

ESPERANZA CYBER CHARTER SCHOOL CODE OF CONDUCT

2021-2022 Academic Year

This Code of Conduct sets forth the initial summary of policies of the Esperanza Cyber Charter School (“ECCS”) and is applicable to students, faculty and staff, and visitors to the school site. The complete policies are listed in Student/Parent Handbook, Summary of Acceptable Use Policy, and Summary of Internet Safety Policy.

The founders would note that certain policies contained in this Code of Conduct stem from federal, state, or local laws, regulations or guidelines and thus ECCS has little or no flexibility in applying or enforcing these policies. Most policies contained in the Code will, however, reflect the founder’s vision as to rules and policies necessary to establish an appropriate academic tone, focus, and environment at ECCS.

The founders believe that daily interactions between staff and students provide the best opportunities for encouraging appropriate behavior and promoting the development of good habits. Thus, staff will always be expected to interact with students in a positive manner, and to maintain a high ratio of acknowledging good conduct and performance as contrasted to correcting misbehavior or overly focusing on inadequate performance.

I. SCOPE OF CODE OF CONDUCT

This Code of Conduct shall apply to any conduct:

- On School grounds at any time;
- On or off School grounds at any school activity, function or event;
- Traveling to and from School, including actions on any bus, van or public Transportation;
- Away from the School if it is a continuation, retaliation or initiation of any event or individual related to school;
- Off School grounds, but connected virtually, this may include but is not limited to email, text messages, online chat environments, and other social media platforms.

II. DEFINITIONS

The following definitions apply to the Code of Conduct:

Student: a person, adult or minor, enrolled in the Esperanza Cyber Charter School.

Parent/Guardian: the *official* caregiver of a minor child, including but not limited to mother, father, stepparent, grandparent, or court-appointed guardian, including DHS workers and/or group home employees as identified at time of admission or amended in writing thereafter; or an emancipated minor (proof of which is required).

Staff: Any person employed by or volunteer at Esperanza Cyber Charter School.

PowerSchool: The student information system housing all student related data.

In school suspension (ISS): The student is temporarily blocked from attending live lessons, school-issued chat and email features are temporarily disabled from peer-to-peer contact, and all internet access allows only school-related sites. Communication with teachers and staff is still allowed. School work is expected to be completed during the suspension period. This action is also referred to as the 'penalty box' as students are restricted to certain access/features but are still expected to attend school.

Out of school suspension (OSS): The student is suspended from attending the School or and any school events, and all internet/computer access is blocked. Students will not be able to complete school work during the suspension period.

III. EXPECTATIONS OF STUDENTS

The Esperanza Cyber Charter School will provide our students with skills that they need for the future. The teachers, counselors, administrators and staff members at ECCS are dedicated to the education and well-being of our students. ECCS *expects and requires* all students to show *respect* for the staff, volunteers, visitors, the building, each other, and people of all cultures represented in the school. ECCS students are expected to be motivated, serious, attend school each day prepared to learn, work hard and interact with adults and other students cooperatively.

Be Prepared – Education requires certain tools.

All students are expected to be actively working in an online environment each day in order to make adequate progress through their course of study. It is understood that in taking courses online each student's time logged in to their curriculum will differ. Some students will require more time than others. Within this reality, it is expected that students will need to be actively working online for a minimum of 4-6 hours each day to make the appropriate progress.

Student Attendance Policy

State law requires all children of schooling age to be enrolled in school ("compulsory education") and state law requires that ECCS report any incidences of truancy. In addition, Esperanza Cyber Charter School places a high value on student participation and attendance. Regular school attendance is a primary factor in a student's successful academic and social development and lays the groundwork for a successful and productive life beyond school. Frequent absences of pupils from regular learning experiences disrupt the continuity of the instructional process. The benefit of regular instructional time is demonstrated to be efficacious and cannot be entirely regained, even if lost. Consequently, many pupils who miss instructional time frequently experience great difficulty in achieving the maximum benefits of schooling.

The parent/guardian of a student who has exceeded the 6 or more unexcused absences will be invited to an Attendance Improvement Conference (AIC). The goal of this meeting is to work collaboratively to identify the underlying causes of the students' absences. The parent may be asked to provide further explanation and possibly documentation for the excessive absences.

Students enrolled in Cyber School are required to attend school for the same number of instructional days (180) and/or hours (990) as students who attend a traditional brick-and-mortar school. Attendance is taken each day that the Cyber School is open; though students can continue working on days when the school is not open (weekends, holidays, professional development days, etc.). ECCS does not usually close for snow days and although the School/Office may not be available for family/staff use, all classes may continue virtually as regularly scheduled and attendance will be taken.

IV. EXTENSIONS TO THE CODE OF CONDUCT

A. Search and Seizure

The Esperanza Cyber Charter School reserves the right to search students and their belongings if they enter the School building to find weapons, drugs, stolen property, and other contraband. In addition, students may be asked to empty pockets, purses, etc. If a student is found in the possession of items that are illegal, the student will be charged with the appropriate school offense, the local Police Department may be notified; the student may be held for the police, and charges may be pressed. Any student who refuses to cooperate with school authorities is subject to expulsion from ECCS.

