traveling to and/or from school and school-sponsored activities, **and in certain circumstances while off campus.** [\[1\]](#)[\[2\]](#)[\[3\]](#)[\[4\]](#)

The SRC shall adopt a Code of Student Conduct in order to inform students, staff and parents/guardians of what conduct is required, what **conduct** is prohibited, and the **consequences** that may be applied. Disciplinary **consequences** shall be rationally related to the offense and designed to teach responsibility for one's actions. Students shall not be subject to disciplinary action because of race, sex, color, religion, sexual orientation, **gender identity**, national origin or handicap/disability. [\[1\]](#)[\[2\]](#)[\[3\]](#)[\[4\]](#)[\[5\]](#)

Each student is expected to adhere to and conduct themselves in accordance with law, SRC policies and district rules, the Code of Student Conduct, and the lawful directions of district employees.[\[6\]](#)

The SRC prohibits the use of corporal punishment by district staff to discipline students for violations of SRC policies and district rules and regulations.[\[7\]](#)

Any student disciplined by a district employee shall have the right to notice of the infraction and an opportunity to respond. Suspensions and expulsions shall be carried out in accordance with SRC policy.[\[8\]](#)

**In the case of a student with a disability, including a student for whom an evaluation is pending, the district shall take all steps required to comply with state and federal laws and regulations, the procedures set forth in the memorandum of understanding with local law enforcement and SRC policies.**[\[4\]](#)[\[9\]](#)[\[10\]](#)[\[11\]](#)[\[12\]](#)[\[13\]](#)



### Off-Campus Activities

This policy shall also apply to student conduct that occurs off school property and would otherwise violate the Code of Student Conduct if any of the following circumstances exist:

1. The conduct occurs during the time the student is traveling to and from school or traveling to and from school-sponsored activities, whether or not via school district furnished transportation.
2. The student is a member of an extracurricular activity and has been notified that particular off-campus conduct could result in exclusion from such activities.[14][15]
3. Student expression or conduct materially and substantially disrupts the operations of the school, or the administration reasonably anticipates that the expression or conduct is likely to materially and substantially disrupt the operations of the school.
4. The conduct has a direct nexus to attendance at school or a school-sponsored activity, for example, a transaction conducted outside of school pursuant to an agreement made in school, that would violate the Code of Student Conduct if conducted in school.
5. The conduct involves the theft or vandalism of school property.
6. There is otherwise a nexus between the proximity or timing of the conduct in relation to the student's attendance at school or school-sponsored activities.

### Delegation of Responsibility

The Superintendent or designee shall ensure that reasonable and necessary rules and administrative procedures are developed to implement SRC policy governing student conduct and discipline.

The Superintendent or designee shall publish the Code of Student Conduct, **which includes the consequences that may be imposed for violations of those rules, and a listing of students' rights and responsibilities.** A copy of the Code of Student Conduct shall be available in each school library and school office **and may be printed in student handbooks.**[1][6]

The building principal shall have the authority to assign discipline to students, subject to SRC policies, district rules and regulations and to the student's due process right to notice, hearing, and appeal.[16][17]

Teaching staff and other district employees responsible for students shall have the authority to take reasonable actions necessary to control the conduct of students in all situations and in all places where students are within the jurisdiction of this SRC, and when such conduct interferes with the educational program of the schools or threatens the health and safety of others.[16]

Reasonable force may be used by teachers and school authorities under any of the following circumstances: to quell a disturbance, obtain possession of weapons or other dangerous objects, for the purpose of self-defense, and for the protection of persons or property.[7]

### **Referral to Law Enforcement and Required Reports**

**For reporting purposes, the term incident shall mean an instance involving an act of violence; the possession of a weapon; the possession, use, or sale of a controlled substance or drug paraphernalia as defined in the Pennsylvania Controlled Substance, Drug, Device and Cosmetic Act; the possession, use, or sale of alcohol or tobacco; or conduct that constitutes an offense listed under the Safe Schools Act.**[\[18\]](#)[\[19\]](#)[\[20\]](#)

**The Superintendent, Office of School Safety, or designee shall immediately report required incidents and may report discretionary incidents committed by students on school property, at any school-sponsored activity or on a conveyance providing transportation to or from a school or school-sponsored activity to the local police department that has jurisdiction over the school's property, in accordance with state law and regulations, the procedures set forth in the memorandum of understanding with local law enforcement and SRC policies.**[\[13\]](#)[\[18\]](#)[\[19\]](#)[\[21\]](#)[\[22\]](#)[\[23\]](#)

**The Superintendent or designee shall notify the parent/guardian of any student directly involved in an incident as a victim or suspect immediately, as soon as practicable. The Superintendent or designee shall inform the parent/guardian whether or not the local police department that has jurisdiction over the school property has been or may be notified of the incident. The Superintendent or designee shall document attempts made to reach the parent/guardian.**[\[13\]](#)[\[19\]](#)[\[24\]](#)

**In accordance with state law, the Superintendent shall annually, by July 31, report all new incidents to the Office for Safe Schools on the required form.**[\[13\]](#)[\[18\]](#)[\[25\]](#)[\[26\]](#)[\[27\]](#)[\[28\]](#)

### **Legal References:**

1. 22 PA Code 12.3

2. 22 PA Code 12.4

3. Pol. 103 - Nondiscrimination in School and Classroom Practices

4. Pol. 103.1 - Nondiscrimination - Qualified Students With Disabilities/Protected Handicapped Students

5. 22 PA Code 12.2

6. Pol. 235 - Student Rights and Responsibilities

7. 22 PA Code 12.5

8. Pol. 233 - Suspension and Expulsion

9. 20 U.S.C. 1400 et seq

10. 22 PA Code 10.23

11. Pol. 113.1 - Discipline of Students With Disabilities

12. Pol. 113.2 - Behavior Support

13. Pol. 805.1 - Relations With Law Enforcement Agencies

14. Pol. 122 - Extracurricular Activities

15. Pol. 123 - Interscholastic Athletics

16. 24 P.S. 1317

17. 24 P.S. 1318

18. 24 P.S. 1303-A

19. 22 PA Code 10.2

20. 35 P.S. 780-102

21. 24 P.S. 1302.1-A

- 22. 22 PA Code 10.21
- 23. 22 PA Code 10.22
- 24. 22 PA Code 10.25
- 25. Pol. 218.1 - Weapons
- 26. Pol. 218.2 - Terroristic Threats
- 27. Pol. 222 - Tobacco
- 28. Pol. 227 - Controlled Substances/Paraphernalia

**Related Information:**

- 24 P.S. 510
- 24 P.S. 696
- 22 PA Code 12.1 et seq
- 22 PA Code 403.1
- 20 U.S.C. 7114
- 34 CFR Part 300
- Pol. 805 - Emergency Preparedness
- Philadelphia Home Rule Charter - 12-300

# THE SCHOOL DISTRICT OF PHILADELPHIA

SECTION: 200 Pupils

TITLE: Dress and Grooming

ADOPTED: 12/21/2011

REVISED:

## DRESS AND GROOMING

### **Purpose**

The School Reform Commission is **committed to authorizing each school and the community, including parents, to adopt a dress code that sets out acceptable standards of dress for all students.**

### **Definition**

**Uniform Dress code shall be defined as a the standard of dress that the SRC, in consultation with the community determines is acceptable for students to wear to school.**

### **Authority**

The SRC has the authority to impose limitations on students' dress in school. The SRC **may** require all district students to wear standard dress or uniforms. **Policies may apply to individual schools or to all schools.**[\[1\]](#)[\[2\]](#)

Students may be required to wear certain types of clothing while participating in physical education classes, technical education, extracurricular activities, or other situations where special attire may be required to ensure the health or safety of the student.[\[2\]](#)

The SRC directs that uniform~~and~~ **or** dress standards and their implementation shall be developed cooperatively with parents/guardians, students, district administrators, and community stakeholders.

