

Urban Pathways K-5 College Charter School

Board of Trustees Policy

ACCEPTABLE USE AND INTERNET SAFETY POLICY

The Board of Trustees of the Urban Pathways K-5 College Charter School (“Charter School”) provides computer network and Technology Resources to enhance educational opportunities for Charter School students, employees, and the Charter School community. This policy details acceptable use of Technology Resources provided by the Charter School. These services and equipment are provided by the Charter School as a privilege to the User (as defined below) and appropriate and ethical use of any Charter School Technology Resources, tools and equipment is required.

It is every Technology Resource User’s duty to use Technology Resources responsibly, professionally, ethically and lawfully. Access to these resources may be designated a privilege, not a right. This policy applies to aspects of both adult and minor acceptable use of Technology Resources.

This policy is intended to fulfill requirements of state and federal laws to the extent applicable, including the Federal Children’s Internet Protection Act (CIPA), 47 U.S.C. §§ 254(h) and (l) and the Neighborhood Children’s Internet Protection Act (NCIPA), the 2008 Broadband Improvement Act, P.L. 110-385 and any applicable implementing regulations. As such, this policy addresses the following:

- (A) Access by minors to inappropriate matter on the Internet and World Wide Web;
- (B) The safety and security of minors when using electronic mail, chat rooms, and other forms of direct electronic communications;
- (C) Unauthorized access, including so-called “hacking,” and other unlawful activities by minors online;
- (D) Unauthorized disclosure, use, and dissemination of personal information regarding minors; and
- (E) Measures designed to restrict minors’ access to materials harmful to minors.

In using or accessing the Charter School’s Technology Resources, Users must comply with the following provisions:

Definitions

For the purposes of this policy and related procedures and forms, the following terms are defined as follows:

Child Pornography. Under federal law, any visual depiction, including any photograph, film, video, picture, or computer image or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where:

1. the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct;
2. Such visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaging in sexually explicit conduct; or
3. Such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct.

18 U.S.C.A. §2256(8)

Under Pennsylvania law, any book, magazine, pamphlet, slide, photograph, film, videotape, computer depiction or other material depicting a child under the age of eighteen (18) years engaging in a prohibited sexual act or in the simulation of such act.

18 PA CSA §6312(d)

Minor. For purposes of compliance with CIPA, an individual who has not yet attained the age of seventeen. For other purposes, minor shall mean any person under the age of eighteen (18).

Obscene. Under federal and Pennsylvania law, any material if:

1. the average person, applying contemporary adult community standards, would find that the material, taken as a whole, appeals to the prurient interest;
2. the subject matter depicts or describes sexual conduct in a patently offensive way; and
3. the subject matter, taken as a whole, lacks serious literary, artistic, political or scientific value.

Miller v. California, 413 U.S. 15 (1973)

Password. A unique word, phrase or combination of alphanumeric and non-alphanumeric characters used to authenticate a User ID as belonging to a specific User.

Sexual Act and Sexual Contact. Has the meanings given such terms under 18 U.S.C. § 2246(2), 18 U.S.C. § 2246(3), and 18 Pa.C.S.A. § 5903.

Technology Protection Measure. A specific technology that blocks or filters Internet access to content that is Obscene, Child Pornography or harmful to Minors and the material is covered by a certification regarding CIPA.

Technology Resources. Technologies, devices and resources used to access, store or communicate information. This definition includes, but is not limited to, computers, information systems, networks, laptops, iPads, modems, printers, scanners, fax machines and transmissions, telephonic equipment, audio-visual equipment, digital cameras, wireless reading devices, i.e. Kindles and Nooks, Internet, electronic mail, electronic communications, devices and services, multi-media resources, hardware and software, including Moodle software.

User. Any person who has signed this policy and is permitted by the Charter School to utilize any portion of the Charter School's Technology Resources including, but not limited to, students, parents, employees, Board of Trustee members, contractors, consultants, vendors and agents of the Charter School.

User Identification (ID). Any identifier that would allow a User access to Charter School's Technology Resources or to any program including, but not limited to, e-mail and Internet access.

Vandalism. Any malicious attempt to harm or destroy Technology Resources, data of another user, Internet or other networks. This includes, but is not limited to, the uploading or creation of computer viruses.

Authorized Users

Charter School's Technology Resources may be used by any authorized User. Use of Charter School's Technology Resources is a privilege, not a right. If a potential User has a history of discipline problems involving Technology Resources, the CEO or his/her designee may make the decision not to give the potential user access to certain Charter School Technology Resources.

User Privacy

Computer accounts and Technology Resources are given to Users to assist them in the performance of Charter School related functions. A User does not have a legal expectation of privacy in the User's electronic communications or other activities involving Charter School's Technology Resources, including e-mail, in anything they create, store, send, share, access, view or receive on or through the Internet.

By using Charter School's network and Technology Resources, all Users are expressly waiving any right to privacy and consenting to having their electronic communications

and all other use accessed, reviewed and monitored by the Charter School. A User ID with e-mail access will only be provided to authorized Users on condition that the User consents to interception of or access to all communications accessed, sent, received or stored using Charter School technology and signs this policy.

Electronic communications, downloaded material and all data stored on the Charter School's Technology Resources, including files deleted from a User's account, may be intercepted, accessed or searched by the Charter School administrators or designees at any time in the regular course of business to protect Users and the Charter School's equipment. Any such search, access or interception will be reasonable in inception and scope and shall comply with all applicable laws.

Please refer to the Charter School's policy relating to Remote Access and Monitoring of Technology Resources for a comprehensive review of the provisions governing the Charter School's use of software to access, monitor and track school-issued Technology Resources.

Technology Administration

The Board of Trustees directs the CEO or his/her designee to assign trained personnel to maintain the Charter School's technology in a manner that will protect the Charter School from liability and will protect confidential student and employee information retained on or accessible through the Charter School's Technology Resources.

Administrators may suspend access to and/or availability of the Charter School's Technology Resources to diagnose and investigate network problems or potential violations of the law or the Charter School policies and procedures. All Charter School Technology Resources are considered Charter School property.

The Charter School may maintain or improve Technology Resources at any time. The Charter School or authorized Charter School agents may remove, change or exchange hardware, equipment or other technology between buildings, classrooms or Users at any time without prior notice.

Content Filtering and Monitoring

The Charter School employs technology protection measures and will monitor the online activities of Minors on the Charter School network and/or all Technology Resources and equipment with Internet access, as required by law. At a minimum, they are meant to block visual depictions that are obscene, illegal, pornographic, Child Pornographic and/or harmful to Minors as well as Internet/World Wide Web/computer resource access to such material. If Users find a website deemed inappropriate, such website must be reported to CEO. After review of the site, appropriate steps will be taken to block inappropriate site from Users.

For purposes of bona fide research or other lawful purposes, certain blocked sites may be made available for those purposes only after approval of the request by the CEO.

In making decisions to disable the Charter School's Technology Protection Measure device, the administrator shall consider whether the use will serve a legitimate educational purpose or otherwise benefit the Charter School. A student or parent/guardian claiming they have been denied access to Internet material that is not within the purview of this policy shall be afforded expedited review and resolution of the claim.

The Technology Protection Measures will be used to protect against access to visual depictions that are Obscene, harmful to Minors, illegal, pornographic, and Child Pornographic, as required by law.

Technology Protection Measures are not foolproof, and the Charter School does not warrant the effectiveness of Internet filtering except to the extent expressly required by federal and state laws. Evasion or disabling, or attempting to evade or disable, a Technology Protection Measure device installed by the Charter School is prohibited.

The Charter School shall not be held responsible when a student or other User knowingly or willingly accesses inappropriate material or communicates or shares such materials with others.

Viruses

Viruses can cause substantial damage to Technology Resources. Users are responsible for taking reasonable precautions to ensure they do not introduce viruses to the Charter School's Technology Resources.

All material received on disk, flash drive, or other magnetic or optical medium, and all materials downloaded from the Internet or from Technology Resources or networks that do not belong to the Charter School must be scanned for viruses and other destructive programs before being transferred to Charter School's Technology Resources. Any User receiving an e-mail from a questionable source must contact the CEO before opening the e-mail or any attachment included in the e-mail.

To ensure security and avoid the spread of viruses, Users accessing the Internet through a Technology Resources attached to the Charter School's network must do so through an approved Internet firewall or Technology Protection Measure.

Encryption Software

Users shall not install or use encryption software on any Charter School Technology Resource without first obtaining written permission from the CEO. Users shall not use passwords or encryption keys that are unknown to the CEO.

The federal government has imposed restrictions on export of programs or files containing encryption technology. Software containing encryption technology shall not be placed on the Internet or transmitted in any way outside the United States.

Web Content Developed By Students

As part of class/course assignments, students may be developing and/or publishing content to the Internet via web pages, electronic and digital images, blogs, wikis, podcasts, vodcasts, and webcasts, or may be participating in videoconferences.

The following guidelines must be adhered to when students develop and publish information to the Internet:

1. Personal information such as phone numbers, addresses, e-mail addresses or other specific personal information shall not be published or shared to a public page or videoconference.
2. All web content must comply with this policy.
3. All web content and videoconferencing must be under the direction and supervision of the teacher/administrator and is to be used for educational purposes only.
4. All web content is subject to copyright law and fair use guidelines.
5. All web content shall only be posted to Charter School approved web pages, blogs, wikis, podcasts, webcasts, vodcasts and videoconferences.

Prohibitions

Students, staff and all Users are expected to act in a responsible, ethical and legal manner in accordance with Charter School policies and federal and state laws. Specifically, the following uses of the Charter School's Technology Resources are prohibited:

1. To facilitate illegal activity, including unauthorized access and hacking;
2. To engage in commercial, for-profit, or any business purposes, except where such activities are otherwise permitted or otherwise authorized;
3. Non-work or non-school related work;
4. Product advertisement or political lobbying;
5. Production or distribution of hate mail, unlawfully discriminatory remarks, and offensive or inflammatory communication;
6. Unauthorized or illegal installation, distribution, reproduction, or use of copyrighted materials;

7. To access or transmit material that is harmful to Minors and/or Users, indecent, Obscene, pornographic, Child Pornographic, terroristic, or advocates the destruction of property;
8. Use of inappropriate language or profanity;
9. To transmit material likely to be offensive or objectionable to recipients;
10. To intentionally obtain or modify files, data and passwords belonging to other Users, or integral to system and network operations;
11. Impersonation of another User, anonymity and/or use of pseudonyms;
12. Loading or use of unauthorized games, programs, files, or other electronic media;
13. To disrupt the work of other Users;
14. Destruction, modification, or abuse of Technology Resources and peripheral hardware or software;
15. Relocation of Charter School hardware without prior administrative consent;
16. Quoting personal communications in a public forum without the original author's prior consent;
17. To access or use any form of electronic mail on Charter School Technology Resources unless authorized by the CEO or his/her designee;
18. Using the network to participate in online or real-time conversations unless authorized by the teacher/administrator for the purpose of communicating with other classes, students, teachers, experts or professionals for educational purposes;
19. Using a disk, removable storage device or CD/DVD brought into the Charter School from an outside source that has not been properly scanned for viruses or authorized for use by a teacher/administrator in accordance with Charter School established procedures;
20. To discriminate against, advocate violence against, harass, intimidate, bully or cyberbully others;
21. To send unsolicited ("spamming") or forwarded e-mails and chain letters to persons;
22. Using "spoofing" or other means to disguise User identities in sending e-mail or other electronic communication via bulletin boards, newsgroups, social networking sites, instant messages, e-mail systems, chat groups, chat rooms, or through other Technology Resources;
23. To send, transmit or otherwise disseminate proprietary data, trade secrets, or other confidential information of the Charter School;

24. Posting or allow the posting of personal information about themselves or other people on the Technology Resources unless authorized by the CEO. Personal information includes address, telephone number (including home, work and cell phone numbers), school address, work address, pictures or video bites, clips, etc.;
25. To refer to or attempt to refer to the Charter School or its employees, agents, trustees, parents or students in any electronic communication, posting, blog, website, e-mail or social networking site, without written authorization of the CEO;
26. To access or transmit gambling, pools for money, or any other betting or games of chance;
27. To solicit information with the intent of using such information to cause personal harm or bodily injury to another or others;
28. Posting, sharing or attempting to post information that could endanger an individual, cause personal damage or a danger of service disruption; and
29. Indirectly or directly making connections that create “backdoors” to the Charter School, other organizations, community groups, etc. that allow unauthorized access to the Technology Resources or the Charter School.

Security

The Charter School intends to strictly protect its Technology Resources against numerous outside and internal risks and vulnerabilities. Users are important and critical players in protecting these assets and in lessening the risks that can harm Technology Resources. Therefore, Users are required to comply fully with this Policy and to immediately report any violations or suspicious activities to the CEO.

System security is protected in part by the use of passwords. All passwords must be at least eight (8) characters and include alphanumeric and special characters. Users will be required to change their passwords every thirty (30) days. The Charter School will maintain a password history that prevents the use of a repetitive password. After three (3) unsuccessful access attempts, an attempted User will be locked out and must contact the CEO or his/her designee. After a period of inactivity, the User will be automatically logged off the system.

Failure to adequately protect or update passwords could result in unauthorized access to personal or Charter School files. Users shall be responsible for safeguarding their passwords for access to the Charter School’s Technology Resources and for all transactions made using their passwords. To protect the integrity of the Charter School’s Technology Resources and systems, the following guidelines shall be enforced:

1. Students and other Users shall not reveal their passwords to another unauthorized individual.

2. Passwords shall not be printed or stored online.
3. Students and other Users are required to log off from the network when they complete working at a particular station.
4. Users are not to use a computer that has been logged in under another student's, teacher's or User's name.
5. Any User identified by the CEO or his/her designee as having a history of discipline problems involving Technology Resources may be denied access to any or all of the Charter School's Technology Resources.
6. Students and other Users shall not alter a communication originally received from another person or computer with the intent to deceive.
7. Users shall not misrepresent the identity of a sender or source of communication.
8. Users shall not disable or circumvent any Charter School security; software or hardware.
9. Users shall not interfere with or disrupt the Charter School's systems, network accounts, services or equipment.
10. Files, system security software/hardware or any Charter School system shall not be altered or attempt to be altered without the written authorization of the CEO or his/her designee.
11. Unauthorized hardware and electronic devices shall not be connected to the Charter School system.
12. Users shall comply with requests from the CEO or his/her designee to discontinue activities that threaten the operation or integrity of the Charter School system.

Use of passwords to gain access to Technology Resources or to encode particular files or messages does not imply that Users have an expectation of privacy in the material they create or receive on Technology Resources. The Charter School retains access to all material stored on the Technology Resources regardless of whether that material has been encoded with a particular User's password, subject to limitations as set forth in the Charter School's policy governing Remote Access and Monitoring of the Charter School's Technology Resources, as well as applicable law.

Users shall not alter or copy a file belonging to another User without first obtaining permission from the owner of the file. Ability to read, alter, or copy a file belonging to another User does not imply permission to read, alter, or copy that file. Users shall not use the Technology Resources to "snoop" or pry into the affairs of other Users by unnecessarily reviewing the files and e-mails of another.

A User's ability to connect to another computer's system through the network or by any other electronic means shall not imply a right to connect to those systems or to make use of those systems unless specifically authorized by the administrators of those systems and the CEO.

Students Using Approved Personal Technology For Classroom Use

The Charter School retains the right to determine where and when personal technology may access the Charter School network. The CEO or designees will determine if Users are permitted to connect on a space-available basis and Charter School resources will receive priority over non-Charter School equipment and may connect on a space-available basis and Charter School resources will receive priority over non-Charter School equipment. Peripheral devices such as printers may not be disconnected from the network and connected to personal technology.

All personal technology must be running up-to-date, with Charter School-approved virus detection software and operating system critical updates prior to accessing the Charter School network. Equipment must be certified as virus-free before being connected to the network.

Charter School-owned software may not be installed on personal technology without written permission from the CEO or designee.

File storage on the network is limited to schoolwork only.

The User must supply all necessary hardware and software.

The CEO or his/her designee has the right to deny the connection of personal technology to the network. Personal technology may be removed from the Charter School network at any time on the recommendation of the CEO or his/her designee.

Photos, digital images, videos, and recordings taken of Charter School students and staff without their consent or knowledge will not be tolerated. Violators will be subject to disciplinary actions that may include losing the privilege to possess and use electronic devices on Charter School property, at Charter school sponsored events/activities and on Charter School transportation.

Personal technology discovered on the Charter School network without authorization from the CEO shall be confiscated.

Safety

To the greatest extent possible, Users of the network will be protected from harassment or unwanted or unsolicited communication. Any network User who receives threatening or unwelcome communications shall immediately bring them to the attention of a teacher, staff member or an administrator.

Communications through Charter School Technology Resources are limited to only that which serves a demonstrable educational purpose. For safety reasons, Charter School Users shall not reveal personal addresses or telephone numbers to other Users on Charter School networks or on the Internet.

The CEO or his/her designee shall be responsible for implementing protection measures to determine whether Charter School's computers, laptops, iPads, Kindles and other Technology Resources and technology related devices such as USB drives, digital cameras and video cameras, PDAs, MP3 players, printers, etc. are being used for purposes prohibited by law or for accessing sexually explicit materials. The procedures shall include but not be limited to:

1. Utilizing technology protection measures that block or filter Internet access for minors and adults to certain visual depictions that are Obscene, Child Pornography, harmful to minors with respect to use by Minors, or determined inappropriate for use by Minors by the Board of Trustees.
2. Maintaining a listing of all employees and Users with access to the room that contains Charter School's server.
3. Generate and maintain monitoring reports (including firewall logs) of User activity and remote access on Charter School's system by all Users, including but not limited to students, employees, contractors, consultants, and/or vendors.
 1. The report should include the date, time and reason for access, whether it was remote access, changes made and who made the changes.
 4. Maintaining documentation that students no longer enrolled at Charter School, terminated employees, and contractors/vendors with expired contracts or who are terminated are properly removed from Charter School's system in a timely manner.
 5. Analyzing the impact of proposed program changes in relation to other critical business functions before adopting the proposed program changes.
 6. Developing compensating controls to mitigate information technology (IT) weakness and alert Charter School to unauthorized changes to student data, i.e. reconciliations to manual records, analysis of student trends, data entry procedures and review, etc.

Vendors

If the Charter School shares internally sensitive or legally/contractually restricted Charter School data with parties outside the Charter School community, the Charter School shall first enter into a Non-Disclosure Agreement with the party. The Non-Disclosure Agreement is needed to protect the Charter School's proprietary or otherwise sensitive information. Non-Disclosure Agreements are typically needed when entering into a business relationship with vendors, consultants and contractors. All Non-Disclosure Agreements must be reviewed by the Charter School's legal counsel before signing.

All vendors, consultants and/or contractors shall only be granted access to the Charter School's Technology Resources to make changes or updates with prior written authorization from the CEO or his/her designee. Once the vendor, consultant and/or contractor, completes its work, access to the Charter School's Technology Resources will be removed.

Vendors, consultants and contractors are required to assign unique user IDs and passwords to each of their employees authorized to access the Charter School's system. Vendors, consultants and/or contractors may be terminated for violating this Policy and/or violating any state or federal laws.

All vendors, consultants and/or contractors and their employees who have direct contact with students must comply with the mandatory background check requirements for federal and state criminal history and child abuse. An official child abuse clearance statement for each of the vendors', consultants' and/or contractors' employees shall be submitted to the Charter School prior to beginning employment with the Charter School. Failure to comply with the background check requirements shall lead to immediate termination.

Closed Forum

The Charter School's Technology Resources are not a public forum for expression of any kind and are to be considered a closed forum to the extent allowed by law.

All expressive activities involving Charter School Technology Resources that students, parents/guardians and members of the public might reasonably perceive to bear the approval of the Charter School and that are designed to impart particular knowledge or skills to student participants and audiences are considered curricular publications. All curricular publications are subject to reasonable prior restraint, editing and deletion on behalf of the Charter School for legitimate educational reasons. All other expressive activities involving the Charter School's technology are subject to reasonable prior restraint and subject matter restrictions as allowed by law and Board of Trustees policies.

Records Retention

Charter School personnel shall establish a retention schedule for the regular archiving or deletion of data stored on Charter School Technology Resources that complies with the Charter School's Record Retention and Destruction Policy as well as all federal and state laws and regulations. It is the User's responsibility to know which records are subject to these conditions and to comply with these laws and regulations or to contact the CEO for clarification.

In the case of pending or threatened litigation, the Charter School's attorney will issue a litigation hold directive to the CEO or his/her designee. A hold directive will direct all Charter School administration and staff not to delete or destroy any electronic mail or other documentation on a computer as related to a specific student, employee, issue and/or for a specific time period. Failure to follow such a directive could result in negative legal consequences for the User and/or within the actual or threatened litigation. The litigation hold directive will override any records retention schedule that may have otherwise called for the transfer, disposal or destruction of relevant documents until the hold has been lifted by the Charter School's attorney.

E-mail and computer accounts of separated employees that have been placed on a litigation hold will be maintained by the Charter School until the hold is released. No employee, who has been so notified of a litigation hold, may alter or delete any electronic record that falls within the scope of the hold. Violation of the hold may subject the individual to disciplinary actions, up to and including termination of employment, as well as personal liability for civil and/or criminal sanctions by the courts or law enforcement agencies.

Drafting E-mails

Like any other document, an e-mail message and other computer information is discoverable during litigation. An e-mail may be used in litigation to indicate what a User knew or felt. It is important to keep this in mind when creating e-mails and other documents. Even after you delete an e-mail message or close a computer session, it may still be recoverable and may remain on the system. Since e-mail communications are discoverable during litigation, they will have to be turned over to the opposing party unless determined to be privileged by the Charter School's legal counsel.

Privileged Attorney-Client Communications

Confidential e-mail sent to or retained from counsel or an attorney representing the Charter School shall include this warning header on each page: "ATTORNEY CLIENT PRIVILEGED: DO NOT FORWARD WITHOUT PERMISSION."

Damages

All damages incurred by the Charter School due to a User's intentional or negligent misuse of Charter School's Technology Resources, including loss of property and staff time, may be charged to the User. Charter School administrators have the authority to sign any criminal complaint regarding damage to Charter School technology.

No Warranty/No Endorsement

The Charter School makes no warranties of any kind, whether expressed or implied, for the services, products or access it provides.

The electronic information available to students and staff on the Internet or through web-based services does not imply endorsement of the content by the Charter School, with the exception of resources approved and adopted by the Board of Trustees. Nor does the Charter School guarantee the accuracy of information received using the Charter School's Technology Resources.

The Charter School is not and shall not be responsible for the loss of data, delays, nondeliveries, misdeliveries or service interruptions. The Charter School is not and shall not be responsible for any information that may be damaged or unavailable when using Charter School Technology Resources or for any information that is retrieved via the Internet. The Charter School is not and shall not be responsible for any damages incurred as the result of using the Charter School's Technology Resources, including but not limited to, the loss of personal property used to access Technology Resources. Further, the Charter School is not and shall not be responsible for any unauthorized charges or fees resulting from access to the Internet or other commercial online services.

Unauthorized Disclosure of Information of Minors

It is a violation of state laws, including, but not limited to Chapter 12 of Title 22 of the Pennsylvania Code, the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g) and all other federal laws and regulations, to access data of a student the User does not have a legitimate educational interest in or to disclosure information about a student without parental permission or absent an exception to the disclosure requirements. Access and distribution of student data is recorded.

Questions regarding the disclosure of student information must be directed to the CEO prior to disclosure and must conform to the Charter School's student records and confidentiality policies. Unauthorized disclosure, use and dissemination of personal information regarding Minors is prohibited.

Compliance with Applicable Laws and Licenses

In their use of Technology Resources, Users must comply with all software licenses/copyrights and all other state, federal, and international laws governing intellectual property and online activities. Users shall not copy and distribute copyrighted material (e.g., software, database files, documentation, articles, graphics files, and downloaded information) through the e-mail system or by any other means unless it is confirmed in advance from appropriate sources that the Charter School has the right to copy or distribute the material. Failure to observe a copyright may result in disciplinary action by the Charter School, as well as legal action by the copyright owner. Any questions concerning these rights should be directed to the CEO or his/her designee.

Violations of Acceptable Technology Usage Policies and Procedures

Use of Technology Resources and equipment in a disruptive, manifestly inappropriate or illegal manner impairs the Charter School's mission, squanders resources and shall not be tolerated. Therefore, a consistently high level of personal responsibility is expected of all Users granted access to the Charter School's Technology Resources. Any violation of Charter School policies or procedures regarding technology usage may result in temporary, long-term or permanent suspension of User privileges. User privileges may be suspended pending investigation into the use of the Charter School's Technology Resources and equipment.

Employees may be disciplined or terminated, and students suspended or expelled, for violating this Policy. Any attempted violation of the Charter School's policies or procedures, regardless of the success or failure of the attempt, may result in the same discipline or suspension of privileges as that of an actual violation.

Consequences for Inappropriate Use

Charter School Users shall be responsible for damages to the equipment, systems, and software resulting from deliberate or willful acts.

Illegal use of Charter School Technology Resources includes, but is not limited to: intentional copying, deletion or damage to files or data belonging to others, copyright violations, or theft of services. Any illegal usage of Charter School Technology Resources will be immediately reported to the appropriate legal authorities for possible prosecution.

General rules for behavior and communications apply when using the Internet or any Charter School Technology Resource. Suspension of access, loss of access and other disciplinary actions may be consequences for inappropriate use. Vandalism may result in cancellation of access privileges, discipline and possible criminal action.

Cessation of Access

Upon termination or ending of enrollment, employment or the termination of any contract with or from the Charter School, no further access to or use of Technology Resources is permitted without the express authorization from the CEO.

Education of Technology Resource Users

The Charter School shall implement a program that educates students and staff about acceptable use and internet safety associated with the Charter School's Technology Resources. All students must complete a designated Technology Resources and Internet training prior to unsupervised use of the Charter School's Technology Resources as required by the 2008 Broadband Data Improvement Act. This training includes, but is not limited to: appropriate online behavior, including interacting on social networking websites and in chat rooms; cyberbullying awareness and response;

proper use of Technology Resources; restricted activities with Technology Resources; and access and monitoring of school-issued Technology Resources to students.

No Additional Rights

This Policy is not intended for and does not grant Users any contractual rights. Users of the Charter School’s Technology Resources must review this policy closely and sign and return to Charter School a form acknowledging receipt and acceptance of the terms in this policy, which is attached hereto. Venue for any legal action arising out of an alleged and/or actual violation of the attached Agreement(s) shall be in Allegheny County, Pennsylvania.

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

**Acknowledgement of the Acceptable Use and Internet Safety Policy
(Student User Agreement)**

Dear Parent/Guardian:

Please review the following Student User Agreement with your child. Then please return both the signed Student User Agreement and the signed Parent User Agreement, which acknowledges receipt of **Urban Pathways K-5 College Charter School's** ("Charter School") Acceptable Use and Internet Safety Policy ("Policy"), to your child's principal by **[DATE]**. This form is valid for the duration of your child's enrollment in Charter School until replaced by another form or revoked in writing by a parent or guardian.

I, _____, a student of Charter School, have read the entire Acceptable Use Policy, which consists of 17 pages, understand it and agree to comply with the Policy. In addition to complying with all terms of the Policy, when using any Charter School Technology Resources, as defined above, I accept the following basic rules:

I shall treat all Technology Resources with care and will leave them in good working condition when I am finished. I will not damage, deface, destroy or render inaccessible Technology Resources.

I shall use appropriate language on all Technology Resources. If the language is obscene, vulgar, defamatory, harassing, degrading, sexually explicit, threatening, violent, insulting, demeaning, harmful to minors, child pornographic, pornographic, advocating illegal acts, or otherwise inappropriate as deemed by the CEO, I will not access it, use it, send it, share it, create it or attempt to access, use, create, share or send it.

I shall always treat people online with respect. I shall not use any Charter School Technology Resources to insult, harass, threaten, bully or cyberbully other Users, as defined above. I assume responsibility for the content of messages I send to others or that are sent to others via my account.

I shall respect the privacy of other Users and will not make any attempts to gain access into the private mailboxes or accounts of those Users. I shall not allow other Users access to my mailbox and will keep my password private.

I understand that Technology Resources are to be used for educational/professional/contractual use.

I understand that all Technology Resources belong to Charter School and I shall treat them with respect.

I will not install or download any applications (games), programs or materials from the Internet or from any Technology Resources unless the CEO gives me prior permission in writing.

I shall not add any software to Charter School's Technology Resources unless the CEO gives me prior permission in writing.

I understand that the Technology Resources provided to me for use may be protected under copyright law. I agree not to copy resources unlawfully and/or distribute any materials provided for my use without express prior permission by the CEO.

I shall comply with all applicable state and federal laws and regulations regarding the use of Technology Resources, including but not limited to laws regarding child welfare and the Internet protection of minors, such as CIPA and N-CIPA.

By signing below, I agree to abide by the Acceptable Use Policy and understand that failure to follow all rules as explained in this document may result in the loss of my privileges to Technology Resources; disciplinary action, including student disciplinary action up to and including expulsion from Charter School in accordance with the Code of Conduct; charges for damages; and civil or criminal penalties.

X _____
(User Signature) (Date)

(MAINTAIN ONE COPY AND RETURN ONE COPY TO CHARTER SCHOOL)

**Acknowledgement of the Acceptable Use and Internet Safety Policy
(Parent/Guardian User Agreement)**

I, _____, a parent/guardian of _____, a student of **Urban Pathways K-5 College Charter School** ("Charter School"), have read the entire Acceptable Use and Internet Safety Policy ("Policy"), which consists of 17 pages, understand it and agree to comply with the Policy. In addition to complying with all terms of the Policy, when using any Charter School Technology Resources, as defined above, I acknowledge the following:

My child and I shall treat all Technology Resources with care and will leave them in good working condition when he/she is finished. My child and I will not damage, deface, destroy or render inaccessible Technology Resources.

My child and I shall use appropriate language on all Technology Resources. If the language is obscene, vulgar, defamatory, harassing, degrading, sexually explicit, threatening, violent, insulting, demeaning, harmful to minors, child pornographic, pornographic, advocating illegal acts, or otherwise inappropriate as deemed by the CEO, my child and I will not access it, use it, send it, share it, create it or attempt to access, use, create, share or send it.

My child and I shall always treat people online with respect. My child and I shall not use any Charter School Technology Resources to insult, harass, threaten, bully or cyberbully other Users. My child and I assume responsibility for the content of messages we send to others or that are sent to others via his/her account.

My child and I shall respect the privacy of other Users and will not make any attempts to gain access into the private mailboxes or accounts of those Users. My child and I shall not allow other Users access to my child's mailbox and we will keep his/her password private.

