

# **Urban Pathways K-5 College Charter School**

## **Board of Trustees Policy**

### **ANTI-DISCRIMINATION AND COMPLAINT POLICY**

The Board of Trustees ("Board") of the Urban Pathways K-5 College Charter School ("Charter School") declares that the Charter School shall not discriminate against any person on the basis of race, sex, color, creed, religion, sexual orientation, ancestry, national origin, disability, marital status, pregnancy, genetic information or any other classification otherwise protected by applicable state and/or federal laws. The Charter School's Board recognizes school administrators' and employees' obligations to comply with all applicable federal, state, and local laws in providing equal opportunity for all Charter School students, including 22 Pa. Code §12.4 and consistent with the Pennsylvania Human Relations Act (43 P.S. §§ 951 - 963); Title IX of the Education Amendments of 1972, and implementing federal regulations at 34 CFR Part 106; Section 504 of the Rehabilitation Act of 1973, and implementing federal regulations at 34 CFR Part 104; Title II of Americans with Disabilities Amendments Act of 2008 and federal implementing regulations at 34 CFR §104.4(b) and 28 CFR §35.130(b).

The Charter School does not discriminate on the basis of race, sex, color, creed, religion, sexual orientation, ancestry, national origin, disability, marital status, pregnancy, genetic information or any other classification otherwise protected by law in the administration of its educational policies, admission policies, hiring policies, scholarship and aid programs, and all other policies and operations, nor may a student be subject to disciplinary action on account of race, sex, color, creed, religion, sexual orientation, ancestry, national origin, disability, marital status, pregnancy, genetic information, or any other classification.

The Charter School's Board encourages students and third parties who have been subject to discrimination to promptly report such incidents. The Board directs that complaints of discrimination shall be investigated promptly. Confidentiality of all parties shall be maintained, consistent with Charter School's legal and investigative

obligations. Neither reprisals nor retaliation shall occur as a result of good faith charges of discrimination.

In order to maintain a program of nondiscrimination practices that is in compliance with applicable laws and regulations, the Board designates a Title IX Compliance Officer for the Charter School. The Title IX 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 position, office address, and telephone number of the Title IX Compliance Officer.

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

- Curriculum and Materials - Review of curriculum guides, textbooks and supplemental materials for discriminatory bias.
- Training - Provision of training for students and staff to identify and alleviate problems of discrimination.
- Student Access - Review of programs, activities and services to ensure that all students have equal access and are not segregated except when permissible by law or regulation.
- Support - Assurance that like aspects of the educational program receive like support as to staffing and compensation, facilities, equipment, and related matters.
- Student Evaluation - Review of tests, procedures, and guidance and counseling materials for stereotyping and discrimination.
  - Charter School Website Accessibility – Compliance to enable individuals, including current and prospective students and Parents/Guardians of students and other members of general public, with vision and print disabilities and/or other physical impairments to access any/all website content. Actions to ensure accessibility include, but are not limited to: Selection of a website auditor with requisite knowledge and experience to audit content and functionality and to identify barriers to access on the existing website for persons with disabilities;
  - Conducting a thorough audit of existing online content and functionality;
  - Adoption of policies and procedures to ensure that all new, newly added, or modified online content and functionality will be accessible for persons with disabilities;

- Posting a notice to persons with disabilities about how to request access to online information or functionality that is currently inaccessible; and
- Providing website accessibility training to all appropriate personnel.

The Building Principal or other Administrator 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 Title IX Compliance Officer if the Building Principal or other Administrator is the subject of the complaint. Refer the complainant to the Board of Trustees if the CEO is the subject of the complaint.
5. Guidelines Complaint Procedure – Student/Third Party

#### Step 1 – Reporting.

A Charter School student or third party who believes s/he has been subject to conduct that constitutes a violation of this policy is encouraged to immediately report the incident to the Title IX Compliance Officer, Building Principal, or other Administrator. While oral complaints are acceptable, the Title IX Compliance Officer, Principal, or other Administrator shall have the student or third party complete a written complaint form which sets forth the following:

- (a) the specific nature of the complaint and a brief statement of the facts giving rise to it;
- (b) the manner in which and the extent to which the student believes s/he has been adversely affected;
- (c) the relief sought by the student;
- (d) the reasons why the student feels s/he is entitled to the relief sought.

A Charter School employee who 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 Title IX Compliance Officer, Building Principal, or other Administrator. In either instance, if the Principal or Administrator is the subject of a complaint, the student, third party, or employee shall report the incident directly to the Title IX Compliance Officer. If the subject of the complaint is the Title IX Compliance Officer and this position is not filled by the CEO, the student, third party, or employee shall report the incident directly to the CEO. If the CEO is the subject of the complaint, the student, third party, or employee shall report the incident directly to the Board.

#### Step 2 – Investigation upon receiving a complaint of discrimination.

The Building Principal or other Administrator shall immediately notify the Title IX Compliance Officer. The Title IX Compliance Officer shall authorize the Building Principal or other Administrator to investigate the complaint, unless the Principal or Administrator is the subject of the complaint or is unable to conduct the investigation. 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 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.

#### Step 3 – Investigative Report.

The person conducting the investigation, whether the Building Principal, other Administrator or Title IX Compliance Officer, shall prepare a written report within fifteen (15) 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, and a recommended disposition of the complaint. Findings of the investigation shall be provided to the complainant, the accused, and the Title IX Compliance Officer, if the investigation and report were completed by the Building Principal or other Administrator.

#### Step 4 – Charter School Action.

If the investigation results in a finding that the complaint is factual and constitutes a violation of this policy, the Charter School shall take prompt, corrective action to ensure that such conduct ceases and will not recur.

Disciplinary actions shall be consistent with the Student Code of Conduct, Board policies, Charter School administrative procedures, and state and federal laws.

#### Appeal Procedure

1. If the complainant is not satisfied with a finding of no violation of the policy or with the corrective action recommended in the investigative report, s/he may submit a written appeal to the Title IX Compliance Officer within fifteen (15) days or to the Board if the CEO and/or Title IX Compliance Officer was the subject of the initial complaint.

2. The Title IX Compliance Officer shall review the investigation and the investigative report and may also conduct a reasonable investigation.

3. The Title IX 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 or other Administrator who conducted the initial investigation or to the CEO, if s/he is not the Title IX Compliance Officer.

4. If the initial complaint concerned the CEO and/or Title IX Compliance Officer, or if the complaint is not settled to the student's satisfaction by the Title IX Compliance Officer, the student may appeal, in writing, to the Board, which will call a special meeting within five (5) school days of receipt of written notice of appeal.

**TO THE EXTENT THAT ANYTHING IN THIS POLICY COULD BE CONSTRUED TO CONFLICT WITH THE SCHOOL’S CHARTER OR APPLICABLE STATE AND/OR FEDERAL LAWS, THE APPLICABLE STATE AND/OR FEDERAL LAWS AND/OR CHARTER CONTROL.**

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2023

\_\_\_\_\_  
President

\_\_\_\_\_  
Secretary

# **Urban Pathways K-5 College Charter School**

## **Board of Trustees Policy**

### **CURRICULUM DEVELOPMENT POLICY**

The Board of Trustees of the Urban Pathways K-5 College Charter School ("Charter School") recognizes its responsibility for the support and improvement of the educational program. To this purpose, the curriculum shall be developed and evaluated on a continuing basis in accordance with the best in educational theory and practice and, in accordance with Chapter 4 of Title 22 of the Pennsylvania Code, as to Academic Standards and Assessments and/or any regulations promulgated thereafter.

Curriculum shall be defined as all planned learning activities of the Charter School, such as courses of study, subjects, class organization, and evaluation of student achievement. It shall include the provisions of applicable state law as well as subjects and procedures within the discretionary powers of the Board of Trustees ("Board").

The Board directs that:

- A) No course of study shall be taught at Charter School unless it has been reviewed by the Board and determined to be in accordance with the grant of Charter. If a change is determined to be warranted, the Pennsylvania Department of Education shall be duly notified before any change in curriculum is made consistent with the provisions of the grant of Charter.
- B) A course of study is to be prepared for each curriculum area. This course of study shall contain objectives, subject content, basic instructional activities, references to approved instructional materials, and procedures for evaluation of student achievement.
- C) Staff shall use the course of study in planning instruction and judging student progress.
- D) The course of study shall be available for public examination.
- E) The Chief Executive Officer ("CEO") /Principal shall be responsible for the continuous evaluation of the effectiveness of each course of study and shall recommend to the Board such revisions or new courses of study deemed to be in the best interests of the students.

- F) The CEO/Principal's recommendation to the Board shall include the following information about the proposed course of study:
- 1) Its applicability to students and an enumeration of the group of students to be affected by it.
  - 2) Its description and content, including the instructional method where such method departs significantly from current practice and is an integral part of the course of study.
  - 3) Its rationale in terms of the goals of the Charter School, especially when it is proposed to take the place of an existing course of study.
  - 4) The resources that its implementation will require: textbooks, materials, equipment, specially trained personnel.
  - 5) The evaluative methods and standards by which its efficacy will be monitored and measured.
- G) With prior approval, the CEO/Principal may conduct pilot programs considered necessary for the continued growth of the instructional program and is authorized to seek State, federal, and private aid for such programs.
- H) The Board is committed to the support of a full range of educational programs to meet the individual needs of its students. These commitments include, but are not limited to, state mandated programs in basic academic subjects, special education for the handicapped/disabled, language instruction for English Learners and Limited English Proficiency programs, compensatory education programs, guidance counseling, instruction for the homebound, independent study, summer school for remedial and/or enrichment, career and technical education and instruction in required safety procedures.

The Board is committed to affirming students' racial, linguistic, gender, sexual and cultural identities in all subject areas of curriculum aligned with PA academic standards.



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

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2023

\_\_\_\_\_  
President

\_\_\_\_\_  
Secretary

# **Urban Pathways K-5 College Charter School**

## **Board of Trustees Policy**

### **Exclusion from Assessments Policy**

The Board of Trustees of the Urban Pathways K-5 College Charter School (“Charter School”) takes seriously both its requirement to administer the Pennsylvania System of School Assessment (PSSA) and Keystone Exam (collectively referred to as “Assessments”) as well as each individual student’s religious liberty.

Pursuant to Section 4.4 of Chapter 4, a parent or guardian may excuse their child from either Assessment if, upon inspection of the testing materials, they find an Assessment to be in conflict with their religious beliefs. This is the only basis for a parent or guardian to excuse his or her child from the Assessment. Two weeks prior to each testing window, each Assessment must be made available for review by parents or guardians. Parents and guardians will be informed of the Exclusion from Assessments Policy via the Charter School’s website and/or PSSA/Keystone Exams information handouts.

#### **Religious Exemption Procedures**

- A parent or guardian must submit a request to review the Assessment in writing within a two week period before the Assessment is administered;
- The Assessment must be reviewed on school property and school personnel must be present at all times;
- The Charter School must provide a convenient time for the review. This may include an evening review time, if requested;
- Proper security and confidentiality of the Assessment must be maintained at all times throughout the review process;
- Charter School personnel may remove the prompt seals from one copy of a writing booklet to facilitate a review of the writing Assessment;
- Parents and guardians must sign a statement concerning the requirements of

Assessment security and confidentiality;

- Parents and guardians may not photocopy, write down, or in any other manner record any portion of the Assessment, including directions;
- After reviewing the Assessment, parents and guardians must provide a written request addressed to the Principal to excuse their child based upon religious beliefs, not do they have to identify specific test content to which they object; simply stating that they are requesting exclusion based on religious grounds is sufficient; and
- If the student is excused from the Assessment due to parental or guardian request, school personnel must provide an alternative learning environment for the student during the Assessment and complete the “Non-Assessed Students” grid on the students answer booklet by marking “Student has a parental request for exclusion from the Assessment.”