B. ACT 26

Act 26 of 1995 (the Safe Schools Act) – Creates a mandatory one-year expulsion for the possession of weapons on school property, including buses and school-sponsored events. It requires parents to provide a sworn statement upon registering their child in school as to whether the child had previously been suspended or expelled from another school. Act 26 also requires schools to maintain records on acts of violence and weapon possession and to forward student discipline records when a student transfers to another school.

Act 26 defines the term weapon to, “including but not limited to, any knife, cutting instrument, cutting tool, nunchaku, firearm, shotgun, rifle, and any other tool, instrument or implement capable of inflicting serious bodily injury.” The law requires action for documented cases of weapon possession in school or while traveling to and from school or school program, including public transportation.

A student found in possession of a weapon will be considered in violation of the Code of

Student Conduct, and the incident will be considered a Level III offense. Schools are to follow the following steps:

1. The student must be detained
2. The police must be contacted
3. The student must be arrested
4. The student must be suspended
5. A serious incident report must be filed
6. An EH-21 must be submitted recommending expulsion

C. Act 110

Act 110 of 2020 – Mandates that a student who is convicted of sexual assault upon another student enrolled in this Charter School shall be required to notify the Chief Executive Officer or designee of the conviction no later than seventy-two (72) hours after the conviction. If the convicted or adjudicated student has already been expelled, or if the victim does not attend the same school, no additional action regarding expulsion, transfer, or reassignment is required by the Charter School. Although action is not required, the Charter School maintains the authority to make an alternative assignment or provide alternative educational services during or after an expulsion at the discretion of the Chief Executive Officer or designee. Upon report of a conviction or adjudication of sexual assault upon a Charter School student that occurred in the school setting, the Chief Executive Officer or designee shall notify the Title IX Coordinator to determine whether the incident has been addressed in accordance with applicable Board policy. The Charter School shall ensure that the convicted or adjudicated student is prohibited from taking part in the following activities as the same time as the victim:

- (1) Being educated in the same school building.
- (2) Being transported on the same school vehicle; the Charter School shall coordinate with the students' school district of residence if transportation is provided through the school district.
- (3) Participating in the same school-sponsored activity.

The Charter School may return the student who is expelled, transferred, or reassigned to the student's originally assigned school if one (1) of the following circumstances occur:

- (1) The victim is no longer enrolled in the Charter School.
- (2) The conviction or adjudication has been reversed and is not pending appeal.

D. Conduct of Friends and/or Family

A student may be held responsible for the conduct of friends or family who accompany the student to the School and loiter around the building or attend any extra-curricular event. Students should advise friends and family members that loud music, obscene or offensive language and displays, or threatening behavior might result in disciplinary action against a student.

E. Teacher/Parent Communication

If the parent or guardian has a suggestion, concern or complaint regarding a grade, an assignment or disciplinary actions taken by a teacher please first contact that teacher directly. Teachers are very willing to listen to parent/guardian questions and concerns and would like to work with you. Out of courtesy for the teaching staff, please address your questions and concerns with them first rather than immediately going to the administration.

If, however, you do not feel that your question or concern has been correctly addressed, then please contact a School Administrator. In case of a disciplinary issue, please also contact a School Administrator, if not satisfied with the result after speaking with the teacher.

If the School Administrator is unable to resolve a single issue with a parent, the administration and/or parent will refer the issue to the CEO for resolution. If after meeting with the CEO the situation continues to be unresolved, the CEO will refer the issue to the Governing Board for resolution.

V. SAFETY POLICY

This safety policy mandates predetermined consequences for specific offenses, regardless of the circumstances surrounding any specific event or the disciplinary history of any student involved. **In-person or online** incidents of bullying or harassment, assault, possession of weapons or dangerous weapons/objects, possession, or use of drugs or alcohol in school, on school property, or during school sponsored events, and property damage, will not be tolerated. **In-person or online** incidents of manipulating or impersonating another student or staff member, logging into an account other than the student's and/or changing passwords, grades, or manipulating any other staff or student information in any school-related application will not be tolerated. If one of the above actions has occurred, the following **may** be implemented effective immediately.

Any ECCS student determined by the building administrator or the administrator's designee to be involved in one of the actions affected by this policy will be immediately suspended from all or select school applications and from attending the the school building or school-related functions. Also, any student involved in one of the above actions, which violates state or federal law, will be referred to the local law enforcement agency and, if deemed necessary by said authority, arrests will be made. Students may be recommended for expulsion. Esperanza Cyber will comply with all due process measures for students with disabilities who are found in violation of a safety policy. This would include holding a manifestation determination (MD) meeting prior to recommending a student for expulsion. Should the offense not be a manifestation of a specific disability, the student may be recommended for expulsion. Expulsion of students will be considered at a disciplinary hearing of the Esperanza Cyber Board of

Trustees. It may be the recommendation of the CEO of ECCS, that students involved in above actions be expelled from ECCS.

Board members will vote on the case as it has been heard, and the outcome of said vote will be final, subject to appeal to the Court of Common Pleas., (See Section X – Expulsion).