My child and I understand that Technology Resources are to be used for educational/professional/contractual use.

My child and I understand that all Technology Resources belong to Charter School and we shall treat them with respect.

My child and I will not install or download any applications (games), programs or materials from the Internet or from any Technology Resources unless the CEO gives prior permission in writing.

My child and I shall not add any software to Charter School's Technology Resources unless the CEO gives prior permission in writing.

My child and I understand that the Technology Resources provided may be protected under copyright law. My child and I agree not to copy resources unlawfully and/or distribute any materials provided for our use without express prior permission by the CEO.

My child and I shall comply with all applicable state and federal laws and regulations regarding the use of Technology Resources, including but not limited to laws regarding child welfare and the Internet protection of minors, such as CIPA and N-CIPA.

By signing below, I agree to abide by the Acceptable Use Policy and understand that failure to follow all rules as explained in this document may result in the loss of my and my child's privileges to Technology Resources; disciplinary action, including student disciplinary action up to and including expulsion from Charter School in accordance with the Code of Conduct; charges for damages; and civil or criminal penalties.

X _____
(User Signature) (Date)

(MAINTAIN ONE COPY AND RETURN ONE COPY TO CHARTER SCHOOL)

**Acknowledgement of the Acceptable Use and Internet Safety Policy
(Administrator and Staff User Agreement)**

I, _____, a User of **Urban Pathways K-5 College Charter School's** ("Charter School") Technology Resources, have read the entire Acceptable Use and Internet Safety Policy ("Policy"), which consists of 17 pages, understand it and agree to comply with the Policy. In addition to complying with all terms of the Policy, when using any Charter School Technology Resources, as defined above, I accept the following basic rules:

I shall treat all Technology Resources with care and will leave them in good working condition when I am finished. I will not damage, deface, destroy or render inaccessible Technology Resources.

I shall use appropriate language on all Technology Resources. If the language is obscene, vulgar, defamatory, harassing, degrading, sexually explicit, threatening, violent, insulting, demeaning, harmful to minors, child pornographic, pornographic, advocating illegal acts, or otherwise inappropriate as deemed by the CEO, I will not access it, use it, send it, share it, create it or attempt to access, use, create, share or send it.

I shall always treat people online with respect. I shall not use any Charter School Technology Resources to insult, harass, threaten, bully or cyberbully other Users. I assume responsibility for the content of messages I send to others or that are sent to others via my account.

I shall respect the privacy of other Users and will not make any attempts to gain access into the private mailboxes or accounts of those Users. I shall not allow other Users access to my mailbox and will keep my password private.

I understand that Technology Resources are to be used for educational/professional/contractual use.

I understand that all Technology Resources belong to Charter School and I shall treat them with respect.

I will not install or download any applications (games), programs or materials from the Internet or from any Technology Resources unless the CEO gives me prior permission in writing.

I shall not add any software to Charter School's Technology Resources unless the CEO gives me prior permission in writing.

I understand that the Technology Resources provided to me for use may be protected under copyright law. I agree not to copy resources unlawfully and/or distribute any materials provided for my use without express prior permission by the CEO.

I shall comply with all applicable state and federal laws and regulations regarding the use of Technology Resources, including but not limited to laws regarding child welfare and the Internet protection of minors, such as CIPA and N-CIPA.

By signing below, I agree to abide by the Acceptable Use Policy and understand that failure to follow all rules as explained in this document may result in the loss of my privileges to Technology Resources; disciplinary action, including termination of employment; charges for damages; and civil or criminal penalties.

X _____
(User Signature) (Date)

(MAINTAIN ONE COPY AND RETURN ONE COPY TO CHARTER SCHOOL)

**Acknowledgement of the Acceptable Use and Internet Safety Policy
(Vendor, Contractor and/or Consultant Agreement)**

I, _____, a User of **Urban Pathways K-5 College Charter School's** ("Charter School") Technology Resources, have read the entire Acceptable Use and Internet Safety Policy ("Policy"), which consists of 17 pages, understand it and agree to comply with the Policy. In addition to complying with all terms of the Policy, when using any Charter School Technology Resources, as defined above, I accept the following basic rules:

I shall treat all Technology Resources with care and will leave them in good working condition when I am finished. I will not damage, deface, destroy or render inaccessible Technology Resources.

I shall use appropriate language on all Technology Resources. If the language is obscene, vulgar, defamatory, harassing, degrading, sexually explicit, threatening, violent, insulting, demeaning, harmful to minors, child pornographic, pornographic, advocating illegal acts, or otherwise inappropriate as deemed by the CEO, I will not access it, use it, send it, share it, create it or attempt to access, use, create, share or send it.

I shall always treat people online with respect. I shall not use any Charter School Technology Resources to insult, harass, threaten, bully or cyberbully other Users. I assume responsibility for the content of messages I send to others or that are sent to others via my account.

I shall respect the privacy of other Users and will not make any attempts to gain access into the private mailboxes or accounts of those Users. I shall not allow other Users access to my mailbox and will keep my password private.

I understand that Technology Resources are to be used for educational/professional/contractual use.

I understand that all Technology Resources belong to Charter School and I shall treat them with respect.

I will not install or download any applications (games), programs or materials from the Internet or from any Technology Resources unless the CEO gives me prior permission in writing.

I shall not add any software to Charter School Technology Resources unless the CEO gives me prior permission in writing.

I understand that the Technology Resources provided to me for use may be protected under copyright law. I agree not to copy resources unlawfully and/or distribute any materials provided for my use without express prior permission by the CEO.

I shall comply with all applicable state and federal laws and regulations regarding the use of Technology Resources, including but not limited to laws regarding child welfare and the Internet protection of minors, such as CIPA and N-CIPA.

By signing below, I agree to abide by the Acceptable Use Policy and understand that failure to follow all rules as explained in this document may result in the loss of my privileges to Technology Resources; disciplinary action, including termination of employment; charges for damages; and civil or criminal penalties.

X _____
(User Signature) (Date)

(MAINTAIN ONE COPY AND RETURN ONE COPY TO CHARTER SCHOOL)

Urban Pathways K-5 College Charter School

Board of Trustees Policy

ADMISSION OF STUDENTS THROUGH THE LOTTERY PROCESS POLICY

The Board of Trustees (“Board”) of the Urban Pathways K-5 College Charter School (“Charter School”) adheres to Pennsylvania Charter School Law at 24 PS §17-1723, that requires with regard to Admission of students to charter schools:

(a) “All resident children in this Commonwealth qualify for admission to a charter school within the provisions of subsection (b). If more students apply to the charter school than the number of attendance slots available in the school, then students must be selected on a random basis from a pool of qualified applicants meeting the established eligibility criteria and submitting an application by the deadline established by the charter school, except that the charter school may give preference in enrollment to a child of a parent who has actively participated in the development of the charter school and to siblings of students presently enrolled in the charter school. First preference shall be given to students who reside in the district or districts.

(b) (1) A charter school shall not discriminate in its admission policies or practices on the basis of intellectual ability, except as provided in paragraph (2), or athletic ability, measures of achievement or aptitude, status as a person with a disability, proficiency in the English language or any other basis that would be illegal if used by a school district.

(2) A charter school may limit admission to a particular grade level, a targeted population group composed of at-risk students, or areas of concentration of the school such as mathematics, science or the arts. A charter school may establish reasonable criteria to evaluate prospective students which shall be outlined in the school’s charter.

(c) If available classroom space permits, a charter school may enroll nonresident students on a space-available basis, and the student’s district of residence shall permit the student to attend the charter school.

Delegation of Responsibility:

The Chief Executive Officer (“CEO”) or a designee of the CEO shall conduct the application process and the lottery with the oversight of the Board of Trustees.

Lottery:

The lottery will be conducted in public by Charter School employees and Board Members who have no personal interest in its outcome.

Kindergarten students must be 5 years old on or before September 1st to be eligible for enrollment. A completed Charter School application, which is timely submitted to the Charter School, is required for participation in the lottery.

The selection process is as follows, and will be determined by subtracting from the total number of spaces available the total number of spaces already taken by each category set forth below in order, beginning with kindergarten and proceeding through the grades in order:

- 1) All students currently enrolled and attending the Charter School are exempted from the lottery process.
- 2) Students who reside in the Pittsburgh Public School District (the “District”) and who have at least one sibling selected for enrollment in the lottery or currently enrolled in the Charter School (“District Sibling Preference”).

In the event that a seat is not available for admission to the grade applied for and there is no space in the grade they should attend, said student will be placed on the Wait List in the next numerical position available. The Wait List does not assure admission.

- 3) Students who do not reside in the District and who have at least one sibling selected for enrollment in the lottery or currently enrolled in the Charter School (“Non-District Sibling Preference”).

In the event that a seat is not available for admission to the grade applied for and there is no space in the grade they should attend, said student will be placed on the Wait List in the next numerical position available. The Wait List does not assure admission.

- 4) Students residing within the District that do not meet any of the criteria set forth

in (1) or (2) above.

In the event that a seat is not available for admission to the grade applied for and there is no space in the grade they should attend, said student will be placed on the Wait List in the next numerical position available. The Wait List does not assure admission.

- 5) Lastly, students residing outside of the District that do not meet the criteria set forth in sections (1) or (3) above.

If the total number of enrollments for said students in any given grade exceeds the spaces available after all other students eligible under (1) - (4) above have been given a space, a lottery will be held to determine who will be given a space in the grade.

In the event that a seat is not available for admission to the grade applied for and there is no space in the grade they should attend, said student will be placed on the Wait List in the next numerical position available. The Wait List does not assure admission.

District Sibling Preference and Non-District Sibling Preference (together referred to as "Sibling Preference") may also apply during the lottery. When the name of a student with a sibling is assigned a space in a grade, then the sibling will automatically receive a space in the grade in which they are seeking to enroll if a space is available. Sibling Preference in the lottery will not apply to students being placed on the Wait List. Students will be placed on the Wait List in the order in which their names have been drawn.

If the enrollment process produces a greater number of students than spaces available in any given grade, applications received after the cut-off date will not be included in the lottery. After the Wait List has been established, these applications will be placed on the Wait List in the order they were received.

If the initial enrollment process does not produce an adequate number of enrolled students, enrollment will continue beyond the cut-off date and a lottery process will not be held for that school year. Applicants will receive spaces on a first come first serve basis using the student preference criteria outlined in this policy.

Waiting List:

Applicants on the Wait List will be notified in sequential order through the Charter School's enrollment system and also via phone if space becomes available. The applicant shall then have five (5) school days to confirm an intent to enroll with the Charter School through the enrollment system, in writing, or by phone. If no confirmation of intent to enroll is received by the Charter School within the allotted time, the next applicant on the Wait List will be contacted and offered admission. The Wait List will terminate at the end of the next school year.

Lottery Process:

The lottery is conducted annually on _____ of _____ unless otherwise designated by the Board of Trustees and will include all applications received from the start of the open enrollment period through _____.

The lottery will assign students to spaces for a grade as follows:

- The names of the students in the grade with complete submitted enrollment applications will be placed in the Charter School's enrollment lottery.
- The lottery will be run with the use of the Charter School's electronic enrollment software or some alternative randomized process. The names of students in the grade will be drawn from the lottery. Students will be assigned to spaces in the order their names are drawn.
- When the name of a student with a sibling is assigned a space in a grade, then the sibling will automatically receive a space in the grade in which they are seeking to enroll if a space is available.
- Sibling preference in the lottery will not apply to students being placed on the Wait List. Students will be placed on the Wait List in the order in which their names have been drawn.

The results of the lottery will be tabulated as follows:

- The names of students (or some alternative designation thereof) who have re-enrolled or have sibling preference due to an already re-enrolled student will be displayed to document the number of spaces already taken before students are assigned by the lottery.
- The names of students (or some alternative designation thereof) who are assigned spaces in a grade by the lottery will be posted.
- The names of students (or some alternative designation thereof) who are assigned to the Wait List in a grade will be recorded and posted.

Within one week after the lottery has been held, the Charter School will send a notification to all applicants. This notification will indicate either that the student has been offered a space or a place on the Wait List.

If a space becomes available in a grade, the next applicant on the Wait List will be contacted and offered admission in “number” order for the grade. The applicant shall then have five (5) school days to confirm an intent to enroll with the Charter School through the enrollment system, in writing, or by phone. If no confirmation of intent to enroll is received by the Charter School within the allotted time, the next applicant on the Wait List will be contacted and offered admission.

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

ANTI-BULLYING & ANTI-HAZING POLICY

The Board of Trustees (“Board”) of the Urban Pathways K-5 College Charter School (“Charter School”) recognizes the importance of providing all students and employees with a safe school and learning environment in order to promote the educational process. The Board has determined that a safe and civil environment in school is necessary for students to learn and achieve high academic standards as well as to promote positive interaction among students through participation in Charter School sponsored groups or organizations. Bullying, cyberbullying and hazing like other disruptive or violent behaviors, is conduct that disrupts both a student’s ability to learn and participate in the School community and the Charter School’s ability to educate its students in a safe environment. Therefore, in order to ensure and promote a safe learning environment, it shall be the policy of the Charter School to maintain an educational environment that is intolerant of bullying, cyberbullying or hazing in any form.

Since students learn by example, school administrators, faculty, staff and volunteers are directed to demonstrate appropriate behavior, treat others with civility and respect and to refuse to tolerate bullying, cyberbullying or hazing. This policy pertains to all students and staff, regardless of their status. This policy also applies to all students and staff whose conduct out of school materially and substantially interferes with the educational process at the Charter School.

Teachers should discuss this policy with their students in age-appropriate ways and should assure them that they need not endure any form of bullying. Students who bully are in violation of this policy and are subject to disciplinary action up to and including expulsion. Training will be provided to teachers, administrators, and staff on a quarterly basis. Trainings will be conducted by the building designee “bullying response specialist” as well as outside providers to address needs communicated by the school around this issue.

Definitions

Bullying and **Cyber-bullying** are defined as an intentional electronic, written, verbal or physical act, or a series of acts:

1. directed at another student or students;

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Anti-Bullying Policy

2. which occurs in a “school setting”, or occurs outside of school and the Charter School reasonably forecasted that the outside-of-school conduct would materially interfere with or substantially disrupt the educational process or program in the school, and the outside-of-school conduct does in fact materially interfere with or substantially disrupt the educational process or program in the school;
3. that is severe, persistent or pervasive; and
4. that has the effect of doing any of the following:
 - substantially interfering with a student’s education;
 - creating a threatening environment; or
 - substantially disrupting the orderly operation of the school.

Bullying and cyber-bullying shall encompass acts that occur outside a school setting if those acts meet the requirements found in (1), (3) and (4) listed above.

School Setting shall mean in the Charter School, on Charter School grounds, on Charter School property, using Charter School equipment and technology, on a Charter School server or electronic, web-based, Internet or online programs, in Charter School vehicles, at designated bus stops or at any activity sponsored, supervised or sanctioned by the Charter School and any time spent necessarily traveling to and from these locations. Additionally, any student whose out of school conduct materially interferes with or substantially disrupts the educational process in the school is also subject to this policy.

Cyberbullying

Cyber-bullying is often seen by sending harmful or cruel material, text messages and/or images or engaging in other forms of social aggression and bullying using the Internet, cell phones, personal digital assistants (“PDAs”) or other technology resources. All students, staff, volunteers and contractors shall comply with the Charter School’s Acceptable Use and Internet Safety Policy, which is required under the Children’s Internet Protection Act (“CIPA”), and review the Charter School’s Social Media and Networking Guidelines Policy when using any technology resources.

Cyber-bullying via the Internet is seen through the use of any one or more of a number of methods, including, but not limited to:

- Email sent to the intended victim;
- Blog entries regarding the intended victim;
- Posts on social networking websites;
- Posting victim’s pictures on the Internet or networking websites with derogatory phrases or questions attached to them;
- Using instant messaging tools to harass victims;
- Creating an Internet parody of the intended victim;
- Creating fake Internet profiles for the victim on a public website;

- Creating or accessing an unauthorized website which harasses or bullies the victim;
- Using camera phones and/or digital cameras to take embarrassing photographs of students and/or staff and posting them online;
- Excluding others from an online group by falsely reporting them for inappropriate language to Internet service providers.

Cell phones are also often used for cyber-bullying for things such as calling or text messaging the victim and/or using a victims' cell phone to text or call another victim using harassing language.

The use of the Internet or Charter School email does not necessarily have to involve the creation of the offensive materials. Rather, the person creating the offensive material may do it on a home computer and then use the Charter School's computers to take such actions as accessing it, viewing it, displaying it for others to see, disseminating copies of it to others or otherwise publicizing the contents.

Hazing

Title 18 - Chapter 28 was added October 19, 2018, P.L.535, No.80, also known as the "Timothy J. Piazza Antihazing Law." Chapter 28 defines the following:

- **§ 2802. Hazing.**
 - (a) **Offense defined.--**A person commits the offense of hazing if the person intentionally, knowingly or recklessly, for the purpose of initiating, admitting or affiliating a minor or student into or with an organization, or for the purpose of continuing or enhancing a minor or student's membership or status in an organization, causes, coerces or forces a minor or student to do any of the following:
 - (1) Violate Federal or State criminal law.
 - (2) Consume any food, liquid, alcoholic liquid, drug or other substance which subjects the minor or student to a risk of emotional or physical harm.
 - (3) Endure brutality of a physical nature, including whipping, beating, branding, calisthenics or exposure to the elements.
 - (4) Endure brutality of a mental nature, including activity adversely affecting the mental health or dignity of the individual, sleep deprivation, exclusion from social contact or conduct that could result in extreme embarrassment.
 - (5) Endure brutality of a sexual nature.
 - (6) Endure any other activity that creates a reasonable likelihood of bodily injury to the minor or student.
 - (b) **Grading.--**
 - (1) Except as provided under paragraph (2), hazing is a summary offense.

- (2) Hazing shall be a misdemeanor of the third degree if it results in or creates a reasonable likelihood of bodily injury to the minor or student.
- (c) Limitation.**--Hazing shall not include reasonable and customary athletic, law enforcement or military training, contests, competitions or events.

Guidelines

Students shall conduct themselves in a manner in keeping with their levels of development, maturity, and demonstrated capabilities with a proper regard for the rights and welfare of other students, school staff, volunteers, and contractors.

The Board believes that standards for student behavior must be set cooperatively through interaction among the students, parents and guardians, staff, and community members of the Charter School, producing an atmosphere that encourages students to grow in self-discipline. The development of this atmosphere requires respect for self and others, as well as for school and community property on the part of students, staff, and community members.

Since bystander support of bullying, cyberbullying and hazing can bolster these types of behaviors, the Charter School prohibits both active and passive support for acts of bullying, cyberbullying and hazing. The staff should encourage all students to refuse to engage in these acts and to report them immediately to the CEO of the Charter School.

Reporting Procedures

Any student shall have the right to file a complaint of bullying and/or cyberbullying. Complaints should be reported to the school principal. Complaints may also be reported directly to a teacher, guidance counselor, or other administrator who shall immediately report the incident to the school principal in order to protect the alleged victim and for prompt investigation.

Any staff member who sees any incidents of bullying or cyber-bullying must immediately report the incident(s) to the school principal. All other members of the school community, including students, parents, volunteers, and visitors, are encouraged to report any act that may be a violation of this policy. It shall be the responsibility of the school principal or designee to investigate promptly and thoroughly any and all bullying and cyber-bullying complaints received or referred by other individuals and to make recommendations based upon the investigation. The investigation is to be commenced within three (3) school days after a report of any bullying is received.

The Board of Trustees requires the school principal to be responsible for determining whether an alleged act constitutes a violation of this policy. In determining whether

alleged conduct constitutes bullying or cyber-bullying, the totality of circumstances, nature of the conduct, and context in which the alleged conduct occurred shall be investigated. If the investigation results in a substantiated charge of the bullying, the Charter School shall take prompt corrective action to ensure the bullying and/or cyber-bullying ceases and will not reoccur.

Reports to the school principal may be made anonymously, but formal disciplinary action *may not* be based solely on the basis of an anonymous report.

The school principal or designee shall immediately notify the parent or guardian of the perpetrator of the bullying and the parent or guardian of the victim of the bullying of the alleged incident.

Consequences for Violations

Consequences and appropriate remedial actions for a student or staff member who commits one or more acts of bullying or cyber-bullying may range from positive behavioral interventions up to and including in school or out of school suspension from the Charter School or expulsion or other disciplinary removal from the Charter School, in the case of a student, or suspension or termination in the case of an employee, as set forth in the Charter School's student Code of Conduct or Employee Handbook.

In some cases, bullying and/or cyber-bullying may constitute criminal activity and the Police Department will be notified. This may lead to a criminal investigation and criminal charges against the student or staff.

Consequences for a student who commits an act of bullying and/or cyber-bullying shall be unique to the individual incident and will vary in method and severity according to the nature of the behavior, the developmental age of the student, and the student's history of problem behaviors and performance, and must be consistent with the Charter School's student code of conduct. Remedial measures shall be designed to: correct the problem behavior; prevent another occurrence of the behavior; and protect the victim of the act.

The following intervention strategies for protecting victims may be followed as needed:

- Supervise and discipline offending students fairly and consistently;
- Provide adult supervision at Charter School testing sites or other sites used by the Charter School, at any activity sponsored, supervised or sanctioned by the Charter School during any breaks, lunch times, bathroom breaks and in the hallways during times of transition;
- Maintain contact with parents and guardians of all involved parties;
- Provide counseling for the victim if assessed that it is needed;
- Inform school personnel of the incident and instruct them to monitor the victim and the offending party for indications of harassing, intimidating and

- bullying and/or cyber-bullying behavior. Personnel are to intervene when prohibited behaviors are witnessed; and
- Check with the victim daily to ensure that there have been no incidents of retaliation from the offender or other parties.

Retaliation Prohibited

The Board of Trustees strictly prohibits retaliation or reprisal against any person who reports bullying and/or cyber-bullying incidents. Retaliation includes, but it is not limited to, any form of intimidation, reprisal or harassment used against a person who reports, in good faith, incident(s) of bullying and/or cyber-bullying. Disciplinary action against any person who retaliates or engages in reprisals for reporting such behavior(s) may include sanctions up to and including expulsion or suspension for students and termination for staff engaging in such prohibited conduct. The consequences and appropriate remedial action shall be determined after consideration of the nature, severity, and circumstances of the act.

False Accusations

The Board of Trustees prohibits any person from falsely accusing another of bullying and/or cyber-bullying. The consequences and appropriate remedial action for a student found to have falsely accused another of bullying and/or cyber-bullying may range from positive behavioral interventions up to and including suspension or expulsion. Consequences and appropriate remedial action for an employee found to have falsely accused another of bullying and/or cyber-bullying shall be disciplined in accordance with Charter School policies, procedures, and agreements.

Disabled Students

For those students who meet the disability definitions of IDEA and/or Section 504, both Section 504 and Title II protect these disabled students from bullying or hazing by teachers, other school employees, and third parties. Such prohibited behavior can trigger a school's obligation to address disability-based harassment, remedy a denial of a free and appropriate public education ("FAPE"), or both. The U.S. Department of Education's Office of Civil Rights ("OCR") would find a disability-based harassment violation under Section 504 and Title II when: (1) a student is bullied or hazed based on a disability; (2) the bullying or hazing is sufficiently serious to create a hostile environment; (3) school officials know or should know about the bullying or hazing; and (4) the school does not respond appropriately.

Annual Distribution of Information

The Board requires Charter School officials to annually disseminate the policy to all school staff, students, volunteers, independent contractors and parents along with a statement explaining that it applies to all applicable acts of bullying and cyberbullying and hazing that occur in the Charter School, on Charter School grounds, on Charter School property, using Charter School equipment and/or technology, on Charter School servers or Charter School electronic, web-based, Internet or online programs, in Charter School vehicles, at designated bus stops or at any activity or organization sponsored, supervised or sanctioned by the Charter School and any time spent necessarily traveling to and from these locations. Additionally, any student or staff's out of school conduct that materially and substantially interferes with the educational process in the Charter School is also subject to this policy.

The Charter School is required to post this policy on its website and make the policy available in every classroom. This policy shall also be posted at a prominent location within every Charter School building where such notices are usually posted. The Charter School shall ensure this policy and its procedures for reporting bullying, cyberbullying and hazing incidents are reviewed with students and staff within ninety (90) days after its adoption and, thereafter, a minimum of one (1) time per school year.

Compliance

As required by the Federal Broadband Data Improvement Act of 2008, the Charter School shall educate elementary and secondary school aged students with computer access to the Internet about appropriate online behavior, including online interaction with other individuals on social networking websites, and in chat rooms and educate them regarding cyberbullying awareness and response.

The Board of Trustees directs the Administration to develop any procedures necessary to implement this policy and to develop appropriate prevention, intervention and education strategies related to bullying and cyberbullying.

Acts of bullying and cyberbullying are prohibited by and a violation of the Charter School's Acceptable Use and Internet Safety Policy and its Child Internet Protection Act (CIPA) Policy.

The Charter School will comply with all applicable federal and state laws relating to bullying and cyberbullying and hazing, including, but not limited to, the requirements delineated in the Pennsylvania Charter School Law, 24 P.S. § 1701-A, *et seq.*, the Federal Children's Internet Protection Act (CIPA), 47 U.S.C. § 254(h) and (l), and the Neighborhood Children's Internet Protection Act (N-CIPA) and any applicable implementing regulations and the PA Anti-Hazing Law (P.L. 1595, No.175).

The Charter School will also comply with Chapter 711 of Title 22 of the Pennsylvania Code, the Public School Code, the applicable House Bill 1067 Public School Code amendments relating to safe schools and bullying, and applicable provisions of the Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004) and its applicable implementing regulations regarding the discipline of special education students and thought-to-be eligible students who engage in an act of bullying.

Specifically, with regard to the PA Safe Schools Act, Charter School administration shall annually provide the following information with the Safe School Report

1. Board's Anti-Bullying Policy.
2. Report of bullying incidents.
3. Information on the development and implementation of any bullying prevention, intervention or education programs.

Training

To ensure bullying does not occur on school campuses, the Charter School will provide staff development training in bullying prevention and cultivate acceptance and understanding in all students and staff to build each school's capacity to maintain a safe and healthy learning environment.

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

STUDENT ATTENDANCE AND PUNCTUALITY POLICY

The Board of Trustees (“Board”) requires that students enrolled at the Urban Pathways K-5 College Charter School (“Charter School”) attend school daily and on time in accordance with the compulsory attendance laws of the Commonwealth of Pennsylvania.

Effective as of the 2020-2021 school year, a child who has attained the age of 6 on or before September 1 must enroll and attend school or begin a home school program that year and any student less than 18 years of age must comply with compulsory school age requirements.

Parents or guardians are required to ensure that their children attend school every day that school is in session through the procedures required by the Charter School.

The education program offered by the Charter School is based upon the presence of the student and requires continuity of instruction and classroom participation.

The Chief Executive Officer or designee shall have the responsibility to develop procedures following the guidelines developed by the Board to assure that students attend school regularly and that these procedures comply with all Federal, State and local laws.

A component of the procedures shall be an early intervention process to assure that assistance is given to students who are experiencing problems in attending school.

Attendance and punctuality procedures will be delineated in the Student Handbook and distributed to every student.

Said attendance and punctuality guidelines are subject to periodic review by the entire Board of Trustees.

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

ADOPTED this _____ day of _____, 2023

President

Secretary

Urban Pathways K-5 College Charter School

Board of Trustees Policy

CONTROLLED SUBSTANCES, OTHER DRUGS, ALCOHOL AND DEVICES POLICY

The Urban Pathways K-5 College Charter School ("Charter School") Board of Trustees ("Board") recognizes that the abuse of controlled substances, other drugs, alcohol and devices as defined by federal and state law, is a serious problem with legal, physical and social implications for the Charter School community. As an educational institution, the Charter School strives to prevent such abuse by its students while on school property and/or during the school day, on school transportation or at school sponsored activities or functions, including testing sites off-school campus.

The sale, possession, transport, distribution and use of and/or condition of being under the influence of controlled substances, other drugs, and/or alcohol and devices are defined by federal and state laws and are prohibited by this Policy. This also includes all substances which constitute "designer drugs" or counterfeit drugs as defined below.

Definitions

For purposes of this policy, the following terms are defined in accordance with "The PA Controlled Substance, Drug, Device and Cosmetic Act", (35 P.S. 780-101 et seq.). "Controlled Substances" shall mean 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.

"Under the Influence" means noticeable impairment of ability to ambulate, converse, comprehend or perform motor tasks as a result of consumption of prohibited items.

"Designer drug" means a substance other than a controlled substance that is intended for human consumption and that either has a chemical structure substantially similar

to that of a controlled substance in Schedules I, II or III of this act or that produces an effect substantially similar to that of a controlled substance in Schedules I, II or III. Examples of chemical classes in which designer drugs are found include, but are not limited to, the following: Phenethylamines, N-substituted piperidines, morphinans, ecgonines, quinazolinones, substituted indoles and arylcyloalkylamines.

"*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.

"*Look-Alike Drugs*" are defined as substances from ordinary daily use that may be used to feign or mimic the appearance, actual use, or effects of substances that alter behavior or judgment.

"*Drug devices/paraphernalia*" means all equipment, products 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 a controlled substance in violation of this act. It includes, but is not limited to:

- Blenders, bowls, containers, spoons and mixing devices used, intended for use or designed for use in compounding controlled substances.
- Capsules, balloons, envelopes and other containers used, intended for use or designed for use in packaging small quantities of controlled substances.
- Containers and other objects used, intended for use or designed for use in storing or concealing controlled substances.
- Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injected controlled substances into the human body.
- Objects used, intended for use or designed for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, including but not limited to:
 - Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls.
 - Water pipes.

- Roach clips; meaning objects used to hold burning material such as a marihuana cigarette, that has become too small or too short to be held in the hand.
- Miniature cocaine spoons and cocaine vials.
- Electric pipes.
- Bongs.
- Ice pipes or chillers.
- Vaping devices.

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 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:

1. Identify students who are having problems because of controlled substance use or due to mental health problems.
2. Intervene when appropriate either by personal contact or through support groups.
3. 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.

The CEO or designee shall prepare rules for the identification and control of abuse of controlled substances which shall: establish procedures dealing with students suspected, possession, use, transport, distribution, and/or sale of controlled substances on Charter School property, or at Charter School sponsored events/activities or at Charter School testing sites. These rules shall assist in discouraging student abuse of controlled substances, providing for disciplinary consequences in the Charter School Code of Conduct, up to and including expulsion and referral for prosecution,; and establish procedures for the education and readmission to Charter School of students convicted of offenses involving controlled substances. The prohibitions outlined in this policy shall be made a part of Charter School’s Code of Conduct and shall be distributed annually to students and parents as part of the Charter School’s

Student/Parent Handbook which is also available on the School's website and in the Main Office.