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ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2023

\_\_\_\_\_  
President

\_\_\_\_\_  
Secretary

# **Urban Pathways K-5 College Charter School**

## **Board of Trustees Policy**

### **EXTRACURRICULAR ACTIVITIES POLICY**

The Board of Trustees ("Board") believes that the goals and objectives of the Urban Pathways K-5 College Charter School ("Charter School") are best achieved by a diversity of experiences.

For purposes of this policy, "extra-curricular activities" shall be those activities which are sponsored or approved by the Board but are not offered for credit toward graduation. Such activities shall ordinarily be conducted wholly or partly outside the regular school day, contribute to attainment of the Charter School objectives and be available to all students who voluntarily elect to participate, subject to the eligibility requirements of this policy.

The program of interscholastic athletics shall be considered extra-curricular and shall be defined as all activities relating to competitive sports, contests, games, events or exhibitions involving individual students or teams of students of this Charter School when such activities occur between schools.

The Chief Executive Officer ("CEO") shall be responsible for the development and administration of extra-curricular activities.

Any extra-curricular activity shall be considered to be under the sponsorship of the Charter School when it has been recommended by the CEO and approved by the Board.

The direct control of athletics in the Charter School may be delegated by the CEO to authorized staff within the Charter School in accordance with procedures established by the CEO.

Interscholastic activities shall not be scheduled to conflict with any educational activity necessary for meeting the requirements of the officially approved curriculum.

A faculty member shall be present at each game or contest and shall remain with his/her group or team until it leaves the building or grounds where the event is held.

The Charter School shall maintain the program of extracurricular activities at no cost to participating students, except that the Charter School's responsibility for the provision of supplies shall have the same exemptions as listed in the Charter School's policy on regular school supplies. Students may be required to assume all or part of the costs of travel and attendance at extracurricular events and trips. Financial obligations shall not prevent a student from participating in an extracurricular activity for which he/she otherwise is entitled to join.

Under Charter School Law, students are eligible to participate in the extracurricular activities of their school district of residence. School districts cannot limit participation of charter school students in extracurricular activities on the basis that the activity is "full" with school district students. Charter School students must be given an equal opportunity to compete for "spaces" in extracurricular activities. School districts are not required to provide transportation for a charter school student to or from the extracurricular activity. There may be additional requirements that the district of residence and charter school need to consider if the student participating or seeking to participate in extracurricular activities is a student with a disability.

The resident school district may charge the Charter School for Charter School student participation in extracurricular activities since these costs were part of the per-pupil payment that is paid to charter schools. This fee is on a "cost basis", with the resident school district neither losing nor making money, as determined by the school district using the expenses of each activity, including coach or director, uniforms, transportation and miscellaneous cost develop policies to establish which school building Charter School students may participate in extracurricular activities, such as the building closest to the Charter School or the building the student would be assigned to if s/he attended the public school district.

Disputes regarding a Charter School student's participation in the school district's extracurricular activities should be resolved between the school district and the Charter School.

This policy mandates that students achieve minimum levels of academic and behavioral performance, that achievement comes first, and that the students participating in extracurricular activities will have earned that opportunity through their educational progress and citizenship as well as their physical skills and artistic or other talents.

### **Behavior Standards**

Any student may be prohibited from participation in any extracurricular activity at the direction of the CEO if the student violates the attendance, citizenship, or behavior standards of the Charter School in accordance with the Student Handbook and/or Student Code of Conduct. Additionally, the Charter School's Student Handbook and

Code of Conduct for Students remain in effect and are enforceable in relation to all clubs and activities.

All students in grades [GRADE] through [GRADE] must achieve basic or better in PSSA or its equivalent in Terra Nova in order to participate in extra-curricular activities with exceptions for students with IEPs and/or Section 504 Plans who will be measured in accordance with the accommodations/modifications for testing set forth in their respective IEPs or 504 Plans. Students failing to meet these criteria may participate providing they:

1. Participate in a mandatory support/remediation program; and
2. Submit a weekly report to the sponsor/coach certifying that the student has performed work in all classes.

#### **Academic:**

All students in grades [GRADE] and [GRADE] are eligible to participate in extracurricular activities until the end of the second report period. From the end of the second report period forward, the academic eligibility provisions for students in grades [GRADE] through [GRADE] apply.

For students in grades [GRADE] through [GRADE], failures in two (2) or more subjects that meet five (5) periods a week shall result in the student being declared ineligible for participation in extracurricular activities.

Summer School - For purposes of determining academic eligibility, the mark earned in summer school shall replace the subject failure. The value of the summer school mark shall be used to calculate the grade point average of the student.

These standards apply to all students in grades [GRADE] through [GRADE] who are participating in extra-curricular activities including students in both regular and special education classes, as modified by IEP Goals and/or 504 Plans in the latter case.

For a student transferring into the Charter School, eligibility will be determined by the last marking period of the school the student last attended. If such marks are unobtainable, the student may participate in extra-curricular activities until future eligibility is determined by the results of the first marking period in the new school.

It is the responsibility of the coach/sponsor of any activity to be familiar with the eligibility policies listed above and to monitor his or her activity to assure adherence to the policies. Before a student is permitted to participate in any extra-curricular activity,

the coach/sponsor must ensure that only students meeting eligibility criteria are, in fact, participants.

All coaches and sponsors are required to report to the CEO or his/her designee necessary participant information on a timely basis. This information is critical to complete an accurate student accounting of participation in extracurricular activities.

A student's parent(s) may appeal an eligibility ruling by a coach or sponsor to the CEO. Any decision by the CEO may then be appealed to the Board.

Recruiting of students for the purpose of athletics is an unethical and unacceptable practice of athletics.

### **Drug Use:**

Coaches and other school personnel must not encourage or facilitate the use of drugs, hormones, blood doping, or other similar means by students for any purpose including bodybuilding or the enhancement of athletic performance.

Students must not use drugs, hormones, blood doping, or similar means for the purpose of bodybuilding or the enhancement of athletic performance.

Violations of this policy will lead to disqualification of students from extracurricular activities and disciplinary action.

### **Attendance:**

Any student having three (3) or more unexcused absences or lateness during the prior report card period shall be ineligible for extra-curricular activities. Further, any student absent from school shall be ineligible for participation in any after school extra-curricular activity on that date of the absence.

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ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2023

\_\_\_\_\_  
President

\_\_\_\_\_  
Secretary



# **Urban Pathways K-5 College Charter School**

## **Board of Trustees Policy**

### **HOMEBOUND INSTRUCTION POLICY**

In accordance with 22 Pa Code § 11.25, the Board of Trustees of the Urban Pathways K-5 College Charter School ("Charter School"), sets forth the following policy:

"(a) A school district, area vocational technical school, charter school, independent school, private school or non-public school may temporarily excuse a student from compulsory attendance on account of illness or other urgent reasons and provide that student homebound instruction while he or she is excused from school. Regulations require that the term "urgent reasons" be strictly construed not to permit irregular attendance at school."

(b) A school district, area vocational technical school, charter or independent school may provide students temporarily excused under this section with homebound instruction for a period not to exceed 3 months. A school district, area vocational technical school, charter or independent school may request approval from the Department to extend the provision of homebound instruction, which shall be reevaluated every 3 months. When a student receives homebound instruction, the student may be counted for attendance purposes as if in school. A school district shall be reimbursed for homebound instruction provided to a student under section 2510.1 of the Public School Code of 1949 (24 P. S. § 25-2510.1).

(c) A school district shall adopt policies that describe the instructional services that are available to students who have been excused under this section. The policies must include statements that define the responsibilities of both the district and the student with regard to these instructional services."

While the nature of cyber charter school education and the Charter School's educational delivery model does not present the usual logistical issues around the method of instruction to the Student, homebound instruction is still applicable with regard to the compulsory attendance component. The cyber Charter School student continues to be able to access teachers, lessons, and all course work from their homes prior to homebound instruction being approved. Once a student is placed on homebound instruction, compulsory attendance is not required for the length of time that student is

permitted, per the Pa Code, to be on homebound instruction.

### **Purpose of Homebound Instruction**

The purpose of homebound instruction is to keep students on track academically while the student is temporarily out of school. Homebound instruction is defined in the PDE Basic Education Circular ("BEC") as school-supplied one-to-one tutoring for a limited time.

### **Certification of Teachers Providing Homebound Instruction**

Teachers employed for delivering homebound instruction are governed by the same certification regulations as all other teachers. Refer to Certification Staffing and Policy Guidelines (CSPG) #1, Appropriate Certification in Pennsylvania, Statement 7:

A "homebound instruction" teacher is governed by the same certification regulations as all other teachers. When regularly employed professional staff cannot be assigned to homebound instructions, persons on the substitute roster holding appropriate certification may be used. If no certified person is available, an emergency certificate may be issued to qualify a person to teach homebound students.

### **Documentation for Homebound Instruction Request**

Since the goal is to rehabilitate a student so that they can return to school, the Charter School may define what is acceptable as an appropriately licensed professional for a specific type of excusal. Accordingly, the Charter School requires written documentation from a physical or mental health provider at the doctoral level or above, who is licensed to practice in Pennsylvania and who is actively treating the student for the medical condition at issue for homebound instruction. PDE's guidance states that a doctor does not "order" homebound instruction but rather provides the diagnosis to enable the school district/charter school to make an informed decision on how to best provide for the student's education. Furthermore, PDE guidance allows the Charter School to require frequent updates on the student's progress, from this appropriately licensed professional, as a condition of continued excusal.

A Charter School may provide homebound instruction for an initial total of three months without consulting or notifying PDE.

Extension: After expiration of the initial three-month period of homebound instruction, it is not necessary for the Charter School to send to PDE the licensed professional's documentation with the extension request; rather, the Charter School must ensure the excuse is reasonable for absence from school and that the student is being treated actively for the condition necessitating the absence.

NOTE: If the need for homebound instruction goes beyond the initial three months, the Charter School should determine whether the student should be evaluated or considered for either an IEP or a 504 Service Agreement.

## **Pregnant and Parenting Students**

Becoming pregnant or being a parent does not, in itself, necessitate that a student receives homebound instruction. Certification of a physician is required for any students, including pregnant or parenting students, who are requesting homebound instruction because of an illness or other urgent reason.

## **Attendance**

A student receiving homebound instruction is counted in both membership and attendance. If a student does not receive homebound instruction during the first three months of a school year, then the student is counted in membership but not in attendance.

PDE defines the following terms:

- Membership: student is on the attendance roles, whether or not he or she physically is present on any given day.
- Attendance: days when a "member" student is counted as present in school.
- Inactive Roll: student is not counted in either membership or attendance.

There is no requirement in the BEC, or otherwise, as to the minimum number of hours of such tutoring/instruction and other methods may be used to provide student with instructional time. PDE's Child Accounting counts an hour of weekly instruction as equivalent to a day of school attendance. Therefore, five hours of weekly instruction are equivalent to five days of school attendance.

However, for every hour less than the total of five hours of homebound instruction provided (or 2.5 hours for half-day attendees), the student is marked as absent – one day for each hour missed. Hours are counted on a weekly basis; a student cannot be counted as present by combining hours from consecutive weeks. For example, three hours of homebound instruction one week and seven hours the next week cannot count as fulltime for the two weeks.

The Charter School may, at their discretion, provide more than five hours of instruction per week without requesting special permission from PDE.