### **Delegation of Responsibility**

All students **shall be** required to dress in the manner adopted by their school. Students and parents/guardians shall be notified of the school's uniform requirements before the start of each school year.[\[3\]](#)

The building principal or designee shall be responsible to monitor student dress and grooming, and to use reasonable discretion and judgment in enforcing SRC policy, administrative procedures and school rules governing student dress and grooming.

The Superintendent or designee shall develop administrative procedures to implement this policy. All administrative procedures and rules governing student **dress and grooming shall** impose only the minimum necessary restrictions on the exercise of the student's taste and individuality, **including permitting students to wear clothing based on their gender identification.**[\[2\]](#)

The Superintendent or designee shall be responsible to develop procedures for instances where district uniform requirements impose a financial hardship on students and parents/guardians. Such procedures shall properly safeguard the privacy of those students.

Staff members shall be instructed to demonstrate, by example, positive attitudes toward neatness, cleanliness, propriety, modesty, and good sense in attire and appearance.[4]

**Mandated Regulatory Procedures**

Nothing in this policy or in administrative procedures shall be construed to restrict or ban a student's wearing of religious garb. Parents/Guardians **with** religion-based concerns regarding a school's uniform policy are encouraged to discuss those concerns with the building principal.

**Legal References:**

1. 24 P.S. 1317.3

2. 22 PA Code 12.11

3. Pol. 218 - Student Conduct and Discipline

4. Pol. 325 - Dress and Grooming (Staff)

# THE SCHOOL DISTRICT OF PHILADELPHIA

SECTION: 200 Pupils

TITLE: Tobacco Use

ADOPTED: 8/24/2011

REVISED:

## TOBACCO USE

### **Purpose**

The School Reform Commission recognizes that tobacco presents a health and safety hazard that can have serious consequences for both users and nonusers and the safety and environment of the schools.

### **Definition**

For purposes of this policy, **tobacco includes** a lighted or unlighted cigarette, cigar, pipe or other smoking product **or material** and smokeless tobacco in any form.[\[1\]](#)

### **Authority**

The SRC prohibits possession, use **or sale** of tobacco by students at any time in a school building and on any property, buses, vans and vehicles that are owned, leased or controlled by the school district.[\[1\]](#)[\[2\]](#)[\[3\]](#)

The SRC prohibits possession, use **or sale** of tobacco by students at school-sponsored activities that are held off school property.

The SRC also prohibits the possession of paraphernalia associated with tobacco use such as rolling papers, matches, and lighters.

**In the case of a student with a disability, including a student for whom an evaluation is pending, the district shall take all steps required to comply with state and federal laws and regulations, the procedures set forth in the memorandum of understanding with local law enforcement and SRC policies.**[\[4\]](#)[\[5\]](#)[\[6\]](#)[\[7\]](#)[\[8\]](#)[\[9\]](#)

### **Delegation of Responsibility**

The Superintendent or designee shall annually notify students, parents/guardians and staff about the district's tobacco policy by publishing such policy in the student handbook, parent newsletters, posted notices, Code of Student Conduct, district web site and other efficient methods.

The Superintendent or designee shall develop administrative procedures to implement this policy.

### **Mandated Regulatory Procedures**

All tobacco products and/or paraphernalia discovered in the possession of students shall be confiscated and not returned.[\[1\]](#)

**The Superintendent or designee may report incidents of possession, use or sale of tobacco by students on school property, at any school-sponsored activity or on a conveyance providing transportation to or from a school or school-sponsored activity to the local police department that has jurisdiction over the school's property, in accordance with state law and regulations, the procedures set forth in the memorandum of understanding with local law enforcement and SRC policies.**[\[9\]](#)[\[10\]](#)[\[11\]](#)[\[12\]](#)[\[13\]](#)

**The Superintendent or designee shall notify the parent/guardian of any student directly involved in an incident involving possession, use or sale of tobacco immediately, as soon as practicable. The Superintendent or designee shall inform the parent/guardian whether or not the local police department that has jurisdiction over the school property has been or may be notified of the incident. The Superintendent or designee shall document attempts made to reach the parent/guardian.**[\[9\]](#)[\[12\]](#)[\[14\]](#)

**In accordance with state law, the Superintendent shall annually, by July 31, report all incidents of possession, use or sale of tobacco by students to the Office for Safe Schools on the required form.**[\[9\]](#)[\[11\]](#)

A student convicted of possessing or using tobacco in violation of this policy may be fined up to fifty dollars (\$50) plus court costs or admitted to alternative adjudication in lieu of imposition of a fine.[\[15\]](#)

**Legal References:**

1. [35 P.S. 1223.5](#)
2. [18 Pa. C.S.A. 6305](#)
3. [20 U.S.C. 7183](#)
4. [22 PA Code 10.23](#)
5. [20 U.S.C. 1400 et seq](#)
6. Pol. 103.1 - Nondiscrimination - Qualified Students With Disabilities/Protected Handicapped Students
7. Pol. 113.1 - Discipline of Students With Disabilities
8. Pol. 113.2 - Behavior Support
9. Pol. 805.1 - Relations With Law Enforcement Agencies
10. [24 P.S. 1302.1-A](#)
11. [24 P.S. 1303-A](#)
12. [22 PA Code 10.2](#)
13. [22 PA Code 10.22](#)
14. [22 PA Code 10.25](#)
15. [18 Pa. C.S.A. 6306.1](#)

**Related Information:**

- [24 P.S. 510](#)
- [22 PA Code 403.1](#)
- [20 U.S.C. 7114](#)
- [20 U.S.C. 7181 et seq](#)
- [34 CFR Part 300](#)
- [Philadelphia Home Rule Charter - 12-300](#)

## **EMPLOYEE CODE OF ETHICS** (Attachment for Policy No. 300)

The School District of Philadelphia has a paramount vision: “The School District of Philadelphia will deliver on the right of every child in Philadelphia to an excellent public school education and ensure all children graduate from high school ready to succeed.” To make this ambitious vision a reality, all District employees (collectively referred to as “we,” “us” or “employees” throughout this document) must pursue excellence in everything we do, with the understanding that our highest priority is educating and developing students. Further, because we are public servants entrusted with a critical mission, we must build and preserve public confidence by performing our roles with integrity and ethics.

### **Key Ethical Principles**

The purpose of this Code of Ethics is to describe these high-level ethical principles that must govern us in performing our roles:

- 1. Conduct activities in full compliance with the law, this Code and District policies and procedures;*
- 2. Interact respectfully and fairly with all co-workers, students and families;*
- 3. Protect all confidential information;*
- 4. Be honest and forthright;*
- 5. Use District resources and positions only for District purposes;*
- 6. Maintain integrity of school time and property and avoid use of District resources for inappropriate political purposes*
- 7. Avoid even the appearance of improper influence or potential conflict of interest, paying special attention to the following:*
  - a. gifts and favors,*
  - b. employment of family members by the District,*
  - c. spending and contracting activities,*
  - d. paid work during District employment,*
  - e. paid work after leaving District employment and*
  - f. financial interest statements; and*
- 8. Report any suspected improper conduct.*

### **Application**

The remainder of this Code provides more specific practical guidance to all employees of the School District and to the School Reform Commissioners (Policy 011, Section 2(b)). Some detailed standards and examples of “do’s and don’ts” are included for the sake of clarity. But this Code is not a rule book and cannot provide a complete listing of every possible situation related to the key principles or a clear answer to every question we might have about them.

We are expected to use good judgment to satisfy the spirit of this Code of Ethics. When facing decisions, we should take these steps to get the appropriate results:



- Think about the situation at hand and whether it raises possible ethical issues;
- Refer to this Code, any governing law and District policies and procedures for guidance;
- If needed, get additional guidance from a supervisor or the General Counsel's Office; and
- Make and carry out a decision that is consistent with the guidance and reflects integrity.