VI. ESPERANZA CYBER ANTI-BULLYING POLICY

ECCS takes a firm stance against bullying and cyber-bullying and resolves to address this negative behavior as it is detrimental to the well-being of an individual, and it is a major disruption to the learning environment. To that end, ECCS reserves the right to hold bullying and cyberbullying as a safety incident.

Bullying is defined as an intentional electronic, written, verbal or physical act, or a series of acts; cyber bullying is when children bully each other through electronic technology. Electronic technology includes devices and equipment such as cell phones, computers, tablets, as well as communication tools including social media sites, text messages, chat, and websites. Acts of bullying could include:

- Sending mean or inappropriate text messages, chat messages, or emails
- Starting or continuing a rumor by email or posted on a social network
- Sending or resending (reposting, liking, retweeting, etc.) embarrassing pictures or videos.
- Creating fake profiles or websites.
- Hacking another student's email along with other school issued programs.

These acts of bullying can be:

1. Directed at another student or students, a student's family member, or school personnel;
2. Occurs in a school setting (the School building, a school-related function, or on any form of social website, application, or the internet);
3. That is severe, persistent or pervasive; and
4. That has the effect of doing any of the following;
 - a. Substantially interfering with a student's education;
 - b. Creating a threatening environment; or
 - c. Substantially disrupting the orderly operation of the school; and "school setting" shall mean in the School building, on School grounds, in school vehicles, at a designated bus stop or at any activity sponsored, supervised or sanctioned by the school.

This policy shall also encompass acts that occur outside a school setting if they meet the criteria of (4) above.

Students and staff alike can be victimized. Like sexual harassment, bullying can occur in-person or online regardless of the intentions of the bully (bullies); it is the perception of the

victim that must be taken into consideration. Bullying often involves more than one person; bystanders (the “audience”) can take a passive role by encouraging the bully or by willingly not doing anything to prevent the abuse from occurring.

Any student who feels they are the victim of bullying should report this to their school counselor or an administrator.

If a student is found to be bullying (either as an aggressor or as a bystander both in-person or online) a member of the ECCS community, the following steps shall be implemented effective immediately:

The student(s) involved may be suspended out of school building and any school-related functions. The student may have to forfeit school-issued technology devices and/or access while suspended. Also, any student found to be in violation of local, state, or federal law will be referred to the local law enforcement agency and, if deemed necessary by said authority, arrests will be made.

After the suspension and upon returning of access to school building and school-related functions, the student and a parent/guardian will meet with a school administrator to outline the conditions for the student’s return. These conditions will be enumerated in a Student Contract (see section VII Suspension). Those conditions can be, but are not limited to:

1. A formal letter of apology written by the bullying student(s) to the victim and the victim’s family, if appropriate.
2. A supervised project on bullying, including a research paper and daily public announcements about the topic
3. Mandatory counseling at the expense of the bullying student’s family
4. Mandatory appearance before the Board of Trustees for an official reprimand
5. A Final Warning will be issued to the bullying student, stating that any future infraction will result in the school’s recommendation of expulsion to the Board of Trustees

The administration reserves the right not to suspend a student and may still apply the consequences identified above.

VII. ESPERANZA CYBER CHARTER SCHOOL FINAL STUDENT WARNING POLICY

A student may be issued a written and verbal Final Warning under certain circumstances. The purpose of the warning will be to alert the student and their parent/guardian that he has seriously or chronically violated the school’s Code of Conduct. It is hoped that the final warning will send the message to the student that his behavior has chronically or excessively violated the behavioral expectations of the school, and that future violations will not be tolerated. It is further hoped that the student will realize the impact his behavior has had on his learning and that of his fellow students, and therefore make all necessary changes in his behavior while in school.

The need to issue a final warning will be determined by the school administration. When issued, the warning will be conducted in the following manner:

1. The administrator/designee will conduct a meeting with the student and the student's parent/guardian, along with one other staff member as a witness. At the meeting, the reason(s) for the warning will be enumerated. The student will be given the opportunity to respond, either verbally or in writing.
2. The administrator/designee will review with the student the written warning, which states the student understands:
 - a. this is his final warning from ECCS
 - b. any further infraction, no matter how minor, will be considered a violation of the warning and of the Code of Conduct
 - c. that the immediate consequence for any infraction will be an immediate suspension and the student will be required to attend the next Board of Trustees meeting, where the student will be required to attend for a Disciplinary Review Hearing
 - d. that at the meeting the school will recommend the student be expelled from the school.
3. The student and parent/guardian will be asked to sign the warning as an indication that the warning was issued. **Should either individual refuse to sign the document, it will be noted as such, in the presence of the staff witness. The student will be informed that the warning will remain in effect and will be enforced even if the signatures of the student or the parent/guardian are missing.**

Once the warning has been issued, school administration will monitor the student's behavior closely. Should the decision be made to act on the warning (due to continued violations of the Code of Conduct), school administration will follow the procedure as described above, following all established guidelines for the suspension/recommendation for expulsion.

VIII. INTELLECTUAL INTEGRITY and HONESTY

Academic dishonesty or a lack of intellectual integrity is a Level 2 offense.