## **Part-time Attendance**

A Charter School may structure homebound instruction for a student such that the student attends school part-time, as his or her condition allows; homebound instruction requests need not be restricted to students who are unable to attend school at all. If it is agreed by the Charter School that a student attends school for partial days, then homebound instruction would be prorated. For example, if a student attends school half-days, only 2.5 hours of homebound instruction is required for the equivalent of five days of instruction

## **PSSA Testing**

A homebound student is required to participate in the Pennsylvania System of School Assessment (PSSA). If the student is incapable of participating at the school, the individual who is providing the homebound instruction should be trained to administer the assessment and then administer the test to the student in his/her home.

## **PDE Reporting**

A charter school may provide homebound instruction for the initial three months of excusal without consulting Pennsylvania Department of Education ("PDE"). Following the initial three months, the charter school must obtain the approval of PDE to extend homebound instruction. Any excusal from compulsory attendance must be reevaluated, at minimum, every three months. The Charter School may have a policy that requires more frequent evaluations.

It is not necessary for the Charter School to send to PDE the licensed professional's documentation with the extension request; the Charter School simply must ensure the excuse is reasonable for absence from school and that the student is being treated actively for the condition necessitating the absence.

## **Non-attendance without the provision of homebound instruction**

If a condition exists which prevents a child from the ability to benefit from study, the student may be entered into the inactive roll with the PDE's approval until such a time as the student may benefit from study. (22 Pa Code § 11.34.)

School Initiated. The Charter School may excuse a school age child from compulsory school attendance upon recommendation of the school physician and a psychiatrist or public school psychologist, or both, and with the approval of PDE. Prior to seeking excusal and approval, the Charter School must provide the child's parents with written

notice of both the proposed excusal, including the reasons for the excusal, and an opportunity to be heard. See 22 Pa Code § 11.34 and 24 P.S. § 13-1330(2). Children so excused are entered on the inactive roll.

### **Other in-home instruction that is not designated as homebound instruction**

There are a number of educational options that sometimes are referred to as "homebound instruction" although they do not fit the legal definition of homebound instruction. The following are NOT categorized as "homebound instruction" pursuant to the PDE BEC:

- Instruction Conducted in the Home: for special education students for whom an Individualized Educational Plan (IEP) team determines that the instruction of the student is to be conducted in the home; students are counted in both the school membership and school attendance; this is not homebound instruction.  
(See "Special Education Policy – Instruction in the Home").
- Home Education Program (Homeschooling): usually taught at home by a parent (referred to as the home education supervisor); students are not counted in either the membership or school attendance; this is not homebound instruction. Students enrolled in the Charter School cannot be simultaneously home-schooled in the same way that they could receive a Home Education Program (Homeschooling) in their school district of residence.
- Home Study: for expelled students or students awaiting placement; students are counted in the membership but not the school attendance; this is not homebound instruction.

### **Audits**

As the Charter School may be audited for their provision of homebound instruction, the following information will be maintained and made available for such an audit:

- The documentation from the appropriately licensed practitioner substantiating the need for homebound instruction.
- The listing of the students on homebound instruction and the total amount of time for each student in homebound instruction.

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ADOPTED this day \_\_\_\_\_ of \_\_\_\_\_, 2023

\_\_\_\_\_  
President

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Secretary

# **Urban Pathways K-5 College Charter School**

## **Board of Trustees Policy**

### **PARENTAL RIGHTS RELATIVE TO EXCUSAL FROM INSTRUCTION ON RELIGIOUS GROUNDS**

No religious belief or non-belief should be promoted by the Urban Pathways K-5 College Charter School ("Charter School") or its employees, and none should be disparaged. The Charter School should encourage all students and staff members to be tolerant and respectful of each other's religious views. The Charter School should foster understanding and mutual respect among students and parents with differing religious beliefs or views.

To this point, the Charter School recognizes the statutory right of parents to have their children excused from specific instruction which conflicts with their religious beliefs. Therefore, the Board of Trustees ("Board") directs the Chief Executive Officer ("CEO") to respond to parent requests for exemptions from curriculum requirements using the following guidelines in accordance with applicable State regulations:

1. Maintain the expectation that all students complete the curriculum as established by the Charter School in conjunction with State Board of Education curriculum rules and regulations.
2. Students should be excused from participating in practices which are contrary to their religious beliefs or cultural beliefs unless there are clear issues of law that would prevent such excuse.
3. Evaluate all requests to insure that the materials and/or practices to which there are objections do not violate the protections of the First Amendment of the Constitution of the United States of America.

Parents requesting exemptions from specific instruction for their children which conflict with their religious beliefs shall complete a "Request for Exemption from Specific Instruction" form and submit said form to the Principal.

It shall be the policy of the Board that:

1. Students may be excused from portions of courses when the subject matter is incompatible with the religious beliefs of such students and/or their parents.
2. Only those students may be excused whose parents or guardians have submitted a signed "request for exemption" to the CEO.
3. The CEO shall review the request for exemption, notifying parents of his/her recommendations within ten (10) days.
4. Parents in disagreement with the CEO's decision may appeal to the Board of Trustees, who shall review and respond to the parental written request, within ten (10) days.

Any complaints with regard to a Board policy or any aspect of the Charter School's curriculum shall be brought in accordance with the Charter School's Complaint Policy.

**TO THE EXTENT THAT ANYTHING IN THIS POLICY COULD BE CONSTRUED TO CONFLICT WITH THE CHARTER SCHOOL'S CHARTER OR APPLICABLE STATE AND/OR FEDERAL LAWS, THE APPLICABLE STATE AND/OR FEDERAL LAWS AND/OR CHARTER CONTROL.**

ADOPTED this day \_\_\_\_\_ of \_\_\_\_\_, 2023

\_\_\_\_\_  
President

\_\_\_\_\_  
Secretary



# **Urban Pathways K-5 College Charter School**

## **Board of Trustees Policy**

### **Participation Via Alternative Means And Recording of IEP Team Meeting**

The Board of Trustees of Urban Pathways K-5 College Charter School ("Charter School") recognizes under certain circumstances alternative means may be necessary for ensuring participation of parents and students at IEP team meetings.

Pursuant to Title 34 CFR § 300.328, entitled "Alternative means of meeting participation," when conducting IEP Team meetings and placement meetings, and carrying out administrative matters under IDEA 2004 (such as scheduling, exchange of witness lists, and status conferences), the parent of a child with a disability and the school may agree to use alternative means of meeting participation, such as video conferences and conference calls. (Authority: 20 U.S.C. 1414(f)).

Pursuant to applicable state and federal regulations, the Charter School may hold IEP team meetings via video conferences or conference calls if the parents and school agree to do so. The Charter School prefers to assemble in-person for IDEA 2004 meeting participation and will so notify the parent of a child with a disability and hold IDEA 2004 meeting(s), including but not limited to IEP team meetings, via video conferences or conference call provided the parent of a child with a disability agrees to holding the meeting via video conferences or conference call.

It is the policy of Charter School that IEP team meetings and other meetings held pursuant to IDEA 2004 shall not be recorded by Charter School even when held via video conference or conference call and that recordings of IEP meetings are not to be maintained unless the use of recording devices at IEP team meetings are necessary to ensure that the parent understands the IEP or the IEP process or to implement other parental rights guaranteed under IDEA 2004.

In the event that a parent requests that an IEP team meeting or other meeting held under IDEA 2004 be recorded, the parent shall notify Charter School in advance of the intent to record an IEP team meeting and shall notify persons in attendance at the meeting that meeting is being recorded. If a parent records an IEP team meeting, the Charter School shall also record the IEP team meeting and maintain a copy of the recording. The Charter School shall notify the parent in advance of any IEP team meeting that the Charter School records and shall notify persons in attendance at the meeting that Charter School is recording the meeting.

Any recording that is maintained by the Charter School is considered an education record within the meaning of the Family Education Rights and Privacy Act (FERPA) and is subject to the confidentiality requirements of FERPA and IDEA 2004.

**TO THE EXTENT THAT ANYTHING IN THIS POLICY COULD BE CONSTRUED TO CONFLICT WITH THE SCHOOL'S CHARTER OR APPLICABLE STATE AND/OR FEDERAL LAWS, THE APPLICABLE STATE AND/OR FEDERAL LAWS AND/OR CHARTER CONTROL.**

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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President

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Secretary

# Urban Pathways K-5 College Charter School

## Board of Trustees Policy

### SAFE2SAY PROGRAM POLICY

The Board of Trustees ("Board") of the Urban Pathways K-5 College Charter School ("Charter School") recognizes its responsibility to safeguard the health and welfare of Charter School students and employees. The Sandy Hook Promise ("the Promise") is a national non-profit organization founded and led by surviving family members of the Sandy Hook Elementary School Shooting on December 14, 2012. This Promise is designed to provide additional support for Charter School staff, students and our community in instances of their well-being. The Promise teaches Charter School students and staff to look for and report possibly warning signs, signals, and threats. This policy is not intended to replace the Charter School's procedures as outlined in other policies, including the Emergency Preparedness, Active Shooter, and Mandatory Reporter Policy.

The Promise finds that each year in schools and communities across the United States, there are millions of youth who hurt themselves or others through verbal, physical and digital means. In a majority of these acts, youth and adults are witness to threats, warning signs or signals, especially on social media, but do nothing to intervene to help the at-risk youth. Additionally, there are many reasons why youth and adults do not *Say Something* when they see a warning sign or signal. They do not:

- Understand or know how to recognize warning signs and signals of at-risk behavior
- Believe a threat to be true because "they would never say it publicly if they meant it"
- Want to be labeled, stigmatized and/or possibly physically threatened as a "snitch"
- Know who to tell or "believe that nothing will be done to help anyhow"
- Think they need to because someone else will say something

Act 44 of 2018 ("Act 44") institutes a statewide anonymous reporting system where Charter School staff are given new responsibilities regarding the safety of the Charter School, its staff, students and community. The anonymous tip program within Act 44 is known as the "Safe2Say Program" ("the Program") and requires designated Charter School staff to monitor and react to tips within the Program 24-hours-per-day, every day of the calendar year.

Beginning January 14, 2019, the Pennsylvania Office of Attorney General is responsible for the following:

- (1) To ensure anonymous reporting concerning unsafe, potentially harmful, dangerous, violent or criminal activities in a school entity or the threat of the activities in a school entity.
- (2) To establish protocols and procedures to promptly notify the appropriate law enforcement agency via 911 centers and the Pennsylvania State Police when the program receives an anonymous report of violent or criminal activities in a school entity that poses an immediate threat of violence or criminal activity.
- (3) To ensure that the identity of the individual making a report remains unknown to any person, including law enforcement officers and employees of the office.
- (4) To ensure that information obtained from an individual making a report who voluntarily discloses his or her identity and verifies that he or she is willing to be identified may be shared with law enforcement officers, employees of the office and school officials.
- (5) To ensure that if the identity of an individual making a report becomes known through a means other than voluntary disclosure, the identity is not further disclosed.
- (6) To establish procedures to promptly forward information received by the program to the appropriate law enforcement agency, school official or organization, as determined by the office. The office may not be held liable for investigation of a report made to the program following confirmation of receipt of the report by the appropriate law enforcement agency, school official or organization.
- (7) To train or provide instruction to individuals, including, but not limited to, emergency dispatch centers and school entities, on appropriate awareness and response to the program.
- (8) To provide program awareness and education materials to school entities.
- (9) To, in consultation with the Department of Education, establish guidelines school entities may utilize to respond to a report received from the program.
- (10) To work with school entities, local law enforcement agencies and organizations to identify each person to whom a report from the program will be sent.