We are expected to sign an acknowledgement that we have received the Code of Ethics. Employees who do not sign the acknowledgement are still bound by the duty to comply with this Code, which is mandatory for all of us.

### **Enforcement**

Alleged violations of this Code of Ethics are subject to investigation and employees are obligated to cooperate in investigations by providing relevant information and documentation upon request. Violations of the Code may result in administrative or disciplinary action up to and including dismissal, as well as referral to appropriate authorities for civil action and/or criminal prosecution. Nothing in this Code precludes application of legal rights or contractual rights under relevant collective bargaining agreements.

#### **1. *CONDUCT ACTIVITIES IN FULL COMPLIANCE WITH THE LAW, THIS CODE AND DISTRICT POLICIES AND PROCEDURES***

We must perform our duties in a way that complies with all relevant federal, state and local laws and regulations, and also with all requirements set by the District through this Code and District policies and procedures (some of which provide detailed rules supporting high-level principles covered by this Code). We each need to be aware of the legal and District requirements that apply to the individual jobs we do. Some laws that relate directly to the District's educational and public service missions, and therefore apply to many of our activities, include the following:

- Pennsylvania Public School Code of 1949, as amended;
- Pennsylvania Public Official and Employee Ethics Act;
- Pennsylvania Code of Professional Practice and Conduct for Educators;
- Pennsylvania Professional Educator Discipline Act; and
- Family Educational and Privacy Rights Act.

Employees who are unsure whether certain legal or District requirements apply to them or to specific situations should ask for advice from a supervisor or the Office of General Counsel.

#### **2. *INTERACT RESPECTFULLY AND FAIRLY WITH ALL CO-WORKERS, STUDENTS AND FAMILIES***

To create a collegial workplace for ourselves and a safe and engaging learning environment for our students, we must treat others with respect and dignity. In

**practice, this means consistently acting, speaking and dressing professionally, and avoiding inappropriate behaviors or interactions with co-workers, students, parents and other family members.**

**In particular, we cannot engage in conduct or use language that could be reasonably interpreted as abusive, hostile, intimidating, coercive, discriminatory, harassing or exploitative. We cannot refer to anyone else’s race, color, ethnicity, national origin, religion, gender, sexual orientation, age or disability in a negative or joking way in any job-related situation.**

**Dating relationships or sexual contacts of any kind between employees and students or supervisors and those whom they supervise are strictly forbidden.**

**We must be fair and impartial in exercising our job-related authority. In practice, this means treating co-workers, students and families equitably, without improper bias or favoritism, and applying policies and procedures consistently. This includes making all employment-related decisions in compliance with applicable equal employment opportunity laws and regulations. This also includes being objective when taking official actions affecting students or families, such as assigning grades, making formal assessments, determining eligibility for programs, providing access to classes or selecting participants in extra-curricular activities.**

### ***3. PROTECT ALL CONFIDENTIAL INFORMATION***

**We must protect confidential, private or sensitive information or records that we receive in the course of our jobs, including information or records relating to students or their families or to District staff or operations. This duty continues after we stop working with the District.**

**We must not disclose confidential information or records to anyone inside or outside the District except as properly authorized or required to perform our responsibilities. All disclosures must comply with applicable laws, confidentiality agreements and District policies and procedures.**

**We also must not use confidential information or records to advance our own or others’ private interests, financial or otherwise. For example, we cannot give a friend some non-public information in order to help the friend ’s business succeed in a competitive bidding process for District business.**

### ***4. BE HONEST AND FORTHRIGHT***

**We must be honest in order to earn and keep the public’s trust. In practice, this means avoiding any form of fraud, falsification, misrepresentation or deception in the statements we make and the records we keep while doing our jobs. We must also be forthright and candid in providing complete, accurate and timely information to help others do their jobs.**

**We must not participate in or allow any form of academic cheating, including anything intended to distort grades or assessments or give students an unfair advantage on examinations or evaluations.**

***5. USE DISTRICT RESOURCES AND POSITIONS ONLY FOR DISTRICT PURPOSES***

**We are trusted stewards of limited public resources, so we must use the District's property and our positions only for proper District purposes. This includes spending District funds, including funds raised through allowable fund raising activities, and using District assets responsibly, in line with the District's priorities and policies. We must safeguard and account for all funds collected, including those generated through fund raising activities and all funds associated with Student Activity Funds.**

**We must not use or allow others to use District property (including facilities, equipment, technology, supplies and records such as mailing lists) for any unapproved or private purpose. We must comply with District policies and procedures on acceptable use of computing and internet resources.**

**The paid time and services of employees are assets of the District to be devoted to its business. We must not misuse District time by conducting non-District business during assigned work hours, or allowing other employees to do so. Non-District business includes attending to personal or family matters, performing or promoting services compensated by any person or entity other than the District, and campaigning or raising money for any political candidate or cause.**

**In addition, we must not use our positions to get a private benefit for ourselves or someone else that would not otherwise be publicly available. This includes not using our titles, badges or official letterhead, or even referring to our positions with the District, to influence matters unrelated to District business.**

***6. MAINTAIN THE INTEGRITY OF SCHOOL TIME AND PROPERTY WITH RESPECT TO POLITICAL USES***

**We must remember that School District property and school time may not be used for political purposes. We must protect school buildings from being used as campaign forums, including campaign visits by elected officials and candidates for public office, including the President and Vice President of the United States.**

**We know that visits by elected officials and candidates for elected office serve an important educational function in that they expose students to persons and views with which they should become familiar as informed and responsible citizens who either vote now or will vote some day. We must work to make sure such visits enhance the educational experience of our students and do not become political events. See School Reform Commission Policy 321.**

## **7. AVOID ANY IMPROPER INFLUENCE OR POTENTIAL CONFLICT OF INTEREST**

We must use independent judgment as we perform our duties for the District, handling all District matters objectively on their merits, without being affected by any improper influence or conflict of interest. A potential conflict of interest can arise whenever consideration of our own personal, family or financial interests could impact the actions we take or decisions we make while doing our jobs. Family interests include the interests of any of our “Immediate Family Members,” defined in this Code of Ethics to include a spouse, domestic partner, parent, sibling or child. Any relationship by marriage is treated the same as relationship by blood.

We must actively avoid situations that might give rise to possible conflicts between our professional responsibilities, on the one hand, and our private interests, on the other. This means that we cannot recommend, participate in or attempt to influence any District action or decision in which we have a personal, family or financial interest that is different from that of the general public. Employees are expected to inform their supervisor of potential conflict of interest as soon as it arises.

The subsections below provide high-level principles to address common situations that can create improper influence or conflicts of interest if not properly managed. Employees must also follow the detailed rules contained in the policies and procedures adopted by the District to govern these situations, including those adopted by the Office of Procurement Services for application to employees involved in procurement activities.

### ***A. Gifts and favors***

We must not ask for or accept any gift or favor from anyone else that is intended to influence or reward the way that we perform our responsibilities for the District, ~~or that could be reasonably interpreted to have that purpose.~~ For example, we cannot receive a gift, no matter how small, given in return for a decision affecting a student's grades or a vendor's selection for a contract. We also must not give gifts or favors to other employees in order to influence or reward the way that they perform their District duties. Gifts and favors include anything of value received without payment of fair consideration. Some examples of things of value are: money, discounts not generally available to the public, loans or debt forgiveness, items, services, meals, entertainment and travel expenses.

Generally speaking, we must not accept gifts or favors with a retail value of more than \$100 during a calendar year from any single source, such as a particular person, family or organization ~~if it could be reasonably interpreted to be~~ intended to influence or reward the way that we perform our responsibilities for the District. The value limit applies to individual gifts and also to the total value of multiple gifts from the same source. Certain exceptions to these limitations apply as described in District policies and procedures.