Incidents of alleged violations by a student or any person 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.

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 in accordance with the Board approved Administration of Medication Policy. The School Nurse shall be responsible for administering the medication at the school, school-sponsored event, activity or testing site 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 self-administration requirements in the Administration of Medication policy.
2. It is the responsibility of each Charter School employee to notify the School Nurse of any student who appears to be in need of immediate medical attention.
3. It is the responsibility of each Charter School employee to also notify the CEO or designee of any students who appear to be in apparent need of immediate medical attention, due to the use, possession, transport, distribution, and/or sale of controlled substances.
4. Charter School personnel, including, but not limited to athletic coaches, shall not recommend, supply and/or dispense any controlled substances, including but not limited to 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, including coaches, shall never condone, permit, encourage, supply, recommend, and/or dispense any drug, medication, or food supplement recommended by a manufacturer for performance-enhancing purposes.
5. Parents are to be informed of the concern for a student who, on school property or at a school-sponsored event, activity or testing site or on school transport, has engaged in the use, possession, transport, distribution, and/or sale of controlled substances.
6. The CEO or designee 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. Any physical evidence of violation of laws relating to drug use shall be turned over to police officials by the CEO or designee if requested. In the interim, 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;

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.

7. The CEO or designee shall be given immediate verbal notice by Charter School personnel of any/all controlled substance violations by students. Such notice shall be followed before the end of the day with a written report setting forth the pertinent details of the incident with all investigation of the incident and maintained in the student's records.

8. 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 or designee will immediately implement an out-of-school suspension in accordance with the Charter School Student Code of Conduct.
- b. The CEO or designee may recommend expulsion to the Board, on a case-by-case basis.
- 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 or designee on a case by case basis.
- d. The CEO or designee 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.

9. 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. If based on the student's behavior, medical symptoms, vital signs or other observable factors, the building principal has reasonable suspicion that the student is under the influence of a controlled substance, the student may be required to submit to drug or alcohol testing. The testing may include but is not limited to the analysis of blood, urine, saliva, or the administration of a Breathalyzer test. (See Board approved Searches of Students Policy).

**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

DISCIPLINARY EXCLUSIONS AND HEARINGS POLICY

In accordance with 22 Pa Code §§12.6, 12.7 and 12.8, the following definitions guide the Urban Pathways K-5 College Charter School ("Charter School"), in suspending and/or excluding students from school as a consequence of student's violation(s) of the Charter School Code of Conduct. Exclusions affecting students with disabilities and/or those students thought to be eligible shall be governed by federal regulations pursuant to Individuals with Disabilities Education Improvement Act (IDEA) at 34 CFR §§300.530-536 and by state regulations at 22 Pa Code §§711.46, 711.61, and 711.62.

Exclusion from School: may take the form of suspension or expulsion;

(1) Suspension is exclusion from school for a period of from one (1) to ten (10) consecutive school days.

(i) Suspensions may be given by the Chief Executive Officer ("CEO") or his/her designee of the Charter School.

(ii) A student may not be suspended until the student has been informed of the reasons for the suspension and given an opportunity to respond. Prior notice of the intended suspension need not be given when it is clear that the health, safety or welfare of the school community is threatened.

(iii) The parents or guardians shall be notified immediately in writing when the student is suspended.

(iv) When the suspension exceeds three (3) school days, the student and parent shall be given the opportunity for an informal hearing consistent with the requirements of the Pennsylvania Code.

(v) Suspensions may not be made to run consecutively beyond the ten (10) school day period.

(vi) Students shall have the responsibility to make up exams and work missed while being disciplined by suspension and shall be permitted to complete these assignments within guidelines established by the Board of Trustees ("Board").

(2) Expulsion is exclusion from school by the Board for a period exceeding ten (10) school days and may be permanent expulsion from the school rolls. Expulsions require a prior formal hearing pursuant to the Pennsylvania Code.

(i) During the period prior to the hearing and decision of the Board in an expulsion case, the student shall be placed in his/her normal class except as set forth in subsection (ii).

(ii) If it is determined after an informal hearing that a student's presence in his/her normal class would constitute a threat to the health, safety or welfare of others and it is not possible to hold a formal hearing within the period of a suspension, the student may be excluded from school for more than ten (10) school days. A student may not be excluded from school for longer than fifteen (15) school days without a formal hearing unless mutually agreed upon by both parties. Any student so excluded shall be provided with alternative education, which may include home study.

(iii) Students who are under 18 years of age are still subject to the compulsory school attendance law even though expelled and shall be provided an education.

(1) The initial responsibility for providing the required education rests with the student's parents or guardian, through placement in another school, tutorial or correspondence study, or another educational program approved by the district's superintendent.

(2) Within thirty (30) days of action by the Board, the parents or guardians shall submit to the Charter School written evidence that the required education is being provided as described in paragraph (1) or that they are unable to do so. If the parents or guardians are unable to provide the required education, the Charter School, within the (10) days of receipt of the notification, make provision for the student's education. A student with a disability shall be provided educational services as required by the Individuals with Disabilities Education Act 2004.

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

Exclusion from classes – in-school suspension

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

(2) Communication to the parents or guardian shall follow the suspension action taken by the Charter School.

(3) When the in-school suspension exceeds ten (10) consecutive school days, an informal hearing with the CEO or his/her designee shall be offered to the student and the student's parent or guardian prior to the eleventh (11th) school day in accordance with the procedures in the Pennsylvania Code.

(4) The Charter School has the responsibility to make provision for the student's education during the period of the in-school suspension.

Hearings

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

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

(1) Notification of the charges shall be sent to the student's parents or guardians by certified mail.

(2) At least three (3) days notice of the time and place of the hearing shall be given. A copy of the expulsion policy, notice that legal counsel may represent the student and hearing procedures shall be included with the hearing notice. A student may request the rescheduling of the hearing when the student demonstrates good cause for an extension.

(3) The hearing shall be held in private unless the student or parent requests a public hearing.

(4) The student may be represented by counsel, at the expense of the parents or guardians, and may have a parent or guardian attend the hearing.

(5) The student has the right to be presented with the names of witnesses against the student, and copies of the statements and affidavits of those witnesses.

(6) The student has the right to request that the witnesses appear in person and answer questions or be cross-examined.

(7) The student has the right to testify and present witnesses on his/her own behalf.

(8) A written or audio record shall be kept of the hearing. The student is entitled, at the student's expense, to a copy. A copy shall be provided at no cost to a student who is indigent.

(9) The proceeding shall be held within fifteen (15) school days of the notification of charges, unless mutually agreed to by both parties. A hearing may be delayed for any of the following reasons, in which case the hearing shall be held as soon as reasonably possible:

(i) Laboratory reports are needed from law enforcement agencies.

(ii) Evaluations or other court or administrative proceedings are pending due to a student invoking his/her rights under the Individuals With Disabilities Education Act 2004 (20 U.S.C.A. § § 1400–1482).

(iii) In cases in juvenile or criminal court involving sexual assault or serious bodily injury, delay is necessary due to the condition or best interests of the victim.

(10) Notice of a right to appeal the results of the hearing shall be provided to the student with the expulsion decision.

(c) *Informal hearings.* The purpose of the informal hearing is to enable the student to meet with the appropriate school official to explain the circumstances surrounding the event for which the student is being suspended or to show why the student should not be suspended.

(1) The informal hearing is held to bring forth all relevant information regarding the event for which the student may be suspended and for students, their parents or guardians and school officials to discuss ways by which future offenses might be avoided.

(2) The following due process requirements shall be observed in regard to the informal hearing:

(i) Notification of the reasons for the suspension shall be given in writing to the parents or guardians and to the student.

(ii) Sufficient notice of the time and place of the informal hearing shall be given.

(iii) A student has the right to question any witnesses present at the hearing.

(iv) A student has the right to speak and produce witnesses on his/her own behalf.

(v) The Charter School shall offer to hold the informal hearing within the first five (5) days of the suspension.

Attendance/School Work During Suspension And Prior To Expulsion

Students serving an out-of-school suspension are responsible to make up missed exams and work and shall be permitted to complete assignments pursuant to established guidelines. Students who are facing an expulsion hearing must be allowed to attend their normal classes if the formal hearing is not held within the ten-school day suspension. If it is not possible to hold the formal hearing within the first ten (10) school days, the Charter School may exclude such a student from class for up to five (5) additional school days for a total of fifteen (15) school days, if after an informal hearing, it is determined that the student's presence in his/her normal class would constitute a threat to the health, safety or welfare of others. Any further exclusion prior to a formal hearing may be only by mutual agreement. Such students shall be given alternative education, which may include home study.

Students who are under eighteen (18) years of age are still subject to compulsory school attendance even though expelled and shall be provided an education. The parent/guardian has the initial responsibility of providing the required education and shall, within thirty (30) days, submit written evidence to the charter school that the required education is being provided or that they are unable to do so. If the parent/guardian is unable to provide for the required education, the charter school shall, within ten (10) days of receipt of the parent's/guardian's notification, make provision for the student's education.

Discipline of Students with Disabilities

The Charter School shall comply with the Individuals with Disabilities Education Improvement Act (IDEA 2004) and any applicable federal and state statutes or regulations when disciplining students with disabilities. Students with disabilities who engage in inappropriate behavior, disruptive or prohibited activities, and/or conduct injurious to themselves or others shall be disciplined in accordance with their Individualized Education Programs (IEP), behavioral intervention plan, 22 Pa Code § 711 and relevant portions of Chapter 12 of the State Board of Education Regulations, IDEA 2004, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, and any other applicable federal or state law.

Special Rules for Students with an Intellectual Disability

The disciplinary removal of a child with an intellectual disability attending the Charter School for any amount of time is considered a change in placement under 22 Pa. Code §711.61.

If a discipline problem involving a student eligible for special education with an intellectual disability is immediate or so severe as to warrant immediate action, the charter school must first contact the parents/guardians to see if they will agree to the change in educational placement. If the parents/guardians agree, the Charter School issues notice to the parents/guardians. If there is no agreement, the charter school may contact the PDE Bureau of Special Education at 717-787-6134 to request permission to impose a disciplinary exclusion which would be a change in educational placement. If PDE approves the change in educational placement, the charter school must issue a notice to the parents/guardians. PDE cannot approve requests for a change in placement which would continue beyond 10 consecutive school days. When PDE does not approve the change in educational placement, the parents/guardians may request a due process hearing and then the pendency requirements under 34 C.F.R. §300.518 apply.

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/her day _____ of _____, 2023

President

Secretary

**Attachment C - GUIDELINES FOR REASONABLE INFORMATION
TO SUBSTANTIATE SWORN STATEMENT BY RESIDENT UNDER 24 P.S. §13-1302**

Pursuant to Act 35 of 2001 (24 P.S. §13-1302(a)(2)), school districts may request information from the resident to substantiate the assertions made in the sworn statement of the resident, provided that the district has adopted a policy regarding this additional substantiating information and that the policy conforms with this Basic Education Circular. If the school district has elected to require substantiating information and advised the resident thereof, then the resident must submit the information before the district is required to accept the child as a student.

A district may require that more than one form of residency confirmation be provided. However school districts and charter schools should be flexible in verifying residency, and should consider what information is reasonable in light of the family's situation. Examples of documentation that can support the factors in §1302 include:

Signer is a Resident of the District

- Current Utility bill, or
- Deed, or
- Lease, or
- Department of Transportation identification or drivers license, or
- Pennsylvania Department of Transportation vehicle registration, or
- Property tax bill, or
- Copy of State/Federal program enrollment, (examples include, but not limited to, TANF or CHIP), or
- Current credit card bill.

Signer is Supporting the Child Gratis

- Copy of completed county form or court order transferring child support payments to resident, if applicable, or
- Copy of completed State form notifying Department of Welfare of child's new residence, if applicable,
- Copy of lease/rental agreement identifying the child as a tenant, if applicable, or
- sworn statement by the resident.

A resident's receipt of payments, such as Supplemental Security Income (SSI), Transitional Assistance for Needy Families (TANF), pre-adoptive support, child support, maintenance on public or private health insurance, support from the military or military personnel or other payments for or on account of the child shall not be deemed to be personal compensation or gain.

Signer will Assume All Personal Obligations for the Child Relative to School Requirements

Sworn statement by resident shall be satisfactory evidence thereof.

Signer Intends to so Keep and Support the Child Continuously and Not Merely Through the School Term

Sworn statement by resident shall be satisfactory evidence thereof.

(Charter School Letterhead)
Attachment A -Parental Registration Statement

Student Name _____

Date of Birth _____ Grade _____

Parent or Guardian Name _____

Address _____

Telephone Number _____

Pennsylvania School Code §13-1304-A states in part “Prior to admission to any school entity, the parent, guardian or other person having control or charge of a student shall, upon registration provide a sworn statement or affirmation stating whether the pupil was previously or is presently suspended or expelled from any public or private school of this Commonwealth or any other state for an action of offense involving a weapon, alcohol or drugs, or for the willful infliction of injury to another person or for any act of violence committed on school property.”

Please complete the following:

I hereby swear or affirm that my child was _____ was not _____ previously suspended or expelled , or is _____ is not _____ presently suspended or expelled from any public or private school of this Commonwealth or any other state for an act or offense involving weapons, alcohol or drugs, or for the willful infliction of injury to another person or for any act of violence committed on school property. I make this statement subject to the penalties of 24 P.S. §13-1304-A(b) and 18 Pa. C.S.A. §4904, relating to unsworn falsification to authorities, and the facts contained herein are true and correct to the best of my knowledge, information and belief.

If this student has been or is presently suspended or expelled from another school, please complete:

Name of the school from which student was suspended or expelled:

Dates of suspension or expulsion:

(Please provide additional schools and dates of expulsion or suspension on back of this sheet.)

Reason for suspension/expulsion (optional) _____

(Signature of Parent or Guardian)

(Date)

URBAN PATHWAYS K-5 COLLEGE CHARTER SCHOOL

ACT 110 VERIFICATION

I/We _____ being duly sworn to law

Dispose and say: THAT I/We am/are the Parent(s)/Legal Guardian(s)of

_____ (the pupil);

THAT The pupil has NOT previously been expelled under the provisions of 24 P.S. § 13-1318.1 entitled: "Students Convicted or Adjudicated Delinquent of Sexual Assault."

THAT The pupil is NOT currently expelled under the provisions of 24 P.S. § 13-1318.1 entitled: "Students Convicted or Adjudicated Delinquent of Sexual Assault."

Any willful false statement made above shall be a misdemeanor of the third degree.

This form shall be maintained as part of the student's disciplinary record.

THAT I/We recognize the following:

NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, A PERSON WHO KNOWINGLY PROVIDES FALSE INFORMATION IN A SWORN STATEMENT FOR THE PURPOSE OF ENROLLING A CHILD IN A SCHOOL DISTRICT (OR CHARTER SCHOOL TO THE EXTENT PERMITTED BY LAW) FOR WHICH THE CHILD IS NOT ELIGIBLE COMMITS A SUMMARY OFFENSE AND SHALL, UPON CONVICTION FOR SUCH VIOLATION, BE SENTENCED TO PAY A FINE OF NO MORE THAN THREE HUNDRED DOLLARS (\$300) FOR THE BENEFIT OF THE SCHOOL DISTRICT (OR CHARTER SCHOOL TO THE EXTENT PERMITTED BY LAW) IN WHICH THE PERSON RESIDES OR TO PERFORM UP TO TWO HUNDRED FORTY (240) HOURS OF COMMUNITY SERVICE, OR BOTH. IN ADDITION, THE PERSON SHALL PAY ALL COSTS AND SHALL BE LIABLE TO THE SCHOOL

DISTRICT (OR CHARTER SCHOOL TO THE EXTENT PERMITTED BY LAW) FOR AN AMOUNT EQUAL TO THE COST OF TUITION CALCULATED IN ACCORDANCE WITH SECTION 2561 OF THE PUBLIC SCHOOL CODE DURING THE PERIOD OF ENROLLMENT.

I make this statement subject to the penalties of 24 P.S. §13-1304-A(b) and 18 Pa. C.S.A. §4904, relating to unsworn falsification to authorities, and the facts contained herein are true and correct to the best of my knowledge, information and belief.

PARENT/GUARDIAN: _____

Address: _____ Phone: _____

PARENT/GUARDIAN: _____

Address: _____ Phone: _____

**Attachment B - SWORN STATEMENT BY RESIDENT UNDER §13-1302
TO BE COMPLETED BY RESIDENT ONLY**

Instructions: Please complete the following statement. If the potential student is living, or will be living, in a household with more than one resident adult who will assume responsibility for the student, all such adult residents must complete and sign this statement.

This is a legal document. You may ask to see a copy of 24 P.S. §13-1302 prior to signing this document, and consult with an attorney if you have any questions or do not understand any portion of this document.

1. Your Name _____
Home Address _____
Home Telephone Number _____ Work Number _____

2. Do you live in the school district and does the child live with you? Yes _____ No _____

3. Child's Full Name _____
Birth Date _____ Grade _____
Name & Address of Last School Attended _____

Date child began/will begin to reside in your home _____

4. Are you supporting this child gratis (without personal compensation or gain)?
Yes _____ No _____

5. Will you assume all personal obligations related to school requirements for this child that may include providing for required immunizations, uniforms, fees/fines, citations/fines for truancy, attending parent-teacher conferences, or attending meetings/hearings concerning discipline? Yes _____ No _____

6. Do you intend to keep and support the child continuously and not merely through the school term? Yes _____ No _____

Through my signature, I/We understand that the school district, pursuant to guidelines issued by the Department of Education and their own written policy, may require other reasonable information to be submitted to confirm this sworn statement. I make this statement subject to the penalties of 24 P.S. §13-1304-A(b) and 18 Pa. C.S.A. §4904, relating to unsworn falsification to authorities, and the facts contained herein are true and correct to the best of my knowledge, information and belief.

Signed by resident(s) _____

Date: _____

Per 24 P.S. §13-1302, a person who knowingly provides false information in the above statement for the purpose of enrolling a child in a school district for which the child is not eligible commits a summary offense and shall, upon conviction for such violation, be sentenced to pay a fine of no more than three hundred dollars (\$300) for the benefit of the school district in which the person resides or to perform up to two hundred forty (240) hours of community service, or both. In addition, the person shall pay all court costs and shall be liable to the school district for an amount equal to the cost of tuition calculated in accordance with §2561 during the period of enrollment.

Urban Pathways K-5 College Charter School

Board of Trustees

ENROLLMENT POLICY

The Board of Trustees of Urban Pathways K-5 College Charter School (“Charter School”) recognizes that its enrollment policy must reflect current requirements of the Pennsylvania Public School Code and 22 Pa. Code, Chapter 11, the Pennsylvania Charter School Law at 24 P.S. §17-1723-A, Pennsylvania Public School Code, and Pennsylvania Department of Education’s (“PDE”) Basic Education Circulars on Enrollment of Students and Charter School Law. Therefore, the Charter School, as a public charter school, complies with these enrollment procedures to ensure that both resident and eligible non-residents are promptly enrolled through the policy provisions set forth below.

Every child of school age who is a resident of a Pennsylvania school district is entitled to a public school education. Resident students include those residing with their parent(s) and eligible non-resident students include those living with a Pennsylvania school district resident who is supporting the child gratis and nonresident children living in facilities or institutions and seeking enrollment. Once the required enrollment documentation described below is provided, the Charter School must enroll children and permit them to attend school. A child should be permitted to attend school on the next school day after the day on which the child is presented for enrollment, and in all cases within five (5) business days of the Charter School’s receipt of the required documents, if a space exists pursuant to the school’s Admission/Lottery Policy.

Except when a child is homeless, whenever a child of school age is presented for enrollment by a parent(s), a Pennsylvania school district resident, or any other person having charge or care of the child, the Charter School shall require that the following information be documented before enrolling the child and allowing the child to attend school:

1. Proof of the child's age

Any one of the following constitutes acceptable documentation: birth certificate; notarized copy of birth certificate; baptismal certificate; copy of the record of baptism – notarized or duly certified and showing the date of birth; notarized statement from the parents or another relative indicating the date of birth; a valid passport; a prior school record indicating the date of birth.

2. Immunizations required by law

Acceptable documentation includes: either the child's immunization record, a written statement from the former school district or from a medical office that the required immunizations have been administered, or that a required series is in progress, or verbal assurances from the former school district or a medical office that the required immunizations have been completed, with records to follow.

3. Proof of residency

Acceptable documentation includes: a deed, a lease, current utility bill, current credit card bill, property tax bill, vehicle registration, driver's license, or Department of Transportation identification card. While more than one form of residency confirmation may be required, the Charter School should be flexible in verifying residency, and should consider what information is reasonable in light of the family's situation. See the paragraph on Homeless Students for guidance in that situation. (Also see attached Residency Affidavit.) Parents/Guardians must continue to provide the Charter School with residency information after enrollment when residency changes or may be questioned to ensure that Parents/Guardians comply with applicable residency requirements as Pennsylvania residents and/or if Student becomes a resident of a school district other than the one when originally enrolled.

4. Parent Registration Statement

A sworn statement attesting to whether the student has been or is suspended or expelled for offenses involving drugs, alcohol, weapons, infliction of injury or violence on school property must be provided for a student to be admitted to any school entity. The Charter School may not deny or delay a child's school enrollment based on the information contained in a disciplinary record or sworn statement. (See Charter School Enrollment Forms on School website for Parent Registration Statement).

During the enrollment process and prior to admission to a charter school, the parent, guardian, or person having control of a student shall provide a sworn statement stating whether the student was previously or is presently suspended or expelled from any public or private school for any offense involving weapons, alcohol or drugs, or for the willful infliction of injury to another person or for any act of violence committed on school property. The school from which the student was suspended or expelled and the dates of suspension or expulsion must be provided. Any willful false statement shall be a misdemeanor of the third degree.

5. Home Language Survey

All students seeking first time enrollment in a school shall be given a home language survey in accordance with requirements of the U.S. Department of Education's Office for Civil Rights. Enrollment of the student may not be delayed in order to administer the Home Language Survey.

Act 110 Requirement

In Pennsylvania, K-12 public schools are required to remove, transfer or reassign students who are adjudicated delinquent or convicted of sexual assault when the offending student and the victim are enrolled in the same school. With regard to enrollment of students, this amended section of the Public School Code requires:

(g) Prior to admission to a public school entity, the parent, guardian or other person having control or charge of a student **shall**, upon registration, provide a sworn statement or affirmation stating whether the student was previously or is presently expelled under the provisions of this section. The registration shall include the name of the school from which the student was expelled with the dates of expulsion and shall be maintained as part of the student's disciplinary record. Any willful false statement made under this subsection shall be subject to 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities). See Act 110 Statement below.

Sexual assault includes any of the offenses specified under the following provisions of 18 Pa.C.S. (relating to crimes and offenses) relating to rape, statutory sexual assault, involuntary deviate sexual intercourse, sexual assault, aggravated indecent assault, and indecent assault.

Documents Which May Be Requested but Not As a Condition of Enrollment - Items Which May Be Requested

Although the Charter School may ask for any of the information below, the Charter School may not require it as a condition of enrolling or admitting a child and a child's enrollment or attendance may not be delayed until these documents are provided. Among the documents that the Charter School may request are: picture identification, health or physical examination records, academic records, attendance records, Individualized Education Program, and other special education records. In addition, a school district may not require that a physical examination be conducted as a condition of enrollment.

Registration Form

A registration form, filled out by families for student enrollment, may include the following: name, address, telephone number, name of parent(s) or guardian(s) or resident adult(s) with whom the student is living, emergency contact information, former school information, and other locally required information. Failure to complete this form will not be made a condition of the student's enrollment.

Documentation Required from Other Sources

The Charter School is also entitled by law to receive information on an enrolling student from the previous school, public, charter, nonpublic or private, which the student attended. However, the provision of this information rests with the educational entity and not the family, and so, the Charter School, as the receiving local educational agency, will not require this information as a precondition to enrollment and will not delay a student's admission for lack of this information.

Student Education Records

Upon enrollment, the Charter School contacts the student's former school for a copy of the student's education records. The former school district or charter school, if within this Commonwealth, is required to respond by forwarding the records within 10 business days of the date upon which a student's records are requested by the Charter School. School districts shall enroll students within 5 business days regardless of receipt of records from the previous districts.

Disciplinary Records

Whenever a pupil transfers to another Pennsylvania school entity or nonpublic school, a certified copy of the student's disciplinary record shall be transmitted to the school entity or nonpublic school to which the pupil has transferred. The school entity or nonpublic school to which the student has transferred should request the record. The sending school entity or nonpublic school shall have 10 days from receipt of the request to supply a certified copy of the student's disciplinary record. Failure to receive the student's discipline record cannot be used to deny or delay the student's enrollment or school attendance.

Prohibited Requests - Items Which May Not Be Requested

For both enrollment and also for residency determinations, the Charter School will not request or require any of the following: a social security number; the reason for a child's placement if not living with natural parents; a child's or parent's visa; agency records; or, except in the limited circumstances described in the next section, a court order or records relating to a dependency proceeding. A child's right to be admitted to school may not be conditioned on the child's immigration status. The Charter School will not inquire as to the immigration status of a student as part of the admissions or residency process.

Student Classifications for Education Entitlement

- **Resident Students and Court Orders or Custody Agreements**

The Charter School may require a parent/guardian to provide a custody or dependency order when the child is being enrolled at the Charter School pursuant to parent relying on court order or custody agreement as the basis for enrollment. The Charter School will not require a custody order or agreement as a condition of enrollment in any circumstances other than the circumstance specified above. (See attached Affidavit of Custody).

- **Students Living With a Resident Adult other than a Parent**

When a child is living with an adult other than a parent, who is supporting the child without personal compensation, (gratis) the child may attend the public schools of that adult's school district, provided that resident makes application and supplies the required enrollment information noted in the section entitled Required Enrollment Documentation. In addition, before accepting the child as a student, the Charter School shall require the resident to file **only one** of the following:

1. **A sworn and notarized statement** from the resident of the school district indicating that the signer is a resident of the school district, is supporting the child without receiving personal compensation, that the child is living with the resident continuously and not just for the school year, and that the resident will accept all responsibilities relating to the child's schooling (See Charter School Enrollment Forms on School website for section 1302 Statement., **or**

2. **Appropriate legal documentation to show dependency or guardianship**, which may include a custody order. The Charter School may require other information to be submitted by the resident to substantiate the sworn statement. The natural parent(s) or former guardian(s) of the student may not be required to provide information. Once the requested information is provided, the Charter School will enroll the child and permit the child to begin to attend school without delay, but in no case more than 5 days. (See attached Affidavit of Support), if a space exists pursuant to the school's Admission/Lottery Policy.

A resident's receipt of payments, such as Supplemental Security Income (SSI), Transitional Assistance for Needy Families (TANF), pre-adoptive or adoptive support, maintenance on public or private health insurance, support from the military or military personnel or other payments for or on account of the child such as child support, shall not be deemed to be personal compensation or gain.

- **Foster Children**

Students who are "awaiting foster care placement" are no longer considered homeless for purposes of the McKinney-Vento Education for Homeless Children and Youth ("EHCY") program. The deletion of "awaiting foster care placement" went into effect on December 10, 2016. (Section 725(2)(B)(i)).

- **Nonresident Children Living in Facilities or Institutions**

A child living in a district in which there is located a licensed shelter, group home, maternity home, residence, facility, orphanage or other institution for the care or training of children or adolescents, shall be admitted to that district's schools if living at or assigned to the facility or institution. If the school district or residence of a child living at or assigned to a facility or institution cannot be determined, but the child is determined to be a resident of the Commonwealth, the child shall be permitted to attend the public schools of the district. This includes a child placed by the child's resident parents or guardians at a facility or institution and subsequently abandoned or deserted.

- **Emancipated Minors**

An emancipated minor is a student under the age of 21 who has established a domicile apart from the continued control and support of parents or guardians or who is living with a spouse. The school district in which this student is living is the student's resident school district and the student may enroll at Charter School without any additional assistance from an adult.

- **Homeless Students**

The Charter School will ensure that each child of a homeless individual and each homeless youth have equal access to the same free, appropriate public education, including a public preschool education, as provided to other children and youth. Homeless students may reside in shelters, hotels, motels, cars, tents or be temporarily doubled-up with a resident family because of lack of housing. In the case of homeless students, traditional concepts of "residence" and "domicile" do not apply. Homeless children and youth lack a fixed, regular, and adequate nighttime residence. Included within the definition of homeless children and youth are those who meet the definition of "unaccompanied homeless youth" pursuant to the Mc-Kinney-Vento Homeless Assistance Act (42 U.S.C. § 11431 *et seq.*).

Unaccompanied homeless youth may enroll without documents and without the help of an adult. Unaccompanied homeless youth includes any child who is "not in the physical custody of a parent or guardian." Falling within this definition are students who have run away from home, been thrown out of their home, or been abandoned or separated from their parents or guardians.

Youth awaiting foster care placement include those who are placed in emergency, interim or respite foster care; kinship care; evaluation or diagnostic centers or placements for the sole purpose of evaluation. When necessary, Charter School administration will consult with the respective county children and youth agencies to determine if a child meets the definition of "awaiting foster care placement", including,

on a case-by-case basis, whether a child who does not clearly fall into one of these categories is nevertheless a child "awaiting foster care placement."

Homeless youth are entitled to immediate enrollments, if a space exists pursuant to the Admissions/Lottery Policy and their families are not required to prove residency regarding school enrollment. These students are considered residents of the district where they are presently residing, or continue their education in the district of prior attendance.

- **Pre-Adoptive and Adoptive Students**

The Federal Adoption Assistance Program, among other things, provides for adoption assistance payments to encourage the placement of certain hard-to-place children with adoptive parents. Pennsylvania has adopted companion legislation, known as the Adoption Opportunities Act. Children living with pre-adoptive parents who are receiving adoption assistance subsidies, pre-adoptive foster payments, or other payments such as Supplemental Security Income (SSI) or Transitional Assistance for Needy Families (TANF), are entitled to attend school in the school district in which the pre-adoptive parents reside. Notwithstanding receipt of any of the above payments, children living in pre-adoptive situations are considered residents of the school district in which their pre-adoptive parents reside. Children living with adoptive parents are entitled to all free school privileges accorded to resident school children of the respective school district.

- **School-Age Children of Military Personnel**

When Pennsylvania residents who are military personnel are deployed and their school age children are living with relatives or family friends in a school district for that period of time, the students are entitled to attend school in the school district in which they are residing.