The Office of Attorney General will communicate with the Charter School to train Charter School staff regarding the Program and their designated responsibilities relating to its implementation and ongoing reporting. Please contact [info@safe2saypa.org](mailto:info@safe2saypa.org) if with questions regarding the Program or if it is unclear who the designated Charter School Program lead is. Please also visit the School Resources webpage for training materials: <https://s2ss.knack.com/s2ss#schools/>

Any student, staff or community member of the Charter School are directed to submit an anonymous tip about individuals who may be a threat to themselves or to others by either:

1. Call the hotline at 1-844-SAF2SAY (1-844-723-2729)
2. Submit a tip online through the Program's webportal here: <https://www.safe2saypa.org/tip/>
3. Submit a tip on your phone through the downloadable Safe2Say Mobile App for Android or iOS, available here: <https://www.safe2saypa.org/download/>

### **Confidentiality**

A record created or obtained through the implementation or operation of the program shall be confidential. A person may not disclose a record of the program except:

- (1) To provide notice to the appropriate law enforcement agency, school entity and organization in accordance with the procedures established under section 1303-D.
- (2) Upon order of the court as provided in section 1306-D.

Any record of the program:

- (1) shall not be subject to the act of February 14, 2008 (P.L. 6, No. 3),<sup>3</sup> known as the Right-to-Know Law; and
- (2) does not create a record under 18 Pa.C.S. Ch. 91 (relating to criminal history record information).

An individual who discloses a record in violation of this section commits a misdemeanor of the third degree.

*24 P.S. § 13-1304-D*

## **False Reports**

A person commits a misdemeanor of the third degree if the person knowingly or intentionally makes a false report to the program. If a report filed with the program is determined to be a false report, information about the subject of the false report shall not be made part of the subject student's record.

## **Training**

The Charter School can begin to train students, staff and parents on January 14, 2019 utilizing materials provided a "first awareness kit" by the Program. Training students is a critical component of this program and it is recommended to have Schools/Districts training as soon as possible in the 2018-2019 School Year. Only middle and high school students and the adults around them will be trained in the Program.

As designated by the Charter School Program lead, one team of 3-5 Charter School staff members will receive and act against a tip (the "Team"). The Team will be trained on how to receive and review tips by the Program's administrators. All team members should have 24/7 access to the Charter School's Student Directory to be able to provide a student address to police (as needed) for life safety issues. The Charter School Program Lead will be the administrator for the Team and will be able to make additions/deletions/changes to any Team member by communicating this change to the CEO.

If the Charter School CEO or his/her designee will annually evaluate the effectiveness of the Program at the Charter School and work with staff to improve its use at the Charter School when necessary. The CEO or his/her designee will report to the Board if he/she determines that the Program is too resource intensive or requires extensive modification. Finally, the CEO or his/her designee will work with Charter School staff to develop effective protocols for responding to anonymous tips generated through the Program. The Program's available resources support these logistical challenges and describe detailed best practices for the Charter School to emulate.

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

ADOPTED this day \_\_\_\_\_ of \_\_\_\_\_, 2023

\_\_\_\_\_  
President

\_\_\_\_\_  
Secretary

# **Urban Pathways K-5 College Charter School**

## **Board of Trustees Policy**

### **STUDENT ASSISTANCE PROGRAM - ANTI-VIOLENT BEHAVIOR POLICY**

#### **Purpose**

- To give students, parents, staff and the community at large a clear statement concerning the Urban Pathways K-5 College Charter School's ("Charter School") stand against violent behavior and the consequences that will follow violation of the policy. (See also the Charter School Anti-Weapons Policy.)

#### **Objectives**

- To ensure the safety of students and staff, their property, and the property of the Charter School.
- To maintain a safe, supportive, nurturing, non-punitive school environment highly conducive to learning.

#### **Definition of Violence**

- Violence occurs whenever anyone harms – or threatens to harm – a person's body, feelings, or possessions.
- A simpler definition for children: Violence is any mean word, look, sign, or act that hurts a person's body, feelings, or things.
- The act need not be deliberate. Unintentional violence is included in the definition and subject to the consequences as set forth in the Charter School's Code of Conduct.

No one is entitled to be violent. No form of violence will be tolerated from anybody at the Charter School, on Charter School -sponsored transportation, or at Charter School - sponsored activities away from the Charter School.

No Charter School student, staff member, or any other person shall be allowed – at any time, for any reason, whether in a Charter School building, on Charter School grounds,



on school buses, or anywhere else during Charter School -sponsored events – to intimidate, threaten to harm, or cause harm to any person or property. Such unacceptable behavior includes, but is not limited to:

- (a) Physical violence: Any act that does harm to a person or property by means of physical action. Physical violence against another person is any act that does bodily harm or that disregards potential harm. Physical violence against property is any act that damages, or that disregards potential damage to public or private property, whatever its monetary value.
  - (1) Examples of physical violence against a person include but are not limited to: blocking a path, forcing sex, grabbing, groping, hazing, hitting, slapping, punching, beating, kicking, stamping, pinching, prodding, jabbing, pulling hair, pushing, shoving, shooting, slashing, spitting, stabbing, torturing, and using a pet to attack or frighten.
  - (2) Examples of physical violence against property include but are not limited to: breaking restroom fixtures, breaking windows, defacing lockers, plugging up drains, writing graffiti, dumping books, strewn papers, gouging a name into furniture, injuring or killing a pet, playing “keep away” with possessions, ruining clothes, scratching the paint on a car or bike, slashing tires, spoiling homework, spraying with a hose or an aerosol can, throwing rocks/books, furniture.
- (b) Social violence: Social behavior that hurts a person is violent. Much of it is a variety of ostracism: forced exclusion, treating a person as an “other” or one who doesn’t exist.
  - (1) Examples of social violence are conning a student out of money or into doing something, ignoring a child’s request for help, making fun of a person’s cherished beliefs, poisoning someone’s mind against another person, “protecting” a student for a fee, shunning a youngster on the playground, sabotaging a friendship, stealing, touching a person in an unwelcome manner, violating a person’s human rights or civil liberties.
  - (2) Examples of verbal violence are breaking a confidence, revealing a secret, calling a person names, constantly criticizing a person, deriding a heartfelt belief, heckling a speaker, insulting a person’s ethnic identity, insulting a person’s religious or nonreligious

identity, insulting somebody's loved one, lying, making a demeaning comment to a person's face, making animal sounds or other noises intended to demean, making fun of a person's ability/body/clothing, making fun of a person's idea or opinion, malicious gossiping, mimicking or mocking, ordering a person around, ridiculing, shaming, speaking in an ominous tone of voice, spreading a nasty rumor, taunting, threatening to damage possessions, threatening to do bodily harm, threatening to kill, using profanity, using sarcasm, writing a derogatory comment in a public place, writing a note to scare someone or to get someone into trouble.

- (c) Visual violence: Visual violence overlaps physical, social, and verbal violence. The perpetrator wants the recipient to see and feel intimidated by the action.
- (1) Examples of visual violence are displaying a threatening tattoo, displaying an effigy or a voodoo doll, displaying a weapon, displaying gang colors in a threatening way, drawing degrading pictures of a person, exposing genitals, making sexually suggestive movements, glaring ("if looks could kill. . ."), gesturing obscenities/fake punches/gang signs/secret signs, posturing the body in a threatening manner, mimicking, showing intimate snapshots or videotapes, smirking/sneering, stalking, peeping, voyeurism, staring deliberately, sticking a finger down the throat to insult someone, sticking out the tongue as a hateful gesture, threatening with a fist.
- (d) Cyber violence: Cyber violence takes place using electronic technology. Electronic technology includes devices and equipment such as cell phones, computers, and tablets as well as communication tools including social media sites, text messages, chat, and websites. It is used to harass, threaten, embarrass, or target another person.
- Examples of cyber violence or bullying include mean text messages or emails, rumors sent by email or posted on social networking sites, and embarrassing pictures, videos, websites, or fake profiles.

The administration of the Charter School will determine appropriate consequences for violating this policy in accordance with the Charter School's Code of Conduct. Consequences may include any or all of the following:

- Administering approved disciplinary practices or procedures

- Notifying the Chief Executive Officer
- Notifying parents, guardians, or legal custodians
- Notifying law enforcement officials
- Making a Safe Schools Act report and any other required reports
- Suspension from school
- Recommendation for expulsion by the Board of Trustees

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

ADOPTED this day \_\_\_\_\_ of \_\_\_\_\_, 2023

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President

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Secretary

# **Urban Pathways K-5 College Charter School**

## **Board of Trustees Policy**

### **STUDENT ASSISTANCE PROGRAM - ANTI-WEAPONS POLICY**

#### **Purpose**

- To give students, parents, staff, and the community at large a clear statement concerning the Urban Pathways K-5 College Charter School's ("Charter School") stand against weapons, and to state the consequences that will follow violation of the weapons policy consistent with the Charter School's Code of Conduct.

#### **Objectives**

- To ensure the safety of students and staff, their property, and the property of the Charter School.
- To maintain a safe, supportive, nurturing, non-punitive school environment highly conducive to learning.

A weapon is defined as any object that, by design, use, intended use, or brandishing could cause bodily harm or property damage or could intimidate other persons. Weapons include, but are not limited to, firearms (whether loaded or unloaded, whether operational or not, and whether genuine or not), stun guns and BB guns, as well as knives and knife look-alikes, razors or other cutting instruments, chains, martial arts equipment, dangerous chemicals, explosives or devices which may cause a fire or any other tool, instrument or implement capable of inflicting serious bodily injury. In addition, any look-alikes, toy, fakes, play or "pretend" weapons will be in violation of this rule and will be subject to similar consequences.

Items not designed as weapons will be regarded as weapons under this policy if their use causes another person bodily harm or damage, or if the items are used with the intent of causing bodily harm or property damage, or they are used to intimidate others. Such items include, but are not limited to, belts, sprays, pens and pencils, scissors, laser pointers and other sharp objects.

The three exceptions to this policy are:

- A weapon under the control of a law enforcement officer acting in an official capacity.
- A weapon handled legally for the purpose of education approved by the Chief Executive Officer.
- A prop used to represent a weapon used by an individual as part of a program in the Charter School or at a Charter School activity approved by the Board of Trustees ("Board") or official designee.

No one shall use, threaten to use, possess, sell, distribute, or store any weapon or weapon look-alike at a Charter School facility, in a Charter School vehicle, in or on any other Charter School property, or at any Charter School -sponsored function at any other location.

The consequences for violating this policy are in accordance with the Charter School's Code of Conduct and may include any or all of the following:

- Administering approved disciplinary practices and procedures.
- Notifying parents, guardians, or legal custodians.
- Notifying law enforcement officials.
- Making a Safe Schools Act report or any other required report.
- Suspension from school.
- Recommendation for expulsion by the Board.

Consequences for employees and individuals on school property other than students or employees, may include either or both of the following:

- Notification of law enforcement officials.
- For employees: disciplinary action in accordance with current employment agreements and/or the employee manual.

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

ADOPTED this day \_\_\_\_\_ of \_\_\_\_\_, 2023

\_\_\_\_\_  
President

\_\_\_\_\_  
Secretary

# **Urban Pathways K-5 College Charter School**

## **Board of Trustees Policy**

### **STUDENT ASSISTANCE PROGRAM (SAP) - CONTROLLED SUBSTANCES (DRUG AND ALCOHOL) ABUSE POLICY**

The Urban Pathways K-5 College Charter School ("Charter School") Board of Trustees ("Board") recognizes that the misuse of controlled substances is a serious problem with legal, physical and social implications for the Charter School community. As an educational institution, the Charter School should strive to prevent the abuse of controlled substances, including drugs and alcohol, as defined by The Controlled Substance, Drug, Device and Cosmetic Act," 35 P.S. Sec. 780-101, et. seq. (Purdon Supp. 1987-88), or hereafter added to those Schedules by the Secretary of Health of the Commonwealth of Pennsylvania.