- A. Cutting, copying, or plagiarizing Internet content, content from print sources, or the work of other online classmates is considered a violation of the code of conduct. In addition, allowing others to knowingly copy your work, and/or misusing content from the Internet are considered violations of the code of conduct.
- B. Having someone other than yourself, including a parent, tutor, or friend or family member, log in to classes, complete part of or all of your work, including assignments, postings, quizzes or tests is a violation of the code of conduct.
- C. Collusion with other students on assignments is considered a violation of the code of conduct.

- D. Hacking into any school system and/or making changes to a school record is considered a violation of the code of conduct and the safety policy. Hacking is defined as using a technology device to gain unauthorized access to data in a system to tamper with information or to cause damage. Dependent on the amount of damage and the level of intent to cause harm, hacking can be a level 2 or level 3 offense.

IX. APPROPRIATE USE OF THE INTERNET (The complete policies are listed in Student/Parent Handbook, Summary of Acceptable Use Policy, and Summary of Internet Safety Policy)

- A. ECCS students are subject to all local, state, and federal laws governing the use of the Internet while attending school, which includes learning from a place other than a school building. Administrators will cooperate fully with local, state, and federal officials in any investigation related to inappropriate or illegal activities conducted through Internet access while using school-owned property.
- B. All school owned devices are always monitored by security applications.
- C. Violations can include inappropriate chat, text, video, and email use; foul or sexually explicit language, bullying, references to drinking or taking or selling drugs, or viewing inappropriate websites or images, hacking, unauthorized use/abuse, etc.
- D. In the event there is a claim that a student is in violation he or she is notified of the suspected violation and given an opportunity to present an explanation before a consequence is enacted.

X. RULES OF CONDUCT/DISCIPLINARY: CODE OFFENSES AND CORRECTIVE ACTIONS

Level One Offense

A. Use of Profanity

A student shall not use language that is profane, obscene, racist, sexist, homophobic, intentionally disruptive, libelous, or offensive to other students, faculty or the community; through in-person or online, school related venue, school publication, bulletin board, school social media pages, , or on students' clothing, a book bag, book, button or his/her body etc. The excuses, "I was only kidding" or that "we use this language all the time", will not be acceptable.

A student shall not use force, noise, coercion, threat, intimidation, fear, passive resistance, or engage in any other conduct intentionally or recklessly that will cause the substantial and material disruption or obstruction of the lawful mission, purpose, or function of ECCS.

A student shall not urge other students or outsiders in-person or online to engage in such conduct as expressed in this Rule A.

B. Disrespect of Teachers and Adult Personnel

At no time may a student express in-person or online with words, gestures, or body language

disrespect for a teacher, employee or volunteer of ECCS or ECCS itself. This policy applies to behavior toward any adults or students taking part in a school-related activity.

C. Disruption of the Learning Environment

No student may cause in-person or online, through deliberate action, the disruption of the School environment. This includes, but is not limited to, talking when inappropriate, noncompliance of staff directives, horseplay, causing a distraction, or speaking in an inappropriate manner (cursing, yelling, laughing too loudly). Disruption also includes using inappropriate language in a chat feature, audio or video feature, or a virtual whiteboard.

D. Smoking

A student shall not smoke in any part of the School building or on the building grounds. The Fire Code prohibits smoking in any school facility. Common sense and health concerns likewise dictate that no smoking can or will be permitted inside any school buildings. Additionally, no smoking is permitted on school grounds. This includes the stairwells, elevators, sidewalks in front of or adjacent to the building, or the area behind the building. **No student may possess any cigarettes, e-cigs, vaporizers, hookah sticks, tobacco products, lighters, matches or any smoking or incendiary device on school grounds.**

E. Noncompliance (Disobeying Lawful or Appropriate Instructions of a staff member)

A student shall not disobey in-person or online the lawful or appropriate instructions of a teacher, administrator, teacher's aide, or any adult staff member or volunteer of ECCS.

H. Defaced School Materials, Assignments, and Graffiti

A student shall not in-person or online deface (tag) any school-related materials or materials belonging to the school. In addition, a student may not display on school or personal property any symbols or images making references to drugs, drug corners or gangs, sexual conduct, or other illegal activities.

I. Overt Signs of Sexual Affection

A student shall not in-person or online express sexual affection inside the school building,, on school grounds, on a school-sponsored trip, or at any school activity. Prohibited behavior includes, but is not limited to, kissing, fondling, and suggestive remarks, obscene notes, etc.

J. Dress Code Violations

(See Section XIV, Dress Code Regulations)

L. Chewing Gum, Eating, or Drinking

Chewing gum, eating or drinking is not permitted in any part of the School building when working on a computer. Students are encouraged to not eat or drink at home while working on the school-issued computer. A computer damaged from food or drink may be assessed a fee to which the student must pay.

M. Failure to Complete “In-School” Suspension

Students who are assigned an in-school suspension and fail to complete the assigned work may face additional consequences. Rescheduling and/or exceptions may be made by the administrator that assigned the initial In School Suspension or by the Director of Student Development.