Other Issues Related to Enrollment

- **Address Confidentiality Program (ACP)**

Some families may enroll a student using an ACP card, which lists a post office box as their address. This is their legal address and the Charter School will not require additional information about their residence. School records from the student's former school will be forwarded through the ACP.

- **Age**

Children are considered school age from the time they are admitted to the public school educational program until graduation from high school or the age of 21 if identified pursuant to the Individuals with Disabilities Education Act of 2004. The Charter School will not refuse admission to a child who meets the age requirement. Students who turn 21 during the school term are entitled to finish that school term. If a student is under

age 21 and has a Graduation Equivalency Diploma (“GED”), the student can enroll in school and work towards a diploma. For subsidy purposes, students who reach age 21 after the school term begins are eligible to be counted for the entire school term. The Department of Education will accept requests to allow students to be counted in membership for subsidy purposes for an extended school program beyond age 21 if the request includes a hearing officer decision or court order.

- **Children and Families with Limited English Proficiency**

Children and families with limited English proficiency will be provided translation and interpretation services to the extent needed to help the family understand the enrollment process and enroll the student in school promptly per applicable federal law.

- **Twins and Multiple Siblings**

While the Public School Code provision governing twins and multiple siblings is not applicable to charter schools pursuant to the Pennsylvania Charter School Law, the Charter School will use the Public School Code provision for guidance in such situations in conjunction with consultation with the Charter School’s legal counsel.

Submitting Enrollment Complaints to the Department Of Education

When a dispute arises regarding enrollment of a student, the person attempting to enroll the child or the Charter School may bring the dispute to the attention of the Department’s School Services Unit. A complaint may be filed by mail, email or by phone with written follow up. After receipt of a complaint, a Department representative will contact the Charter School, family or other involved parties to determine the facts, whether the child is entitled to enrollment at the Charter School and to try to resolve the problem. These contacts, whenever possible, will occur within five (5) days of receipt of the complaint. If the complaint is not amicably resolved, a written determination will be made and sent to the Charter School and the individual who filed the complaint.

If the Charter School does not enroll the student within five (5) school days after receiving the written determination and space exists pursuant to the school’s Admissions/Lottery Policy, the Department will issue a letter to the Charter School requesting its position on the situation. The Charter School will have five (5) school days to respond to the request. If the Charter School refuses to enroll the student or does not respond, the matter will be forwarded to the Department’s Office of Chief Counsel (OCC). The OCC and the Deputy Secretary for Elementary/Secondary Education will determine if the Charter School’s response is valid to deny enrollment. If not, the Deputy Secretary will determine what additional measures may be necessary to assure enrollment.

Written Policies

The Charter School's written policy on student admission is a public record and will be posted to the school's website.

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

LANGUAGE INSTRUCTION EDUCATIONAL PROGRAM/BILINGUAL PROGRAM POLICY

Purpose:

In accordance with the Board of Trustees' ("Board") philosophy to provide a quality educational program to all students, the Urban Pathways K-5 College Charter School ("Charter School") shall provide an appropriately planned instructional program for identified students whose dominant language is not English. When the Every Student Succeeds Act (ESSA) was signed on December 10, 2015, reauthorizing the Elementary and Secondary Education Act of 1965 (which was amended by the No Child Left Behind Act of 2001), it changed the terminology to identify such students as English Learners (ELs). English Learners ("ELs") are the students who require Language Instruction Educational Program ("LIEP") service by the Charter School.

The purpose of the program shall be to increase the English language proficiency of ELs so they can attain the state academic standards within the LIEP program setting as well as within the regular classroom environment, to provide equal opportunities for ELs to participate in extra-curricular activities, and to provide the cultural, social and emotional supports for ELs to adapt to this new cultural setting.

Authority

The Board declares it their policy to provide an equal opportunity for all students, including ELs, to achieve their maximum potential through the curriculum, instruction, and programs offered in the Charter School. At no time shall the Charter School, including the Board, permit, condone, encourage or facilitate discrimination against students during the course of recruitment, admissions and enrollment, instruction, counseling and daily interactions with Charter School faculty and staff. Equal Education Opportunity Act, 20 U.S.C.A. § 1703; Title VI, Civil Rights Act of 1964, 42 U.S.C.A. § 2000d, et seq.

Definitions:

ESSA defines an “English learner” as an individual who, among other things, has difficulties in speaking, reading, writing, or understanding the English language to the extent that it may be sufficient to deny the individual the ability to meet challenging state academic standards. The term “English learner,” when used with respect to an individual, means an individual – (A) who is aged 3 through 21; (B) who is enrolled or preparing to enroll in an elementary school or secondary school; (C)(i) who was not born in the United States or whose native language is a language other than English; (ii)(I) who is a Native American or Alaska Native, or a native resident of the outlying areas; and (II) who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or (iii) who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and (D) whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual – (i) the ability to meet the challenging State academic standards; (ii) the ability to successfully achieve in classrooms where the language of instruction is English; or (iii) the opportunity to participate fully in society. (ESEA Section 8101(20)).

ELs are from diverse linguistic and cultural backgrounds. The Charter School must equip them with the skills to function, compete, and prosper in American society. EL students must develop academic skills along with their general program peers while also learning English. As EL students are in transition from their native language to English, the emphasis must be on developing academic skills that comply with Pennsylvania State Standards.

English language development refers to deliberate, planned, and focused instruction intended to foster the development of social and academic English for English learners in order to make it possible for them to access the general academic program and gain agency as successful, contributing members of their communities. ELD curriculum focuses on language at the word, sentence, and paragraph/discourse levels within the context of academic content and the sociocultural context of the school/classroom

Responsibility:

The Charter School shall adopt an instructional program for each EL student for the purpose of facilitating the student’s achievement of English proficiency and academic standards (“LIEP Program”). 22 Pa. Code. § 4.26. All students who may be ELs must be assessed within the first thirty (30) days of enrollment at the Charter School, or within fourteen (14) days of mid-year transfer. The CEO and the director of the LIEP

Program (“LIEP Director”) shall implement and supervise an LIEP Program that meets the legal requirements for LIEP Program compliance under federal and Pennsylvania law, especially:

1. Based on an educational theory recognized as sound by some experts in the field or considered by experts as a legitimate experimental strategy;
2. Reasonably calculated, including provisions for resources and personnel, to implement the theory effectively; and
3. Evaluated and adjusted where needed to ensure language barriers are actually being overcome.

20 U.S.C.A. § 6812. The LIEP program will come under the direction of the LIEP Director. The LIEP Director will be responsible for the assurance of the implementation of the program and that proper Charter School policies and procedures are being followed. The CEO and the LIEP Director will be responsible for informing Charter School staff with instructional strategies and cultural needs of students who will receive LIEP instruction. LIEP teaching resource materials will be obtained by the LIEP Director and kept in his/her office for reference for both program and non-program teachers.

All teachers instructing within the LIEP Program shall hold the requisite certification and endorsements required by Pennsylvania law. Bilingual teachers must demonstrate academic language proficiency both in English and in the language of instruction. 22 Pa. Code §403; 20 U.S.C.A. §6826.

Language Instruction Educational Programs (“LIEPs”) - Title III of the ESEA replaces the expectation in the ESEA, as amended by NCLB, that LIEPs be “scientifically based” with a new expectation – that LIEPs be “effective.” A LEA must:

- Use Title III funds for effective approaches and methodologies for teaching ELs (ESEA Section 3115(a));
- Increase the English proficiency of ELs by providing effective language instruction educational programs that meet the needs of ELs and demonstrate success in increasing (A) English language proficiency; and (B) student academic achievement (ESEA Section 3115(c)(1));
- Use Title III funds in ways that build its capacity to continue to offer effective language instruction educational programs that assist English learners in meeting challenging State academic standards (ESEA Section 3113(b)(3)(E)); and
- Include in its local plans for a Title III subgrant a description of the effective programs and activities that will be provided, including language instruction educational programs (ESEA Section 3116(b)(1)).

LIEP Program:

The goals of the Charter School's LIEP Program are to assist the EL students in using English, per 20 U.S.C.A. §6812:

1. to communicate in social settings;
2. to achieve academically in all content areas; and
3. in socially and culturally appropriate ways.

The CEO and the LIEP Director shall implement and supervise the LIEP Program, and further ensure that the LIEP Program meets the legal requirements for LIEP program compliance. The CEO and the LIEP Director, in conjunction with appropriate certified LIEP teachers, shall develop and disseminate written procedures regarding the LIEP Program. The procedures shall include, but will not be limited to, the following:

1. Detailed program goals;
2. Student enrollment/transfer procedures (i.e., Home Language Survey);
- 3.
4. Assessment procedures within 30 days of enrollment/transfer for program entrance, measuring progress in gaining English proficiency, and program exiting;
5. Accommodations for EL students in the general education classroom;
6. Grading policies; and
7. List of resources, including support agencies and interpreters.

20 U.S.C.A. § 6826. The LIEP Program shall include daily instruction for EL students, supporting the LIEP Program's goals, and will receive curriculum aligned with Pennsylvania standards. 22 Pa. Code. § 4.26. Language instruction shall correspond to each EL student's English proficiency level, which shall include both direct language instruction and adaptation of instruction in all content classes. The exact hours of direct language instruction will be determined based on each EL student's needs. All LIEP instruction shall be part of each EL student's daily schedule, and will not interfere with or prohibit each EL student's instruction in all grade level content classes.

All EL students will be placed in appropriate grade level content classes. Each EL student will receive instruction in all content areas, as other students in the class. Each EL student will receive additional supplemental support and instruction from LIEP teachers periodically for Language Arts class and for necessary content area classes. An LIEP teacher will assist the classroom teacher in identifying and implementing teaching

strategies that will help each EL student achieve academic success in the classroom comparable to their non-EL peers. During the initial period of language acquisition and development, the Charter School may grade the EL student on a pass/fail basis comparable to their non-EL peers if necessary.

The WIDA Consortium's English Language Development (ELD) Standards help educators determine students' English language proficiency levels and how to appropriately challenge them in reaching higher levels.

WIDA will also assist teachers by giving Model Performance Indicators, which include:

- a. The language function, or how students will use language to demonstrate proficiency (e.g. Depth of Knowledge, Bloom's Taxonomy),
- b. The grade level content or standards that students will learn or meet, and
- c. The supports or instructional strategies / scaffold to assist students in accessing the content.

The Pennsylvania English Language Proficiency Standards shall be incorporated in both LIEP instruction and grade level content classes.

Program Goals and Objectives:

The Charter School has developed the following goals and objectives for the LIEP Program, based on WIDA English Language Proficiency Standards of each student:

Goal 1: To use English to communicate in social settings.

Objective: By the end of the school year, EL students will improve and increase their ability to use English to participate in social interactions. This will be evidenced by observation of EL students in cooperative learning activities, playground interactions and personal conversation.

Objective: By the end of the school year, EL students will improve and increase their ability to interact, through and with spoken and written English for personal expression and enjoyment. This will be evidenced by personal writing journals and book choice with reading log.

Goal 2: To use English to achieve academically in all content areas.

Objective: By the end of the school year, EL students will improve and increase their ability to use English to interact in the classroom, evidenced by conversations with LIEP teachers, observations of

students in cooperative group settings, and observations of students in social interactions, report cards and test results.

Objective: By the end of the school year, EL students will improve and increase their ability to use English to obtain, construct and provide subject matter information in spoken and written form. This will be evidenced by an increase in standardized testing content area scores, a portfolio of EL student work, and LIEP teachers' observations of the EL students' ability to pose questions and have discussions in content area classes.

Goal 3: To use English in socially and culturally appropriate ways.

Objective: By the end of the school year, EL students will improve and increase their ability to use the appropriate language variety, register, and genre according to the audience, purpose and setting. This will be evidenced by EL student academic presentations, observations of EL students' social conversations with peers, and conversations with LIEP teachers.

Objective: By the end of the school year, EL students will improve and increase their ability to use nonverbal communication appropriate to audience, purpose and setting. This will be evidenced by observations of EL students by LIEP teachers.

The success of the LIEP program will be measured by: EL students increasing scores within their level of the program; EL students testing to the next level of the program; and EL students testing out of the program as evidenced by yearly WIDA English Language Proficiency Standards testing. Success will also be measured by an increase in academic scores on a content area standardized test. 22 Pa. Code § 403; 20 U.S.C.A. § 6841. The LIEP Director will also look at student portfolios and LIEP teacher narratives to demonstrate progress of each EL student.

Attendance policies will be the same for EL students as for English-speaking students.

The Student Handbook will clearly state the Charter School's policy and expectations regarding the LIEP Program.

Enrollment of EL Students:

EL students and families shall be provided translation and interpretation services to the extent needed to assist with the enrollment process. All students seeking first time enrollment in the Charter School shall be given a Home Language Survey in accordance with requirements of the U.S. Department of Education's Office for Civil Rights.

Enrollment of a student may not be delayed in order to administer the Home Language Survey. The completed survey shall be filed in each student's permanent record folder through graduation. 22 Pa. Code § 11.11(e).

Based on the Home Language Survey responses, each student shall be assessed for potential placement in an LIEP Program within 30 days of school or within 14 days of enrollment if a student enrolls after the first day of school.

Identification & Placement of EL Students:

Entry Criteria

The Charter School will use the WIDA-ACCESS Placement Test (W-APT) to assess newly enrolled students for placement in the LIEP program. The W-APT results will be one indicator for placement in the LIEP program. Additional criteria for placement in the LIEP program include: educational and cultural backgrounds, interviews with families, and native language literacy. Other indicators shall include current or previous grades, performance on state assessments, and Charter School-based formative or summative assessments. This LIEP-Program eligibility criterion is aligned with requirements established by the Pennsylvania Department of Education.

Student placement in the LIEP Program and designated instruction time (WIDA levels of English language proficiency: 1. Entering, 2. Beginning, 3. Developing, 4. Expanding, 5. Bridging and 6. Reaching) will comply with program guidelines and will be based upon the instructional need of each LIEP student. Instructional placement will be age and grade appropriate.

Parents may request an EL student to be excused from the LIEP Program if the instruction conflicts with the family's religious beliefs, or for any reason and must be made clear to the EL's Parents. 22 Pa. Code § 4.4(d)(3).

All EL students shall have access to and should be encouraged to participate in all Charter School educational programs, opportunities, and extracurricular activities available. Equal Education Opportunity Act, 20 U.S.C.A. § 1703; Title VI, Civil Rights Act of 1964, 42 U.S.C.A. § 2000d, et seq.

Required Exit Criteria (see Reclassification Guidance):

Grade Level	ACCESS Score	Required W-APT Scores*
K	<i>Cut-off score flexibility not allowable for Kindergarteners</i>	
1-5	4.6-4.9	5.0 in each domain
6-8	4.7-4.9	5.0 in each domain
9-12	4.8-4.9	5.0 in each domain

- 1) 4.5 or higher on ACCESS for ELs Composite (overall) Score.
- 2) At least one (1) LIEP teacher recommendation for reclassification (exit) and one (1) content teacher. In the absence of an LIEP teacher, two (2) recommendations for reclassification (exit) from two (2) different content teachers will be accepted.

Once an EL student exits the LIEP Program, he/she will be monitored for four years. The law requires the Charter School to maintain a description of the progress made by children in meeting challenging State academic content and student academic achievement standards for each of the four years after such children are no longer receiving services. Such monitoring of students shall begin as soon as the student exits an LIEP/Bilingual program. For students who exit a program at the end of the school year, monitoring will begin the following school year. The progress of the exited EL student will be monitored at quarterly intervals throughout the academic year, utilizing collaborative conversations regarding progress monitoring of the exited EL students between content and LIEP teacher. A review of the following items can provide evidence of a student's academic progress:

- Report card grades
- Predictive test progress
- Standardized test scores
- Classroom work samples
- Writing samples

During the four -year monitoring period, any student encountering academic difficulty that is determined to be because of English language proficiency skills may be re-designated and returned to an LIEP/Bilingual education program. However, such re-designation should only occur after collaboration between the LIEP teacher and content

teachers has ensured that effective and appropriate core curriculum instruction, including differentiation and interventions has been implemented. Content and LIEP teacher input is critical in determining whether re-designation is the appropriate support to enable the former EL to succeed.

Notifications to Parent(s)/Guardian(s) of ELs:

Title I requires that every LEA that uses funds under either Title I or Title III for services to ELs must provide a parent with notification that outlines their child's identification as an EL and placement in an LIEP. (ESEA Section 1112(e)(3)).

Initial notification should include:

- 1) Detailed description of the LIEP as outlined in the BEC, including a description of its intended benefits for children and an explanation of its effectiveness (this description should include information on screening, identification, and placement of ELs)
- 2) Description of the EL identification process and the reason that their child was identified as an EL
- 3) Their child's current English proficiency level and a description of what that means
- 4) Information explaining their right to refuse enrollment of their child in the LIEP

Annual notification should include:

- 1) Notification of their child's continued participation in the LIEP
- 2) Description of the LIEP including its intended benefits for their children and an explanation of its effectiveness
- 3) Notification of their right to refuse services as outlined in the BEC
- 4) Description of any Title III supplemental services being offered (if applicable)
- 5) Notification of their right to refuse Title III supplemental services (if applicable)

The initial notification must be provided no later than 30 calendar days after the beginning of the school year or within the first two weeks of placement in an LIEP for students who enroll after the start of the school year. (ESEA Section 1112(e)(3)(A), 1112(e)(3)(B)). The notice and information provided must be in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand. (ESEA Section 1112(e)(4)).

Assessment of LIEP Students:

In accordance with Pennsylvania academic standards and Charter School academic standards, the Charter School will monitor the progress of EL students and will provide appropriate accommodations within the content areas to ensure achievement of the academic standards and curricular goals. 22 Pa. Code § 403; 20 U.S.C.A. § 6842. The LIEP Director will oversee the review, both annual and periodic, of EL students.

Pennsylvania's assessments shall be administered to all EL students annually to measure progress and determine each EL student's English language proficiency for each language domain (Reading, Writing, Speaking and Listening/Understanding). Each designated LIEP teacher will complete the annual grading and evaluation process for EL students (English, Reading and Language Arts). Other considerations will include EL student portfolios and teacher narratives regarding observations of each EL student. Students with immigrant status who have lived in the United States for less than one year are exempt from participating in the PSSA and local assessments.

Throughout the course of the year, individual student progress will be evaluated on a continuous basis with each LIEP teacher and the classroom teacher. Each teacher will modify EL students' learning plans to ensure academic success for each EL student.

A standardized form will be kept in each EL student's permanent record folder through graduation. The form shall identify the date, level, and English proficiency score upon entering the LIEP Program; report(s) of progress toward LIEP Program goals; and academic standardized test scores. A narrative from the designated LIEP teacher, regarding each EL student's progress toward satisfying the LIEP Program objectives, will also be part of the data collection and review process.

An EL student may not be retained in a grade level based solely on his/her lack of English language proficiency. Before an EL student is retained in a grade, the LIEP Director must demonstrate that all appropriate modifications were made to instruction and assessment in order to allow the EL student's meaningful access to the grade level content curriculum as well as to promote LIEP instruction.

EL Students with Disabilities

All EL students shall be eligible for special education services. All procedures for the screening, evaluation, IEP, and the provision of services and/or instruction for EL students must be in compliance with governing state and federal laws and regulations. However, the Charter School, as LEA, must ensure that their program is effective before referring the child for evaluation. The questions should be asked to determine if a Student should be evaluated for IDEA disability or a Section 504 Plan:

- Is LIEP instruction sufficient in quantity and quality?
- Is the core LIEP instructional program effective and aligned to the proficiency level of the student, and the English Language Proficiency Standards?
- Is planned instruction in the content areas delivered according to the English language proficiency level of the student and the English Language Proficiency Standards, and are appropriate LIEP-related adaptations/modifications are provided by content teachers?
- Collaboration exists between the LIEP and content teachers?
- Instruction and home-school communication is culturally responsive?

A current practice with many LEAs is to hire a bilingual psychologist to implement an IQ test of a student. The problem arises when the results are used as the only criteria to make identification and placement decisions without having a complete profile of the child, e.g.:

- Has the student received any instruction in the native language?
- What is the student's dominant language?
- How many years of instruction has the student had in English?
- How is the student progressing in LIEP instruction? How is the student progressing in comparison to other ELs (like peers)...not compared to native speakers of English.
- Was a translator/interpreter used during assessment? If yes, was the test developed for the use of a translator/interpreter?
- Was the student born in the US?
- Was the student transient? What amount of time were they in school (in and outside the US)?
- What is the level of acculturation?
- Has the assessor acknowledged the impact of cultural and linguistic diversity on assessment performance? e.g., increased processing time, cultural bias, gaps in vocabulary and prior knowledge, false cognates, etc.

The IEP team for an EL student shall include either the LIEP Director or an appropriately certified LIEP teacher, or at a minimum, the IEP team shall receive input from either the LIEP Director or the appropriate LIEP teacher when appropriate. In Pennsylvania, the LIEP Program Specialist (PK-12) is the add-on certificate for teachers who provide Language Instruction Educational Program instruction. The LIEP teacher has the training, expertise, and experience to:

- Analyze and interpret English language proficiency assessment results of Focusing on English language proficiency levels and Calculating language proficiency growth using the scaled scores;
- Identify the student's language strengths and needs;
- Provide essential guidance related to the process of second language acquisition, communication with families, cultural responsiveness, and reduction of language barriers;
- Provide information concerning the ecology of the student (e.g., first language literacy, cultural and educational background, length of time in the U.S., interrupted education, mobility, acculturation stages, socio-economic status).

The IEP team for an EL student shall consider the need for LIEP instruction as it addresses the EL student's needs related to the provision of a Free and Appropriate Public Education. In determining an EL student's needs, the IEP team shall consider both special education services and LIEP instruction simultaneously. Special education services do not replace LIEP instruction. LEAs must not identify or determine that ELs are students with disabilities because of their ~~limited English language proficiency~~. English learner status.

For special education students, the term LIEP Program refers to:

- planned instruction by a qualified LIEP Education teacher;
- adaptations/modifications in the delivery of content instruction by all teachers, based on the student's English language proficiency levels and the Pennsylvania English Language Development Standards (PA ELDS) for ELs, as well as the Pennsylvania Core Standards. LEAs must ensure that their program is sufficient in quantity and quality before referring the student for an evaluation, demonstrating evidence that:
 - LIEP instruction is daily, rigorous, and research-based;
 - the core LIEP instructional program is aligned to the English language proficiency levels of the student, and the PA English Language Development Standards;
 - grade-level planned instruction in the content areas is delivered according to the English language proficiency levels of the student and the PA English Language Development Standards, and appropriate adaptations/modifications are provided by content teachers to allow meaningful access to core curriculum;
 - collaboration is ongoing between the LIEP and content teachers;
 - instruction and home-school communication are culturally and linguistically responsive.

ELs with IEPs may receive both LIEP instruction and special education services simultaneously. The IEP must be developed by the IEP Team, which should include the LIEP teacher as a member, or at a minimum, information provided by the LIEP teacher to the IEP team.

EL students receiving special education services must submit to Pennsylvania's annual assessments. Each EL student may participate in assessments through the use of one or more state-approved accommodations appropriate to his/her disability. The IEP team may make decisions regarding assessment accommodations for EL students with disabilities, considering the following:

1. Accommodations must not invalidate the results of the assessment;
2. Accommodations may be used for the entire assessment or only for part/parts of the assessment;
3. Determinations of any accommodation must be:
 - Based on a student's disability;
 - Made by the student's entire IEP team;
 - Properly documented in the student's IEP; and
 - Properly coded on the assessment.

Exit of ELs with IEPs:

Monitoring of the EL status is required for four years after a student exits a language instruction educational program and appropriate records of student progress must be maintained. ESSA Section 3121(a)(5). Monitoring may include any or all of the following:

- Periodic review of grades
- Local assessments
- Required state assessments
- Teacher observation
- Teachers may implement appropriate interventions to assist students who are not meeting benchmarks in core content areas.
- Monitoring is not an extension of the language instruction educational program. Students who are monitored cannot be counted as ELs in any state or federal data collection systems for the purpose of acquiring state or federal funding.

- For accountability purposes, an LEA must report on the academic achievement of an EL for each year of the four years after such student has achieved English language proficiency and no longer receives LIEP services. These data must include results on content assessments for reading/language arts, mathematics, and science.

Communications with EL Parents/Guardians

Communications with EL parents and/or guardians must be in the parents' /guardians' preferred language and mode of communication. The Charter School will provide interpretation services (written and/or oral, depending on the preferred mode of communication). 20 U.S.C.A. § 7012.

The Elementary and Secondary Education Act ("ESEA") does not define the term "families." Families may include relatives involved in the social, emotional, and academic support of the student and expand beyond parents and guardians to include siblings, grandparents, aunts, uncles, cousins and others. As such, States, LEAs, and schools looking to involve and support families should be responsive to their students' diverse family structures. For an EL or immigrant student, extended family members may have a powerful impact on the student's academic success. In many cultures, grandparents in particular play a pivotal role in guiding and shaping household values. Providing outreach to those relatives, including through information about school programs and student progress, as well as opportunities for meaningful involvement, such as participation in school functions like family literacy nights and other such events, can have a positive impact on student learning. It is also important to consider the family situation of foster youth, unaccompanied children, and others whose "family" network may extend beyond biological relatives.

Requirements for pre-service and in-service professional development for teachers

The ESSA made several important changes pertaining to preparation and professional development for teachers of ELs. First, instead of describing these programs and activities as "high-quality," as under NCLB, the statute has strengthened these provisions by clarifying that such programs and activities supported by Title III funds must be "effective."

LEAs must use Title III funds to provide effective professional development for teachers and principals of ELs that is:

- Designed to improve the instruction and assessment of ELs;

- Designed to enhance the ability of teachers and principals to understand and implement curricula, assessment measures and practices, and instructional strategies for ELs;
- Effective in increasing children’s English language proficiency or substantially increasing the subject matter knowledge, teaching knowledge, and teaching skills of teachers of ELs; and
- Of sufficient intensity and duration to have a positive and lasting impact on the teachers’ performance in the classroom. This does not include one-day or short term events, unless as part of a teacher’s comprehensive professional development plan that is based on a needs assessment. (ESEA Section 3115(c)(2)).

Second, the use of Title III State-level funds for professional development was previously limited to assisting personnel in meeting certification and licensing requirements for teaching ELs. States may now also provide professional development to improve teaching skills to meet the diverse needs of ELs, including how to implement effective programs and curricula to teach ELs. (ESEA Section 3111(b)(2)(B)). The professional development provided by either the State or an LEA need not be limited to teachers who teach exclusively ELs, but may be provided to all teachers who have ELs in their classrooms, to enable them to teach those ELs more effectively.

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

HOMELESS STUDENTS POLICY

PURPOSE

The McKinney-Vento Homeless Assistance Act (42 U.S.C. § 11431 *et seq.*), provides authority for the McKinney-Vento Education for Homeless Children and Youth (“EHCY”) program. Pursuant to EHCY program, State educational agencies (“SEAs”) must ensure that homeless children and youths have equal access to the same free, appropriate public education, including a public preschool education, as is provided to other children and youths. The SEAs and local educational agencies (“LEAs”) in the State must review and revise any laws, regulations, practices, or policies that may act as barriers to the identification, enrollment, attendance, or success in school of homeless children and youths. LEAs and schools may not separate homeless students from the mainstream school environment on the basis of their homelessness. Homeless students must also have access to the education and other services that they need to meet the same challenging State academic standards to which all students are held. (Section 721 of the McKinney-Vento Act, as amended by the Every Student Succeeds Act).

The Every Student Succeeds Act (“ESSA”) was signed into law on December 10, 2015, (P.L. 114-95), and reauthorizes the Elementary and Secondary Education Act (“ESEA”) of 1965, which was enacted in its previous version as the No Child Left Behind (“NCLB”) Act, in 2002.

ESSA amended Section 724(g) of the McKinney-Vento Act, requiring the Secretary of Education to develop, issue, and publish in the Federal Register guidelines concerning ways in which a State: (1) May assist LEAs to implement the provisions related to homeless children and youths amended by the ESSA; and, (2) May review and revise policies and procedures that may present barriers to the identification, enrollment, attendance, and success of homeless children and youths in school.

The Board of Trustees (“Board”) of the Urban Pathways K-5 College Charter School (“Charter School”) recognizes its obligation to ensure that homeless students have access to the same educational programs and services provided to other Charter School students. The Board shall make reasonable efforts to identify homeless children, encourage their enrollment, and eliminate existing barriers to their attendance and education, in compliance with federal and state law regulations.

The Board may waive policies, procedures and administrative regulations that create barriers for enrollment, attendance, transportation, and success in the Charter School of homeless students, based on the recommendation of the Chief Executive Officer (“CEO”).

DEFINITIONS

Section 725 of the McKinney-Vento Act, as amended by the ESSA, defines the following terms:

(a) “Homeless children and youths” means individuals who lack a fixed, regular, and adequate nighttime residence. The term includes –

(1) Children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals.

(2) Children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings.

(3) Children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and

(4) Migratory children (as defined in section 1309 of the Elementary and Secondary Education Act of 1965, as amended), who qualify as homeless because they are living in circumstances described in this definition.

(b) “Enroll and enrollment” include attending classes and participating fully in school activities.

(c) “Unaccompanied youth” includes a homeless child or youth not in the physical custody of a parent or guardian.

(d) The term “school of origin” is the school in which the child or youth attended when permanently housed, or the school in which the child or youth was last enrolled. The definition of “school of origin” now also specifically includes preschools and, when a child or youth completes the final grade level served by

the school of origin, it also includes the designated receiving school at the next grade level for all feeder schools. (Section 722(g)(3)(I)).

Note: Students who are “awaiting foster care placement” are no longer considered homeless for purposes of EHCY program. The deletion of “awaiting foster care placement” went into effect on December 10, 2016. (Section 725(2)(B)(i)).

CHARTER SCHOOL LIAISON DUTIES

The Board designates the CEO or his/her designee to serve as the Charter School’s liaison for homeless students and families.

The Charter School’s liaison shall coordinate with:

- a) Local service agencies that provide services to homeless children, youth and families.
- b) School districts on issues of records transfer, per pupil allocation, transportation and special education programs to ensure that homeless children who are in need of special education and related services are located, identified, and evaluated.
- c) State and local housing agencies responsible for comprehensive housing affordability strategies.