**We must not permit any of our Immediate Family Members to accept or give on our behalf any gift or favor that we ourselves cannot accept or give under this Code.**

***B. Employment of family members by the District***

**We must not recommend or participate in any action or decision that directly or indirectly causes any of our Immediate Family Members to be hired or appointed as an employee or consultant of the District. We also must not recommend or participate in any personnel action that directly or indirectly affects an Immediate Family Member employed by the District. Examples of personnel actions include promotions, evaluations, discipline and discharge.**

**Immediate Family Members may work together at the same District facility or program, but may not work with each other in superior-subordinate situations. Therefore, the hiring, appointment or transfer of an employee which creates a direct or indirect supervisory relationship between Immediate Family Members is prohibited. If, despite this prohibition, a supervisory relationship comes into being between Immediate Family Members due to a promotion, then the situation must be disclosed immediately and the supervisory relationship must be discontinued within 30 days.**

***C. Spending and contracting activities***

**We must remove ourselves from any involvement in a decision to make an expenditure or contract valued at \$1,000 or more on behalf of the District, including Student Activity Funds, if the decision could benefit in a substantial way any of the following:**

- **Any for-profit or nonprofit entity in which we or our Immediate Family Members hold, have arranged or are negotiating a position as an employee, agent, officer, partner, director or trustee;**
- **Any entity, other than a publicly traded corporation, in which we or our Immediate Family Members have a direct or indirect investment worth \$1,000 or more;**
- **Any publicly traded corporation in which we or our Immediate Family Members hold a direct or indirect investment interest totaling one percent or more of the shares;**
- **Any real property in which we or our Immediate Family Members have a direct or indirect interest worth \$1,000 or more; or**
- **Any other source of income for us or our Immediate Family Members.**

We also must not participate in the administration or oversight of any transaction or contract that raises a financial conflict of interest as described above.

**D. *Paid work during District employment***

We must not accept any outside earned income in any situation that could reflect poorly on our character or reputation, or could be inconsistent or conflict with performance of our duties as employees. For example, a teacher may not tutor students attending the school where s/he works. Specific restrictions apply as described in District policies and procedures.

**E. *Paid work after leaving District employment***

We must not negotiate or discuss the possibility of future employment with any person or organization (other than a government agency) that might benefit in a substantial way from our official actions while employed by the District. To prevent an unfair competitive advantage to businesses hiring former employees, specific restrictions apply for a period of one year after we leave the District, as described in state and/or District policies and procedures.

**F. *Statements of Financial Interest***

All employees at the level of Director or above must file an annual Statement of Financial Interest with the Office of Human Resources. The Executive Director of Human Resources may also require filing of a Statement of Financial Interest by other employees whose duties require the exercise of discretion.

**8. *REPORT ANY SUSPECTED IMPROPER CONDUCT***

To maintain an ethical culture within the District, we are expected to report potentially unlawful or unethical conduct. This reporting obligation arises whenever employees have reason to believe in good faith (based on observations or other facts) that another person's conduct either:

- Conflicts with the law, this Code of Ethics or District policies or procedures;
- Raises a danger to public health or safety; or
- Poses a risk to the District's public reputation for competence and integrity.

We may fulfill our duty to report by promptly raising our concerns to any of the following:

- Any supervisor (who in turn must inform the ~~Human Resources Office~~ **Office of Talent** of the report before initiating any investigation);
- The ~~Human Resources Office~~ **Office of Talent**;
- The Inspector General's Office;
- The General Counsel's Office; or
- The telephone reporting line or electronic mailbox maintained by the Inspector General's Office. These options can be used to report anonymously, when reporters are not comfortable identifying themselves. The phone number is (215) 400-8477 and the email address is [inspectorgeneral@philasd.org](mailto:inspectorgeneral@philasd.org).

To create the right environment for reporting, we must not:

- Discourage anyone else from reporting suspected improper conduct;
- Threaten, harass, punish or retaliate in any way against someone who has made a good faith report of misconduct (or is believed to have done so); or
- Make any report of misconduct that is false, malicious or frivolous.

**For any questions regarding the Code of Ethics, please ask your Building Supervisor/Principal or the Office of Talent at (215) 400-4601**

THE SCHOOL DISTRICT  
OF PHILADELPHIA

SECTION: 300 Employees

TITLE: Employee Code of Ethics

ADOPTED:

REVISED:

**EMPLOYEE CODE OF ETHICS (NEW)**

**Purpose**

**The School Reform Commission finds that employee conduct is closely related to student learning and school environments. An effective educational program requires a safe and orderly school environment in which students and employees know and abide by reasonable standards of socially acceptable behavior and respect the rights, person and property of others.**

**Authority**

**The district shall establish fair, reasonable and nondiscriminatory rules and regulations regarding the ethical conduct of all employees in the school district during the time they are employed or at any time while on school property.**

**The SRC shall adopt an Employee Code of Ethics in order to inform employees what conduct is required and what is prohibited and the sanctions that may be applied.**

**Legal References:**

**Policy 317- Conduct/Disciplinary Procedures**

**Policy 317.1- Educator Misconduct**

**Policy 348- Unlawful Harassment**



# THE SCHOOL DISTRICT OF PHILADELPHIA

SECTION: 300 Employees

TITLE: Professional Development

ADOPTED: 8/27/1981

REVISED:

## PROFESSIONAL DEVELOPMENT

### Purpose

Continuing professional study and inservice training **for administrative, professional and support employees** are prerequisites for professional development, enhanced ability to complete responsibilities, and maintaining certification.

### Authority

The School Reform Commission directs all district employees to further their professional and personal advancement through graduate study, inservice training, conference attendance, and professional development activities.[\[1\]](#)[\[2\]](#)[\[3\]](#)

### Definitions

School system leaders are defined as principals, assistant principals, Assistant Superintendent, Superintendent and individuals who are converting an administrative certificate from a Level I certificate to a Level II certificate.[\[9\]](#)

### Mandated Regulatory Procedures

#### Graduate/Special Courses

Only courses of study that are preapproved in writing shall be eligible for reimbursement by the district or a change in compensation for the employee. Documentary evidence of satisfactory completion of all study programs shall be required.

Reimbursement for credits for approved graduate study or special courses shall be made in accordance with terms of the administrative compensation plan, an individual contract or an applicable collective bargaining agreement.

Approved graduate study or special courses/programs may be of sufficient advantage to the district to warrant an increase in an employee's annual salary, upon documentation of satisfactory completion. Such an increase will be in accordance with provisions of an individual contract, applicable collective bargaining agreement, or SRC resolution.[\[4\]](#)[\[5\]](#)

#### Induction Plan

The district shall comply with Department of Education requirements when developing and maintaining an induction plan for first-year teachers, long-term substitutes hired for

a position for forty-five (45) days or more, educational specialists and teachers new to the district. The district shall develop and submit the induction plan to the Department of Education for approval every six (6) years, as required by law and regulations. Prior to approval by the SRC and submission to the Department of Education, the induction plan shall be made available for public inspection and comment in the district's administrative offices and the nearest public library for a minimum of twenty-eight (28) days.[\[6\]](#)[\[7\]](#)[\[8\]](#)

### **Continuing Professional Education for School System Leaders**

School system leaders shall complete an induction program which is consistent with the Pennsylvania School Leadership Standards within five (5) years of serving as a school system leader in Pennsylvania for the first time.[\[9\]](#)[\[10\]](#)

### **Professional Education Plan**

The SRC shall appoint to the professional education committee parents/guardians and representatives of the community and local businesses. Representatives of administrators, teachers and educational specialists on the professional education committee shall be selected by their respective members.[\[2\]](#)[\[11\]](#)

The district shall develop and submit a professional education plan to the Secretary of Education for approval every three (3) years, as required by law and regulations. The professional education plan shall be designed to meet the educational needs of the district and its certificated administrative and professional employees; specify approved courses, programs, activities and learning experiences; and identify approved providers. Prior to approval by the SRC and submission to the Secretary of Education, the professional education plan shall be made available for public inspection and comment in the district's administrative offices and the nearest public library for a minimum of twenty-eight (28) days.[\[2\]](#)[\[7\]](#)[\[8\]](#)[\[11\]](#)

The SRC shall ensure an annual review of the district's professional education plan is conducted by the professional education committee to determine if the plan continues to meet the needs of the district, employees, students and community. The professional education committee may recommend amendments to the plan, subject to approval by the SRC and the Department of Education.[\[2\]](#)

The SRC may approve, on a case-by-case basis, specific professional education activities not stated within the district's professional education plan.[\[3\]](#)

If the district pays all costs of credits or hours, the SRC may disapprove any course, program, activity or learning experience that is inconsistent with the goals of the professional education plan.[\[3\]](#)

### **Other Professional Development Activities**

#### **Meetings/Programs –**

There shall be no loss of salary for absences **due to attendance** at official school district meetings.