The possession, use of, manufacture, distribution and/or condition of being under the influence of narcotic drugs, dangerous drugs and alcohol is defined by federal and state laws. Controlled substances and the possession of paraphernalia related to the use thereof on Charter School property, transportation, or at any Charter School sponsored function is prohibited.

#### **Definitions**

"Controlled Substance" shall mean any drug, substance or immediate precursor listed under Schedules I through V of Sec. 780-104 of " The Controlled Substance, Drug, Device and Cosmetic Act," 35 P.S. Sec. 780-101, et. seq. (Purdon Supp. 1987-88), or hereafter added to those Schedules by the Secretary of Health of the Commonwealth of Pennsylvania. More specifically, the following is a non-exhaustive list of examples of controlled substances, pursuant to this Act for purposes of this policy:

1. Controlled substances prohibited by federal and state law.
2. Counterfeit/Look-alike drugs.
3. Alcoholic beverages.
4. Anabolic steroids.
5. Drug devices/paraphernalia.
6. Any volatile solvents or inhalants, such as but not limited to glue and aerosol products.
7. Prescription or patent drugs, except those for which permission for use in school has been granted pursuant to Board policy.
8. Designer Drugs.

“Alcohol” shall mean Absolute alcohol, ethyl alcohol, cane spirits, Cuban spirits, grain spirits, fruit spirits, high wines and other spirits by whatever name or designation given . (40 Pa Code §1.1).

“Constructive Possession” shall mean a person's ability to exercise a conscious dominion over any alcohol or controlled substance, with or without other persons, including the power to control the alcohol or controlled substance and the intent to exercise that control.

"Counterfeit" means a controlled substance, other drug, device or cosmetic which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, number, or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person or persons who in fact manufactured, distributed, or dispensed such substance and which thereby is falsely purported or represented to be the product of, or to have been distributed by a manufacturer, distributor, or dispenser.

“Designer Drug” shall mean a substance other than a controlled substance that has a chemical structure substantially similar to that of a controlled substance in Schedules I or II of "The Controlled Substance, Drug, Device and Cosmetic Act," 35 P.S. Sec. 780-101, et. seq., which produces an effect substantially similar to that of a controlled substance in those Schedules I and II.

“Distribution” shall mean to deliver, sell, pass, share, or give to another person, or to assist distribution of any alcohol or controlled substance.

“Drug Paraphernalia” shall mean equipment, products, publications, and materials, of any kind, which are used, intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body any controlled substance as defined in this policy.

“Possession” shall mean to knowingly possess, hold or use, without attempt to distribute any alcohol or controlled substance.

“Under the Influence” - A student may be presumed to be "under the influence" of alcohol or controlled substances if they ingested or consumed any controlled substance and/or are observed exhibiting unusual or abnormal behavior which may include, but not be limited to: loss of coordination, slurring of speech, disorientation, pupil abnormality, inability to concentrate, lapse of memory, and mood changes.



## **Authority**

The CEO or his/her designee is authorized to deny access to Charter School premises to any person who possesses or attempts to distribute, or is under the influence of any controlled substance.

This policy is violated when any student, visitor, guest or any other person unlawfully manufactures, uses, is under the influence of, abuses, possesses, constructively possesses, distributes, or attempts to distribute alcohol, any controlled substance, or any designer drug, or drug paraphernalia on school premises, or at any school-sponsored activity anywhere, or while traveling to and from school or school-related activities, or who conspires, solicits, aids, or abets in the use, abuse, active possession, constructive possession or distribution of alcohol, any controlled substance, designer drug, or drug paraphernalia.

Confidential communications between students and their guidance counselors, school nurses, school psychologists, home and school visitors and clerical employees working on their behalf, shall be treated as privileged communications as outlined in 42 Pa. C.S.A. Sec. 5945. However, no such person shall be excused or prevented from complying with his/her Mandatory Reporter Duty pursuant to the PA Child Protective Services Law. (See Mandatory Reporter Policy.)

The Board may require participation in drug counseling, rehabilitation, testing or other programs as a condition of student's reinstatement into the Charter School's educational, extracurricular, or athletic programs. This testing will be at the sole expense of the student's parent(s) and/or legal guardian(s).

The CEO shall prepare rules for the identification and control of abuse of controlled substances which shall: establish procedures dealing with students suspected of huffing, unlawful manufacture, possession, use, distribution, and/or sale of controlled substances in the district, on Charter School property, or at Charter School sponsored or sanctioned events, up to and including expulsion and referral for prosecution; discourage abuse of controlled substances; and establish procedures for the instruction and readmission to the Charter School of students convicted of offenses involving controlled substances. In addition, the CEO shall ensure that students are made aware of this policy, and that students violating this policy are subjected to the Charter School's Code of Conduct. The prohibitions outlined in this policy shall be made a part of the Charter School's Code of Conduct and shall be distributed annually to students and parents.

Incidents of alleged violations by any person on Charter School property shall be reported to the Office of Safe Schools or other agency established for reporting purposes on the required form at least once each year. In all cases involving students

and controlled substances, the need to protect the Charter School community from undue harm and exposure to controlled substances shall be recognized. All desks, clothing, backpacks, gym bags, and other personal possessions, and lockers used by students shall be subject to inspection by Charter School authorities when reasonable suspicion exists of a violation of the Controlled Substances Act which is a violation of the Charter School's Code of Conduct.

### Implementation of Policy

1. Students bringing prescription and non-prescription medication to Charter School sponsored events for reasons of health must present to the school nurse, at school and prior to the event, a note signed by the parent and one by the prescribing doctor with dosing and other applicable instructions. The School Nurse shall be responsible for administering the medication at the school-sponsored event unless the Student's note from the prescribing doctor attests to the Student's ability to self-administer and the School Nurse has independently verified this ability, in accordance with the applicable Board approved medication policy.
2. Students judged to be in need of immediate medical attention will be taken by a staff member to the School Nurse.
3. An administrator or teacher will accompany the student exhibiting a need for help to the School Nurse, or the School Nurse will be contacted to come to help the student. When the School Nurse is not available, the administration will be contacted.
4. If the student is in need of urgent attention, the School Nurse will contact the parents and take the medical action as indicated. If the parents cannot be reached, the family physician will be contacted.
5. If no one can be reached to obtain permission to take the necessary medical action and the School Nurse feels that immediate treatment is necessary, the student will be transported to the hospital emergency ward, accompanied by the School Nurse and/or another Charter School representative. The CEO will be kept informed of the student's condition.
6. If urgent medical attention is not required, but a student is obviously ill, the School Nurse will notify the student's parents and request the parents to come to the Charter School, testing site, or site of school-sponsored function or activity.
7. It is the responsibility of each Charter School employee to notify the CEO of any students who appear to be in apparent need of immediate medical attention, or

of students allegedly using, manufacturing, possessing, using, distributing, and/or selling controlled substances.

8. Charter School personnel and coaches shall not recommend, supply and/or dispense any drug, medication or food supplement. In order to minimize health and safety risks to student athletes, maintain ethical standards, and reduce liability risks, Charter School personnel and coaches shall never condone, permit, encourage, supply, recommend, and/or dispense any drug, medication, or food supplement recommended by the manufacturer for performance-enhancing purposes.

9. Parents are to be informed of the concern for a student who, on school property or at a school-sponsored event, has engaged in manufacture, possession, use, distribution, and/or sale of controlled substances. Evidence of same will be turned over to the police.

10. In furtherance of its attempts to prohibit and prevent sale, possession, transport, distribution and use of controlled substances by its students, the Board supports the establishment and maintenance of a Student Assistance Program ("SAP") and may require student's participation in drug counseling, rehabilitation, testing or other programs as a condition of reinstatement into the Charter School's educational, extracurricular, or athletic programs. This testing will be at the sole expense of the student's parent(s) and/or legal guardian(s). The SAP will:

- Identify students who are having problems because of controlled substance use or due to mental health problems.
- Intervene when appropriate either by personal contact or through support groups.
- Refer those students for appropriate help.

SAP is not a treatment program. It seeks to improve identification of students who exhibit forms of "at risk" behavior, such as suicidal intent, depression, controlled substance use and abuse. It also provides for intervention by making referrals to outside agencies.

11. Students Exhibiting Unusual Behavior, But Not in Need of Immediate Medical Attention

- Staff members will refer students exhibiting a pattern of unusual behavior to the principal including all information in writing regarding the referral. If, in the opinion of the principal, the unusual behavior

could be alcohol or controlled substance related, s/he will notify the parents of the student.

- Guidance counselors and/or nurses shall offer help and assistance to the students upon request and make students aware of agencies and other sources which may be helpful.
- Referral to SAP as set forth above.

### **Consequences of Controlled Substance Offense:**

1. The CEO shall be given immediate verbal notice of all drug violations. Such notice shall be followed before the end of the day with a written report setting forth the pertinent details of the incident. The CEO is required to notify police of all incidents in which students are apprehended for the possession, use, distribution, and/or sale of controlled substances on Charter School premises or at any Charter School sponsored event. Any physical evidence of violation of laws relating to drug use shall be turned over to police officials by the CEO. The Charter School will ask the police to cooperate and produce the physical evidence at the hearing.

2. The CEO is required to notify the local police of all incidents in which students are apprehended for the use, possession, transport, distribution, and/or sale of controlled substances on Charter School premises or at any Charter School sponsored event, activity or testing site or on school transport. Prior to turning over physical evidence to police, all evidence of abuse of a controlled substance shall be kept in a secure place by the Charter School personnel confiscating it with the following information recorded and kept with the evidence:

- Date of confiscation;
- Name of student from whom confiscated;
- Name of Charter School personnel who confiscated and others present at time of search;
- Type of controlled substance confiscated;
- Amount of controlled substance confiscated;

The Charter School will ask the police to cooperate and produce the physical evidence at any Charter School disciplinary hearing held in accordance with the Charter School Code of Conduct.

3. A student determined to have used, possessed, transported, distributed, or sold controlled substances on Charter School premises or at any Charter School sponsored event, activity or testing site or on school transport shall be subject to the following disciplinary procedures:

- a. The CEO will immediately implement an out-of-school suspension in accordance with the Student Code of Conduct.
- b. The CEO may recommend expulsion to the Board, on a case-by-case basis in accordance with the Student Code of Conduct.
- c. Participation in extracurricular activities by the offender will be prohibited at least during the period of suspension and potentially longer as evaluated by the CEO on a case by case basis.
- d. The CEO shall take all steps necessary to comply with the Individual with Disabilities Education Act and its amendments and implementing state regulations for students with disabilities.
- e. A Safe Schools Act report will be made by the CEO or designee.

### **Visitors, Employees, Contractors and Volunteers**

Any visitors, employees, contractors or volunteers found to be engaged in activity while on Charter School property which, if engaged in by students would violate this policy, shall be reported to the local police or to the Pennsylvania State Police. Additionally, all such persons on Charter School property, transport or at a school sponsored event/activity or testing site, shall be reported to the Office of Safe Schools or other agency established for reporting purposes on the required form at least once each year.

**TO THE EXTENT THAT ANYTHING IN THIS POLICY COULD BE  
CONSTRUED TO CONFLICT WITH THE SCHOOL'S CHARTER OR  
APPLICABLE STATE AND/OR FEDERAL LAWS, THE APPLICABLE STATE  
AND/OR FEDERAL LAWS AND/OR CHARTER CONTROL.**

ADOPTED this day \_\_\_\_\_ of \_\_\_\_\_, 2023

\_\_\_\_\_  
President

\_\_\_\_\_  
Secretary

*References:*

*24 P.S. Sec. 9-914-A, 13-1303-A; 22 PA Code §12.3; PA Controlled Substance, Drug, Device and Cosmetic Act – 35 P.S. §780-101 et seq.; Steroids – 35 P.S. §807.1 et seq.; PA Civil Immunity of School Officers/Employees Relating to Drug or Alcohol Abuse – 42 Pa. C.S.A. Sec. 8337; Individuals With Disabilities Education Act – 20 U.S.C. §1415; Controlled Substances Act – 21 U.S.C. §801 et seq.*

# Urban Pathways K-5 College Charter School

## Board of Trustees Policy

### STUDENT ASSISTANCE PROGRAM – SUICIDE PREVENTION, ASSESSMENT, RESPONSE & POSTVENTION POLICY

#### Purpose

To protect the health and well-being of all Urban Pathways K-5 College Charter School (“Charter School”) students. This policy was established to prevent, intervene, and create a response to suicide and/or suicide attempts.