N. Inappropriate Contact

No student may be inappropriately physical with another student or staff member. This includes but is not limited to excessive horseplay; slap-boxing, rough housing, play fighting, or any sexually charged contact.

O. Gambling

At no time may students engage in any form of gambling in-person or online using school equipment or school building/grounds.

P. Possession of Prohibited Items:

In the School building or on school grounds, a student may not have in his/her possession, in a school bag or coat, any of the following items:

1. Electronic games, “Gameboys,” or lasers
2. Items associated with gambling
3. Large markers or spray paint **(level 2 offense)**
4. Pornographic, obscene, or suggestive material **(level 2 offense)**
5. Racist, sexist, homophobic, and/or other material offensive to any ethnic or religious segment of the community **(level 2 offense)**
6. Any weapon or sharp object **(level 3 offense – see Act 26)**
7. Items associated with drug use, such as blunts, “roach clips,” pipes, rolling papers, “boggles”, etc. **(level 3 offense)**
8. Cigarettes or tobacco products **(level 2 offense)**
9. Any controlled substance including, but not limited to, pills, alcohol, inhalants, etc. **(level 3 offenses).**

Any other item(s) that from time to time may be added to this list by the Board of Trustees

Level One – Corrective Actions:

The following sets forth the corrective actions that may be taken in the event of level one

offense:

1. The student may have a meeting with an administrator.
2. The student may be referred to the Counselor or to mandatory Counseling.
3. The student may have all privileges suspended, including extracurricular activities.
4. A letter may be sent, or a phone call made to the student's parents.
5. The student may be referred for mandatory drug screening, and/or to a substance abuse program.
6. The student may be required to make appropriate restitution for the offense committed.
7. The student may be subject to suspension from the school building and/or activities.
8. The student may be given mandatory community service hours to complete after school or on Saturdays.

Level Two Offenses

A. Repeated Violations:

A student may be subject to expulsion In the event a student

- repeatedly commits a Level 1 offense or
- consistently violates other school policies or regulations at any time when the student is properly under the authority of school personnel,
- or if a student receives three (3) suspensions in an academic year,

Any student who has been expelled from their local School District and repeats the same category of offense while at ECCS--e.g. fighting, weapons violation, possession or sale of a controlled substance, etc.--is also subject to expulsion, even if it is a first offense at ECCS.

B. Violations of Fire Drill Instructions at the School building:

No student may impede the safe exit of other students in a fire drill or other emergency. This includes, but is not limited to, disruption of fire drill by talking, disobedience or inattentiveness. A student who makes a false report of an emergency will be subject to expulsion for cause.

C. Hazing:

In-person or online hazing of any sort is always forbidden. Hazing is defined as: "To initiate or discipline fellow student(s) by means of horseplay, practical jokes, physical force, or tricks often in the nature of humiliating or painful ordeals.

D. Sexual Harassment:

In-person or online sexual harassment, including creating or maintaining a sexually hostile environment and/or seeking or demanding any sexual 'quid pro quo', is forbidden on the part of students, faculty, and all adults. Harassment can take the form of sending inappropriate images

via the internet, data service on a cell phone or tablet (sexting), or other ways that are identified by school administration.

E. Abuse:

In-person or online physical abuse or psychological abuse or threats of physical abuse of any person made in person or virtually, is forbidden on the part of students, faculty, staff and all adults.

F. Detainment or Obstruction:

In-person or online physically detaining or restraining any other person or removing such person from any place where he/she is authorized to be, or in any way obstructing the free movement of persons or vehicles on school premises or at school activities, is prohibited.

G. Inciting Disorder:

In-person or online participating in or inciting a riot or unauthorized or disorderly assembly or conduct is forbidden.

H. Materials Posting, Sale, Solicitation, or Distribution:

In-person or online, no student may post, sell, solicit or distribute materials without advance permission of the CEO of the school.

I. Encouraging Others to Violate Rules:

Willfully encouraging others in-person or online to commit any of the acts that are prohibited by ECCS's Code of Conduct will be considered a Level 2 offense.

J. Academic Dishonesty (see VIII):

A student may not cheat, copy, or plagiarize material from the Internet, a classmate, or any other person's work, either in print or online. The student may not have someone else do their work or collude with other students. The student may not hack a system to cause damage or change information. The teacher will determine cheating and/or plagiarism and penalties will include automatic failure of the assignment and/or the course. The school administrator will determine hacking and will decide the penalty (suspension v. expulsion).

K. Defacing School Technology Property

A student may not download any applications to a school-issued technology device. If said application causes damage to the device or a school related data system(s), or the incident is repeated, the offence is elevated to Level 3 (B, C).

L. Inappropriate Actions in School Images

In-person or online students may not pose inappropriately in school images. For example, students may not use hand signals (which may indicate gang relationships or other inappropriate actions), or wear clothing with potentially hateful or harming language or images. School leadership has the right to remove the student from the picture activity and to elevate a disciplinary action.

M. Impersonating a School Faculty or Staff Member:

Student impersonating a faculty or staff member by labeling documents (*i.e. Google files and/or video/music files*) and storing and/or sharing those documents.