Professional employees may, on the recommendation of the **building principal and approval of the Assistant Superintendent**, be excused without loss of salary to attend the sessions of an appropriate educational program provided not more than one (1) employee is excused from a school at one time and that the benefits accruing to this person shall be capitalized upon by the school group of which s/he is a member.

The **building principal** shall be responsible for the selection of appropriate employees whose attendance at the educational **program** will result in maximum value to the school. Such attendance may be approved only where the program has specific relation to problems which are under consideration by the school staff or by a group within the staff. If representation is in excess of that provided, the matter shall be decided by the Superintendent or designee.

#### Educational Conventions –

Approval to attend educational conventions may be granted either without loss of salary or with complete loss of salary, depending upon the nature of the convention and the relationship of the employee to it.

Professional employees should not make commitments to appear on programs without first obtaining assurance from the **Superintendent or designee** that a leave of absence for that purpose will be granted.

#### Observations –

The Superintendent may grant a leave of absence for the purpose of observation without loss of salary to teachers under the following conditions:

1. The approval of the **building principal** of the school involved and **Assistant Superintendent have been** obtained.

Observation in other **district** schools or in the employee's school **may be permitted** for two (2) days each school year.

Observation in schools outside **the district may be permitted** for two (2) days each school year. Such visits **shall be** restricted to schools where the opportunity to gain professional help exists to an acceptable degree. Requests should not be made for days immediately preceding or following a school holiday.

Observations in business and industrial concerns may be substituted for **observation in schools**.

If the observation is outside the **school district**, a written report of the observation shall be sent through the **building principal and Assistant Superintendent** within two (2) weeks following the visit.

#### Legal References:

1. 24 P.S. 517
2. 24 P.S. 1205.1

3. 24 P.S. 1205.2

4. 24 P.S. 1144

5. 24 P.S. 1151

6. 22 PA Code 49.16

7. 22 PA Code 4.13

8. Pol. 100 - Comprehensive Planning

9. 24 P.S. 1205.5

10. 24 P.S. 1217

11. 22 PA Code 49.17

**Related Information:**

24 P.S. 1205.6

Pol. 806 - Child Abuse

# THE SCHOOL DISTRICT OF PHILADELPHIA

SECTION: 300 Employees

TITLE: Compensated Professional  
Leaves

ADOPTED: 8/27/1981

REVISED:

## COMPENSATED PROFESSIONAL LEAVES

### Purpose

This policy shall establish the district's parameters for granting professional development and classroom occupational exchange leaves for ~~certificated~~ **represented** administrative and professional employees.

### Definitions

**Professional Development Sabbatical Leave** - shall be defined as a leave of absence granted for the purpose of improving professional competency or obtaining a professional certificate or commission. Such leave shall be directly related to an employee's professional responsibilities, as determined by the **School Reform Commission**, and be restricted to activities required by state regulation or law.

[\[1\]](#)

**Classroom Occupational Exchange Leave** - shall be defined as a leave of absence granted for the purpose of acquiring practical work experience in business, industry or government.[\[2\]](#)

### Authority

The SRC shall have sole authority to adopt and enforce policy establishing the conditions for approval of a professional development sabbatical leave for eligible employees. All requests for such leave shall be subject to review by the SRC. The SRC may approve or reject a proposed plan for professional development sabbatical leave.[\[1\]](#)

The SRC may grant a leave to eligible employees for classroom occupational exchange leave for the specified purpose.[\[2\]](#)

### Mandated Regulatory Procedures

The following mandatory regulatory procedures are prescribed by government laws and regulations. [\[1\]](#)[\[2\]](#) [\[3\]](#) [\[4\]](#)[\[5\]](#) [\[6\]](#) [\[7\]](#)[\[8\]](#)[\[9\]](#)

## PROFESSIONAL DEVELOPMENT SABBATICAL LEAVE

### Eligibility

To qualify for professional development sabbatical leave, an eligible employee shall have completed ten (10) years of satisfactory service in the public schools of the **Commonwealth**; at least five (5) consecutive years of such service **shall be in this** school district, unless the SRC

allows a shorter time. Thereafter, such leaves are allowed at intervals of seven (7) years from the date of the termination of the previous leave.[\[3\]](#)

~~Members of the Philadelphia Federation of Teachers shall have completed twenty (20) years of continuous service in accordance with provisions of the collective bargaining agreement.~~

**A leave for professional development may be taken for a half or full school term or for two (2) half school terms during a period of two (2) years, at the employee's option.**[\[3\]](#)

**The total number of administrative employees on such leaves of absence shall not exceed ten percent (10%) of the number of eligible employees. The total number of professional employees on such leaves of absence shall not exceed ten percent (10%) of the number of eligible employees.**[\[4\]](#)

### **Application**

**Professional development sabbatical leaves shall be granted only to employees participating in an academic program for the purpose of retaining a professional certificate or commission, further preparation and improvement in an area(s) of certification, additional certification, attaining other appropriate and identifiable educational positions within the school district, or as the SRC may require, and upon the recommendation of the Superintendent.**[\[1\]](#)

Applications for **professional development leave** shall be submitted **on the district form** to **Talent** at least one (1) month prior to the close of the term previous to that for which the leave is requested. The **Superintendent or designee** must sign the application for **professional development sabbatical leave**.

### **Documentation**

Applicants for **professional development sabbatical leave** shall submit **with the application form** a detailed plan describing the professional development activities to be undertaken **and a statement specifying the benefits of the leave to the employee and the school district. The plan shall provide sufficient information to permit the SRC to adequately evaluate the request.**[\[1\]](#)

**The SRC may at any time require additional information from the employee in order to assist the SRC in determining whether the leave is being used for the purpose for which it was granted.**[\[5\]](#)

**The minimum requirements for leave for a half school term shall consist of any one or a combination of the following:**[\[1\]](#)

1. Nine (9) graduate **credits**.
2. Twelve (12) undergraduate **credits**.
3. One hundred eighty (180) hours of professional development activities.

The minimum requirements for leave for a full school term shall consist of any one or a combination of the following:[\[1\]](#)

1. Eighteen (18) graduate credits.
2. Twenty-four (24) undergraduate credits.
3. Three hundred sixty (360) hours of professional development activities.

#### **Commitment of Employee**

Acceptance of professional development sabbatical leave incurs a commitment by the employee to return to active duty in this district immediately following the leave for one (1) full school term.[\[1\]](#)[\[6\]](#)

Upon completion of the leave, the employee must provide satisfactory evidence that the employee's approved plan for professional development was fully complied with during the leave of absence. Official transcripts, written verification of attendance at professional development activities **or other items may be required.**[\[1\]](#)[\[5\]](#)

If the employee fails to **provide satisfactory evidence of program compliance or return to the district as required**, unless prevented by illness or physical disability, the employee shall forfeit all benefits to which the employee would otherwise have been entitled under the conditions of the leave. Illness or physical disability is subject to verification.