#### Objective

This policy is meant to be paired with other policies and procedures supporting the emotional and behavioral health of students more broadly. This policy is meant to be applied in accordance with the Charter School’s Child Find obligations and has been developed as part of the Charter School Student Assistance Program (“SAP”) to help promote a healthy overall wellbeing of students and employees.

#### Definitions

- At Risk: A student who has made a suicide attempt, has the intent to die by suicide, or has displayed a significant change in behavior suggesting the onset or deterioration of a mental health condition. The student may have thought about suicide including potential means of death and may have a plan. In addition, the student may exhibit feelings of isolation, hopelessness, helplessness, and the inability to tolerate any more pain. This situation would necessitate a referral, as documented in Charter School procedures which implement this Policy.
- Crisis/Student Assistance Program (“SAP”) Core Team: A multidisciplinary team of primarily Charter School Administration and other Charter School professional employees including Counselor, School Psychologist, School Nurse, teachers or other related professional staff. This Team will be trained in the assessment and evaluation of information dealing with at-risk students and crisis preparedness, intervention/response, and recovery to attain SAP

certification. In addition, staff designated by the county mental health agency, with expertise in youth mental health issues, will be assigned to each Core Team to act as liaison between the Team and the local mental health system. This Team will take the leadership role in developing crisis plans, ensuring school staff can effectively execute various crisis protocols, and may provide mental health services for effective crisis interventions and recovery supports.

- Mental health: A state of mental and emotional being that can impact choices and actions that affect wellness. Mental health problems include mental, and substance use disorders.
- Postvention: Suicide postvention is a crisis intervention strategy designed to reduce the risk of suicide and suicide contagion, provide the support needed to help survivors cope with a suicide death, address the social stigma associated with suicide, and disseminate factual information after the suicide death of a member of the school community.
- Risk Assessment: An evaluation of a student who may be at risk for suicide, conducted by the appropriate school staff (e.g., school psychologist, school counselor, or school social worker). This assessment is designed to elicit information regarding the student's intent to die by suicide, previous history of suicide attempts, presence of a suicide plan and its level of lethality and availability, presence of support systems, and level of hopelessness and helplessness, mental status, and other relevant risk factors.
- Risk Factors for Suicide: Characteristics or conditions that increase the chance that a person may try to end their own life. Suicide risk tends to be highest when someone has several risk factors at the same time. Risk factors may encompass biological, psychological, and or social factors in the individual, family, and environment.
- Self-harm: Behavior that is self-directed and deliberately results in injury or the potential for injury to oneself. Can be categorized as either non-suicidal or suicidal. Although self-harm often lacks suicidal intent, youth who engage in self-harm are more likely to attempt suicide.



- Suicide: Death caused by self-directed injurious behavior with any intent to die as a result of the behavior. Note: The coroner's or medical examiner's office must first confirm that the death was a suicide before any school official may state this as the cause of death.
- Suicide Attempt: A self-injurious behavior for which there is evidence that the person had at least some intent to end their own life. A suicide attempt may result in death, injuries, or no injuries. A mixture of ambivalent feelings such as wish to die and desire to live is a common experience with most suicide attempts. Therefore, ambivalence is not a sign of a less serious or less dangerous suicide attempt.
- Suicidal Behavior: Suicide attempts, intentional injury to self, associated with at least some level of intent, developing a plan or strategy for suicide, gathering the means for a suicide plan, or any other overt action or thought indicating intent to end one's life.
- Suicide Contagion: The process by which suicidal behavior or a suicide influences an increase in the suicidal behaviors of others. Guilt, identification, and modeling are each thought to play a role in contagion. Although rare, suicide contagion can result in a cluster of suicides.
- Suicidal Ideation: Thinking about, considering, or planning for self-injurious behavior which may result in death. A desire to be dead without a plan or intent to end one's life is still considered suicidal ideation and should be taken seriously.

### **Delegation of Responsibility**

The CEO or designee shall create appropriate procedures for students and staff members according to state law and regulations.

Information received in confidence from a student may be revealed to the student's parents/guardians, the principal, or other authority if the health, welfare, or safety of the student is deemed to be at risk.

### **Guidelines**

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Student Assistance-Suicide Policy

1. Detection/awareness – of warning signs of suicide by all Charter School staff who interact with students on a regular basis.
2. Parent Notification – preferably face to face and with recommendations for referrals for appropriate mental health services; a confidential record of parent notification shall be maintained by administration.
3. Support for At-Risk Students – School personnel, including school psychologists and counselors must provide counseling, monitoring and follow-up services to at-risk students.

This policy covers actions that take place in the Charter School, on Charter School property, at Charter School-sponsored functions and activities, on transportation to and from school and at school sponsored out-of-school events where Charter School staff are present.

This policy applies to the entire Charter School community, including employees, contractors, students, parents/guardians, and volunteers. This policy may also respond to suicidal or high-risk student behaviors that take place outside of the school environment if there is an impact on a student or students in the Charter School setting.

### **Risk Factors:**

In accordance with the CDC, risk factors and warning signs include but are not limited to

1. Major depression or other mental illness
2. LGBTQ+ youth
3. Substance Misuse
4. Serious medical conditions and/or pain
5. Sudden deterioration in academic performance
6. Trouble with the law
7. Bullying
8. Family/loved one having a history of suicide
9. Loss of relationships
10. High conflict or violent relationships
11. Social isolation
12. Lack of access to healthcare
13. Suicide cluster in community
14. Community violence
15. Historical Trauma
16. Discrimination

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Student Assistance-Suicide Policy

Note: (School staff should not make assumptions about a student's sexual orientation or gender identity and affirm students who do decide to disclose this information. Information about a student's sexual orientation or gender identity should be treated as confidential and not disclosed to parents, guardians, or third parties without the student's permission. Additionally, when referring students to out-of-school resources, it is important to connect LGBTQ students with LGBTQ-affirming local health and mental health service providers. Affirming service providers are those which adhere to best practices guidelines regarding working with LGBTQ clients as specified by their professional association (e.g., <http://www.apa.org/pi/lgbt/resources/guidelines.aspx>).

When a student is identified by a Charter School staff person as potentially suicidal, i.e., verbalizes about suicide, presents overt risk factors such as agitation or intoxication, the act of self-harm occurs, or a student self-refers, the student will be seen by a Charter School employed mental health professional such as the School Psychologist, Counselor or Social Worker, within the same school day to assess risk and facilitate referral. If there is no mental health professional available, a Charter School nurse or Administrator will fill this role until a mental health professional can be brought in.

For youth at risk:

1. No student will be left alone, and school staff should continuously supervise the student to ensure their safety. No promise of confidence should be made for information relayed by Student to Charter School staff.
2. The CEO and SAP Core Team will be made aware of the situation as soon as reasonably possible.
3. The Charter School employed mental health professional or CEO will contact the student's parent or guardian, as described in the Parental Notification and Involvement section, and will assist the family with urgent referral. When appropriate, this may include calling crisis services or bringing the student to the local Emergency Department, but in most cases will involve setting up an outpatient mental health or primary care appointment and communicating the reason for referral to the healthcare provider.
  - a. If the Parent chooses to contact a private practitioner or agency, the Parent must inform the School of the arrangements for an immediate emergency psychiatric evaluation. Parent will deliver student to private practitioner or agency. If parent is unable to provide transportation, the Charter School will access assistance in this matter.

4. Staff will ask the student's parent or guardian and student if over 14 years of age for written permission to discuss the student's health with outside care, if appropriate.

## **Methods of Prevention**

### **Prevention Education for Students**

Students shall receive age-appropriate lessons in their classrooms through health education or other appropriate curricula on the importance of safe and healthy choices, as well as help seeking strategies for self and/or others. Lessons shall contain information on comprehensive health and wellness, including emotional, behavioral, and social skills development. Students shall be taught not to make promises of confidence when they are concerned about a peer or significant other. These lessons may be taught by health and physical education teachers, community service providers, classroom teachers or pupil services staff.

Student education may include but is not limited to the following:

1. Information about suicide prevention. Resources are available on the PA Department of Education's website- [www.education.pa.gov](http://www.education.pa.gov).
2. Help-seeking approaches amongst students, promoting a climate that encourages peer referral and emphasizes school connectedness.
3. Increasing students' ability to recognize if they or their peers are at risk for suicide.
4. Addressing problems that can lead to suicide, such as depression and other mental health issues, anger, and drug use.

### **Training**

The Charter School must adopt age-appropriate youth suicide awareness and prevention policies and include 4 hours of training in youth suicide awareness and prevention every 5 years in professional development plans for educators serving grades 6-12. The Charter School may incorporate a youth suicide awareness and prevention curriculum into existing instructional programs. The PA Department of Education developed a model youth suicide awareness and prevention policy and a model youth suicide awareness and prevention curriculum for use by schools. This information is published at [Model Youth Suicide Awareness and Prevention Policy \(pa.gov\)](http://www.education.pa.gov).

The following telephone number shall be made known and available to Charter School students for 24-hour access to assistance: **CALL 988**.

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ADOPTED this day \_\_\_\_\_ of \_\_\_\_\_, 2023

\_\_\_\_\_  
President

\_\_\_\_\_  
Secretary

# Urban Pathways K-5 College Charter School

## Board of Trustees Policy

### TITLE IX POLICY

Title IX of the Education Amendments of 1972, 20 U.S.C. §1681 *et seq.*, protects students from discrimination based on sex in educational programs or activities that receive Federal financial assistance. Title IX states that:

No person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any academic, extracurricular, research, occupational training, or other education program or activity operated by a recipient, which receives Federal financial assistance.

This policy reaffirms the commitment of the Urban Pathways K-5 College Charter School ("Charter School") to comply with Title IX. This policy covers student on student as well as employee on student sexual harassment.

#### **When Does Title IX Apply?**

Title IX covers sexual harassment that happens in a school's "education program or activity." This includes locations, events, and circumstances where a school exercises substantial control over the context of the alleged harassment and the person accused of committing the sexual harassment.

#### **Sexual Harassment**

Title IX prohibits the following conduct on the basis of sex that satisfies one or more of the following:

- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's education program or activity.
- School employee conditioning educational benefits on participation in unwelcome sexual conduct, otherwise known as "Quid pro Quo" harassment.

- “Sexual assault,” as defined in 20 U.S.C. 1092(f)(6)(A)(v) “dating violence,” as defined in 34 U.S.C. 12291(a)(10) “domestic violence,” as defined in 34 U.S.C. 12291(a)(8), or “stalking” as defined in 34 U.S.C. 12291(a)(30)

### **Charter School’s Response to Allegations/Knowledge of Sexual Harassment**

Once the Charter School has actual knowledge of sexual harassment or allegations of sexual harassment, the Charter school must respond or take action.

The Charter School has “actual knowledge” when it has been given notice that a person may have been victimized by sexual harassment. Any person, whether the alleged victim or a parent, friend, or bystander, has the right to report sexual harassment to put the Charter school on notice. A report to any school employee will result in the Charter School having “actual knowledge.” Further, Charter School personnel who personally witness sexual harassment can mean that the Charter School has “actual knowledge.”