In addition to the duties already imposed on the Charter School liaison the following paragraphs (a) through (c) below set forth what the statute now requires of liaisons for homeless children and youths:

- (a) Ensure that school personnel providing services under the McKinney-Vento Act receive professional development and other support. (Section 722(g)(6)(A)(ix)).
- (b) Ensure that unaccompanied homeless youths (i) are enrolled in school, (ii) have opportunities to meet the same challenging State academic standards as other children and youths, and (iii) are informed of their status as independent students under the Higher Education Act of 1965 and that they may obtain assistance from the LEA liaison to receive verification of such status for purposes of the Free Application for Federal Student Aid. (Section 722(g)(6)(A)(x)).
- (c) Ensure that public notice of the educational rights of the homeless children and youths is disseminated in locations frequented by parents or guardians of such youth, and unaccompanied homeless youths, including

schools, shelters, public libraries, and soup kitchens, in a manner and form that is understandable. (Section 722(g)(6)(A)(vi)).

In addition, LEA liaisons who receive appropriate training may now affirm that a child or youth who is eligible for and participating in a program provided by the LEA, or the immediate family of such a child or youth, is eligible for homeless assistance programs administered under Title IV of the McKinney-Vento Act. (Section 722(g)(6)(D)).

These duties are in addition to those already required of the liaison:

1. Identify homeless children and youth including preschool age children;
2. Inform parents or guardians of educational rights and related opportunities available to their children, and provide them with meaningful opportunities to participate in the education of their children;
3. Disseminate public notice of the educational rights of homeless students where children and youth receive services under the Act and forms to such places as schools, family shelters, and food pantries;
4. Mediate enrollment disputes in accordance with the Enrollment Dispute section and ensure immediate enrollment pending resolution of disputes;
5. Inform the parent/guardian of a homeless child or youth, and any unaccompanied youth, of all transportation options, including to the school of origin, and assist in accessing these transportation services;
6. Assist children and youth who do not have immunizations, or immunization or medical records, to obtain necessary immunizations, or immunization or medical records;
7. Understand the Pennsylvania Department of Education guidance issued for the education of homeless students in order to distribute information on the subject as well as to present workshops for school personnel, including office staff;

Students shall not be discriminated against, segregated nor stigmatized based on their status as homeless.

BEST INTEREST DETERMINATION

The ESSA now requires that a school selected based on a homeless child's or youth's "best interest" must immediately enroll such child or youth even if he or she has missed

application or enrollment deadlines during any period of homelessness. (Section 722(g)(3)(C)(i)(II)).

The statute has modified the requirements governing “best interest” determinations to include the following:

(a) The Charter School must presume that keeping a homeless child or youth in the school of origin is in the child's or youth's best interest unless doing so is contrary to the request of the child's or youth's parent or guardian, or (in the case of an unaccompanied youth) the youth. (Section 722(g)(3)(B)(i)).

(b) The Charter School must consider student-centered factors related to a child's or youth's best interest, giving priority to the request of the child's or youth's parent or guardian, or (in the case of an unaccompanied youth) the youth. (Section 722(g)(3)(B)(ii)).

(c) If the Charter School determines that it is not in a child's or youth's best interest to attend the school of origin, or the school requested by the parent, guardian, or unaccompanied youth, it must provide a written explanation of the reasons for its determination, in a manner and form that is understandable. (Section 722(g)(3)(B)(iii)).

To the extent feasible, and in accordance with the student’s best interest and parent/guardian’s wishes, a homeless student shall continue to be enrolled in his/her school of origin while he/she remains homeless, or until the end of the academic year in which he/she obtains permanent housing.

Parents/guardians of a homeless student may request enrollment in the school in the attendance area where the student is actually living or other schools. If a student is unaccompanied by a parent/guardian, the Charter School liaison will consider the views of the student in determining where he/she will be enrolled.

The Charter School shall immediately enroll the student and begin instruction, even if the student is unable to produce records normally required for enrollment, which include, but are not limited to school records, immunizations, other health records and proofs of residency or guardianship. However, the Charter School may require a parent/guardian to submit contact information which includes identification of the school district of origin. Once enrolled, the Homeless Liaison will ask homeless families to complete a transitional housing form to determine the precipitating event(s) leading to homelessness, the specific date that homelessness last occurred, and details of current temporary living arrangements.

The Charter School SAP Supervisor/Homeless Liaison reviews each transitional housing form to confirm homelessness and ensure the Charter School is addressing not only the family's education, but their living circumstances appropriately. The Charter School maintains regular contact with homeless families to review any changes in living arrangements in order to determine whether homelessness continues to occur or a permanent residency has been established at which time they are removed from homeless status. The Charter School's SAP Supervisor/Homeless Liaison coordinates with multiple parties to ensure interventions, counseling, and accommodations are readily available to ensure the education of homeless students is not impeded by these outside circumstances.

HEALTH RECORDS/IMMUNIZATIONS

The Charter School liaison may contact the previous school for oral confirmation of immunizations, and the school shall request records from the previous district, pursuant to Board policy. Oral confirmation between professionals is a sufficient basis to verify immunization with written confirmation to follow within 30 days. The instructional program should begin as soon as possible after the enrollment process is initiated and should not be delayed until the procedure is completed. The law specifies that information about a homeless child's or youth's living situation shall be treated as a student education record, and shall not be deemed to be directory information. (Section 722 (g)(3)(G)).

According to federal law, "(iii) If the child or youth needs to obtain immunizations, or immunization or medical records, the enrolling school shall immediately refer the parent or guardian of the child or youth to the local educational agency liaison designated under paragraph (1)(J)(ii), shall assist in obtaining necessary immunizations, or immunization or medical records, in accordance with subparagraph (D)" 42 U.S.C. §11432(g)(c)(iii).

SCHOOL PLACEMENT

If the Charter School is unable to determine the student's grade level due to missing or incomplete records, the Charter School shall administer tests or utilize appropriate means to determine the student's placement.

If a dispute arises over the school selection or enrollment, the student shall be immediately enrolled in the school in which enrollment is sought, pending resolution of the dispute. The parents/guardians shall be provided with a written explanation of the Charter School's decision, their right to appeal, and the procedures to use for the appeal.

Appropriate school placement arrangements, based on the child's best interest, should be implemented through cooperative efforts of the respective chief school administrators of the Charter School, the chartering district, and any prior district of residence. Each case presents a unique set of circumstances and, therefore, requires an individualized response. In all cases, the Charter School shall comply, to the extent feasible, with the request made by a parent or guardian regarding school selection, shall attempt to minimize disruptions, and shall maintain the highest possible degree of continuity in programs for all homeless students. The choice regarding placement shall be made regardless of whether the child or youth lives with the homeless parents or has been temporarily placed elsewhere.

Homeless students shall be provided services comparable to those offered to other Charter School students including, but not limited to, transportation services, school nutrition programs, vocational programs and technical education, preschool programs, programs for students with limited English proficiency, and educational services for which students meet eligibility criteria, such as programs for disadvantaged students, students with disabilities, and gifted and talented students. The CEO or his/her designee must collaborate with the Charter School's special education program to ensure that homeless children who are in need of special education and related services are located, identified and evaluated.

Homeless Students Residing in Shelters, Facilities or Institutions Section

The Board shall admit to the Charter School, upon application, those school age children who are living at or assigned to a facility or institution, and who are residents of the district or another district of this Commonwealth. These facilities or institutions are defined by the Public School Code and include: an agency, supervised or licensed shelter, group home, maternity home, residence, facility, orphanage, or other institution for care or training of children or adolescents.

Homeless Students Not Residing in a Shelter, Facility or Institution

Homeless students may reside in hotels, motels, cars, tents, or temporarily doubled-up with a resident family because of lack of housing. In determining residence and, in the case of homeless children, equating “residence” and “domicile” (home) does not apply. They are presently unable to establish “homes” on a permanent basis. **Homeless families are not required to prove residency regarding school enrollment.**

These children should not be forced to change school districts every time their overnight accommodations change. Rather, these children are entitled to attend school in any school district where a parent, guardian, an adult caring for them or where an unaccompanied child:

- Spends the greatest percentage of his or her time; or
- Has a substantial connection such as where he or she is
 - regularly receiving day shelter or other services involving any of the 16 McKinney-Vento Activities (42 U.S.C. 11433(d)) for individuals who are homeless;
 - conducting daily living activities; or
 - staying overnight on a recurring basis.

TRANSPORTATION

The Charter School shall coordinate transportation for homeless students with the chartering school district of residence or any previous district of residence. The district of origin, the Charter School, and the chartering school district shall agree upon a method to apportion the responsibility and costs of the transportation.

ELIGIBILITY UNDER THE NATIONAL SCHOOL LUNCH AND BREAKFAST PROGRAMS

Homeless, runaway or migratory children are automatically certified as eligible for free meal benefits and can begin receiving free meal benefits upon proper documentation for meals. Migrant Education or Homeless staff are responsible for providing proper documentation of a child’s status to the Food Service Directors in each school district.

TITLE I

Title I of the ESSA mandates that funds be reserved to serve homeless children. Section 1113(C)(3) of the Title I statute states, “A local educational agency shall reserve such funds as are necessary...to provide services comparable to those provided to children in schools funded under this part to serve –,” (A) homeless children who do not attend participating schools, including providing educationally related support services to children in shelters and other locations where children may live...” A local educational agency shall reserve such funds as are necessary under this part, determined in accordance with subparagraphs (B) and (C), to provide services comparable to those provided to children in schools funded under this part to serve--“(i) homeless children and youths, including providing educationally related support services to children in shelters and other locations where children may live; “(ii) children in local institutions for neglected children; and “(iii) if appropriate, children in local institutions for delinquent children, and neglected or delinquent children in community day programs.

FISCAL RESPONSIBILITIES

When a homeless child enrolls in the Charter School, the Charter School shall send an invoice under Section 1725-A of the Charter School Law to the school district with financial responsibility for the homeless child under the Pennsylvania Department of Education’s Basic Education Circular on Education for Homeless Youth (located at <https://www.education.pa.gov/Documents/Codes%20and%20Regulations/Basic%20Education%20Circulars/US%20Code/Education%20for%20Homeless%20Youth.pdf> at the time of the adoption of this Policy).

If the school district disclaims financial responsibility for the child or if the Charter School cannot determine which school district has financial responsibility for the homeless child, then the Charter School shall contact the Pennsylvania Department of Education and legal counsel to decide how to proceed.

DISPUTE PROCEDURES

Pursuant to the McKinney-Vento Act, every state must develop procedures for the prompt resolution of disputes regarding the educational placement of homeless children and youths. 42 U.S.C §11432(g)(1)(C). The state must ensure that LEAs comply with requirements set forth in the McKinney-Vento Act including ensuring immediate enrollment, providing written notice to families concerning school selection, enrollment decisions and providing enrollment and pendency in the school of choice while a dispute is being resolved. 42 U.S.C §11432(g)(2)(A).

PDE has developed procedures to govern the resolution of disputes regarding enrollment, school selection, homeless status and complaints of non-compliance with legal requirements pertaining to the education for homeless children and youths:

Level 1 – A dispute may be raised with the Charter School, as a LEA. If a dispute arises over school selection or enrollment, the child or youth involved must immediately be admitted to the school in which they are seeking enrollment, pending resolution of the dispute 42 U.S.C. §11432(g)(3)(E)(i). The LEA liaison shall then explain the dispute resolution process to families and help a family or student to use it 42 U.S.C. §11432(g)(3)(E)(iii). The LEA shall issue a written disposition of the dispute within 20 business days after the LEA liaison is notified of the dispute. The disposition shall be provided to the parent, guardian or unaccompanied youth and shall explain the basis for the decision and advise the parent, guardian or youth of the right to appeal. 42 U.S.C. §11432(g)(3)(E)(i). PDE provides a “Notice of Procedural Safeguards” form to provide to families/students for purposes of explaining their rights of appeal.

Level 2 – A complaint may be filed with a McKinney-Vento coordinator. If the parent, guardian or unaccompanied youth is dissatisfied with the LEA’s disposition of a dispute or would like to raise any issue of McKinney-Vento Act noncompliance, they may file a complaint or appeal with a McKinney-Vento site or regional coordinator or with the state coordinator or directly to a court of competent jurisdiction.

In the case of an unaccompanied youth, the Charter School will ensure that the Charter School liaison assists in placement or enrollment decisions, considers the views of such unaccompanied youth, and provides notice to such youth of the right to 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

PUBLIC PERFORMANCES BY STUDENTS POLICY

The Board of Trustees (“Board”) of the Urban Pathways K-5 College Charter School (“Charter School”) recognizes the value to students of sharing their talents and skills with the community through student participation and performances in public events.

The Board endorses such performances when:

- (a) they constitute a learning experience which contributes to the educational program;
- (b) when the circumstances of the event do not pose a threat to the health, safety and well-being of the students who will be involved.

All requests for public performances by Charter School student groups shall require the prior approval of Chief Executive Officer (“CEO”). Parental permission shall be sought and received before students may participate.

No Charter School student shall be compelled to participate in a public performance or be penalized in any way for failure to do so.

No Charter School student, group of students or employees of this Board may receive compensation for the performance in public of students organized as a school representative.

The school name, Urban Pathways K-5 College Charter School, may not be used without prior approval of the CEO.

The interests of Charter School students shall be protected and guarded against exploitation.

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

RELIGIOUS BELIEFS AND EXEMPTION FROM INSTRUCTION POLICY

The Board of Trustees (“Board”) of the Urban Pathways K-5 College Charter School (“Charter School”) recognizes that no religious belief or non-belief should be promoted by the Charter School or its employees, and none should be disparaged. Instead, the Charter School should encourage all students and staff members to appreciate and be tolerant of each other's religious views and customs. The Charter School should foster understanding and mutual respect among diverse students and parents. Furthermore, the Board adopts this policy to ensure that parents/guardians have the right to have their children excused from specific instruction that conflicts with their own religious beliefs.

The rights granted by this policy are granted to parents/guardians of students enrolled in Charter School programs when the students are under the age of eighteen (18) and to the students themselves when the student is eighteen (18) or over, unless the student is incapable of making the decision due to a disability. The Charter School shall excuse any student from specific instruction, subject to the following conditions:

1. To assist the Charter School in ensuring that the student is excused from the correct specific instruction, the request must be made in writing and must detail the specific instruction from which the student is to be excused.
2. The written request to be excused shall be sent by the parent/guardian or student to the Building Principal or other Administrator. One (1) copy of the request shall be retained in the student’s permanent school record, one (1) copy kept by the Charter School Principal or Administrator, and one (1) copy submitted to the teacher from whose instruction the student is to be excused.
3. It shall not be the responsibility of the Charter School or its employees to ensure that the student exercises his/her right to be excused in accordance with a parental request. It shall be the responsibility of the student to request permission to leave class when the specific instruction objected to is presented. When the student seeks to be excused, the teacher shall excuse the student if the

teacher or administrator has a copy of the written request and the written request adequately describes the specific instruction

4. The written request must contain a statement that the specific instruction described conflicts with the religious beliefs of the student or of the parents/guardians.

5. The parent/guardian and/or student may request suggested replacement educational activities. The only permissible educational activity for this purpose shall be in the nature of replacement instruction that is consistent with the goals set for the course and that does not require the provision of any extra resources by the Charter School.

6. The Building Principal or other Administrator shall determine where the student shall report during the time the student is excused. All students excused from specific instruction shall be required to achieve the academic standards established by the Charter School as necessary for completion of the program.

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

References: State Board of Education Regulations – 22 PA Code §§ 4.4, 11.7.

Urban Pathways K-5 College Charter School

Board of Trustees Policy

REMOTE ACCESS AND MONITORING OF SCHOOL-ISSUED TECHNOLOGY

The Board of Trustees (“Board”) of the Urban Pathways K-5 College Charter School (“Charter School”) recognizes the need to establish regulations for school-issued Technology Resources consistent with the educational mission of the Charter School.

Definitions

Technology Resources means technologies, devices and resources used to access, store or communicate information, as issued by the Charter School to Charter School students for use in connection with the Charter School academic program. This definition includes, but is not limited to: computers, laptops, iPads, modems, printers, scanners, fax machines and transmissions, telephonic equipment, audio-visual equipment, digital cameras, e-readers, i.e. Kindles and Nooks, Internet, electronic mail, electronic communications devices and services, multi-media resources, hardware and software, including the Moodle software (abbreviation for “Modular Object-Oriented Dynamic Learning Environment”).

Remote Access of Technology Resources means a situation where a Charter School employee or agent, using client management software, accesses a Technology Resource in the student’s possession. Software maintenance, which will download software and configuration changes automatically when a student connects to the Charter School Network with the Technology Resource, does not constitute remote access of the Technology Resource. Remote access of Technology Resources does not include voluntary participation by the student or other User in web conferences, chat rooms or other web-based activities not required as part of the Charter School’s academic program.

Software maintenance means any software or configuration changes sent out to all Technology Resources even if it only affects certain Technology Resources that are necessary for the maintenance and security of the Charter School’s Technology Resources and to ensure that only authorized software is installed on the Technology Resources.

Repair and Maintenance of Technology Resources

Technology Resources are the property of the Charter School. Students are responsible for the appropriate use of Technology Resources whether in the Charter School facility or if used in the student's home in accordance with Charter School policies. If Technology Resources are in need of repair, service or other maintenance, students are to report to [DEPARTMENT OR OFFICE WHERE IT REPAIRS ARE AVAILABLE]. Students should not attempt to repair or service any Technology Resources. Vandalism to any Technology Resource or any of their accessories is strictly prohibited by the Charter School Student Code of Conduct.

Remote Access

Certain Technology Resources may be equipped with the ability to be accessed remotely in the following two scenarios:

1. **Technical Problems**. In some instances it may be necessary for Charter School to access the Technology Resource remotely to resolve a technical problem. If this is needed, the student will be asked for permission. If permission for remote access is given, a permanent record of the approval will be logged along with the time, date and duration of the access. Charter School will only implement remote access software that automatically creates a record of its activation. If the student does not wish to have the technical problem resolved remotely the student may decline the request for remote access and [DESCRIBE PROCESS]. However, a student does not need to be asked for permission prior to remote software maintenance as defined above. Software maintenance may involve the correction of altered code or programming and in some cases may remove files from the Technology Resource if the files are deemed to be a threat to the operation or security of the Network or are stored in unauthorized software.
2. **A Technology Resource Reported Missing or Stolen**. If the student or parent/guardian believes the Technology Resource is missing or stolen, a written report of the incident must be filled out by the student and parent/guardian and filed with [Urban Pathways K-5 College Charter School EMPLOYEE]. Once the report is filed, the Charter School may initiate the following procedures for reporting Technology Resources missing or stolen which provide as follows:
 - i. Activate Internet Protocol tracking may be used with parent/guardian and student consent for the sole purpose of retrieving the equipment.
 - ii. At no time will the Technology Resource's camera be activated remotely nor will screen shots, audio, video or on-screen text be remotely monitored.

Commented [A1]: Please modify this section if different procedures in place.

Commented [A2]: Please identify employee(s) to whom report to be made.

NOTE: The Board of Trustees may from time to time approve other tracking technologies; however, no tracking technology will be used unless its function and capabilities have first been explained to the parent/guardian and student.

Review of Student Records

The Charter School's Student Information System permits only authorized Charter School users to remotely access student records and various remote levels of access are permitted depending on the reason for review and level of authority of authorized user, in accordance with applicable state and federal law.

Review of Student Files

At no time will any Charter School employee, other than as stated above, review a student's files stored on the Technology Resource, except as follows:

- After the Student Technology Resource has been returned for reason of end of school year, disenrollment or for a replacement Technology Resource because of a defective Technology Resource.
- If the Charter School has a reasonable suspicion that a student is violating applicable state or federal laws, Charter School Code of Conduct and/or Charter School rules or policies, authorized Charter School administrators may remotely access and/or take custody of the Technology Resource and review student files. "Reasonable suspicion" means reasonable grounds exist that the search will uncover evidence that the student has violated state or federal law, Charter School Code of Conduct, or Charter School rules or policies. The scope of the search must be reasonably related to the violation that justified the search.
- Where a Technology Resource is reported missing or suspected stolen, pursuant to a written and signed consent form that clearly and conspicuously sets forth the ability of the Charter School to access or review student files. Parents/guardians and student must be informed in writing that the failure to sign the consent form or to otherwise cooperate with the Charter School or an investigating law enforcement agency in connection with the retrieval of the Technology Resource may subject the parents/guardians and/or student to the cost of the full replacement value of the Technology Resource.
- Teachers and other Charter School personnel may provide assistance to students in locating student files in the presence of and at the request of the student.

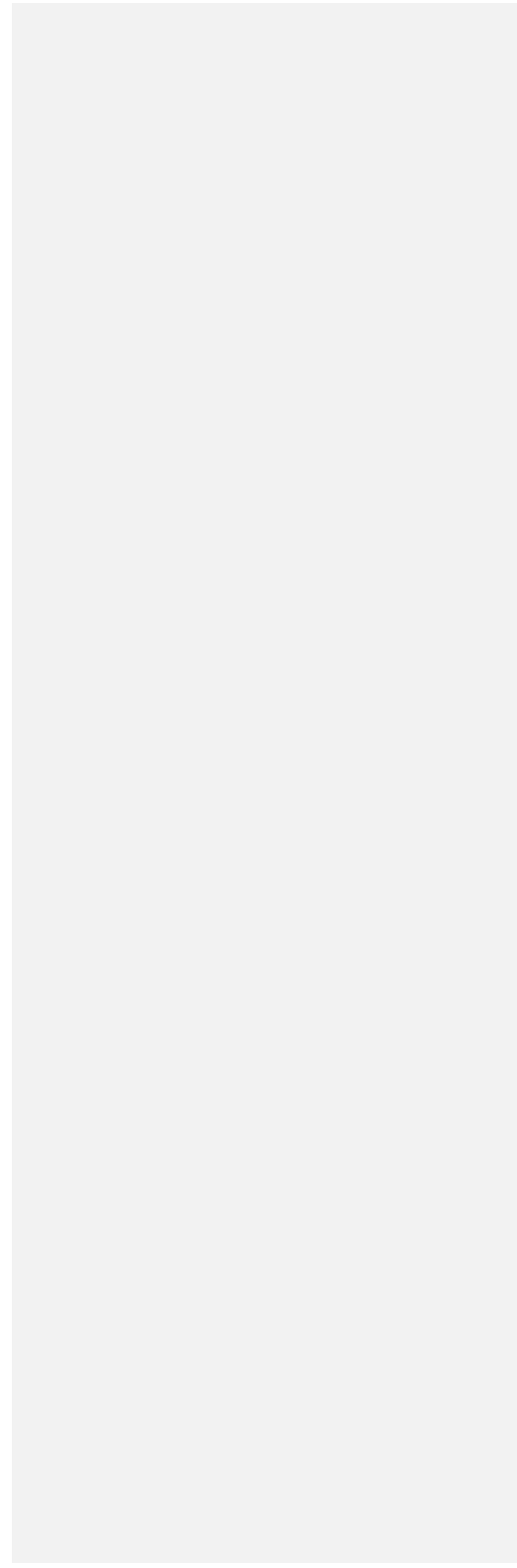
Commented [A3]: Ensure Charter School has this consent form in place and disseminates to all parents/students.

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

REPORTING STUDENT PROGRESS POLICY

The Board of Trustees ("Board") of the Urban Pathways K-5 College Charter School believes that the cooperation of school and home is a vital ingredient in the growth and education of the whole child. It recognizes its responsibility to keep parents and guardians informed of student welfare and progress in school. It also recognizes the effects of State Board Regulations and Federal Regulations governing school records.

The Board directs the establishment of a program of reporting student progress that shall include written reports; and may schedule parent conferences with teachers; and shall require appropriate staff members to comply with such a program as part of their responsibility.

The Chief Executive Officer shall develop procedures for reporting student progress and achievement to parents or guardians which use methods of reporting appropriate to grade level and curriculum content; insure that both student and parent receive ample warning of a pending mark of "failure," or of a condition that would adversely affect the student's status; enable the scheduling of parent-teacher conferences at such times and places as will ensure the greatest degree of participation by parents and guardians; specify the issuance of report cards at intervals of not less than nine (9) weeks.

Report cards and other appropriate literature for parents shall be provided, wherever possible, in the appropriate foreign language for students who do not speak English.

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

RESIDENCY AFFIDAVIT

1. PART ONE TO BE COMPLETED BY RESIDENT HOMEOWNER/TENANT

I/We _____ attest that all
(Homeowner/Tenant)

information provided herein is correct and current. I/We understand that if residency shall change for any reason it is the responsibility of the resident to notify the Urban Pathways K-5 College Charter School ("Charter School") and amend the Residency Affidavit. Any false statements can and may be punishable by law.

I/We currently reside at:

(address) _____

_____, (phone) _____.

I/We hereby verify my residency by providing one or more, pursuant to Charter School request, of the following:

- Utility, Property Tax or Credit Card Bill
- Pa. Department of Transportation identification or driver's license
- Pa. Department of Transportation vehicle registration
- Copy of paycheck stub with name and address of employee and employer
- Property lease
- Property deed
- Proof of auto insurance with name and address
- Government Agency Identification Card

I/We hereby state that _____ are residing at
(Name of Parent(s)/Guardian(s) and Students)
my/our above-stated residence.

I/We grant Charter School permission to investigate the information I/we have presented in this statement by discussing the presented information with all appropriate parties, as necessary to confirm factual accuracy.

I/We recognize the following:

NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, A PERSON WHO KNOWINGLY PROVIDES FALSE INFORMATION IN A SWORN STATEMENT FOR THE PURPOSE OF ENROLLING A CHILD IN A SCHOOL DISTRICT (OR CHARTER SCHOOL TO THE EXTENT PERMITTED BY LAW) FOR WHICH THE CHILD IS NOT ELIGIBLE COMMITS A SUMMARY OFFENSE AND SHALL, UPON CONVICTION FOR SUCH VIOLATION, BE SENTENCED TO PAY A FINE OF NO MORE THAN THREE HUNDRED DOLLARS (\$300) FOR THE BENEFIT OF THE SCHOOL DISTRICT (OR CHARTER SCHOOL TO THE EXTENT PERMITTED BY LAW) IN WHICH THE PERSON RESIDES OR TO PERFORM UP TO TWO HUNDRED FORTY (240) HOURS OF COMMUNITY SERVICE, OR BOTH. IN ADDITION, THE PERSON SHALL PAY ALL COSTS AND SHALL BE LIABLE TO THE SCHOOL DISTRICT (OR CHARTER SCHOOL TO THE EXTENT PERMITTED BY LAW) FOR AN AMOUNT EQUAL TO THE COST OF TUITION CALCULATED IN ACCORDANCE WITH SECTION 2561 OF THE PUBLIC SCHOOL CODE DURING THE PERIOD OF ENROLLMENT.

I/We VERIFY THAT STATEMENTS MADE IN THIS AFFIDAVIT ARE TRUE AND CORRECT AND THAT FALSE STATEMENTS HEREIN MADE ARE SUBJECT TO THE PENALTIES UNDER THE LAW REGARDING SWORN FALSIFICATIONS.

HOMEOWNER/TENANT: _____

Address: _____ Phone: _____

Date _____

URBAN PATHWAYS K-5 COLLEGE CHARTER SCHOOL

AFFIDAVIT OF SUPPORT

I/We _____ being duly sworn to law

Dispose and say that we are residents of the _____ School District being residents of (address/municipality)_____

_____ THAT I/We have as a resident in our home, _____ (the pupil), born _____ and in grade/school _____, child of _____, whose address(es) is/are _____

_____ THAT the pupil is being supported continuously by the undersigned, and not merely through the school term;

THAT I/We are not receiving any personal compensation or gain and/or other support funds not disclosed;

THAT the pupil is a full time resident in my/our home;

THAT I/We will claim the pupil as a dependent for tax purposes as per IRS guidelines and that the pupil's parents relinquish such claim to the pupil's dependency;

THAT I/We agree to supply Charter School with my/our tax records on an annual basis in order to demonstrate proof of my/our continued full support of the pupil;

THAT I/We agree to submit affidavits at the start of every school year in which the pupil enrolled in Charter School and is being supported by me/us pursuant to the terms of this agreement;

THAT I/We will notify Charter School, in writing, as soon as the conditions of residence of the pupil are no longer current.

THAT I/We intend to assume all personal obligations for the pupil relative to school requirements;

THAT I/We recognize the following:

NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, A PERSON WHO KNOWINGLY PROVIDES FALSE INFORMATION IN A SWORN STATEMENT FOR THE PURPOSE OF ENROLLING A CHILD IN A SCHOOL DISTRICT (OR CHARTER SCHOOL TO THE EXTENT PERMITTED BY LAW) FOR WHICH THE CHILD IS NOT ELIGIBLE COMMITS A SUMMARY OFFENSE AND SHALL, UPON CONVICTION FOR SUCH VIOLATION, BE SENTENCED TO PAY A FINE OF NO MORE THAN THREE HUNDRED DOLLARS (\$300) FOR THE BENEFIT OF THE SCHOOL DISTRICT (OR CHARTER SCHOOL TO THE EXTENT PERMITTED BY LAW) IN WHICH THE PERSON RESIDES OR TO PERFORM UP TO TWO HUNDRED FORTY (240) HOURS OF COMMUNITY SERVICE, OR BOTH. IN ADDITION, THE PERSON SHALL PAY ALL COSTS AND SHALL BE LIABLE TO THE SCHOOL DISTRICT (OR CHARTER SCHOOL TO THE EXTENT PERMITTED BY LAW) FOR AN AMOUNT EQUAL TO THE COST OF TUITION CALCULATED IN ACCORDANCE WITH SECTION 2561 OF THE PUBLIC SCHOOL CODE DURING THE PERIOD OF ENROLLMENT.

THAT I/WE HAVE BEEN ACQUAINTED WITH ARTICLE XIII OF THE PUBLIC SCHOOL CODE OF 1949, AS AMENDED; AND CHAPTER 11 OF TITLE 22 OF THE PENNSYLVANIA CODE; THAT I/WE HAVE READ THOSE SECTIONS AND ARE FAMILIAR WITH IT AND UNDERSTAND THE PROVISIONS OF THAT SECTION.

**I/We VERIFY THAT STATEMENTS MADE IN THIS AFFIDAVIT ARE TRUE AND CORRECT
AND THAT FALSE STATEMENTS HEREIN MADE ARE SUBJECT TO THE PENALTIES
UNDER THE LAW REGARDING SWORN FALSIFICATIONS.**

GUARDIAN: _____

Address: _____ Phone: _____

GUARDIAN: _____

Address: _____ Phone: _____

URBAN PATHWAYS K-5 COLLEGE CHARTER SCHOOL

Affidavit of Custody

I, _____ being duly sworn according to law depose and say:

THAT I am a resident of the Commonwealth of Pennsylvania.

THAT I am a resident of the _____ School District, residing at _____.

THAT I am the parent of _____, pupil(s) of Charter School, born _____ and in grade/school _____.

THAT I am the custodial parent of the subject pupil(s) subject to a Custody Decree, Order or Agreement;

THAT as a custodial parent, I have the requisite legal custody to enroll pupil in Charter School and make all educational decisions;

THAT the non-custodial parent of the subject pupil(s) is _____, who resides at _____ in the _____ School District.