#### **Commitment of Employer**

Upon return from **professional development sabbatical leave**, the employee **shall be reinstated in the same position held at the time of the granting of the leave.**[\[6\]](#)

**Time on professional development sabbatical leave shall be counted as time on the job for purposes of seniority and for retirement fund purposes, but for no other purpose.**[\[7\]](#)[\[8\]](#)

#### **Compensation**

During the period of **professional development sabbatical leave**, an employee **shall be compensated at least one-half the salary to which s/he would have been entitled had the employee not taken leave.**[\[9\]](#)

**While on leave**, the employee shall be entitled to insurance benefits **provided other employees of a similar classification.**

**A leave of absence granted for professional development shall also serve as a leave of absence without pay from all other school activities.**[\[3\]](#)

During the period of **professional development sabbatical leave**, employees may not engage in a remunerative occupation other than that which could have been performed while in active service and a statement that this requirement has been followed will be required at the conclusion of the leave. However, employees are permitted to accept fellowships or foundation grants without losing their entitlement to salary specified by law.

## CLASSROOM OCCUPATIONAL EXCHANGE LEAVE

### Application

Requests for classroom occupational exchange leave shall be submitted on the approved district form and forwarded with appropriate documentation to the Superintendent.

### Documentation

Applicants for classroom occupational exchange leave shall submit with the application form a statement from the employer agreeing to the terms and conditions of the leave, as specified in SRC policy.

Upon return from such leave, the employee shall submit to the SRC a final report detailing the work experience and its benefits.[\[1\]](#)[\[2\]](#)[\[5\]](#)

### Commitment of Employee

Acceptance of classroom occupational exchange leave incurs a commitment by the employee to return to active duty in this district immediately following the leave for one (1) full school term, unless prevented by illness or physical disability.[\[6\]](#)

### Commitment of Employer

At the expiration of the classroom occupational exchange leave, the employee shall be reinstated in the same position held at the time of the granting of the leave.[\[6\]](#)

Time on classroom occupational exchange leave shall be counted as time on the job for purposes of seniority and for retirement fund purposes, but for no other purpose.[\[2\]](#)

### Compensation

The business, industry or government to whom the employee is assigned during the leave shall fully compensate the school district for all salary, wages, pension and retirement contributions, and other benefits as if the employee were in full-time active service.[\[2\]](#)

### Legal References:

- [1. 24 P.S. 1166.1](#)
- [2. 24 P.S. 522.2](#)
- [3. 24 P.S. 1166](#)
- [4. 24 P.S. 1167](#)
- [5. 24 P.S. 1171](#)
- [6. 24 P.S. 1168](#)
- [7. 24 P.S. 522.1](#)
- [8. 24 P.S. 1170](#)
- [9. 24 P.S. 1169](#)



# THE SCHOOL DISTRICT OF PHILADELPHIA

SECTION: 300 Employees

TITLE: Restoration to Health  
Sabbatical Leave

ADOPTED: 8/27/1981

REVISED:

## RESTORATION TO HEALTH SABBATICAL LEAVE

### Authority

**This policy shall establish the district's parameters for granting sabbatical leaves for restoration of health to certificated administrative and professional employees.**

**The School Reform Commission shall grant restoration to health sabbatical leaves to eligible administrative and professional employees for the purpose of restoration of health and for other purposes at the discretion of the SRC.[1]**

**The SRC reserves the right to specify the conditions under which sabbatical leaves for restoration of health or other purposes may be taken, consistent with law.**

### Eligibility

**To qualify for restoration to health sabbatical leave, an eligible employee shall have completed ten (10) years of satisfactory service in the public schools of the Commonwealth; at least five (5) consecutive years of such service shall be in this school district, unless the SRC allows a shorter time. Thereafter, such leaves are allowed at intervals of seven (7) years from the date of the termination of the previous leave.[1]**

~~**Members of the Philadelphia Federation of Teachers shall have completed twenty (20) years of continuous service in accordance with the provisions of the collective bargaining agreement.**~~

**A restoration to health sabbatical leave may be taken for a half or full school term or for two (2) half school terms during a period of two (2) years, at the employee's option.[1]**

**The total number of certificated administrative employees on restoration to health sabbatical leave at any one time shall not exceed ten percent (10%) of the number of eligible employees. The total number of certificated professional employees on sabbatical leave at any one time shall not exceed ten percent (10%) of the number of eligible employees.[2]**

### Application

**Applications for restoration to health sabbatical leave shall be submitted on the approved district form and forwarded with medical documentation to Talent as soon as possible. The Superintendent or designee must sign the application for sabbatical leave.**

**The SRC or designee shall review each application for sabbatical leave and shall approve those meeting the requirements of SRC policy and applicable law.**

### **Documentation**

**Applicants for restoration to health sabbatical leave shall submit with the application form supporting** documentation from their attending physician, including appropriate specialists. Such documentation shall include all dates of treatment, type of treatment, and a current report.

**At both the approximate midpoint of the leave and at least thirty (30) days prior to the conclusion of the leave, a physician's statement shall be submitted to the Superintendent or designee, indicating the extent to which the purpose of the leave has been achieved and evaluating the health status of the employee relative to his/her ability to return to employment.**[\[3\]](#)

**The SRC reserves the right to require at its own expense additional examinations and reports by physicians of its choice to determine whether the leave is being used for the purpose for which it was granted.**[\[3\]](#)

### **Commitment of Employee**

**Acceptance of a restoration to health sabbatical leave incurs a commitment by the employee to return to active duty in this district immediately following the sabbatical leave for one (1) full school term.** Unless prevented by illness or physical disability, employees who fail to return shall forfeit all benefits for the period of the leave, and retirement deductions shall be returned to the district. Illness or physical disability is subject to verification.[\[4\]](#)

**The SRC reserves the right to require at its own expense additional examinations and reports by physicians of its choice to determine the employee's ability to return to work.**

### **Commitment of Employer**

**Upon return from restoration to health sabbatical leave, the employee shall be reinstated in the same position held at the time of the granting of the leave.**[\[4\]](#)

**Time on restoration to health sabbatical leave shall be counted as time on the job for purposes of seniority and for retirement fund purposes, but for no other purpose.**[\[5\]](#)

### **Compensation**

**During the period of restoration to health sabbatical leave, an employee shall be compensated at least one-half the salary to which s/he would have been entitled had the employee not taken leave.**[\[6\]](#)

**While on leave, the employee shall be entitled to insurance benefits provided other employees of a similar classification.**

**A sabbatical leave granted for restoration of health shall also serve as a leave of absence without pay from all other school activities.**[\[1\]](#)

During the period of **restoration to health** sabbatical leave, employees may not engage in a remunerative occupation other than that which could have been performed while in active service and a statement that this requirement has been followed will be required at the conclusion of the leave. However, employees are permitted to accept fellowships or foundation grants without losing their entitlement to salary specified by law.

**Legal References:**

1. 24 P.S. 1166

2. 24 P.S. 1167

3. 24 P.S. 1171

4. 24 P.S. 1168

5. 24 P.S. 1170

6. 24 P.S. 1169

# THE SCHOOL DISTRICT OF PHILADELPHIA

SECTION: 300 Employees

TITLE: Alcohol, Drug, and  
Substance Abuse

ADOPTED: 2/5/1990

REVISED:

## ALCOHOL, DRUG, AND SUBSTANCE ABUSE

### Purpose

The School Reform Commission recognizes that the misuse of **alcohol**, drugs and abuse of controlled substances by administrative, professional and support employees is a serious problem with legal, physical and social implications for the whole school community and is concerned about the problems that may be caused by **alcohol use**, drug use and substance abuse by district employees, especially as the use relates to an employee's safety, efficiency and productivity.

The primary purpose and justification for any district action will be for the protection of the health, safety and welfare of students, staff and school property.