The Charter School cannot be “deliberately indifferent” in responding to a complaint of sexual harassment. That means that it cannot be “clearly unreasonable” in light of the known circumstances. Upon receipt of a complaint, the Title IX Coordinator must act promptly, and must provide the following information to the complainant:

- The availability of supportive measures
- The right to file a complaint
- How to file a complaint

### **Supportive Measures:**

Supportive measures are free, individualized services designed to restore or preserve equal access to education, protect or preserve equal access to education, protect safety, or deter sexual harassment. A complainant does not need to file a formal complaint for him/her to receive supportive measures. Supportive measures are intended to support a student and are not punitive or disciplinary with respect to another student. These measures do not unreasonably burden any other person. Each student, the complainant and respondent, must have equal access to education prior to any determination of responsibility.

Examples of supportive measures include:

- Counseling
- Extension of deadlines
- Modification of work or class schedules
- Escort services
- Mutual restrictions on contact between individuals

The Title IX Coordinator is responsible for implementing these supportive measures and must consider the alleged victim's wishes when it comes to requests for supportive measures. Generally, these measures must remain confidential.

### **Title IX Coordinator:**

Per Title IX federal funding mandates, the Charter School shall designate a Title IX Coordinator whose duties will include:

- (a) receiving reports from victims and third parties of sexual discrimination or sexual harassment in person or by mail, telephone, email, or any other means that results in the Title IX Coordinator receiving the report at any time, including nonbusiness hours;
- (b) oversee mandated (seven-year) recordkeeping regarding investigations, appeals, informal resolutions, and training for Coordinator, investigators and decision-makers on the definition of sexual harassment in the Final Rule, the application of the Title IX policy, how to make relevancy determinations (including how to apply rape shield protections for complainants), the Charter School's education program or activity, and the grievance process, including how to conduct investigations, hearings (including technology for live hearings), appeals, informal resolution processes, how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias;
- (c) maintaining current contact information in Charter School's nondiscrimination notices and website;
- (d) ensuring Charter School is compliant with Title IX, coordinating the investigation and disciplinary process and looking for patterns or systematic problems with compliance to ensure Charter School fulfills federal obligations;
- (e) signing formal complaints alleging sexual harassment;
- (f) receiving notice of sexual harassment or allegations of sexual harassment (or authorized Charter School representative authorized to institute corrective measures), triggering actual knowledge designation;
- (g) upon receipt of a complaint, providing prompt info to complainants about availability of supportive measures, the right to file a complaint and how to file a complaint and consideration of complainant's wishes regarding supportive measures;
- (h) ensuring the Charter School grievance process and the Title IX Coordinator, investigator, decision-maker and facilitator of an informal resolution process is free of conflicts of interest or bias against a party;
- (i) dismissing a complaint (1) when complainant provides written notice to the Title IX Coordinator to do so, (2) when allegations do not constitute sexual harassment, (3) if the allegations did not occur in the Charter School's



- educational program or activity, (4) if the allegations did not occur in the United States, (5) if respondent is no longer enrolled or employed by the Charter School, or (6) when specific circumstances prevent the gathering of evidence sufficient to reach a determination;
- (j) coordinating Charter School efforts to comply with Title IX; and
- (k) respecting a complainant's wishes regarding whether the Charter School investigates, unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation over the wishes of the complainant is not clearly unreasonable in light of the known circumstances;

The Charter School's Title IX Coordinator's duties do not include:

- (a) the ability to be named the decision-maker tasked with issuing a written determination regarding responsibility with findings of fact, conclusion about whether the alleged conduct occurred, rationale for the result as to each allegation, any disciplinary sanctions imposed on the respondent and whether remedies will be provided to the complainant (Title IX Coordinator or the investigator cannot be named decision-maker);
- (b) the ability to be named as the decision-maker on any appeal (cannot be the same person as the initial decision-maker on the formal complaint, the investigator, or the Title IX Coordinator);
- (c) any other job responsibility that creates a conflict of interest with responsibilities under Title IX;
- (d) becoming a complainant or a party during the grievance process upon the signing of a formal complaint; and
- (e) a requirement that the Title IX Coordinator file a formal complaint any time the Charter School received notice of multiple reports against a particular respondent and corresponding safe harbor.

## **Grievance Procedures**

Procedures outlining the Title IX Grievance Process that are consistent with this policy and final rules from the United States Department of Education are attached to this policy.

The Charter School will follow a grievance process that complies with the Final Rule before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent.

The Charter School will not restrict rights protected under the U.S. Constitution, including the First Amendment, Fifth Amendment, and Fourteenth Amendment, when complying with Title IX.

The Charter School will investigate sexual harassment allegations in any formal complaint, which can be filed by a complainant, or signed by a Title IX Coordinator.

It is the policy of the Charter School during the grievance process to treat complainants and respondents equitably. That includes providing remedies to a complainant if a respondent is found responsible, and by following these policies in imposing discipline on the respondent.

The Title IX Coordinator shall be capable of conducting a thorough and complete investigation and shall seek advice and assistance from the Board of Trustees if the Title IX Coordinator lacks the capacity to conduct a thorough and complete investigation of the alleged misconduct. If the Title IX Coordinator or the CEO is the one accused of sexual harassment, or the Title IX Coordinator has bias or a conflict of interest, the Board will appoint a qualified individual who is not employed by the Charter School to conduct the investigation.

If the Title IX Coordinator submits the complaint, the Title IX Coordinator must recuse him/herself from the investigation and allow the Board to appoint a qualified individual who is not employed by the Charter School to conduct the investigation.

Once the Title IX Coordinator completes his/her investigatory report, the case will be turned over to a neutral decision maker for the hearing process. A neutral decision maker must be a person(s) who is free from all conflicts of interest or bias for or against complainants or respondents and must receive special training about how to be impartial and how to decide what evidence is relevant.

A school can remove a respondent from the Charter school's educational programs or activities on an emergency basis if the respondent poses an immediate threat to anyone's physical health or safety. If the respondent is an employee, the Charter school may place the employee on administrative leave pending the investigation.

No one will be forced, threatened, coerced, or discriminated against for choosing not to be a part of this grievance process.

Both complainant and respondent have equal rights throughout the entire investigation and hearing process, including, but not limited to, the opportunity to present witnesses and evidence, including expert witnesses, as well as inculpatory and exculpatory evidence. The Charter School will further comply with all disability laws to ensure that all participants are appropriately accommodated.

## **Publishing Requirements of this Policy:**

The Charter School will disseminate a notice of nondiscrimination, which the U.S. Department of Education recommends should specify that sexual harassment and violence are prohibited. Such notice shall appear in the Charter School's student handbook and/or code of conduct, on the Charter School's website, and be available in print on campus so that school members may understand its purpose and utility and include enough detail in the policy so that members of the community realize that sexual harassment and sexual violence are prohibited forms of sex discrimination.

The Charter School will adopt and publish a grievance procedure outlining the complaint, investigation, and disciplinary process for addressing sex discrimination, sexual harassment, and sexual violence occurring within educational programs. This process should address discrimination perpetrated by students, employees, or third parties. Additionally, school security and/or law enforcement personnel must notify victims of their rights to use the Charter school's grievance procedure in addition to being able to file a criminal complaint.

This grievance procedure requires the Charter school's process be "prompt and equitable," meaning it must be a timely response to discrimination and provide both parties equivalent rights during the disciplinary process rather than having one-sided due process. For example, if the accused student is given a right to have an attorney present, so may the accusing student.

While sexual misconduct complaints may be resolved through informal mechanisms, such as mediation, students are not required to use informal methods of grievance resolution and should not be pressured into such a process.

The Charter School will provide educational and awareness programming on sexual harassment and discrimination. The Charter School must address hostile educational environments created by sex discrimination, sexual harassment, and sexual violence school-wide. Addressing a hostile environment means remedying a current situation, addressing its effects, and preventing its recurrence in the future.

The Charter School will maintain and make publicly available on its website all materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process (or available in response to a request from the public if it does not maintain a website).

The Charter School shall designate an individual as its Title IX Coordinator and publish the Coordinator's name, title, office address, email address and phone number on its website, notifying applicants for admission or employment, students, parents, legal guardians, employees, and unions of this designation. Designating one employee as the

Title IX Coordinator ensures that students and employees know that notifying the Title IX Coordinator triggers the Charter School's legal obligations to respond to sexual harassment under the regulations.

## **Training**

Title IX mandates that Charter School employees that address sexual violence complaints have appropriate training. The U.S. Department of Education (ED) recommends that teachers, campus security, administrators, counselors, nurses, cleaning staff, coaches, and others likely to receive reports be trained on how to identify and report sexual harassment and violence.

Per the Department of Education, the Charter School will:

- 1) Ensure that responsible employees with the authority to address sexual violence know how to respond appropriately to reports of sexual violence;
- 2) That other responsible employees know that they are obligated to report sexual violence to appropriate school officials; and
- 3) That all other employees understand how to respond to reports of sexual violence.

The Charter School will ensure that counselors and advocates understand the extent to which they may and will keep a report confidential.

The Charter School will provide training to all employees likely to witness or receive reports of sexual violence, including teachers, campus security, school administrators, school counselors, general counsels, athletic coaches, and nurses.

The Charter School will train responsible employees to inform students of:

- 1) The reporting obligations of responsible employees;
- 2) Students' option to request confidentiality and available confidential advocacy, counseling, or other support services; and
- 3) Their right to file a Title IX complaint with the Charter School and to report a crime to campus security or local law enforcement.

The Charter School will ensure that the Title IX Coordinator, investigator, decision-maker, and/or facilitator of an informal resolution process be free of conflicts of interest or bias against a party and that such Charter School Title IX personnel be trained on the application of the Title IX Policy, the definition of sexual harassment in the Final Rule, the scope of the Charter School's education program or activity, how to conduct an investigation and grievance process, including hearings (and technology to be used at a

live hearing), appeals, and informal resolution processes, as applicable, and how to make relevancy determinations (and applying rape shield protections for complainants) and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

The Charter School shall maintain and make publicly available on its website all materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process (or available in response to a request from the public if it does not maintain a website).

The training materials must be impartial and not rely on sex stereotypes.

Additionally, the Charter School will ensure that staff members are capable of providing culturally competent counseling to all complainants. It will ensure that its counselors and other staff who are responsible for receiving and responding to complaints of sexual violence, including investigators and hearing board members, receive appropriate training about working with Lesbian/Gay/Bi-sexual/Transgender and gender-nonconforming students and same-sex sexual violence.

The Charter School will also ensure that any reporting forms, information, or training about sexual violence be provided in a manner that is accessible to students and employees with disabilities, for example, by providing electronically-accessible versions of paper forms to individuals with print disabilities, or by providing a sign language interpreter to a deaf individual attending a training.

To ensure that students understand their rights under the laws cited herein, the Charter School will provide age-appropriate training to its students regarding Title IX and sexual violence. Training may be provided separately or as part of the Charter School's broader training on sex discrimination and sexual harassment.

The Charter School may include these education programs in its orientation programs for new students, faculty, staff, and employees, training for student athletes and coaches, and assemblies and "back to school nights." These programs will include a discussion of what constitutes sexual harassment and sexual violence, the Charter School's policies and disciplinary procedures, and the consequences of violating these policies.

The Charter School also will include such information in their employee handbook and any handbooks that student athletes and members of student activity groups receive. These materials will include where and to whom students should go if they are victims of sexual violence. These materials also will tell students and Charter School employees what to do if they learn of an incident of sexual violence.