THAT the pupil(s) is/are being supported continuously;

THAT the pupil(s) began/will begin residence in my home on _____.

THAT the pupil(s) will be a full-time resident in my home;

THAT I will claim the pupil as a dependent for tax purposes as per IRS guidelines;

THAT I agree to submit affidavits at the start of every school year in which the pupil(s) is/are enrolled in Charter School and is/are being supported by me pursuant to the terms of this Affidavit;

THAT I agree to submit to Charter School a copy of the Custody Order entered on behalf of pupil(s) at the commencement of each school year to the extent that same would be required by law;

THAT I agree to notify Charter School, in writing, as soon as the condition of custody of pupil(s) changes;

THAT I will notify Charter School, in writing, as soon as the condition of residence of pupil(s) is/are no longer current;

THAT I intend to assume all personal obligations for pupil(s) relative to school requirements that may include: providing for required immunizations, uniforms, fees/fines, citations/fines for truancy, attending parent-teacher conferences, attending meetings/hearings concerning discipline and fulfilling any special education requirements;

THAT I recognize the following:

NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, A PERSON WHO KNOWINGLY PROVIDES FALSE INFORMATION IN A SWORN STATEMENT FOR THE PURPOSE OF ENROLLING A CHILD IN A SCHOOL DISTRICT (OR CHARTER SCHOOL TO THE EXTENT PERMITTED BY LAW) FOR WHICH THE CHILD IS NOT ELIGIBLE COMMITS A SUMMARY OFFENSE AND SHALL, UPON CONVICTION FOR SUCH VIOLATION, BE SENTENCED TO PAY A FINE OF NO MORE THAN THREE HUNDRED DOLLARS (\$300) FOR THE BENEFIT OF THE SCHOOL DISTRICT (OR CHARTER SCHOOL TO THE EXTENT PERMITTED BY LAW) IN WHICH THE PERSON RESIDES OR TO PERFORM UP TO TWO HUNDRED FORTY (240) HOURS OF COMMUNITY SERVICE, OR BOTH. IN ADDITION, THE PERSON SHALL PAY ALL COSTS AND SHALL BE LIABLE TO THE SCHOOL DISTRICT (OR CHARTER SCHOOL TO THE EXTENT PERMITTED BY LAW) FOR AN AMOUNT EQUAL TO THE COST OF TUITION CALCULATED IN ACCORDANCE WITH SECTION 2561 OF THE PUBLIC SCHOOL CODE DURING THE PERIOD OF ENROLLMENT.

CHARTER SCHOOL MAY MONITOR AND AUDIT ALL CUSTODY ARRANGEMENTS THAT ARE UNDER AN AFFIDAVIT BASIS TO THE EXTENT PERMITTED BY LAW.

ANY INDIVIDUAL WHO MAKES FRAUDULENT STATEMENTS ON THIS AFFIDAVIT OR WHO FAILS TO ABIDE BY THE CONDITIONS SWORN TO ON THE AFFIDAVIT MAY BE PROSECUTED TO THE EXTENT PERMITTED BY LAW.

THE CHARTER SCHOOL OR SCHOOL DISTRICT OF RESIDENCE MAY PURSUE THE PARENT FOR PAYMENT OF TUITION, INCLUDING TRANSPORTATION COSTS, IF THE CONDITION OF RESIDENCY IS FOUND TO BE INVALID;

TO THE EXTENT PERMITTED BY LAW, THE STEPS RELATIVE TO PROSECUTION/TUITION PAYMENT MAY BE TAKEN IF THE CUSTODY ORDER/DECREE/AGREEMENT WITH THE CUSTODIAL PARENT HAS BEEN TERMINATED OR MODIFIED TO AFFECT THE RESIDENCY OF PUPIL(S) AND THE PUPIL CONTINUES TO ATTEND CHARTER SCHOOL WITHOUT NOTIFICATION TO CHARTER SCHOOL. ANY TUITION AMOUNT DUE TO THE SCHOOL OR SCHOOL DISTRICT SHALL BE PAYABLE ON THE DAY PUPIL(S) IS/ARE WITHDRAWN FROM THE SCHOOL DISTRICT.

THAT I HAVE BEEN ACQUAINTED WITH ARTICLE XIII OF THE PUBLIC SCHOOL CODE OF 1949, AS AMENDED AND CHAPTER 11 OF TITLE 22 OF THE PENNSYLVANIA CODE; AND

THAT I HAVE READ THOSE SECTIONS AND AM FAMILIAR WITH IT AND UNDERSTAND THAT PROVISIONS OF THAT SECTION.

THAT I GRANT CHARTER SCHOOL PERMISSION TO INVESTIGATE THE INFORMATION THAT I HAVE PRESENTED IN THIS STATEMENT BY DISCUSSING THE PRESENTED INFORMATION WITH ALL APPROPRIATE PARTIES AS NECESSARY TO CONFIRM THE FACTUAL ACCURACY.

I VERIFY THAT STATEMENTS MADE IN THIS AFFIDAVIT ARE TRUE AND CORRECT AND THAT FALSE STATEMENTS HEREIN MADE ARE SUBJECT TO THE PENALTIES UNDER THE LAW REGARDING SWORN FALSIFICATIONS.

PARENT:

Address:

Phone:

Date _____

Urban Pathways K-5 College Charter School

Board of Trustees Policy

SEARCHES OF STUDENT, LOCKER, AND PERSONAL PROPERTY POLICY

The Board of Trustees ("Board") of the Urban Pathways K-5 College Charter School ("Charter School") acknowledges the need for safe in-school storage of books, clothing, school materials and other personal property of the students and may provide lockers and cabinets for such storage. The Board also acknowledges the need for all students, staff and visitors to function within a safe and healthy school environment.

While lockers are issued to each student for use during the school day for storage of items related to the student's school day, all lockers are and shall remain the property of the Charter School. Students are encouraged to keep their assigned lockers or cabinets closed and locked against incursion by other students, but no student may use a locker as a depository for illegal or dangerous substances or objects which are prohibited by the Student Code of Conduct or substances or objects which constitute a threat to the health, safety or welfare of the student body or pose a threat to the building itself.

No student is permitted, pursuant to the Charter School Code of Conduct, to keep on or about their person, illegal or dangerous substances or objects which are prohibited by the Student Code of Conduct or substances or objects which constitute a threat to the health, safety or welfare of the student body or pose a threat to the building itself.

The Board authorizes its employees to inspect a student's locker, personal property, (bookbag, handbag, etc.) and/or person, when such employee has a reasonable suspicion to believe that storage of contraband, a substance or object the possession of which is illegal, or any substance, object or other material which poses a hazard to the health, safety, welfare and good order of the school is being stored in or on the student's locker, personal property or person.

The CEO shall develop procedures to implement this policy which shall require:

1. All requests or suggestions for the search of a student's locker, personal property or person shall be directed to the CEO.

2. Students shall be notified and given an opportunity to be present for a search of his/her locker and/or personal property except in the case where a reasonable suspicion exists that the locker/personal property contains materials that pose a threat to the health, welfare or safety of the students in the Charter School. The CEO/Principal shall appoint a third party administrator or staffperson to be present at the locker and/or personal property inspection. An administrator or staffperson of the same sex as the student being searched will be present in addition to another Charter School administrator or staffperson for a search of the student's person.
3. The CEO/Principal/Vice Principal shall be responsible for the safekeeping and proper disposal of any substance, object or material found to be improperly stored in a student's locker, personal property or on his/her person.
4. The CEO/Principal shall be responsible for the prompt recording in writing of each such inspection which record shall include the reasons for the search, persons present, object found, and their disposition.
5. The CEO/Principal shall be responsible for the safekeeping, confiscation and proper disposal of any substance, object or material found in a student's locker in violation of law, Board policy and/or Student Code of Conduct.
6. A random search may only be done if there is a compelling interest in protecting and preserving the health, safety or welfare of the Charter School population.
7. Illegal and prohibited materials seized during a student search may be used as evidence against the student in a Charter School disciplinary proceeding. Searches conducted by the Charter School may include, but are not limited to, metal detection units, or any device used to protect the health, safety and welfare of the Charter School population.

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; 22 PA Code §12.14

Urban Pathways K-5 College Charter School

Board of Trustees Policy

STUDENT CONDUCT AND DISCIPLINE POLICY

The Board of Trustees (“Board”) of the Urban Pathways K-5 College Charter School (“Charter School”) has the authority to make reasonable and necessary rules governing the conduct of students in the Charter School. The rulemaking power, however, is not unlimited; it must operate within statutory and constitutional restraints. The Board acts within those powers that are enumerated in the statutes of the Commonwealth, or that may reasonably be implied or necessary for the orderly operation of the Charter School. Authorized discipline of Charter School students shall not include corporal punishment.

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

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

The Charter School CEO and/or his or her designee shall develop and disseminate reasonable rules to carry out the purpose of this policy. The CEO and/or his or her designee is responsible for publishing and distributing to all staff, students and parents/guardians the rules and regulations for student behavior contained in the Code of Student Conduct and the sanctions that may be imposed for violations of those rules. These rules shall comply with applicable public law and shall include the following elements:

- (a) Standards of student conduct shall inform students and staff what conduct is acceptable and what is prohibited. These standards shall apply to students while traveling to and from school, at school, while using school issued technology, and in all school-related activities and shall be appropriate to students' ages.
- (b) Disciplinary sanctions shall state which staff may employ what sanctions to penalize and correct students who violate reasonable standards of conduct. Discipline must be rationally related to the offense, designed to teach responsibility for one's actions and applied without discrimination on account of race, color, sex, sexual orientation, national origin or religion.

Penalties: If a teacher or an employee of the Charter School engages in corporal punishment or techniques, he or she is subject to discipline as outlined in the employee handbook, which may or may not include termination of employment at the Charter School.

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

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

Reporting:

The CEO, or his/her designee, shall annually, or such other time frame as required, per the Pennsylvania Department of Education (PDE) Office for Safe Schools, at 24 P.S. §13-1303-A, report on the required form, all new incidents that occurred on school property and involved conduct including, but not limited to, acts of violence, weapons, terroristic threats, controlled substances, alcohol or tobacco. The CEO, or his/her designee, shall annually, or such other time frame as required per PDE, submit the prepared Office of

Safe Schools report to the police department with jurisdiction over the school building for review and comparison with police incident data. Discrepancies shall be resolved in accordance with the procedures outlined in the memorandum of understanding pursuant to 24 P.S. §13-1302.1-A regarding procedures between the Charter School and law enforcement.

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

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

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

ADOPTED this _____ day of _____, 2023

President

Secretary

Urban Pathways K-5 College Charter School

Board of Trustees Policy

STUDENT EDUCATIONAL RECORDS POLICY

The Board of Trustees ("Board") of the Urban Pathways K-5 College Charter School ("Charter School") recognizes the need to protect the privacy rights of students and their parents. Charter School will adhere to the provisions of state and federal law pertaining to those privacy rights, including but not limited to the Family Educational Rights and Privacy Act of 1974 ("FERPA"), as amended, and its accompanying regulations; the Individuals with Disabilities Education Act ("IDEA"), as amended, and its implementing regulations; the Pennsylvania Public School Code of 1949, and Chapter 12 of the Pennsylvania Administrative Code containing the regulations of the Pennsylvania State Board of Education. The Chief Executive Officer ("CEO") of the Charter School is designated as the Administrator responsible for the maintenance, access and release of student records and the maintenance, access and release of academic records.

The CEO shall be responsible for the implementation of this policy.

- I. DEFINITION OF TERMS** (20 U.S.C. §1232g unless otherwise noted)
- A. The term "**applicable law**" shall mean all statutes and regulations applicable to the student records that are in effect when any action is taken or is to be taken and shall include, but not necessarily be limited to, the Family Education Rights and Privacy Act, the Code of Federal Regulations, Title 34 Part 99, the United States Code § 1232 and the regulations of the Pennsylvania State Board of Education at 22 Pa. Code §§ 12.31 *et seq.*
 - B. The term "**attendance**" means in person or by paper correspondence, videoconference, satellite, Internet or other electronic information and telecommunications technologies for students who are not physically present in the classroom; and the period during which a person is working under a work-study program.
 - C. The term "**biometric record**" as used in the definition of "personally identifiable information" means a record of one or more measurable biological or behavioral characteristics that can be used for automated recognition of an individual. Examples include fingerprints; retina and

iris patterns; voiceprints; DNA sequence; facial characteristics; and handwriting. (National Security Presidential Directive 59 and Homeland Security Presidential Directive 24).

- D. The term “**dates of attendance**” means the period of time during which a student attends or attended an educational agency or institution. Examples include an academic year, a spring semester or first quarter. The term does not include specific daily records of a student’s attendance at the Charter School.
- E. The term “**destruction**” or “**destroy**” means the physical destruction, obliteration or permanent removal of all or any portion of the information in a student record. Permanent removal of a record from the custody, care and control of the Charter School shall constitute destruction of that record even if the information contained therein is maintained by another agency or entity.
- F. The term "**directory information**" means any of the following personally identifiable information when, in the judgment of the responsible administrator, the release of such information would not be harmful to or constitute an invasion of privacy for the student or his or her family. This information includes: the student's name, address, telephone number, date and place of birth, dates of attendance or participation in Charter School’s program, electronic mail address, photograph, major field of study, grade level, degrees, honors and awards received, date of graduation, and similar information. 20 U.S.C. § 1232g(a)(5)(A).
- (1) Directory information does not include:
- Student social security number; or
 - Student identification (ID) number that does not require a password or PIN number to gain access to other student information. It is directory information if the student ID number, user ID, or other unique personal identifier is used by the student for purposes of accessing or communicating in electronic systems, but only if the personal identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a personal identification number (PIN), password, or other factor known or possessed only by the authorized user. 20 U.S.C. 1232g(a)(5)(A).
- G. The term "**disclosure**" means permitting access to or the release, transfer or other communication of personally identifiable information contained

Commented [A1]: Student ID numbers may now be disclosed if a PIN or password is still needed to access student information.

in education records to any party, by any means, including oral, written, or electronic means to any party except the party identified as the party that provided or created the record. 20 U.S.C. 1232g(b)(1); 34 C.F.R. § 99.3.

- H. The term "**educational agency or institution**" means any public or private agency or institution which is the recipient of funds under any federal program referenced in applicable law. The term refers to the agency or institution recipient as a whole, including all of its component parts. 20 U.S.C. § 1232g(a)(3).
- I. The term "**education records**" means those records that are directly related to a student and maintained by an educational agency or institution or by a party acting for the agency or institution. The record can be recorded in any form, including but not limited to, handwriting, print computer media, electronic files, electronic mail, video or audio tape, film, microfilm and microfiche or digital medium. The term includes "**Electronically Stored Information (ESI)**" and includes, but is not limited to emails, and electronic documents. The possible sources/locations of ESI are individual hard drives, local and remote servers, removable media and devices used to conduct Charter School business. Educational records do not include:
1. Records that are kept in the sole possession of the maker of the record, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record. These records include instructional, supervisory and administrative personnel and education personnel ancillary to those persons, including, but not limited to: instructional support teachers, counselors, therapists and clinicians, school psychologists and psychiatrists, nurses and instructional aides.
 2. Records of the law enforcement unit of an educational agency or institution, subject to the provisions of 34 C.F.R. § 99.8;
 3. Records relating to an individual who is employed by an educational agency or institution that:
 - a. Are made and maintained in the normal course of business;
 - b. Relate exclusively to the individual in that the individual's capacity as an employee; and
 - c. Are not available for use for any other purpose.

However, records relating to an individual in attendance at the agency or institution who is employed because of his or her status as a student are education records and are not excluded under this provision.

4. Records on a student who is eighteen (18) years of age or older, or is attending an institution of post-secondary education that are:
 - a. Made or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional acting in his/her professional capacity or assisting in a professional capacity;
 - b. Made, maintained or used in connection with the treatment of the student; and
 - c. Disclosed only to individuals providing the treatment. For the purpose of this definition, "treatment" does not include remedial educational activities or activities that are part of the program of instruction at the agency or institution.
 5. Records that only contain information pertaining to time periods after the individual is no longer a student at the Charter School which are records about alumni of the Charter School, created after the individual is no longer in attendance and which are not related to that individual's attendance as a student. 20 U.S.C. § 1232g(a)(4).
 6. Grades and other forms of peer assessments or ratings before they are collected and recorded by a teacher.
 7. Other records specifically excluded from the definition of "education record" and FERPA and its implementing regulation.
- J. The term "**eligible student**" means a student who has attained eighteen (18) years of age, or is attending an institution of post-secondary education. Whenever a student has attained eighteen (18) years of age or is attending an institution of post-secondary education, the permission or consent shall be required of, and the right accorded to the student, except that the parent of an exceptional child or a disabled child as defined by state and federal law or a parent who claims the student as a dependent under Section 152 of the Internal Revenue Code of 1986 shall have the right of access to the student's records and information contained therein (as provided in Section V.A.).

- K. The term “**emancipated minor**” means a student below age 21 who has chosen to establish a domicile apart from continued control and support of parents/guardian. The term includes a minor living with a spouse.
- L. The term “**maintain or maintained**” with regard to personally identifiable information on paper or stored on magnetic or video tape, means that it will be kept in a secure file or desk drawer or in the continuous and secure control of a school official with a legitimate educational interest in the content thereof. In the case of personally identifiable digital information that is electronically-stored, including electronic mail and/or instant messaging mail, the term shall mean kept in a secure database located on a server or servers, disk partition, or other electronic storage system specifically designated by the CEO or her designee as a “student records maintenance site.” Charter School’s electronic mail server or servers, or directory or directories, and the files on local disk drives dedicated to the storage of sent or received electronic mail and/or instant messaging mail, shall not for any purpose constitute a “student records maintenance site” and any mail stored thereon shall either be deleted or moved to a “student records maintenance site” at least once annually.
- M. The term “**parent**” means a natural or lawfully-adoptive parent or legal guardian of a student, or a surrogate parent appointed in accordance with 34 C.F.R. § 300.515 of the regulations implementing Part B of the Individuals with Disabilities Act, or a person acting as a parent who is supporting a student gratis and has signed an affidavit assuming educational responsibility for the student in accordance with Section 1302 of the Public School Code, 24 P.S. § 13-1302. The Charter School shall afford to any person who qualifies as a “parent” under this section all of the rights afforded to parents by this policy or by any state or federal law, unless the responsible administrator receives and has reasonable opportunity to review a lawful custody order, divorce decree, separation agreement or similar document expressly terminating the right of that person to receive or have access to the student’s records. 34 C.F.R. § 99.4. The Charter School does not assume responsibility for the discovery or location of such documentation.
- N. The term “**Charter School**” means the Charter School and its officers, employees and agents, individually or collectively. The term does not include any other public or private school or other educational agency, or any officer, employee or agency thereof, at which Charter School students are enrolled or from which Charter School students receive services. 24 P.S. § 17-1715A.

- O. The term “**personally identifiable information**” includes, but is not limited to:
- 1) Student’s name;
 - 2) Name of the student’s parent(s) or other family members;
 - 3) Address of the student or student’s family;
 - 4) A personal identifier, such as the student’s social security number, student number or biometric record;
 - 5) Other indirect identifiers, such as the student’s date of birth, place of birth and mother’s maiden name;
 - 6) Other information, that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or
 - 7) Information requested by a person who the educational agency or institution reasonably believes knows the identity of the student to whom the education record relates. 20 U.S.C. 1232(g).
- P. The term “**record**” means any information recorded in any way, including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, microfiche. 34 C.F.R. § 99.3.
- Q. The term “**school official with a legitimate educational interest**” means
1. Any person in one or more of the following positions:
 - a. the CEO and his or her specifically authorized designees;
 - b. the responsible administrator and his or her specifically-authorized designees;
 - c. the administrator of any program to which the student is assigned and any other administrators employed by the Charter School who are responsible for the administration of programs in which the student is enrolled or participating;
 - d. instructional staff, counselors, psychologists, social workers, educational diagnosticians, psychiatrists, program specialist, therapists, physicians, and nurses who are employed or

Commented [A2]: While this definition was expanded, indirect identifiers are not specifically defined in order to make this category as expansive as possible and to place the burden on the schools to think how an individual student could be identified.

contracted by the Charter School and are involved in the provision of education or other services to the student;

- e. attorneys or similar legal representatives of the Charter School, when the attorneys or legal representative is providing advice to the Charter School concerning the education or discipline of the student or where the records are relevant or thought to be relevant to the legal matter for which the attorney or legal representative is being consulted;
 - f. members of any Charter School student assistance program team to which the student is referred, including members who are not employed by the Charter School; and/or
 - g. special education due process hearing officers and administrative review officers designated by the Secretary of Education for the Commonwealth of Pennsylvania.
 - h. Board of Trustees of the Charter School when Board action concerning the student is required by law or when the education or treatment of the student is the subject of present or potential litigation or dispute.
2. A school official has a legitimate educational interest in personally identifiable information when access to that information is required for the effective, efficient or proper provision of education or other services to the student to whom the information pertains or with respect to required investigations, administrative or legal proceeding. The Charter School shall maintain for public inspection and for access under Section V.A.4 of this policy a list of the names and positions of school officials who are entitled to disclosure under this paragraph. 20 U.S.C. § 1232g(b)(1)(A).
- R. The term "**secure file**" includes student or subject-specific compilation of information stored on paper, audio or visual tape, microfiche, microfilm, computer storage disk or removable drive, or similar medium that can be maintained in a physically segregated form that is maintained in a locked file drawer, cabinet, or desk or, if unlocked, in the immediate custody and control of the custodian thereof, or a student or subject-specific compilation maintained on a computer storage system to which access is limited by security software that conforms to current computer industry standards.

- S. The term "**student**" except as written otherwise in this policy, means any school-age person who is attending or has attended the Charter School and with respect to whom the Charter School maintains education records. 20 U.S.C. § 1232g(a)(6).

II. MANAGEMENT OF STUDENT RECORDS

- A. **Collection and Maintenance of Information** - No information shall be collected from students and maintained by the Charter School without either prior "representational consent" of the Board or informed "individual consent" from the parent and/or students.

1. Representational Consent - Representational consent is hereby granted to the appropriately elected school representatives, in this case the Charter School Board of Trustees, and may satisfy the principle of consent for gathering of information which does not require individual consent by the parent or eligible student under state and federal law. 22 Pa. Code § 12.33.

In situations in which representational consent is sufficient, students and their parents shall be informed in advance, by school officials, on an annual basis, of the purposes and character of the information collection and shall be given reasonable opportunity by the Board to contest the necessity or desirability of the collection process or the proposed use of the information. The Board shall have the authority to grant consent for the collection of types of information listed in Section II.B., as noted below.

2. Individual Consent - If individual consent by the parent of eligible student is required by state and federal law, prior to gathering such information, such consent shall be obtained in writing. 22 Pa. Code § 12.33.

Prior to the requesting of individual consent, parents shall be fully informed, in writing, as to the methods by which the information will be collected; the uses to which it will be put; the methods by which it will be retained; and the persons to whom it will be retained; the persons to whom it will be available, and under what conditions and if the above explanations are impossible or undesirable, the reasons shall be presented. Individual consent from parents and/or "eligible" students shall be required for the types of information listed below in Section II.B. as noted in bold type below.

Commented [A3]: Please be advised that parents and students cannot refuse or to opt out of disclosure of the student's name, email or identifier in the classroom because the student cannot be anonymous to the Charter School instructor or other students in the class.

- B. **Types of Information** – the Charter School shall collect and maintain the types of records described below in subparagraphs 1-3 and may collect and maintain records described below in subparagraphs 4-10. 22 Pa. Code §§12.31 and 12.32. The required form of consent is noted by each subparagraph in bold type below.
1. Core data, consisting of the name of the student; last known address and domicile of the parents/guardians of the student or, if the student is emancipated, of the student; the birth date of the student; the course, subject area, or project work completed by the student and the level of achievement attained; the last grade attended or the date of graduation and type of diploma issued; and attendance data. **(Requires Representational Consent)**.
 2. Discipline and law enforcement records, including the sworn statement or affirmation of suspension or expulsion required at registration and the record of incidents of violence maintained in a form prescribed by the Pennsylvania State Police as required under Section 1307-A of the Pennsylvania Public School Code, 24 P.S. § 13-1307-A; and, in a file maintained separately from other records concerning the student, information from the Office of Juvenile Probation concerning adjudications of delinquency. **(Requires Representational Consent unless collected through survey, analysis or evaluation – see Section II.C. below)**. 24 P.S. Article XIII-A.
 3. Health records, including immunization information, results of vision and hearing screenings, results of state-mandated physical examinations, in-school treatment and drug dispensing or administration orders or prescriptions from physicians, treatment and drug dispensing or administration logs, and health-related information provided by parents/guardians. **(Requires Representational Consent unless collected through survey, analysis or evaluation – see Section II. C. below)**. 24 P.S. §§14-1402; 14-1409.
 4. Student work samples and teacher grade books retained for purposes of ongoing assessment, instructional planning, or grade calculation; the results of School-wide group standardized or criterion-referenced testing and state-wide criterion-referenced assessments, if any, in which the student participated; and noncumulative report cards. **(Requires Representational Consent)**. 22 Pa. Code §4.52.

5. Guidance department, psychologist, and student assistance team records, although personal records and notes maintained strictly in accordance with Section I.I.1 of this policy are not considered records subject to this policy. **(Requires Representational Consent unless collected through survey, analysis or evaluation – see Section II.C. below).**
6. Results of vocational and career aptitude and interest surveys, or of surveys to assist in planning for and providing guidance, health, or drug and alcohol abuse prevention instruction or programs. **(Requires Individual Consent).**
7. Reports of and other information describing or summarizing the results of individual testing and assessment by instructional support, child study, multidisciplinary, or IEP teams, or by professional staff responsible for determining eligibility for Title I, ESL, and other remedial programs, or by agencies and individuals not employed by or working on behalf of the Charter School; instructional support or child study team action plans; IEPs; and service agreements or accommodation plans. **(Requires Individual Consent and in a form as prescribed in Section II.D.).**
8. Protocol sheets and booklets; scoring sheets; answer books; rating forms; observation notes; anecdotal logs; running record forms; and other forms of raw data gathered in the course of testing and assessment or progress monitoring and assessment. **(Requires Individual Consent and in a form required by applicable state or federal law per Section II.D. or in absence of applicable law, in form as prescribed in Section II. E.).**
9. Records of awards and distinctions earned by students for work or activities in school and in the community and of participation in School approved extracurricular activities. **(Requires Representational Consent).**
10. Other records required by law or deemed by instructional or supervisory staff to be both accurate and necessary to the provision of education, education-related services, or extracurricular activities or experiences. **(Requires Individual Consent and in a form required by applicable state or federal law per Section II.D. or in absence of applicable law, in form as prescribed in Section II.E.).**

C. Collection of Records and Information Through a Survey, Analysis or Evaluation. 20 U.S.C. §1232h; 22 Pa. Code §4.4.

When a survey, analysis, or evaluation is used to obtain such information, the Board shall obtain prior informed consent in writing and in a form consistent with this policy. For purposes of this policy, the phrase **survey, analysis, or evaluation** shall be limited to a planned method of inquiry or information collection used on a group or individual basis. The phrase does not apply to the ordinary give-and-take exchange that occurs in the course of the counselor-student, psychologist-student, teacher-student, or nurse-student relationship when the student initiates the contact or otherwise participates in it voluntarily. Consent otherwise required by this section is not required to investigate or substantiate a good faith suspicion of child abuse or neglect when the person from whom consent would be required is suspected of the abuse or neglect.

By adoption of this policy, the Board gives consent for the collection of records and information described in Section II.B. of this policy, unless the collection of such records and information is accomplished by use of a survey, analysis, or evaluation that requires or encourages the student to reveal:

1. Political affiliations or beliefs of the student or the student's family.
2. Psychological problems potentially embarrassing to the student or the student's family.
3. Sexual behavior or attitudes.
4. Illegal, anti-social, self-incriminating, or demeaning behavior.
5. Critical appraisals of persons with whom the student has close family relationships.
6. Information protected by legal privilege.
7. Income, unless income information is necessary to determine eligibility for participation in a program of assistance.
8. Religious practices, affiliations, or beliefs of the student or the student's family.

D. Prior Informed Consent in a Form Required by State or Federal Law

To collect records and information described in Subsections 7 and 8 of Section II.B. of this policy, other than reports and other documents provided by parents/guardians, the Charter School shall obtain prior informed consent in

writing and in a form required by applicable state or federal law or, in the absence of a specific applicable law, in a form consistent with this policy below.

For purposes of collecting information in the form of an instructional support action plan, an IEP or service agreement, a written invitation to parents, and if applicable, to the Student, to participate in the development of such document shall constitute an adequate means of obtaining consent to develop the document, even if the parents or student do not participate in the meeting at which the content of the document is discussed. The description in an action plan, IEP, service agreement or accommodation plan of a means of data collection or ongoing progress monitoring or assessment shall suffice to allow such activities without need for additional written consent. 34 C.F.R. §300.300; §300.322.

E. Written Consent Form if No Specific Form Required by State or Federal Law

When state or federal law does not specifically prescribe the form for obtaining prior written consent as required by this policy, such consent shall be obtained by mailing to the residence of record, as established in accordance with Section VII of this policy, or by hand delivery to the parent/guardian or emancipated minor, a written consent form that complies with the following requirements and is received a reasonable time prior to the information collection activity for which consent is sought:

1. The form shall use language that a layperson can readily understand and shall be written in the native language of the parent/guardian or emancipated minor from whom consent is sought.
2. The form shall contain an explanation of the type of information sought, the purpose for which the information is sought, and the specific types of testing, assessment, or data collection to be used to obtain the information.
3. The form shall make clear to the parent/guardian or emancipated minor that consent is required to proceed with the information collection activity or activities proposed, shall contain an assurance that such activity or activities will not proceed without consent, and shall contain a clear explanation of the time and place for responding to the form.
4. The form shall contain the name and number of a contact person whom the parents/guardians or emancipated minor can contact to

obtain additional information about or seek clarification concerning the proposed activity.

5. The form shall provide a space for the parent/guardian or emancipated minor to elect whether to grant or withhold consent by marking one (1) of two (2) clearly-worded options and by signing his/her name.

F. Transfer of Student to the Charter School

When a student who has attended another Pennsylvania public or private school registers to attend the Charter School, an immediate request, in writing, by the Charter School shall be made for a certified copy of the student's disciplinary record and a copy of the student's health record from the public or private school the student last attended. The Charter School shall also request all other current school records, including special education, necessary to ensure that the Student is placed in appropriate classes at the appropriate grade level and that the Charter School is able to meet all obligations under state and federal law. 24 P.S. §§13-1305-A; 14-1409.