N. Falsifying Information

Knowingly and intentionally reporting or producing false/misleading information, in any communication modality, which may serve to benefit the student in any way, or injure another person's character or reputation, or disrupt the orderly process of the school.

Level Two Corrective Actions

The following sets forth the corrective actions that may be taken in the event of level two offenses:

1. The student may receive a suspension, and/or a special contract may be executed between the school and student and student's parents.
2. The student may be required to make restitution for the offense(s) committed.
3. The student may be required to complete a special assignment given by administration surrounding the topic of their infraction.
4. The student may be referred for mandatory counseling at the parent/guardian's expense.
5. The student may be required to appear before the Board of Trustees.
6. The student may be expelled for cause.
7. The Student may lose various privileges for the remainder of the school year. (Access to School building, school related functions, field trips, graduation ceremony, etc.)

Level Three Offenses

A. Indecent Assault or Indecent Exposure

In-person or online a student shall not touch any other person or cause another person to touch him or her on any intimate or sexual part of the body for the purpose of arousing or gratifying sexual desire in either person or to intimidate the other person. Further, a student shall not expose his/her genitals or other private body parts, under any circumstances either in person, online or using any electronic device. (See also Aggravated Offenses below.). Students involved in sexting (the sharing of sexually explicit photos, videos, email, text or chat by cell

phone or online) that conveyed a threat, a bullying situation, or substantially disrupted school operations will be given a Level 3 consequence and may be expelled or suspended.

B. Damage, Destruction, Graffiti, or Theft of School or Private Property

In-person or online a student shall not cause or attempt to cause material damage to school or personal property, or attempt to steal school or personal property (not returning the school-loaned laptop will be considered a theft of school property). Theft and destruction of property shall be considered an act of Serious Misconduct. Destruction of property can be considered in the event of a hacking incident, dependent upon the severity of the damage to school systems or security, to be determined by the school leadership team, elevating a Level 2 offense to a Level 3.

Furthermore, any student found in-person or online writing on a wall or defacing school property, including technology devices, will fully be arrested and prosecuted by the law. Students will not be allowed to return to the school until the parent or the student pays for the damages. Students will automatically be suspended and may be subject to expulsion.

C. Computer Devices:

A student who is found to have damaged an ECCS issued laptop must pay for the damaged laptop prior to receiving another laptop.

A student who defaces or causes damage to their laptop is subject to disciplinary action. A student who needs more than two (2) computers during the school year may be subject to a Level 3 offense if the damage to the computer is determined to be made by the student's negligence or willful destruction.

Upon dis-enrolling or graduating from ECCS each student is required to return all school materials including their ECCS issued laptop in working order. Not returning the issued laptop will be considered a theft.

At the completion of each school year, each ECCS student is required to return all school material including their ECCS issued laptop in working order or pay for the damages.

D. Damage, Destruction or Tampering of School Security System and Fire Alarms

In-person or online a student shall not cause or attempt to cause material damage to any component of the school's security system, including, but not limited to, video cameras, panic bars, monitors, data systems (see hacking) etc. This also includes tampering with, destroying or triggering fire alarms within the building. Students should never open an exterior door for anyone, even if they recognize the person desiring access to the building. This action is a breach of the school's security system and will be dealt with seriously.

E. Possession of Drugs or Alcohol for Personal Consumption

In-person or online a student may not possess, use, or be under the influence of any narcotic drug, hallucinogenic drug, steroid, growth hormone, amphetamine, barbiturate, marijuana, alcoholic beverage or intoxicant of any kind. Physician prescribed medications, dispensed by school nurse or designated personnel are permissible. All medications must be delivered to the school nurse or designated personnel immediately upon entering the school building.

F. Fighting or Encouraging Fighting

In-person or online a student shall not fight, push, strike, hit, or use violence in any manner against a fellow student, nor may a student encourage another student to violate this rule. No student may hold another student in order that the held student can be hit. No student may be the "second person" in a fight. In-person or online any student, who verbally encourages a fight, whether before, during, or after a fight, will be held liable under this rule.

G. Violating the Law

In-person or online violation of any local, state, or federal law may result in school sanction and disciplinary action, to include expulsion of a student or termination of a faculty or staff member.

This includes violations against the appropriate use of the Internet and the school's Acceptable Use Policy.

H. Intoxication or Being "High"

In-person or online a student may not arrive at or become intoxicated or "high" inside the school, on school grounds, at a school activity, or when coming to or leaving from school. The initial determination as to whether a student is in violation of this rule will be at the sole discretion of the School Administrator in consultation with the nurse, other faculty or staff, a counselor, and/or family member. When deemed necessary, a drug screening by a licensed medical doctor or at a hospital may be required. Such drug screenings will be at the parents' or legal guardians' expense.

I. Vandalism

In-person or online vandalism which results in the damage to, or destruction of, school property which substantially disrupts or prevents the school from carrying out any of its primary educational responsibilities or programs. Retaliation or threat of retaliation against a school employee, witness or anyone else for their part in any school investigation, academic or disciplinary proceeding, or in the course of exercising their lawful responsibilities. This rule applies equally to a student or the student's parent(s) in the event conduct by either takes the form of intentional assault, threats of bodily injury or death, repeated telephone or physical

harassment or stalking, or property damage.