### **Other Reporting Requirements in Compliance with Local and State Laws:**

If the complaint involves sexual assault, rape or conduct of a criminal nature, the local Police Department shall be contacted and a report of the incident made by the Charter School, in accordance with law enforcement. A report must also be made by the mandatory reporter to ChildLine and the Department of Public Welfare in accordance with the Charter School's Board approved Mandatory Reporter Policy. If there is any question of whether the conduct complained of constituted criminal activity, the Charter School's Board Solicitor should be contacted immediately. Knowledge of a law enforcement investigation does not relieve the Charter School of its independent obligation to investigate the misconduct.

Documents regarding substantiated charges of sexual harassment shall be placed in the accused student's file. Documents regarding unsubstantiated charges shall not be placed in student files, but shall be maintained by the Board of Trustees in a confidential file established expressly for retaining Title IX complaints against students.

### **Retaliation:**

Charging an individual with code of conduct violations that do not involve sexual harassment, but arise out of the same facts or circumstances as a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX constitutes retaliation.

The Charter School will keep confidential the identity of complainants, respondents, and witnesses, except as may be permitted by FERPA, as required by law, or as necessary to carry out a Title IX proceeding.

Complaints alleging retaliation may be filed according to the Charter school's prompt and equitable grievance procedures. The exercise of rights protected under the First Amendment does not constitute retaliation.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a Title IX grievance proceeding does not constitute retaliation; however, a determination regarding responsibility, alone, is not sufficient to conclude that any party made a bad faith materially false statement.

## CONCLUSION

If any section of this procedure is declared invalid, the remaining sections shall remain valid and unaffected.

**TO THE EXTENT THAT ANYTHING IN THIS POLICY COULD BE CONSTRUED TO CONFLICT WITH THE SCHOOL'S CHARTER OR APPLICABLE STATE AND/OR FEDERAL LAWS, THE APPLICABLE STATE AND/OR FEDERAL LAWS AND/OR CHARTER CONTROL.**

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2023

\_\_\_\_\_  
President

\_\_\_\_\_  
Secretary

# **Urban Pathways K-5 College Charter School**

## **Title IX Complaint Procedures**

Once a formal complaint is filed, the student may seek either an informal or formal resolution of his or her complaint:

### **A. Informal**

When a Title IX Coordinator receives a complaint, the Title IX Coordinator may offer an informal resolution process. An informal resolution process is only appropriate if each party enters the process voluntarily and the respondent is a student. The Charter School will not force, threaten, or require any party, complainant or respondent, into participating in informal resolution.

The Charter School will provide a facilitator to oversee the informal resolution process who is free from conflicts of interest or bias, and who has received special training.

The Charter School will provide both complainants and respondents with notice of the allegations, notice of their rights, information about whether an informal process is confidential, and about withdrawing from the process.

Any party, at any time, can decide to stop participating in an informal resolution process and instead go to a formal process.

### **B. Formal**

A formal complaint is an official document alleging sexual harassment. Any student (or any parent of a student) who believes that his or her Title IX rights have been violated may file a complaint requesting a formal investigation into the allegations. Formal complaints shall be taken in writing by the Title IX Coordinator and signed by the complainant. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail at the Title IX Coordinator's posted contact information on the Charter School's website.

In cases where an alleged victim does not file a formal complaint, a Title IX Coordinator might file a complaint and initiate grievance procedures where discipline is appropriate.

A thorough and complete investigation shall be conducted by the Title IX Coordinator.



This investigation shall determine: (1) whether or not the conduct occurred; (2) whether the conduct constitutes a violation of this policy, and, (3) if the conduct was a violation, what actions the Charter School will take to end the violation.

To the extent possible and allowed by law, confidentiality shall be maintained within the confines of the investigation of the alleged prohibited behavior. All parties will be treated with dignity and due process. The Charter School is not allowed to access a party's personal records if they are maintained by a physician, psychiatrist, psychologist, or other professional for the purpose of treatment to the party, without consent.

### **C. Dismissals:**

The Charter School **must** dismiss a complaint:

- That does not describe conduct that meets the definition of sexual harassment;
- That alleges sexual harassment that did not occur in the Charter school's educational program or activity;
- That alleges sexual harassment that did not occur in the United States.

The Charter School **may** dismiss a complaint:

- If the complainant notifies the Title IX Coordinator in writing that the complainant wishes to withdraw the formal complaint or some of its allegations;
- If the respondent is no longer enrolled or employed by the Charter school;
- If specific circumstances prevent the Charter school from gathering specific evidence sufficient to reach a determination about the allegation.

When the Charter School dismisses a formal complaint, or any allegations in it, the Charter School must promptly send written notice of the dismissal to the parties. That notice must also clearly state the reasons. The Charter School can still address dismissed Title IX complaints under the Student Code of Conduct, even if the misconduct is not sexual harassment under Title IX.

### **D. Conducting Investigations**

The Title IX Coordinator receiving a complaint, including a Title IX complaint, shall take the details of the complaint in writing and have the complainant sign it. All Title IX complaints against a student shall be received, investigated and disposed of in accordance with the procedures set forth in this Policy.

- Upon receipt of the complaint, the Title IX Coordinator must provide the parties with written notice including the names of the parties, the date and location of the alleged misconduct, and a description of the alleged misconduct. The notice must further:
  - Provide the allegations and facts that would constitute sexual harassment
  - State the presumption of innocence
  - A statement that the parties are entitled to an advisor of their choice
  - A statement that the parties can request to inspect and review certain evidence
  - Provide information regarding the Charter School's Code of Conduct and penalties for false statements.
  - If additional allegations come to light, notice must be supplemented.
- The Title IX Coordinator shall meet with every complainant and respondent. The complainant may have his or her Parent(s) present during any such meeting. The respondent, if the respondent is a student, shall also have the right to have his or her parent(s) present at any meetings with the Title IX Coordinator as well.
- The Charter School shall provide written notice of the date, time, location, participants, and purpose of all interviews, or other meetings, with sufficient time for the party to prepare.
- The Respondent is presumed not responsible during the investigation.
- From these meetings, the Title IX Coordinator will conduct an adequate, reliable, and impartial investigation of complaint(s), which includes interviewing and obtaining statements from any witnesses of both the complainant and alleged perpetrator, and the review of all evidence presented. Parties will be provided updates until a determination is made in writing.
- No information protected by a legal privilege, such as the attorney-client privilege, or the doctor-patient privilege, can be used during an investigation unless the person holding that privilege has waived it.
- After gathering evidence, the Charter School must prepare an investigative report on the allegations of the formal complaint. The report, along with physical evidence (including written witness statements), must be provided to the parties. The Charter School will give each party ten (10) days to respond to the evidence in writing. The Charter School will review and consider the response of any party before making a final determination. After allowing time for a response, the Charter School will then finalize the report and submit it to the parties at least ten (10) days prior to any determination of responsibility or a hearing.

## E. Hearings/Final Determination of Responsibility

- Final Determinations of Responsibility will only be provided after a Hearing.
- For the purposes of this Policy, a Hearing is defined as either a live hearing or the opportunity for both parties to submit written questions prior to the issuance of a Final Determination.
- The Charter School has the option to hold a live hearing. If a live hearing is held, the complainant can request to be in a separate room from the respondent, with technology allowing everyone to see/hear each other. A court reporter will be present at a live hearing and a transcript will be provided to all parties at the conclusion of the hearing.
- The Charter School shall provide written notice of the date, time, location, participants, and purpose of the hearing, with sufficient time for the party to prepare.
- If a live hearing is held, the Charter School must provide each party with an advisor, of the Charter school's own choosing, free of charge, solely for the purpose of conducting cross examination on that party's behalf. **No party is ever allowed to personally cross examine anyone.** Live cross examination must only be done through an attorney or advisor provided by the Charter School.
- In the absence of a live hearing, the Charter School will provide the parties equal opportunity to submit relevant, written questions to each other, before the Charter School reaches a determination of responsibility. If a party refuses to answer any questions, the party must state the reasons why.
  - Questions and evidence about the complainant's prior sexual history are not relevant, except:
    - Where such information is offered to prove that someone other than the respondent committed sexual harassment
    - Where it relates to sexual behavior between the complainant and respondent and if offered to prove consent.
- If a party or witness chooses not to appear at a live hearing, or not to answer cross examination questions, the decision-maker excludes that party or witness's statements and evaluates any evidence that does not include those statements.
- A neutral decision maker, who did not prepare the investigatory report, will preside over the hearing and make the final determination of responsibility.

- The neutral decision maker will not make inferences about the determination regarding responsibility based on the fact that a party or witness did not come to the hearing or submit answers to cross examination.
- The neutral decision maker will make a determination on whether the respondent is responsible within sixty (60) days of the receipt of a complaint unless good cause is shown. Good cause can include law enforcement activities, the absence of a party or witness, the absence of a party's advisor of choice, or the need to provide language assistance or accommodation of a disability.
- The complaint will be decided using a preponderance of the evidence standard (*i.e.*, it is more likely than not that sexual harassment or violence occurred).
- The determination will be in writing, and include:
  - The Charter School Policies that were violated
  - Standard of proof used
  - A description of the procedural steps that were taken by the Charter school
  - A findings of fact section
  - A section that draws conclusions after applying the facts to the applicable portions of the Charter school's policies
  - A statement and rationale for the ultimate determination of responsibility
  - Disciplinary sanctions that the Charter school will impose on the respondent
  - Possible remedies for the complainant (see supportive measures above)
  - A statement of the remedies provided to the complainant and rationale, addressing how those remedies will restore or preserve equal access
  - The right and procedure for each party to file an appeal.
- The determination will be provided to both parties simultaneously.
- Both parties have ten (10) days to file an appeal.
- Discipline for a respondent found responsible for sexual harassment can include but not be limited to in-school suspension, out-of-school suspension, or expulsion. If the Title IX Coordinator or the CEO believes that expulsion against an accused student may be appropriate, then a formal hearing shall be held pursuant to the Pennsylvania Code of Regulations, 22 Pa.Code §12.6 and §12.8. The formal disciplinary procedures contained in the Charter School's Code of Conduct shall be followed for such hearings to assure due process protection for the respondent.

- Even though FERPA limits disclosure of certain information in disciplinary proceedings, the Charter School will disclose information to the complainant about the sanction imposed on the perpetrator when the sanction directly relates to the complainant. This could include an order that the perpetrator stay away from the complainant, or that the perpetrator is prohibited from attending the Charter School for a period of time, or is transferred to other homeroom/classes in the Charter School building.
- The Title IX Coordinator is responsible for carrying out the remedies contained in the written decision.

## **F. Appeals**

- Both the complainant and respondent are permitted to appeal a determination of responsibility.
- Appeals can be taken:
  - After a dismissal before the grievance process, whether mandatory or discretionary
  - At the end of the grievance process
- Grounds for Appeal
  - A procedural irregularity affected the outcome of the matter
  - New evidence has been discovered that was not reasonably available at the time of the determination on responsibility or dismissal
  - A conflict of interest on the part of a Title IX Coordinator, an investigator who compiled evidence, or a decision maker, and the conflict of interest affected the outcome
- Appeals will be referred to the Charter School Board of Trustees, unless the Board has or is scheduled to preside over a formal disciplinary hearing pursuant to 22 Pa.Code §12.6 and §12.8. In those cases, the Charter School Board of Trustees will appoint a neutral hearing officer to hear appeals of a determination of responsibility who is 1) not an employee of the Charter school, 2) not the investigator of the complaint, and 3) not the neutral decision-maker who made the initial determination.
- Both parties will have equal opportunities to submit a written statement supporting or challenging the outcome to the Board of Trustees or neutral hearing officer

- After considering the parties' written statements, the Board of Trustees or neutral hearing officer must issue a written decision and send it to the parties simultaneously. This decision is final.