All district **property**, whether owned, leased or temporarily under **the district's** control for any program or activity, is declared to be a drug-free **and alcohol-free** workplace.

### Definitions

**Drugs** - shall be defined as those outlined in the Controlled Substance, Drug, Device and Cosmetic Act.[\[1\]](#)

**Conviction** - a finding of guilt, including a plea of nolo contendere, an imposition of sentence, or both by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.[\[2\]](#)

**Criminal Drug Statute** - a federal or state criminal statute involving the manufacture, distribution, dispensation, use or possession of a controlled substance.[\[2\]](#)

**Drug-free Workplace** - the site for the performance of work at which employees are prohibited from engaging in the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance.[\[2\]](#)

### Authority

The SRC requires that each administrative, professional and support employee be given **notification that**, as a condition of employment, the employee will abide by the terms of this policy and notify **the district** of any criminal drug **statute** conviction **for a violation occurring** in the workplace **immediately, but no later than seventy-two (72) hours, after such conviction.**[\[3\]](#)[\[4\]](#)

**Any employee convicted of delivery of a controlled substance or convicted of possession of a controlled substance with the intent to deliver shall be terminated from his/her employment with the district.**[\[5\]\[1\]](#)

### **Delegation of Responsibility**

**A statement notifying employees that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in the employee's workplace shall be provided by the Superintendent or designee and shall specify the actions that will be taken against the employee for violation of this policy, up to and including termination and referral for prosecution.**[\[4\]\[6\]](#)

**The School District of Philadelphia prohibits the possession, manufacture, sale, dispensing and use of drug, alcohol and/or any controlled substance and prohibits any of its employees' being under the influence of alcohol or a controlled substance on any of its premises or in any of its programs or activities. An employee found to violate this rule shall be subject to discipline up to and including discharge.**

**All employees shall be subject to reasonable suspicion drug and alcohol testing. The determination that reasonable suspicions exists to require an employee to undergo drug or alcohol testing must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or other sensory evidence of alcohol or drug use on the employee. Observations that include indications of the chronic and withdrawal effects of controlled substances shall support a determination of reasonable suspicion.**

**The observations for reasonable suspicion testing shall be made by administration and reviewed by the District's physician. An employee subject to testing will be transported to Employee Health Services at the Education Center and will be given the reasons for the request for the test in writing. An employee who refuses to submit to the test or has a positive drug or alcohol test result shall be subject to discipline up to and including discharge.**

The district encourages employees experiencing difficulty with controlled substance abuse to seek assistance in their efforts to control such problems and to achieve rehabilitation. The employee shall be responsible for initiating efforts to seek assistance before the stage at which his/her work performance is impaired and leads to disciplinary action.

**Within ten (10) days after receiving notice of criminal drug statute conviction of a district employee, the district shall notify any federal agency or department that is the grantor of funds to the district.**[\[4\]](#)

**The district shall take appropriate personnel action within thirty (30) days of receiving notice against any convicted employee, up to and including termination, or require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state or local health, law enforcement, or other appropriate agency.**[\[4\]\[6\]](#)

**In establishing an **alcohol-free and** drug-free awareness program, the Superintendent or designee shall inform employees in an annual written statement about:**[\[4\]](#)

1. Dangers of **alcohol and** drug abuse in the workplace.
2. SRC's policy of maintaining an **alcohol-free and** drug-free workplace.
3. Availability of **alcohol and** drug counseling, drug rehabilitation, and employee assistance programs.
4. Penalties that may be imposed for **alcohol and** drug abuse violations occurring in the workplace.
5. The district shall make a good faith effort to continue to maintain an **alcohol-free and** drug-free workplace through implementation of this policy.[\[4\]](#)

#### **Mandated Regulatory Procedures**

The Superintendent or designee shall immediately report incidents involving the possession, use or sale of a controlled substance or drug paraphernalia as defined in the Pennsylvania Controlled Substance, Drug, Device and Cosmetic Act by any employee while on school property, at any school-sponsored activity or on a conveyance providing transportation to or from a school or school-sponsored activity to the local police department that has jurisdiction over the school's property, in accordance with state law and regulations, the procedures set forth in the memorandum of understanding with local law enforcement and SRC policies.[\[7\]](#)[\[8\]](#)[\[9\]](#)[\[10\]](#)[\[11\]](#)[\[12\]](#)

In accordance with state law, the Superintendent shall annually, by July 31, report all incidents of possession, use or sale of controlled substances or drug paraphernalia to the Office for Safe Schools on the required form.[\[8\]](#)[\[12\]](#)

#### **Legal References:**

1. [35 P.S. 780-101 et seq](#)
2. [41 U.S.C. 8101](#)
3. [24 P.S. 111](#)
4. [41 U.S.C. 8103](#)
5. [24 P.S. 527](#)
6. [41 U.S.C. 8104](#)
7. [24 P.S. 1302.1-A](#)
8. [24 P.S. 1303-A](#)
9. [22 PA Code 10.2](#)
10. [22 PA Code 10.21](#)
11. [35 P.S. 780-102](#)
12. Pol. 805.1 - Relations With Law Enforcement Agencies

#### **Related Information:**

- [41 U.S.C. 8101 et seq](#)
- Pol. 317 - Conduct/Disciplinary Procedures



# 2017-2018 Code of Student Conduct



**The School District of Philadelphia**



## School Reform Commission

Chairman  
Joyce S Wilkerson

William Green      Farah Jimenez      Commissioners  
Dr. Christopher McGinley      Estelle B. Richman

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>**



KUJTESË: Kodi i Sjelljes së Nxënësit është i plotë në uebsajtin e Drejtorisë Arsimore - [https://webapps.philasd.org/stor/Code\\_of\\_Student\\_Conduct\\_Albania\\_n.pdf](https://webapps.philasd.org/stor/Code_of_Student_Conduct_Albania_n.pdf) Kodi mund të merret si broshurë në drejtorinë e shkollës, ose nga Zyra e Përfshirjes së Familjes dhe Komunitetit, me telefon 215-400-8480, ose website – [www.philasd.org/language/albanian](http://www.philasd.org/language/albanian)

المنطقة موقع في كامل بشكل متوفرة الطالب سلوك قواعد مدونة إن: الملاحظة الرجاء [https://webapps.philasd.org/stor/Code\\_of\\_Student\\_Conduct\\_Arabic.pdf](https://webapps.philasd.org/stor/Code_of_Student_Conduct_Arabic.pdf)، والمجتمع الأسرة ترابط مكتب من أو مدرستك مدير من مطبوعة نسخ في متوفرة المدونة إن الإنترنت موقع من أو 8481-400-215 رقم هاتف [www.philasd.org/language/arabic](http://www.philasd.org/language/arabic)

请注意：请注意，您可以登录网站 [https://webapps.philasd.org/stor/Code\\_of\\_Student\\_Conduct\\_Chinese.pdf](https://webapps.philasd.org/stor/Code_of_Student_Conduct_Chinese.pdf) 查看《学生守则须知》的中文版本。  
您可以向校长办公室索取《学生守则须知》的印刷件，  
或者拨打电话215-400-8482或登陆 [www.philasd.org/language/chinese](http://www.philasd.org/language/chinese) 索取该文件。

PRIÈRE DE NOTER: le code de conduite de l'élève est disponible dans sa totalité sur le site du district au [https://webapps.philasd.org/stor/Code\\_of\\_Student\\_Conduct\\_French.pdf](https://webapps.philasd.org/stor/Code_of_Student_Conduct_French.pdf) Le Code est disponible en imprimé chez votre principal ou au Bureau de la participation des parents, de la famille, de la communauté et des partenariats à base confessionnelle (Office of Family and Community Engagement) au 215-400-8483. [www.philasd.org/language/french](http://www.philasd.org/language/french)