Commented [A4]: While a written request is not required, we recommend that it be in writing and a copy kept for proof of compliance by Charter School if records not forwarded by former District.

G. Special Situations

Where the principle of informed consent cannot be met, as for example in the course of interviews by Charter School personnel, the following procedures will be followed:

1. The Charter School will inform the student as fully as possible about the data that is likely to be obtained;
2. The Charter School will stress the voluntary nature of the student's participation;
3. Where reasonable doubts exist as to the capacity of the student to understand the implications of the situation, either because of the student's age or other circumstances, parental permission will be sought before proceeding. In addition, where a student clearly in need of intervention declines to participate, the professional involved will seek parental consent; and
4. In either case, if parental consent cannot be obliged or is not given, further steps to provide assistance will be initiated only if:

- a. The guidance counselor or designated Charter School official is entirely convinced, giving full attention to the privacy interests involved, that intervention is imperative;
- b. Both the student and parents have been fully informed to the extent that is possible; and
- c. Appropriate school authorities such as Charter School's review panel has consented.

H. Information Collected for Non-School Purposes

1. Where either the information and/or data to be collected are for non-school purposes, by Charter School personnel or by outsiders then the above recommendations shall be fully applied with the further provision that prior informed consent must be obtained from the responsible school authorities.
2. In cases where the information is to be collected under conditions of anonymity, the collecting agency must still obtain the appropriate form of consent. Charter School authorities shall establish procedures for regulating the collection of such information, including the following:
 - a. Notification to the students and parents that their participation is voluntary.
 - b. Careful review of the instruments and procedures to be used for any such information collection to determine whether the methods and/or inquiries constitute a significant potential invasion of privacy, even though the information is to be collected under conditions of anonymity.

I. Notification of Rights

1. Parents and eligible students shall be notified annually of their rights under the Family Educational Rights and Privacy Act of 1974 ("FERPA"). The notice must inform parents of students currently in attendance, or eligible students currently in attendance, of their rights under the Act and this part.
2. The notice must inform parents or eligible student that they have the right to:
3. Inspect and review the student's education records;
4. Seek amendment of the student's education records that the parent or eligible student believes to be inaccurate, misleading or otherwise in violation of the student's privacy rights;
5. Consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that the Act and §99.31 authorize disclosure without consent; and
6. The procedure to file complaints for non-compliance concerns.
7. The parent or eligible student who wishes to file a complaint with regard to compliance of this policy may do so by contacting the Chief Executive Officer.
8. If further appeal is necessary, the parent or eligible student may contact:

**Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202-5920**

The notice must include all of the following:

1. The procedure for exercising the right to inspect and review education records.
2. The procedure for requesting amendment of records under §99.20.
3. A specification of criteria for determining who constitutes a school official and what constitutes a legitimate educational interest since

the Charter School has a policy of disclosing educational records without prior consent as set forth above.

4. A listing of the types, content, and location of education records maintained by the Charter School shall be made available annually to include the names, titles, and addresses of Charter School officials responsible for such records.
5. The annual notification shall be accomplished by publication in the local newspaper and distributed to parents of currently attending students. It shall effectively notify parents who have a primary or home language other than English and parents and eligible students who are disabled.

III. MAINTENANCE OF RECORDS -TIMING (See Attachment A - Record Retention Schedule)

A. **Maintenance:** All student information shall be retained and maintained by the Charter School in accordance with procedures identified with the classification of the material.

1. Core data of the kind described in Section II.B.1, (*Core data, consisting of the name of the student; last known address and domicile of the parents/guardians of the student or, if the student is emancipated, of the student; the birth date of the student; the course, subject area, or project work completed by the student and the level of achievement attained; the last grade attended or the date of graduation and type of diploma issued; and attendance data*) of this policy shall be maintained for a period of **six (6) years** beyond the school year during which the student to whom such data pertains attains age twenty-one (21).

2. The following records, per Section II.B.2 (*Discipline and law enforcement records, including the sworn statement or affirmation of suspension or expulsion required at registration and the record of incidents of violence maintained in a form prescribed by the Pennsylvania State Police as required under Section 1307-A of the Pennsylvania Public School Code, 24 P.S. § 13-1307-A; and, in a file maintained separately from other records concerning the student, information from the Office of Juvenile Probation concerning adjudications of delinquency*) shall be maintained for a period of **two (2) years** after a student's last date of enrollment.

3. The following records, per Section II.B.7 (*Reports of and other information describing or summarizing the results of individual testing and*

assessment by instructional support, child study, multidisciplinary, or IEP teams, or by professional staff responsible for determining eligibility for Title I, ESL, and other remedial programs, or by agencies and individuals not employed by or working on behalf of the Charter School; instructional support or child study team action plans; IEPs; and service agreements or accommodation plans) shall also be maintained as core data for a period of **six (6) years** beyond the school year during which the student to whom such data pertains attains age twenty-one (21) or **six (6) years** after student's graduation.

- a. For students with disabilities, copies of the first and last evaluation reports of the multidisciplinary team, the notice of recommended assignment or educational placement, or similar document by which the parents of the student initially consented to the provision of special education services, and the first and last IEP, last notice of recommended assignment or educational placement, and the summary of performance developed for the student.
- b. For students receiving accommodations or modifications to instruction or other activities under a Section 504 service agreement or accommodation plan, copies of the first and last such plan and the notice by which the parents of the student initially consented to the provision of accommodations or modifications.
- c. For students evaluated to determine eligibility either for special education services in accordance with state and federal law or for accommodations or modifications in accordance with Section 504 of the Rehabilitation Act, and who were determined to be ineligible, copies of all evaluation reports supporting the determination of ineligibility and of all notices by which the parents of the student indicated agreement with such determination. 29 U.S.C. Sec. 794.

B. Other Types of Records:

1. Health records of the sort described in Section II.B.3 (*Health records, including immunization information, results of vision and hearing screenings, results of state-mandated physical examinations, in-school treatment and drug dispensing or administration orders or prescriptions from physicians, treatment and drug dispensing or administration logs, and health-related information provided by parents/guardians*) of this policy shall be maintained for a period of at least **two (2) years** beyond the date on which the student ceases to be enrolled in the Charter School.

2. All other education records described in Section II.B. 4-6 and 8-10, (4. *Student work samples and teacher grade books retained for purposes of ongoing assessment, instructional planning, or grade calculation; the results of School-wide group standardized or criterion-referenced testing and state-wide criterion-referenced assessments, if any, in which the student participated; and noncumulative report cards.* 5. *Guidance department, psychologist, and student assistance team records, although personal records and notes maintained strictly in accordance with Section I.I.1 of this policy are not considered records subject to this policy.* 6. *Results of vocational and career aptitude and interest surveys, or of surveys to assist in planning for and providing guidance, health, or drug and alcohol abuse prevention instruction or programs.* 8. *Protocol sheets and booklets; scoring sheets; answer books; rating forms; observation notes; anecdotal logs; running record forms; and other forms of raw data gathered in the course of testing and assessment or progress monitoring and assessment.* 9. *Records of awards and distinctions earned by students for work or activities in school and in the community and of participation in School approved extracurricular activities.* 10. *Other records required by law or deemed by instructional or supervisory staff to be both accurate and necessary to the provision of education, education-related services, or extracurricular activities or experiences*) of this policy shall be maintained at least **six (6) years** or as long as the information contained therein remains relevant to the education of the particular student or to the design and provision of educational programs in general or as long as such information remains essential to the protection of the legal interests of the Charter School. The Charter School alone shall determine whether education records remain relevant to education or essential to the protection of legal interests.

C. Destruction of Records: A record is destroyed for purposes of this policy when, at a minimum, all personally identifiable information is removed from it or is otherwise obscured or obliterated. Nothing in this policy shall require the destruction of an education record except under the conditions described in subsection (2) below. **(See attached Attachment B - Template Notice Letter to Parents/Guardians/Eligible Students of Destruction of Educational Records)**

1. An education record shall not be destroyed by the Charter School if there is an outstanding request to inspect and review it by the parent or eligible student. 34 C.F.R. § 99.10(e).
2. The Charter School maintains the right to destroy some records that are considered invalid because of age and content matter. Student education records shall be maintained in accordance with Sections A. and B. above, and shall be destroyed in such time as provided.

3. Before any such destruction of student special education records the parent or eligible student shall be given advance notice, in writing, of the date after which the records will be destroyed and the opportunity to obtain copies of records prior to the specified date. The written notice shall be in the native language of the parents/guardians or the eligible student shall be mailed to the last known address of the parent/guardian or the eligible student and shall:

- a. Identify the specific records or categories of record that are no longer relevant.
- b. Contain an explanation that the Charter School shall destroy the records thus identified if a parent/guardian or the eligible student so requests, and that the Charter School may destroy such records without a request if no further need for the records exists.
- c. Contain the name and number of a contact person at the Charter School whom the parents/guardians or eligible student can contact to obtain additional information about or seek clarification concerning the records thus identified. 34 CFR §300.624.

IV. MAINTENANCE - LOCATION

- A. **Person(s) Responsible** - The CEO or designee shall be responsible for record maintenance, access, and release of records. Staff training programs will be conducted for the professional staff on the record policy, with emphasis placed on security and the privacy rights of students and parents.
- B. **Location** - During any given school year, student records, whether on paper, audio or visual tape, microfiche, microfilm, computer storage disc or removable drive, or any medium that can be maintained in a physically segregated form, will be kept in locked filing cabinets or similar storage space at all times under the supervision of designated personnel, e.g., the CEO of the Charter School or his/her designee. If student records are maintained on a computer storage system, access must be limited by security software that conforms to current computer industry standards. Charter School's Student Information System permits only authorized Charter School users to remotely access student records and various remote levels of access are permitted depending on the reason for review and level of authority of the authorized user.

Education records essential to the daily provision of education, education-related services or extracurricular activities during a given school year, may be maintained in a secure file in the personal possession, office or classroom of Charter School personnel with a legitimate educational interest therein.

C. Other Educational Records

1. Health Records shall be maintained in a secure file in the nurse's office or health suite in the Charter School.
2. Office of Juvenile Probation records shall be maintained in a secure file, separate from other records concerning the student.
3. Special Education records shall be maintained in a separate secure file at the Charter School or in secure possession of staff working with student in the home or in a nonpublic school site.

- D. Confidentiality Notice** - The Charter School shall protect the confidentiality of personally identifiable information including at the collection, storage, disclosure, and destruction stages of that information. The Charter School will ensure that any records kept or transmitted electronically are subject to high standards of electronic security. The Charter School uses electronic firewalls and encryption systems, and monitors and tests the system regularly to ensure its stability and integrity. All Charter School electronic mail correspondence shall include the following notice:

CONFIDENTIALITY NOTICE

The information in this transmission is intended only for the individual or entity named above. It may be legally privileged and confidential. If you have received this information in error, notify us immediately by calling the Charter School at **(TELEPHONE NUMBER)**. Send the original transmission to us by mail at the main office at **(ADDRESS)**. Return postage is guaranteed. If the reader of this message is not the intended recipient, you are hereby notified that any disclosure, dissemination, distribution or copying of this communication or its contents is strictly prohibited.

- E. Access to and Consequences of Unauthorized Access to Student Records**

1. Every file from which access might be had by, or disclosure might be made to, persons or agencies other than the parents or the eligible student, shall have as part thereof an access and disclosure log that shall be maintained for as long as the records in that file are maintained and that shall consist of the following:
 - a. The identity of such person or agency to which access is granted to or disclosure made from the file.
 - b. The purpose for which access was granted or disclosure made.
 - c. The date of access or disclosure.
 - d. The name or initials of the person granting access or making the disclosure.
 - e. In the case of disclosures to persons who will make further disclosures or allow further access on behalf of the Intermediate Unit, the identity of the person or agency to whom or to which, and the specific purpose for which, such further disclosure or access will be made or allowed.
 - f. Any record of further disclosures made by state or federal agencies that are permitted to do so under law.
2. Any Charter School employee, contractor, consultant or volunteer who accesses student records without proper authorization and/or consent, is subject to discipline in accordance with the Employee Handbook.

Commented [A5]: The Handbook should be reviewed to see if such provision is included. It is not as necessary if stringent levels/means of access are in place both for hard copy records and electronically maintained records.

V. ACCESS TO STUDENT EDUCATION RECORDS

A. Access to Records

1. The Charter School shall provide the parent or eligible student access to the educational records of the student. 34 C.F.R. § 99.10(a).
2. Access rights of the parent or eligible student shall consist of the right to:
 - a. Inspect and review the content of the education records;
 - b. Obtain copies of the education records at the expense of the parent or eligible student, at a cost not to exceed the actual cost of the Charter School reproducing such records. No parent or eligible student shall be refused copies if the financial obligation would prevent them from exercising their right to inspect and review the education records. 34 C.F.R. § 99.11;
 - c. A response from the Charter School to reasonable requests for explanation and interpretation of the education records. 34 C.F.R. § 99.10(c);
 - d. An opportunity for a hearing to challenge the content and validity of those records, as provided in Section VI of this policy;
 - e. Inspect and review only material or documents that relate to the student in question. 34 C.F.R. § 99.12(a).
3. Procedure for gaining access to records:
 - a. The parent or eligible student seeking access to education records shall make a written request of the CEO or his/her designee.
 - b. Access to the education records requested shall be granted as soon as possible, but no later than forty-five (45) days after the receipt of a written request. 34 C.F.R. § 99.10(b).
4. The Charter School shall maintain a current list of the names and positions of the professional employees who are authorized to have access to personally identifiable information. This list shall be available in Charter School's main office.

B. Record of Access

1. The Charter School shall maintain a record, kept with the education records of each student, which will indicate all parties, except for Charter School officials, including teachers, who have been determined by the Charter School to have legitimate educational interests, who have requested or obtained access to a student's education record and which will indicate specifically the legitimate interest that each such party had in obtaining this information. 20 U.S.C. § 1232g(b)(4)(A).

2. Such record of access shall be available only to the parent or eligible student, to Charter School officials and their assistants who are responsible for the custody of such records, and to persons and organizations authorized to see such records. 20 U.S.C. § 1232g(b)(4)(A).

C. Transfer of Information by Those Gaining Access to Education Records.

The Charter School shall release personal information on a student only on the condition that the party to whom the information is being transferred will not permit any other party to have access to such information without the written consent of the parent or the eligible student.

VI. CHALLENGING THE VALIDITY OF INFORMATION

If the parent or student wishes to challenge any of the information in the student record because of the initial conference, and if the conflict cannot be resolved informally, the following formal procedures will be followed:

- A. The parent or student must submit a written request for amendment of the record of the student. The request will contain a brief statement that specifies the records to be amended and the reason that the amendment is requested. This request will be submitted to the CEO.
- B. The challenge will be reviewed by Charter School's review panel within a period not to exceed forty-five (45) days from the receipt of the written request.
 - 1. If the Charter School does decide to refuse to amend the information in accordance with the request of the parent, the Charter School shall inform the parent in writing of both the refusal and the specific

reasons for the refusal and shall notify the parent in writing of the right to request and receive a hearing.

2. The hearing shall be conducted according to the following provisions:
 - a. The hearing shall be held at a mutually agreed upon time and place within thirty (30) days after the Charter School received the request for a hearing from the parent.
 - b. The parent shall be notified in writing of the date, place, and time of the hearing, no later than five (5) days in advance of the hearing.
 - c. The hearing shall be conducted by the review panel that does not have direct interest in the outcome of the hearing. The duties of the review panel shall be the following:
 - to review challenges made by parents and/or students and render decisions as to the correction or deletion of inaccurate or misleading information;
 - to grant representative consent in situations where the intervention is judged to be imperative, parental consent cannot be obtained, and there is reasonable doubt as to the capacity of the student to understand the implications of the situation; and
 - To grant representative consent to persons or agencies to conduct studies involving the Charter School population under the conditions of anonymity.
 - The party conducting the hearing may be a member of the Board of Trustees of the Charter School.
 - The parent shall be afforded a full and fair opportunity to present evidence relevant to information in the educational records that the parent believes is inaccurate, misleading, or violates the privacy or rights of the child.
 - The parent may, at the hearing, be assisted or represented by persons of his/her choice at his/her expense, and such persons may include legal counsel.

3. The Charter School shall render a written decision on the issues presented at the hearing and shall render such decision within thirty (30) days after the conclusion of the hearing. The decision shall be based solely upon evidence presented at the hearing and shall include a summary of the evidence and the reasons for the decision.
4. If as a result of the hearing the review panel decides that the information is inaccurate, misleading or otherwise in violation of the privacy or rights of students, the Charter School shall amend the education records accordingly and so inform the parent in writing.
5. If as a result of the hearing the review panel decides that the information is not inaccurate, misleading or otherwise in violation of the privacy or other rights of students, the review panel shall inform parent of his/her right to place in the educational records of the student a statement which sets forth the written comments of the parent in the educational records of reasons for disagreeing with the decision of the review panel or both written comments and reasons.
6. The statement of the parent shall be appended by the Charter School to the educational records so long as the record or the contested portion thereof is maintained by the Charter School.
7. If the education records of the student or the contested portion thereof are released by the Charter School to any party, the statement of the parent shall also be released to the party.

Nothing in this section on parent requests for amendment of records shall be interpreted to mean that the parent and the Charter School may not, by mutual agreement, meet prior to either a parent request for a hearing or the hearing itself in order to discuss the concerns of the parent regarding the accuracy or inaccuracy of the records of the student.

VII. DISSEMINATION OF STUDENT INFORMATION

In situations in which the Charter School is asked by other agencies, institutions or individuals to transmit student information to those parties, stringent precautions are required to protect the rights of the student against infringement of privacy, misinterpretation of data and inappropriate use.

A. Release of Information to Educational Officials

The Charter School may, without the consent of parents or student, release appropriate information in a student's permanent record file, including those previously defined in Section II.B. to:

1. All Charter School personnel, other than those directly involved with the child (the child's teacher, the counselor, CEO, etc.) desiring access to pupil records shall be required to sign a written form which will be kept permanently on file, indicating specifically the "legitimate educational interest" that they have in seeking this information. Charter School officials include contractors, consultants, volunteers and other parties with whom the Charter School has outsourced institutional services or functions if this outside party performs such a service or function for which the Charter School would otherwise use a Charter School employee. This outside party must be under direct control of the Charter School with respect to use and maintenance of educational records and is subject to 34 CFR § 99.33(a) governing use and redisclosure of personally identifiable information from education records. 99.31(a)(1).
2. Charter School officials responsible for record maintenance. 99.31 (a)(1).
3. The Comptroller General of the U.S., Attorney General of the U.S., the Pennsylvania Secretary of Education and state and local educational authorities as long as the intended use of the data is consistent with the Secretary's statutory powers and responsibilities. 99.31 (a)(3).
4. State and federal educational and other agencies for purposes of investigation and auditing, when those agencies are bound by the provisions of FERPA. 99.31 (a)(5).
5. Officials of other school systems in which the student intends to enroll.

Commented [A6]: The Charter School is required to use reasonable methods to verify the identity of the requester of the student information. A photo ID or PIN number may be sufficient depending on the information sought and the person or entity seeking to access such information.

- a. The student's parents shall be notified of the transfer and shall receive a copy of the records, if desired.
- b. The student's parents shall have an opportunity to challenge the record's content via a review panel as previously defined.

B. Release of Information to Other Than Educational Officials

1. The Charter School is permitted pursuant to 34 CFR § 99.31, to disclose information, without consent for the following purposes:
 - a. Appropriate parties including student's parents, law enforcement and Charter School's legal counsel, in connection with a health or safety emergency when such disclosure is necessary to protect the health or safety of the student or others. This disclosure is not subject to the confidentiality restrictions of the ADA or Rehabilitation Act. Charter School's legal counsel may be consulted to determine if the threat is significant enough to warrant disclosure. A record of the significant threat and who received disclosure must be maintained by the Charter School. 99.32(a)(5) and 99.36(a)&(c).
 - b. To persons seeking directory information when the Parents have received notification in the form of an Annual Publication of this Policy in a newspaper of general circulation or a school publication of the policy to disclose directory information without parental consent and the Parents or eligible student has not objected to the release of such information without consent in writing to the Charter School on or before the first day of the school term.
 - c. To the student who is not an eligible student. 99.31(a)(12).
 - d. To the Parents of an eligible student who remains a dependent student as defined in the Internal Revenue Code. 99.35(a).
 - e. To accrediting organizations to carry out accrediting functions. 99.31(a)(7).
 - f. To comply with a judicial order or lawfully issued subpoena only if the Charter School makes a reasonable effort to notify the parent or eligible student of the order or subpoena in

advance of compliance so that the parent or eligible student may seek protective action. However, the Charter School does not have to notify the parent or eligible student if notification is prohibited by the following:

- (i) A Federal grand jury subpoena and the court has ordered that the existence of the subpoena or information furnished shall not be disclosed.
 - (ii) Any other subpoena issued for a law enforcement purpose and the court or other issuing agency has ordered that the existence of the subpoena or information furnished shall not be disclosed.
 - (iii) An ex parte court order obtained by the US Attorney General for certain criminal investigations including those pursuant to the U.S. Patriot Act. Disclosures to the Department of Justice need not be recorded by the Charter School. 99.31(a)(9).
 - g. To a court, without a subpoena or court order, if the Charter School initiates legal action against a student or parent or if a parent or eligible student initiates legal action against the Charter School for the Student's education records that are relevant for the Charter School to proceed with the legal action or to defend itself. 99.31(a)(9)(ii)(A-C).
 - h. To comply with the Campus Sex Crimes Prevention Act, regarding education records of a student required to register as a sex offender. 99.31(a)(16).
2. Charter School personnel may not divulge, in any form to any persons other than the education officials listed above, any information contained in Charter School records except:
- a. With written consent from the student's parents specifying records to be released and to whom a copy of the records to be released.
 - b. When a student reaches the age of eighteen (18), or is an emancipated minor, or is married (whether eighteen or not), his or her consent alone must be obtained unless Student

remains a dependent Student as defined in Internal Revenue Code.

- c. The Charter School may provide anonymous information from the records for outside research purposes without consent under conditions where the likelihood of identifying any individual because of his/her unique characteristics is negligible.

C. Re-disclosure of Information

1. An educational agency or institution may disclose personally identifiable information from an education record only on the condition that the party to whom the information is disclosed will not disclose the information to any other party without the prior consent of the parent or eligible student. The officers, employees, and agents of a party that receives information under this paragraph may use the information, but only for the purposes for which the disclosure was made.
2. Paragraph (1) of this section does not prevent an educational agency or institution from disclosing personally identifiable information with the understanding that the party receiving the information may make further disclosures of the information on behalf of the educational agency or institution if:
 - (a) The disclosures meet the requirements of 99.31; and
 - (b) The educational agency or institution has complied with the requirements of 99.32(b).
3. Paragraph (1) of this section does not apply to disclosures made to parents of dependent students under 99.31(a)(8), to disclosures made pursuant to court orders, lawfully issued subpoenas, or litigation under 99.31(a)(9), to disclosures of directory information under 99.31(a)(11), to disclosures made to a parent or student under 99.31(a)(12), to disclosures made in connection with a disciplinary proceeding under 99.31(a)(14), or to disclosures made to parents under 99.31(a)(15).
4. Except for disclosures under 99.31(a) (9), (11), and (12), an educational agency or institution shall inform a party to whom disclosure is made of the requirements of this section.

5. If the Family Policy Compliance Office determines that a third party improperly re-discloses personally identifiable information from education records in violation of 99.33(a) of this section, the educational agency or institution may not allow that third party access to personally identifiable information from education records for at least five years. 20 U.S.C. §1232g(b)(4)(B).

D. Waiver

Rights of access may be waived for the Charter School's confidential references and/or recommendations submitted as part of the student's process of applying for admission to another educational institution.

VIII. LEGAL HOLD PROCEDURES

A. Initial Procedure

When the Charter School believes that a matter is likely to lead to litigation by or against the Charter School, pursuant to written advice from the School's legal counsel, a "legal hold" will be placed on such relevant matters, requiring that education records, including electronic data, relating to the matter, incident, person or entity, be retained by the Charter School until such time as the legal hold is lifted.

B. Charter School Employees

When a Charter School employee has reason to believe that a matter may give rise to potential litigation, that employee shall:

1. advise CEO and/or other administrator, if requested, prepare a written report stating what the individual saw and/or heard, the names of the people and entities involved and the names of any witnesses; and
2. preserve education records relating to the matter, pending a determination regarding whether a legal hold is necessary. The administrator must forward a written report to the CEO, which, in consultation with the Charter School's legal counsel, will determine whether to place a legal hold on education records, including Electronically Stored Information, relevant to the incident(s). If a legal hold is implemented, then the CEO or designee shall direct the appropriate administrator(s) to make all reasonable efforts to retrieve and maintain any archived Electronically Stored Information before that data is purged and to further prevent

potentially relevant records from being purged or deleted. The CEO or designee shall direct the appropriate administrator to advise the School employees involved with the incident(s) or matter(s) at issue of the legal hold and advise them to retain all documents, data and information regarding the matter including, but not limited to email communications, notes, letters and voice mail messages pending further notice.

C. Release of Legal Hold

If a matter is settled or resolved or the relevant statute of limitations has run out or it otherwise becomes apparent that litigation is not likely to arise, then the CEO or designee, in connection with the School's legal counsel, will release the legal hold and the retained and stored documents may then be disposed of in accordance with the ordinary document retention policies of the Charter School.

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.

ADOPTED this day ____ of _____, 2023

President

Secretary

STUDENT RECORD RETENTION SCHEDULE

Description	Retention Period	Disposal
Student Records - Medical	Two (2) years after a student's last date of enrollment.	Destroy in confidential/secure manner.
Student Records - Special Education	Retain relevant information for at least six (6) years after a child's graduation or six (6) years after that child is no longer of school age.	Destroy in confidential/secure manner.
Student Records - Discipline	Two (2) years after a student's last date of enrollment.	Destroy in confidential/secure manner.
Student Records - Other	Six (years) after a student's last date of enrollment.	Destroy in confidential/secure manner.

**ATTACHMENT B - TEMPLATE NOTICE LETTER TO PARENTS/ GUARDIANS/
ELIGIBLE STUDENTS OF DESTRUCTION OF EDUCATIONAL RECORDS**

[TO BE PLACED ON CHARTER SCHOOL LETTERHEAD]

DATE

RE: Student Education Records Destruction

Dear Parent(s)/Guardian(s) and/or Eligible Student,

The federal laws known respectively as the Individuals with Disabilities Education Act ("IDEA") and the Family Education Rights and Privacy Act ("FERPA") require Charter School to inform parents and students when personally identifiable information collected, maintained, or used by the Charter School, is no longer needed or will no longer be needed to provide educational services to your student.

Therefore, kindly accept this letter as notice by Charter School, pursuant to the Charter School Student Educational Records Policy, which is in accordance with IDEA and FERPA requirements, that your student's special education records, as generated during your student's enrollment at Charter School, will be destroyed (on the six year anniversary of your student's graduation, disenrollment or attainment of 21 years of age, whichever is earliest in time), without need of further notice to you or your student. Both Medical and Discipline records will be destroyed two years after the student's last date of enrollment at the Charter School. All other non-special education records, including but not limited to student work samples, results of School-wide group and state-wide criterion-referenced assessments, noncumulative report cards, Guidance department, psychologist, and student assistance team records, results of vocational and career aptitude and interest surveys, any forms of raw data gathered in the course of testing and assessment or progress monitoring and assessment, records of awards and distinctions earned by students for work or activities in school and in the community and of participation in Charter School approved extracurricular activities will be destroyed six years after the student's last date of enrollment. All such information may be maintained beyond these time frames if such remains essential to the protection of the legal interests of the Charter School. A record is "destroyed" as defined by applicable law, when, at a minimum, all personally identifiable information is removed from it or is otherwise obscured or obliterated.

Commented [KN7]: Confirm with your Policy

The following records are included in the definition of Charter School special education records: IEPs, NOREPs, progress monitoring and (NAME ANY OTHERS MAINTAINED). Please be advised that a permanent record of your student's name, address, and phone number, his or her grades, attendance record, classes attended,

grade level completed, and year completed may be maintained by Charter School without any time limitation.

Please also be advised that if you, as parent, or your student, if 18 years or older, want access to such records and/or to obtain a copy (which may incur a charge per the School's Annual "FERPA" Policy), for purposes such as accommodations for employment, higher education, public benefits, insurance or other post-school benefits in the future, that this letter is your notice to make such a request before the records are destroyed. Kindly be advised that if your Student is 18 years or older that, pursuant to FERPA, a Parent or Guardian may only obtain continued access to student records if the student meets the definition of a "dependent" pursuant to the IRS Code; otherwise such right is held only by the eligible student pursuant to FERPA.

If you have any questions or have a request regarding student records, please contact:

Commented [KN8]: Confirm contact

Sincerely,

CEO

Urban Pathways K-5 College Charter School

Board of Trustees Policy

STUDENT PROMOTION AND RETENTION POLICY

The Urban Pathways K-5 College Charter School (“Charter School”) Board of Trustees recognizes that the educational growth of students will vary and that students should be placed in the educational setting appropriate to their needs at the various stages of their development.

It is the policy of the Board that each student shall be moved forward in a continuous pattern of educational growth that corresponds with his/her own development and the system of grade levels and academic standards established for each grade and in accordance with the goals and objectives of a student’s Individual Education Program or Section 504 Plan, if applicable. A student shall be promoted when s/he has successfully:

- Completed the course requirements at the presently assigned grade/level.
- Achieved the academic standards established for the present grade/level, based on the professional judgment of his/her teachers and the results of assessments.
- Demonstrated proficiency to move ahead to the educational program of the next level/grade.
- Demonstrated the degree of social, emotional, and physical maturation necessary for a successful learning experience at the next learning level/grade.

The Chief Executive Officer (“CEO”) shall develop procedures for promotion and retention of students which assure that every effort will be made to remediate the student’s difficulties before s/he is retained. The procedures shall be published at the school and made known to students and parents.

The recommendation of the classroom teacher/teachers and CEO or his/her designee shall be considered for promotion or retention of a student.

Parents shall be informed reasonably in advance of the possibility of retention of a student within a grade.

The CEO or his/her designee shall be assigned the final responsibility for determining the promotion or retention of each student and will make that determination after consultation with the student's teacher(s) and relevant members of any IEP and/or multidisciplinary team, where applicable.