J. Assault on School Personnel, Students or Other Persons:

A student shall not in-person or online cause or attempt to cause physical injury to any school employee or volunteer, nor shall any student make threats to cause physical injury to any school personnel.

K. Possession of a Weapon Capable of Causing Death or Serious Injury

A student shall not in-person or online possess on his/her person, in his/her personal effects, or in any storage area provided by the school, any weapon capable of causing death or serious injury. Such weapons shall include, but are not limited to, firearms, knives with blades two-inches or greater in length, razors, box cutters, BB guns, stun guns, throwing stars, baseball bats, or explosive or incendiary devices (see Act 26, Section IVB). This particular offense can be considered a crime in Pennsylvania and any alleged crime may be reported to the proper law enforcement agency.

Photo (Selfie) or Media Recording (Video) with a Gun or Assault Weapon

Student takes, stores, and/or shared a photo or video of him or herself holding a gun or weapon (*i.e. pellet gun, bb gun, real firearm, or anything deemed as an assault weapon*)

L. Aggravated Offenses

A student shall not in-person or online engage in, attempt to engage in, or encourage others to engage in conduct which threatens the health, safety or welfare of any member of the school community:

In-person or online conduct in violation of this rule shall include, but is not limited to:

1. Deliberate assaults on school personnel where injury results or where a substantial likelihood of serious injury was present, including but not limited to use of a weapon;
2. Sale or distribution of any controlled substance including, but not limited to, a narcotic drug, hallucinogenic, amphetamine, barbiturate, steroid, growth hormone, marijuana, alcoholic beverage or intoxicant. Possession of any of the above substances in a quantity indicating that possession is with the intent to sell or deliver is subject to the same disciplinary penalties as are actual sale or delivery;
3. Arson
4. Rape or involuntary deviate sexual intercourse
5. Robbery or extortion
6. Assault on another student or school visitor which results in serious bodily injury or involves the use of a weapon

Level Three – Corrective Actions

The following sets forth the corrective actions that can or will be taken in the event of level three offenses:

1. Any combination of corrective actions from level I and level II offenses may be implemented at the administrator's discretion.
2. The student may be referred for mandatory drug screening, and/or to a substance abuse program at the parent/guardian's expense.
3. The student may be suspended or expelled.
4. ECCS may notify the local Police Department or other appropriate authority.

Internal school disciplinary actions shall not in any way deprive ECCS from pursuing any legal remedies available in the Criminal or Delinquency Courts of the Commonwealth.

XI. SUSPENSION

Suspension is defined as "taking away permission to attend the ECCS School building, any school activities, and all other privileges of enrollment at ECCS for a period of one (1) to (10) consecutive school days. See definitions for "ISS" and "OSS" (pages 1,2). Steps and procedures for suspension:

1. Students and Parents are informed of the reason for suspension at the time of suspension. Prior notice of intended suspension need not be given when the health, safety, or welfare of the school community is threatened.
2. Students and parents are given the opportunity to respond.
3. School must notify parent/guardian in writing of suspension.
4. Students have a right to an informal hearing if out-of-school suspension exceeds five (5) days.

If a student has been suspended out of school, he/she will be prohibited from being on School building grounds or participating in or attending school activities until a parent/guardian attends a reinstatement meeting. The student, along with a parent/guardian must both attend a reinstatement meeting. After the school notifies the parent/guardian of suspension and schedules an appointment, the parent/guardian of the suspended student must appear at the time of reinstatement. Reinstatement occurs on the first day of school after the suspension is completed. In addition, a contract outlining future student expectations must be signed. A student may be expelled if his/her parent/guardian refuses or delays the student's return or if a reinstatement meeting, scheduled by appointment initiated by the parent/guardian, is not held within one (1) week of the date of suspension.

Students are required to log in and do course work during an in-school suspension but may not be able to attend any live virtual class or email/chat peers (aka - penalty box).

XII. EXPULSION

Expulsion is defined as "the removal of the right and obligation of a student to attend ECCS under the conditions set by the Board of Trustees." The Chief Executive Officer will have final authority in recommending the expulsion of a student to the Board and whether a student who has been expelled may be allowed to return to school, and, if so, under what terms and conditions. If a student withdraws from the school before suspension or expulsion action the student may be permitted to reapply to the school for admission on terms and conditions set by the CEO. No time limit will be established for the time between the withdrawal and the reapplication for admission. If a student is expelled from ECCS, he/she may not return to ECCS and must, if 17 years or younger, enroll in another school. Students who are under 17 years of age are still subject to the compulsory school attendance law even though expelled and shall be provided an education. The initial responsibility for providing the required education rests with the student's parents or guardian, through placement in another school, tutorial or correspondence study, or another educational program approved by the district's superintendent.

Within 30 days of action by the governing board, the parents or guardians shall submit to the school district written evidence that the required education is being provided as described in paragraph (1) or that they are unable to do so. If the parents or guardians are unable to provide the required education, the school entity shall, within 10 days of receipt of the notification, make provision for the student's education. A student with a disability shall be provided educational services as required by the Individuals with Disabilities Education Act (20 U.S.C.A. § § 1400—1482).