ស្រាវជ្រាវស្តុកស្តុះ៖ នឿយ ងវ ៃចាប់ មានភាសានៃសង្គមទៀត [www.philasd.org/language/khmer](http://www.philasd.org/language/khmer) នក្រៅក្រៅ សាអង្គ គស សូមទំនងនៅ មជ្ឈមណ្ឌល លប្របក្សសា នលម ២១៥-៤០០-៨៤៨៤។

ПОЖАЛУЙСТА, ОБРАТИТЕ ВНИМАНИЕ: С полной версией Правил для учащихся можно ознакомиться на вебсайте округа [https://webapps.philasd.org/stor/Code\\_of\\_Student\\_Conduct\\_Russia\\_n.pdf](https://webapps.philasd.org/stor/Code_of_Student_Conduct_Russia_n.pdf) Распечатанные Правила можно получить у директора школы или в Управлении по Делах Семьи и Задействию Общин (номер телефона 215-400-8485 или вебсайт [www.philasd.org/language/russian](http://www.philasd.org/language/russian)

NOTA: El código de conducta del estudiante completo está disponible en el sitio Web del Distrito - [https://webapps.philasd.org/stor/Code\\_of\\_Student\\_Conduct\\_Spanish.pdf](https://webapps.philasd.org/stor/Code_of_Student_Conduct_Spanish.pdf) La copia impresa del código está disponible en la oficina del director de su escuela o en la Oficina del Compromiso Familiar y de la Comunidad, teléfono número 215-400-8489 o en el sitio Web – [www.philasd.org/language/spanish](http://www.philasd.org/language/spanish)

Xin Chú Ý: Nội dung của Nội Quy Điều Lệ Nhà Trường có trên trang web [https://webapps.philasd.org/stor/Code\\_of\\_Student\\_Conduct\\_Vietnamese.pdf](https://webapps.philasd.org/stor/Code_of_Student_Conduct_Vietnamese.pdf) Hiệu trưởng hoặc Văn Phòng Gia Đình Và Cộng Đồng đều có bản in của quyển nội quy này, xin vui lòng gọi số 215-400-8486 hoặc đọc trên trang web [www.philasd.org/language/vietnamese](http://www.philasd.org/language/vietnamese).

## 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.

## District Policy Regarding Behavior

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 skills learned in leadership to prevent minor incidents from becoming major problems.

## 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 all disciplinary policies, notices, and materials in their preferred language 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 and maintain a learning environment that leads to 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.
- Provide training for teachers and staff in creating and maintaining a respectful school climate, discipline issues, de-escalation, trauma in youth, restorative practices and other training requested by teachers and staff for the purpose of improving school climate, safety, and/or student outcomes.

### 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 school rules to foster academic success.

### 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

## 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

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, Multi-tiered Systems of Support (MTSS), 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

**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	✓				
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 they commit a violent offense. Any suspension over 3 days must be approved by an Assistant Superintendent.

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.

## Rules & Infractions

Students who are determined to have engaged in violations of this Code of Student Conduct as defined in this section and have a Student Conference may be subject to interventions and consequences on the Level described in the rule and the procedures and rights described in the Interventions and

Consequences section of this Code.

### 1A Failure to follow classroom rules/Creating disruption:

These behaviors include but are not limited to running, throwing objects, loitering, eating, drinking in a location where eating and drinking is not allowed, or other behavior that distracts other students from learning or teachers from instructing.

### 1C Failure to carry hall-pass and/or appropriate ID:

Failure to produce, upon request by a faculty or staff member, a school-approved hall-pass, student ID card, or state-approved ID card.

### 2 Truancy/Excessive tardiness/Cutting class

Students who arrive to class after the official start of class 10 or more times, or fail to attend a scheduled class or leave school premises without permission during the school day.

### 3B Possession of inappropriate personal items

Students who have physical control over (including contained within the student's clothing, locker, or bag) any object that is inappropriate for an educational setting (whether lost, found, or stolen), (including pornography, dice, playing cards, and other gambling instruments). Products containing tobacco, e-cigarettes, cigars and vaping kits. This does not include water, hygiene or beauty products.

### 4 Profane or obscene language or gestures

Students who curse, use sexually explicit language, or gestures.

### 5B Inappropriate use of an electronic device:

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.

### 6 Mutual fighting (without serious bodily injury):

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.

### 7 Forgery of administrator, teacher, or parent's/guardian's signature:

Students who reproduce the signature of another with the intent to deceive

### 8 Alteration of grade reporting, excuse notes, and/or school documents:

Students who, with the intent to deceive, alter grade reports, excuse notes, or official school documents.

### 9 Harassment (including 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.

### 10A Destruction and/or theft of property (less than \$500):

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

### 10B Bullying/cyber-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 or 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 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.

### 10C Intimidation:

Students who induce fear or a sense of inferiority in another student and/or school community member.

### 11 Sexual act (consensual):

Students who, on school property or at a school-sponsored event, expose or touch their own genitals, breast, or buttocks or those sexual parts of another person, engage in intercourse, oral sex, or simulated sex with the consent of witnesses and other participating students.

### 12 Threatening students/staff with aggravated assault:

Students who threaten, using aggressive verbal or written language or gestures, communicate a terroristic threat, an act that causes serious physical harm or creates a substantial risk of serious physical harm to another student and/or school community member.

### 13 Destruction and/or theft of property (totaling \$500 or more):

Students who intentionally damage, deface, or take school property or personal property without permission. Damage or defacement includes graffiti, school

pranks that cause a major disruption, and arson.

**12 Breaking and entering school property:**

Students who enter any property owned or utilized by The School District of Philadelphia or by any vendor under contract to The School District of Philadelphia through force (as minimal as pushing open a door) and without authorization.

**15A 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.

**15B Extortion:**

Students who obtain money, property or services from another student and/or school community member by express or implied threat of force.

**16 Mutual fighting (with documented serious bodily injury):**

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.

**17 Simple assault on a school community member:**

Students who, without provocation, hit, punch, or kick a school community member.

**18 Possession of alcohol and/or 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.

**19 Possession and/or use of fireworks, incendiary devices and/or explosives:**

Students who have physical control over (including contained within the student’s clothing, locker, or bag) fireworks, incendiary devices, bombs, firecrackers, bombshells and/or other explosives.

**21 Instigation and/or participation in a group assault:**

Students who initiate, by verbal, written, or physical act, a Simple or Aggravated Assault as defined in this section by multiple students on one or more other students. This does not refer to a Mutual Fight as defined in this section, but a physical confrontation in which one or more students can be determined to be the aggressors.

**22 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.

**23 Sexual act (non-consensual):**

Students who, on school property or at a school sponsored event, touch their own genitals, breast, or buttocks or those sexual parts of another person, engage in aggressive sexual behavior, intercourse, oral sex, or simulated sex without the express consent of witnesses and other participating students (including compelling or forcing another to engage in sexual conduct).

**24 Possession of a 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; pellet guns or BB guns; knives; box cutters; cutting instruments; nunchaku, or mace.

**25 Reckless endangerment:**

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



## Due Process

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>

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

## Student Conference Procedures

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.**

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

## Parent Conference Procedures

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. Before a suspension can be issued for a student in 1st or 2nd grade, referrals for various interventions should be made. Please refer to page 7 of the Code of Conduct for further details.

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 Multi-tiered Systems of Support (MTSS) 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.

## Expulsion Procedures

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 (continued)

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 schools 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.

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."

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

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.

The School District of Philadelphia does not discriminate in employment or education programs or activities based on race, creed, color, national origin, religion, ancestry, age, marital status, sexual orientation (known or perceived), gender identity expression (known or perceived), sex, handicap, disability, nationality, citizenship, union membership, or limited English proficiency. This policy of non-discrimination extends to all other legally protected classifications. Publications of this notice are in accordance with state and federal laws including Title IX of the Education Amendments of 1972 and Sections 503 and 504 of the Rehabilitation Act of 1973.



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