GUIDELINES FOR PROMOTION AND RETENTION

I. CRITERIA FOR PROMOTION AND NON-PROMOTION

"Retention in grade level" and "failure" causing retention in grade level are not synonymous in concept. Retention in grade level implies that a pupil is receiving instruction appropriate to his "ability" to learn and "perform", although the instructional level may be significantly below the expected "average" norm. For example, a third grader at the end of the school year may be receiving instruction in reading at a pre-primer level, and performing satisfactorily. However, that pupil may be a candidate for retention in grade level because he or she has not completed enough of the third grade program to conjecture success in fourth grade. The pupil's second year in the same grade would continue at the point in which instruction terminated in the first year.

"Failure" connotes completing a program unsatisfactorily. Charter School employees shall exercise all available options not to place a pupil in a setting where failure is predictable. As a pupil matures and likewise demands more independence, he/she may choose not to comply with minimal standards of mandated program, although he/she has evidenced that his/her performance could be satisfactory. All effort shall be directed toward changing the "attitudes" that have led to failure.

Standard policy of Charter School shall be to promote a pupil to the next grade level if, in the judgment of the teacher(s) and CEO or his/her designee, the pupil's achievement and performance have been satisfactory at the expected level of learning and if the higher grade level is more easily able to accommodate the pupil at the appropriate level of instruction.

A pupil is retained in the present grade level, if in the judgment of the student's teacher(s), CEO or his/her designee and in consultation with the appropriate members of the professional staff, it is believed that the pupil can benefit by the retention, and if that present grade level can appropriately accommodate the pupil at the appropriate level of instruction.

Factors that may be considered in retention/failure of pupils include at the discretion of the CEO or his/her designee the following:

- a. Academic potential
- b. Achievement/Performance on school-based, State and/or local assessments
- c. Attitude/Interest
- d. Chronological age
- e. Development - physical, emotional, social
- f. Previous retention
- g. Excessive unexcused absenteeism
- h. Completion of curriculum/content
- i. Completion of alternative methods of instruction (tutoring, summer school, etc.)

The following schedule is intended to outline the planning, evaluation and study that precedes the final recommendation for promotion or non-promotion of pupils.

GUIDELINES

1. First marking period
 - a. Report card
 - b. Parent Conference

2. Mid-Year
 - a) If, at the mid-point of the school year, the above reports have indicated unsatisfactory progress, a special study of these pupils with the intent of making an all-out effort to aid the pupil in qualifying for promotion will be implemented.
 - b) A Parent-Teacher conference shall be held for each pupil reported.
 - c) When necessary, reports on pupil enrolling during the second semester are to be made as soon as possible.

3. Third marking period
 - a) Decisions on promotions and non-promotions will be made during grade-level meetings and/or in conjunction with input from the Instructional Support Team to insure greater uniformity of decisions on promotions and non-promotions.
 - b) Parent-Teacher conference is to be held for purpose of official notification of non-promotion.
 - c) Conference is to be held with child prior to report cards.

- d) The pupil's promotion and non-promotion is to be indicated on the report card and cumulative folder.

No student will be allowed to take the next sequential course without successfully completing the prerequisite unless specifically allowed by the CEO or his/her designee. Students failing a required course must repeat the course in the regular school program or through the CEO or his/her designee approved make-up alternative as determined appropriate by the CEO or his/her designee (such as Summer school program). Exceptions will be granted by the CEO or his/her designee when it is determined to be in the best interest of the student or school.

Special Education student promotion and retention will be guided by the Student's IEP or Section 504 Plan and in accordance with Chapter 711 of Title 22 of the Pennsylvania Code as well as in accordance with the principles set forth above to the extent consistent with applicable state and federal regulations.

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

TRANSGENDER AND GENDER NONCONFORMING STUDENT POLICY

The Board of Trustees (“Board”) of the Urban Pathways K-5 College Charter School (“Charter School”) is committed to ensuring the safety and equality for all its students regardless of gender identity or gender expression, so that they can reach their fullest human and intellectual potential and be protected from discrimination, bullying and harassment.

Purpose and Intent

The intent of this policy is to facilitate compliance with local and federal laws, including Title IX of the Education Amendments of 1972 (“Title IX”). Title IX specifically prohibits discrimination on the basis of sex in federally funded education programs and activities. This policy is consistent with the Charter School’s policies on bullying, harassment, and discrimination.

Background and Current Guidance from the U.S. Department of Education

In its 2020 decision in *Bostock v. Clayton County*, 140 S. Ct. 1731, the Supreme Court of the United States (SCOTUS) concluded that, within the context of Title VII of the Civil Rights Act of 1964 (Title VII), discrimination based on sexual orientation and discrimination based on gender identity inherently involve treating individuals differently because of their sex. Following the SCOTUS decision, the Office of Civil Rights (OCR) of the United States Department of Education published a Notice entitled: “Enforcement of Title IX With Respect to Discrimination Based on Sexual Orientation and Gender Identity in Light of *Bostock v. Clayton County*,” (the “Notice”) 86 Fed. Reg. 32637. In the Notice, OCR stated that interpretations of Title VII inform interpretations of Title IX. Accordingly, the Notice established that as of June, 22, 2021, OCR fully enforces Title IX to prohibit discrimination based on sexual orientation and gender identity in education programs and activities that receive Federal financial assistance from the United States Department of Education.

Policy Coverage

This policy covers conduct that takes place at the Charter School, on Charter School property, at functions sponsored by the Charter School, while on or waiting for Charter School vehicles, and the usage of Charter School electronic technology and electronic

August 2023

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Transgender Students Policy

communication. This policy applies to the entire Charter School community, including educators, Charter School staff, students, parents/guardians, and volunteers.

Definitions

“Sex assigned at birth” The classification, either male or female, that a doctor assigns to an individual upon birth. This differs from biological sex, which encompasses sex traits both external and internal, including genitals, hormones, chromosomes, internal reproductive organs, etc.

“Gender identity” An individual’s deeply held sense or psychological knowledge of their own gender, regardless of the sex they were assigned at birth. Individuals determine their own gender identity and gender identity may change over time.

“Cisgender” Individuals whose gender identity is consistent with their sex assigned at birth.

“Transgender” Individuals whose self-determined gender identity is different from the sex classification assigned to them at birth.

“Gender expression” The way a person expresses gender to others through behavior, clothing, hairstyles, activities, voice or mannerisms.

“Gender nonconforming,” Individuals whose gender expression or gender identity falls outside the traditional male-female definitions.

“Gender-neutral pronouns,” Pronouns used by some transgender and gender non-conforming people, such as they/them/their (singular).

“Social transition” A change in any combination of the following: name, pronouns, gender identity, or gender expression. Social transition does not necessarily involve any legal name change or medical intervention and does not need to be certified by a doctor or therapist.

“Questioning” The process of self-exploration and self-discovery about one’s gender identity, often involving unlearning one’s assigned gender and learning a new one. There is no timetable for this process.

Names/Pronouns and Gender-Neutral Language at School

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Transgender Students Policy

A student has the right to be addressed by a name and pronoun that corresponds to the student's gender identity. To the extent possible, the name and pronouns with which the student identifies shall be used in all interactions between the student and Charter School staff and students, as well as on written records from the Charter School, forms, and photo ID. A court-ordered name or gender change is not required, nor is evidence of therapy or medical transition. The intentional or persistent refusal to respect a student's gender identity (for example, intentionally referring to the student by a name or pronoun that does not correspond to the student's gender identity) is a violation of this policy.

To the extent possible, the Charter School shall use gender-neutral language in written communication with all students and families, regardless of the student's gender identity. This includes employing "they" (singular) instead of "he/she."

Name Change Reporting Requirements (Pennsylvania Department of Education)

For the Pennsylvania Department of Education Pennsylvania Information Management System (PIMS): A student or parent/guardian may request a change of the student's listed gender, first name or middle name on the student's records. If this request occurs, the local education agency may report the student's preferred information using the following guidelines:

- The change must first be made in PASecureID;
- The PIMS data (first name, gender, and date of birth) must match what is reported in PASecureID;
- The student's name and gender information reported in prior school years will not be updated; and
- The student's PASecureID will not be changed.

See 2021-2022 PIMS Manual Ver 1.3 Volume 1 Page 17 Release Date: 9/30/2020, Reporting Student Gender.

Privacy and Confidentiality

All persons, including students, have a right to privacy, and this includes the right to keep one's transgender identity private at the Charter School. Information about a student's transgender identity, legal name, or sex assigned at birth also may constitute confidential medical information. School personnel should not disclose information that may reveal a student's transgender identity or gender nonconformity to others, including parents and other Charter School personnel, unless the student has authorized such disclosure. Transgender and gender nonconforming students have the right to discuss and express their gender identity and expression openly and to decide when, with whom, and how much to share private information.

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Transgender Students Policy

School Activities

To the extent possible, the Charter School shall reduce or eliminate the practice of segregating students by gender. In situations where students are segregated by gender, students will be included in the group that corresponds to their gender identity. As a general matter, the Charter School should evaluate all gender-based activities, rules, policies, and practices – including classroom activities, Charter School ceremonies, and Charter School photos – and maintain only those that have a clear and sound pedagogical purpose. Charter School students shall be permitted to participate in any such activities or conform to any such rule, policy, or practice consistent with their gender identity.

Restroom and Locker Room Access

Charter School students shall have access to the restroom and the locker room that corresponds to their gender identity. Any student, including cisgender, transgender, and gender nonconforming, who has a need or desire for increased privacy, regardless of the underlying reason, should be provided access to a reasonable alternative private area. Such areas could include a single stall restroom or a partitioned changing or toileting area. But, no student shall be required to use an alternative private area.

Physical Education, Athletics and Sports

Transgender and gender nonconforming students shall be permitted to participate in physical education classes and intramural sports in a manner consistent with their gender identity. Participation in competitive athletic activities and contact sports will be resolved on a case-by-case basis.

Discrimination and Harassment

It is the responsibility of the Charter School to ensure that all students, including transgender and gender nonconforming students, have a safe learning environment. This includes ensuring that any incident of bullying, discrimination, harassment, or violence is given immediate attention, including investigating the incident, taking appropriate corrective action, and providing students and staff with appropriate resources. Complaints alleging such discrimination or harassment based on a person's actual or perceived transgender identity or gender nonconformity are to be handled in the same manner as other discrimination or harassment complaints.

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

COMPULSORY SCHOOL ATTENDANCE, UNLAWFUL ABSENCES, AND SCHOOL ATTENDANCE IMPROVEMENT CONFERENCES POLICY

The Urban Pathways K-5 College Charter School (the “Charter School”) believes that good attendance is essential if students are to achieve and reach their potential. Each day is important for learning. Parents are required to ensure their son/ daughter maintains good attendance.

The Charter School administration is tasked with creating attendance and enrollment procedures consistent with this policy and must allow the school to determine when a student who is enrolled has an unexcused absence. Procedures must also be implemented to determine whether there is a possibility that a child is truant or chronically absent due to a disability or a medical condition. Copies of this policy and those procedures must be provided to parents at the beginning of each year and to all new enrollees upon enrollment in the Charter School. It must also be posted on the Charter School’s website.

Compulsory Attendance Requirements

In Pennsylvania, compulsory school age is defined as the period of a child’s life from the time the child enters school, which may be no later than six (6) years of age, until the age of eighteen (18) or graduation from a high school, whichever occurs first.

The term “compulsory attendance” refers to the mandate that all children of compulsory school age having a legal residence in Pennsylvania must attend a day school in which the subjects and activities prescribed by the standards of the State Board of Education are taught in the English language, except in the following situations found in sections 1327, 1327.1, and 1330 of Pennsylvania’s Public School Code (School Code):

1. Attendance at a private trade school or private business school continuously through the entire term congruent with the school term of the resident school district and that meets the requirements set forth by the State Board of Education or the State Board of Vocational Education when:
 - a. The child is 15 and has approval from the district superintendent and the Secretary of Education, or
 - b. The child is 16 and has approval from the district superintendent.
2. Attendance at a school operated by a bona fide church or other religious body which provides a minimum of 180 days of instruction or 900 hours of instruction per year at the elementary level or 990 hours per year of instruction at the secondary level.
3. Privately tutored or home-schooled students provided a minimum of 180 days of

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Truancy/Compulsory Attendance Policy

instruction or 900 hours of instruction per year at the elementary level or 990 hours per year of instruction at the secondary level.

4. Enrollment in a day or boarding school which is accredited by an accrediting association approved by the State Board of Education.
5. Children who are 16 and regularly engaged in useful and lawful employment during the school session with a valid employment certificate. Regularly engaged means 35 or more hours per week of employment.
6. Children who have been examined by an approved psychological professional and identified to be unable to profit from further public school attendance and excused by the school board.
7. Children who are 15 who hold a permit approved by the school district to engage in farm work or domestic service in a private home.
8. Children who are 14 and satisfactorily completed the equivalent of the highest grade of elementary school in their district who hold a permit recommended by the district and approved by the Secretary of Education to engage in farm work or domestic service in a private home.

Truancy - Overview

A child is “truant” if they have three (3) or more school days of unexcused absence during the current school year. An unexcused absence is any absence from school without an acceptable excuse (as articulated in the Charter School’s Student/Parent Handbook), or without any reason at all. This also includes any student who leaves class without the permission of the teacher. An out of school suspension shall be considered an excused absence.

A child is “habitually truant” if they have six (6) or more school days of unexcused absences during the current school year.

A child is not considered truant if they are absent from school due to not meeting the immunization, exemption or provisional admission requirements of the Department of Health, at 28 Pa. Code Chapter 23, Subchapter C (relating to immunization), or the student has not received from the CEO or designee a medical or religious exemption from immunization under 28 Pa. Code § 23.84 (relating to exemption from immunization). 22 Pa. Code. Chapter 11.20.

When a child demonstrates truant behavior, the Charter School will schedule a school/family conference to discuss the cause of the child’s truancy and develop a mutually agreed upon Student Attendance Improvement Plan (“SAIP”) to resolve truant behavior. The plan can include a myriad of options that are mutually agreed upon by the participants.

For the first and second unexcused absences, the Charter School will send the parent/guardian a notice of the unexcused absence as well as attach a copy of the legal penalties for violation of compulsory attendance requirements. In addition to stating the legal consequences, the name and telephone number of a school contact person will be included.

For the third unexcused absence, the Charter School will send the parent/guardian notice within 10 school days of the child’s third unexcused absence that the child has been truant. This notice may be sent via certified mail for tracking purposes. This notice shall 1) include a description of the consequences that will follow if the child becomes habitually truant in the

future; 2) will be in the mode and language of communication preferred by the person in parental relation; and 3) may include the offer of an Attendance Improvement Conference.

Procedure when child is habitually truant:

- Habitually truant children under fifteen (15) years of age:

The Charter School will refer the child to either: 1) a school-based or community-based attendance improvement program; or 2) the county children and youth agency (CYS) for services or possible disposition as a dependent child under the Juvenile Act. A school-based or community-based attendance program is a program designed to improve school attendance by seeking to identify and address the underlying reasons for a child's absences. It may include an educational assignment in an alternative education program but may not include an assignment in an Alternative Education for Disruptive Youth Program.

Additionally, the Charter School may file a citation against the parent/guardian of a habitually truant child under fifteen (15) years of age in a magisterial district court. The venue of the filing shall be based on the location of the school in which the child is enrolled or shall be enrolled.

In all cases, regardless of age, where the Charter School refers a habitually truant child to a magisterial district court or CYS, the Charter School will provide verification that it convened and held an Attendance Improvement Conference.

Students will not receive exclusionary consequences for truant behavior.

Students that are absent from school for ten (10) or more consecutive days without appropriate documentation will be removed from the Charter School's rolls unless one of the following:

- 1) The Charter School has been provided with evidence that absence may be legally excused;
- 2) Compulsory attendance prosecution has been or is being pursued;

The Charter School will report unexcused absences directly to PDE through the Pennsylvania Information Management System (PIMS).

Children who are habitually truant from school while subject to compulsory school attendance are subject to an assessment to determine if there is a need for general protective services. Children will not be referred to the county children and youth agency for assessment as possibly needing services until after the Charter School has made a formal effort to involve the family and child in resolving the cause of the truant behavior.

Students with Disabilities

A student who is truant or chronically absent for health-related reasons may be eligible for protections under IDEA or Section 504. If a student with a disability is truant or chronically absent, the school should convene the student's IEP team to determine whether revisions to the student's IEP are necessary or appropriate. In those instances, the administrator responsible for

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Truancy/Compulsory Attendance Policy

handling truancy-related matters should be a participating member of the IEP team process. A student with a disability who is truant or chronically absent for health-related reasons must still produce a valid excuse for any absence, which may include a written excuse from a physician.

However, schools must recognize that students' disabilities may present unique circumstances that might require consideration of other statutory or regulatory provisions or attendance policies. That is, students' federal and state law rights, such as those provided under IDEA, Section 504, or the ADA, may require the school to otherwise diverge from its general attendance policy in order to ensure that all students with a disability are provided a free and appropriate public education (FAPE).

School Attendance Improvement Conference and the Attendance Improvement Plan

A SAIC is a conference where the child's absences and reasons for the absences are examined in order to improve attendance, with or without additional services. All of the following individuals must be invited to the conference:

- 1) The child
- 2) The child's person in parental relation
- 3) Other individuals identified by the person in parental relation who may be a resource
- 4) Appropriate school personnel
- 5) Recommended service providers

There is no legal requirement for either the child or person in parental relation to attend a SAIC. However, schools and nonpublic schools should make every attempt to conduct the SAIC with the person in parental relationship present.

The school or nonpublic school must hold the SAIC conference even if the person in parental relation declines to participate or fails to attend after the school or nonpublic school provides advance written notice and makes attempts to communicate with the individual via telephone. Additionally, the school or nonpublic school must invite recommend service providers to the SAIC. However, the SAIC shall not be delayed pending a response from the service provider(s).

The school or nonpublic school must document the outcome of any SAIC in a written school attendance improvement plan (SAIP). The SAIP should include accessing academic and social/health supports from the school and community organizations, an outline of family/parent and student responsibilities, and levels of performance monitoring that include rewards and consequences. School and nonpublic schools must use the School Attendance Improvement Plan Form created by PDE or a similar form to document the SAIP (Please visit: <https://www.education.pa.gov/Schools/safeschools/resources/Pages/Pennsylvania-School-Attendance-Improvement-and-Truancy-Reduction-Toolkit.aspx>).

Schools may not expel or suspend (out-of-school) a student, or reassign or transfer a student to an alternative education for disruptive youth (AEDY) program, for truant behavior and these actions may not be included in a SAIP. An in-school suspension is not considered a disciplinary reassignment. Additionally, schools may not initiate truancy proceedings (e.g., the filing of a truancy citation) until after a SAIC is held. Nonpublic schools may expel a student for truant or

habitually truant behavior if expulsion is included in the nonpublic school's attendance policy as a potential consequence in response to a determination that the student is truant or habitually truant.

Homeless Students

The McKinney-Vento Homeless Assistance Act requires states and schools to work to remove barriers to the education of homeless children and youth, including barriers to enrollment and retention due to absences. Compulsory attendance laws can be such barriers, particularly when they result in court involvement. Frequently, students in homeless situations will miss school due to their living situations. However, absences caused by homelessness must not be counted as unexcused absences, as this would create a barrier to enrollment and retention in school.

As part of a SAIC, schools and nonpublic schools should work to identify the root cause of students' absenteeism and the SAIP should address those issues, which may include homelessness and lack of transportation to and from school.

If a student is a homeless student, the school should clarify which entity (school of origin, school of residence, etc.) is responsible for complying with the compulsory attendance laws.

In addition, schools should consider whether it is appropriate to file citations against a person that may merely be "acting as a parent" or hosting an unaccompanied youth. These individuals often agree to provide a temporary place for a youth to sleep and may not have control over whether the child is attending school. Instead, the school could contact the county children and youth agency and attempt to eliminate barriers to attendance through that route.

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

Sample Letters to Parent of Absent/Truant Student (all letters should be on Charter School letterhead, and dated):

First Unexcused Absence

Parent/Guardian Name
Address
City, PA Zip Code

Dear <PARENT'S (OR GUARDIAN'S) NAME>,

<STUDENT NAME> was absent without an approved excuse on <DATE>. This letter is sent to make you aware of this absence. Regular attendance at school is an important part of every student's success and is necessary in order to gain the greatest benefit from the educational experience. Students who are frequently absent from school miss direct instruction and regular contact with their teachers. Pennsylvania law and school policy require regular daily attendance. When absences accumulate, it may ultimately result in academic difficulty for <STUDENT NAME>.

We share a common goal to ensure that your child reaches their full potential. All absences are counted as unexcused until the Charter School receives a written excuse explaining the reason for the absence. If a written excuse is not received within three days, the absence will permanently be added to the student's file as unexcused. This letter serves as our first communication regarding <STUDENT NAME>'s unexcused absences. All unexcused absences need to be reported to the Pennsylvania Department of Education directly. If <STUDENT NAME> has six (6) unexcused absences, the Charter School can take legal action, including but not limited to, filing a citation in the local magisterial district court.

In addition, any absences of ten cumulative days will require a written excuse that indicates <STUDENT NAME> was seen by a doctor or medical practitioner. Enclosed are the penalties for violation of compulsory attendance requirements.

If you have any questions, please call my office at <PHONE> or the guidance office at <PHONE> so that we may work together to ensure <STUDENT NAME>'s educational success.

Sincerely,

<CEO or Attendance Officer>

cc: Attendance Officer
Guidance Counselor
Student File

(Enclosures: 24 P.S. 13-1327)

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Truancy/Compulsory Attendance Policy

Second Unexcused Absence

Parent/Guardian Name
Address
City, PA Zip Code

Dear <PARENT'S (OR GUARDIAN'S) NAME>,

This letter is to inform you that <STUDENT NAME> was absent without an approved excuse from school on <DATE>. This is the second unexcused absence recorded this year. Attendance requirements are meant to benefit your child's educational experience. I appreciate your cooperation in trying to improve your child's school attendance and in helping <STUDENT NAME> complete missed assignments on those occasions when <STUDENT NAME> must be absent.

If <STUDENT NAME> accumulates one additional unexcused absence or the equivalent, the Charter School will request that <STUDENT NAME> and parent participate in a student attendance improvement conference. The laws in the Commonwealth of Pennsylvania and Charter School's truancy policy require that every child of compulsory school age attend school daily. A child must present a written excuse from the parent/guardian or medical practitioner within three days of an absence or the absence will be counted as unexcused. Mental, physical or other urgent reasons can be considered excuses for absences. Enclosed are penalties for violation of compulsory attendance requirements.

I strongly encourage you to contact us to discuss ways to ensure your child's school attendance. Continued unexcused absences could lead to notification of truancy by the Charter School to the magisterial district judge, as well as a referral to the local children and youth agency. You may request a school-family conference at this time to explore possible solutions to your child's unexcused absences. If you have any questions, please call my office at <PHONE>.

Sincerely,

<CEO or Attendance Officer>

(Enclosures: 24 P.S. 13-1327)

cc: Attendance Officer
Guidance Counselor
Student File

Third Unexcused Absence (may be sent via certified mail and return receipt requested)

Parent/Guardian Name
Address
City, PA Zip Code

OFFICIAL NOTICE OF CHILD'S TRUANCY

Dear <PARENT'S (OR GUARDIAN'S) NAME>:

This letter is to officially notify you that <STUDENT NAME> has been absent from Charter School without an excuse on the following dates: <DATE 1, DATE2, and DATE 3 (add subsequent dates as appropriate)>. These absences are unexcused and, therefore, constitute a violation of the compulsory attendance provision of the Public School Code (24 P.S. 13-1327).

You are therefore notified of your child's repeated unexcused absences and strongly encouraged to ensure that your child receives no subsequent unexcused absences. The series of unexcused absences constitute a summary offense under the Public School Code for which penalties may be imposed against you as parent or guardian. Act 138 of 2016 provides for up to a \$750 fine and allows the court to impose parent education classes with your daughter or son and community service sentences for parents of a truant child who do not show that they took reasonable steps to ensure the child's school attendance. Act 138 also provides that truant students lose their driver's license for ninety (90) days for the first offense, and six (6) months for the second offense.

Be advised that the process for development of an Attendance Improvement Plan for your child has now begun, which requires your participation in an attendance improvement conference. If your child receives six (6) unexcused absences, Charter School may initiate a proceeding against you before a magisterial district judge, and a referral for general protective services made to the local children and youth agency. Please refer to the enclosed sections in the Public School Code for specific penalties for violation of compulsory attendance requirements for both you and your child.

Sincerely,

<CEO >

(Enclosures: 24 P.S. 13-1327)

cc: Attendance Officer
Guidance Counselor

Urban Pathways K-5 College Charter School

Board of Trustees Policy

WELLNESS POLICY ON PHYSICAL ACTIVITY AND NUTRITION

The Board of Trustees of the Urban Pathways K-5 College Charter School (“Charter School”), in combination with students, parents, administrators, faculty and staff, is committed to providing a school environment that promotes and protects children’s health, well-being, and ability to learn by supporting healthy eating habits and physical activity. As a means to fostering such a school environment, the Board of Trustees of the Charter School sets forth the following goals and adopts the following Wellness Policy on Physical Activity and Nutrition.

School Meals

To the extent practicable, all meals served to the Charter School students through the National School Lunch and Breakfast Programs will meet or exceed the minimum nutrition requirements established by local, state and federal law, as well as Dietary Guidelines published by the federal government or an appropriate governmental agency. Similarly, any foods and/or beverages sold from vending machines, through snack lines, at student stores, celebrations, athletic events, any school-sponsored or school-related event, or for the purpose of fundraising will meet or exceed the minimum federal nutrition requirements (USDA Smart Snacks in School).

The Charter School will make efforts to eliminate the social stigma attached to, and to prevent the identification of, students who are eligible for free and/or reduced-price school meals.

The Charter School will schedule meal periods at reasonably appropriate times, and will provide students with a minimum of twenty (20) minutes to enjoy their meals. In addition, the Charter School will discourage the scheduling of meetings or activities during meal times, including, but not limited to, tutoring, club meetings and/or organization meetings, unless the students will be permitted to eat during those meetings or activities.

The Charter School will provide facilities for appropriate hygiene, such as hand-washing and brushing of teeth.

Students will be discouraged from sharing foods and/or beverages with others.

The Charter School will not use foods or beverages for the purpose of rewarding students for academic achievement or good behavior; unless such a reward, system is

specifically identified in a student's Individualized Education Program. Likewise, the Charter School will not restrict or withhold foods or beverages for the purpose of disciplining or punishing students.

No food of limited nutritional value, as defined by federal or state law will be offered to students, faculty or staff during school hours, or at school-sponsored or school-related activities or events.

Classroom parties will offer minimal amount of foods (maximum 2-3 items) that contain added sugar as the first ingredient and will provide the following:

- Fresh Fruits and vegetables.
- Water, 100% fruit juice or low-fat or nonfat milk.

Nutrition Education

Nutrition education will be integrated into other areas of the curriculum, such as math, science, language arts and social studies at all grade levels.

Nutrition education will be developmentally appropriate, interactive, and will teach skills needed to adopt healthy eating behaviors.

Nutrition education materials will be reviewed by a qualified and credentialed nutrition professional, including, but not limited to, a School Food Nutrition Specialist or Registered Dietitian.

Faculty and staff that teach nutrition education will have appropriate training.

Informational materials will be provided to students and families to encourage sharing of health and nutrition information, and to encourage healthy eating in the home.

Any marketing of foods and/or beverages undertaken by the Charter School will be consistent with federal competitive food standards (USDA Smart Snacks in School)..

Nutrition Promotion

It is the goal of the Charter School to promote positive nutrition throughout its staff and student body. In addition to the nutrition education above, the Charter School will encourage healthy nutritional choices through ongoing dietary health campaigns. Charter School staff will regularly circulate materials throughout Charter School buildings that promotes healthy nutrition. In addition, online and community campaigns may be utilized to market and inform these positive eating habits. Staff should be encouraged to eat healthier options in the presence of students and to discuss the benefits and consequences of a balanced diet. Please see the USDA's page on Dietary Health for more ideas and information:

<https://www.usda.gov/topics/food-and-nutrition/dietary-health>

The Charter School will also regularly review its curriculum to ensure students and staff have access to opportunities and materials on nutrition. Additionally, the Charter School may partner with local organizations in the community to create opportunities for students to promote nutrition education.

Physical Activity

Physical activity will be integrated across curricula with activities that are safe, enjoyable and developmentally appropriate for all students in all grades.

All students will be given opportunities before, after, and throughout the school day for physical activity through physical education, recess periods and integration of physical activity into the curriculum.

Faculty and staff will be appropriately trained in integrating physical activity into the various curricular areas.

Students will be encouraged to participate in physical activity outside of the school environment, in both competitive and non-competitive environments.

Organized physical activity will be offered and encouraged at school-sponsored or school-related events.

To the extent practicable, the Charter School facilities will be made available to students, faculty, staff and the community for the purpose of offering physical activity and/or nutrition programs.

Physical activity will not be used or withheld as punishment.

Delegation of Responsibility

The Chief Executive Officer (“CEO”) shall be responsible to monitor the school, programs and curriculum to ensure compliance with this policy, related policies and established guidelines or administrative regulations.

Staff members responsible for programs related to student wellness shall report to the CEO or his/her designee regarding the status of such programs.

The CEO shall annually report to the Board on the school’s compliance with law and policies related to student wellness. The report may include:

- Assessment of school environment regarding student wellness issues.

- Evaluation of food services program.
- Review of all foods and beverages sold in schools for compliance with established nutrition guidelines.
- Listing of activities and programs conducted to promote nutrition and physical activity.
- Recommendations for policy and/or program revisions.
- Suggestions for improvement in specific areas.
- Feedback received from Charter School staff, students, parents/guardians, community members and the Wellness Committee.

The CEO and the appointed Wellness Committee shall conduct an assessment every three years on the contents and implementation of this policy as part of a continuous improvement process to strengthen the policy and ensure implementation. The assessment shall include the extent to which the Charter School is in compliance with law and policies related to student wellness, and shall describe the progress made by the Charter School in attaining the goals of this policy. The assessment shall be made available to the public.

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

Wellness Committee

The CEO shall appoint a Wellness Committee comprised of at least one (1) of each of the following: School Board member, Charter School administrator, Charter School food service representative, Charter School Teacher, Charter School Health Professional, student, parent/guardian, and member of the public. Other members of the Wellness Committee may include:

- School nurse
- School counselor
- Coach
- Support staff
- Dietician
- Representative of local or county agency
- Representative of community organization
- Food vendor
- Other individuals chosen by the Board.

The school shall be required to permit physical education teachers and school health professionals to participate on the Wellness Committee.

The Wellness Committee shall serve as an advisory committee regarding student health issues and shall be responsible for developing, implementing and periodically reviewing and updating a Student Wellness Policy that complies with law to recommend to the Board for adoption.

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