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

In the aftermath of an infraction that could warrant expulsion, the Chief Executive Officer or his/her designee may invite the parent/guardian to a "Suspension with Intent to Expel" meeting, at which time the student and parent can present or describe any extenuating circumstances they feel merit reconsideration.

Steps and Procedures for Expulsion:

1. The CEO may recommend expulsion to the Board of Trustees.
2. The Board of Trustees makes decisions to expel a student.
3. Notice of expulsion charges must be sent to the parent/guardian in writing. Notice will be given of the intent to expel with no less than 72 hours' notice and the time and place of the hearing with the Board of Trustees. Parents may waive the right to 72 hours' notice in the interest of expediting the case.

4. Student has the right to a hearing before the Board of Trustees.
5. Student has the right to counsel.
6. Student has a right to speak and produce witnesses
7. Student has a right to question witnesses.
8. Decision of the Board of Trustees is the final decision of the school.
9. Student/parent or guardian can appeal this decision to the courts.

When the CEO recommends expulsion any parent/guardian wishing to request a hearing before the Board of Trustees may do so in writing to the Chairperson or his/her designees of the Board of Trustees. Expulsion hearing requests before the Board of Trustees should be mailed or hand-delivered to:

Chairperson Board of Trustees Esperanza Cyber Charter School 4261 North 5th Street
Philadelphia, PA 19140

XIII. STUDENT WORK AREAS

All student work areas, including computers and other electronic devices are assigned at the discretion of the School Administrator for the convenience of each student and remain the property of ECCS. As the school reserves the right to inspect computers, electronic devices and student work areas students must make them available upon request.

XIV. LIMITATIONS TO ENROLLMENT/CONTINUED ENROLLMENT

A student may be dropped immediately from the rolls of ECCS if:

1. His/her parent/guardian refuses a legitimate request to pick up the student at a School Building or school activity or if the student is ill, injured, or if, in the opinion of the School Administrator or his/her designee, the student presents a threat to the well-being of the community;
2. His/her parent/guardian falsified any information on the application for admission including, but not limited to, entry grade level, former school, or status of departure from prior school;
3. His/her parent/guardian or someone else is found to have logged in on the student's behalf for attendance or submitting coursework.
4. The student or his/her parent/guardian is not in compliance with any municipal, state or federal regulation regarding school enrollment--i.e. compliance with health codes, especially immunization and physician/dental exams and the required proof thereof.
5. The parent/ guardian of the student refuses to supply the school with a current and usable emergency contact number; proof of internet service, or other violation of application/enrollment as identified by the leadership team.

Student Withdrawal Policy

ECCS will permit a parent or guardian of a student to withdraw the student from ECCS. A parent or guardian may also withdraw a student at any time prior to a decision to suspend or expel a student. The withdrawal of a student may be for a definite or indefinite period. If a student is withdrawn pending disciplinary action the student's readmission to ECCS will be subject to a disciplinary hearing on the suspension or expulsion matter. The disciplinary procedures and standards shall be applied to the hearing.

XV. EXECUTION AND INTERPRETATION OF THESE RULES

The first line of execution and interpretation of these rules and regulations is always the individual classroom teacher or supervising adult. All adult employees and volunteers are charged with the carrying out of these rules. **The School reserves the right, from an administrative standpoint, to override any teacher or staff decision.**

The ECCS School Administrator is the primary disciplinarian and shall be responsible for the execution of the Code of Conduct, to include upholding school uniform requirements. Nevertheless, the Chief Executive Officer of ECCS is the final decision maker, and the sole final interpreter of the Code of Conduct and these rules and regulations on a day-to-day basis.

XVI. SCHOOL DRESS CODE

In the cyber school setting, the purpose of a dress code is primarily for visits to the school building for meetings or official visits as well as school-sponsored functions and field trips. The administration reserves the right to determine on a case-by-case basis what exceptions to the dress code are permissible for students attending an ECCS function at the school.

There are five simple expectations for student dress:

1. All students must wear clothing that covers completely from the top of the chest to one inch above the knee. The materials of the clothing must not be see-through or excessively tight.
2. The front and back of a shirt or top must be connected over both shoulders.
3. All clothing must cover all undergarments.
4. Hats and head coverings (except those worn for religious purposes) should be removed when on school/administrative property or when representing the school at external functions.
5. All clothing must be free from obscene or inappropriate words, images, and/or logos.

If clothing does not meet these guidelines, student will be asked politely to address the issue. Options could include:

- Adjusting the fit of clothing, if doing so meets the guidelines.
- Putting on a school uniform shirt if available.
- Leaving the school building, administrative offices or the school sponsored function.

Esperanza Cyber will address non-compliance with these dress guidelines by first privately asking student to comply. Consequences for having a disrespectful attitude or behavior are addressed in the Code of Conduct initially as a Level 1 offense.

For safety and security of all school personnel, all students are required to visibly wear school-issued ID with lanyard.