



# FREIRE

## CHARTER WILMINGTON

### CODE OF CONDUCT

POLICY # 201

AMENDED 6/28/2023

#### PURPOSE OF THE CODE OF CONDUCT

We believe that it is important for FCSW to set forth the expectations of all community members. This Code of Conduct is designed to support FCSW's mission to provide a college preparatory learning environment with a focus on the individual avenues of problem solving, freedom, and critical thinking, as well as the collective values of nonviolence, safety, community, and teamwork.

#### CODE OF CONDUCT GUIDING PRINCIPLE

As an educational institution, we recognize that it is our responsibility to educate students regarding nonviolence and the Code of Conduct in general. Our practice is based upon the belief that as students progress from one grade to the next they become more responsible for the rules and gain a greater capacity for independent decision-making.

#### DELAWARE CONDUCT VIOLATIONS

Delaware Regulation 14 Admin C 614 provides for uniform definitions of certain conduct that may result in expulsion or alternative placement. The full regulation may be accessed at <http://regulations.delaware.gov/AdminCode/title14/600/614.shtml>. Parents may request a paper copy of this regulation at the front office.

#### CORPORAL PUNISHMENT

The physical punishment of students for infractions of the discipline policy is strictly prohibited.

Teachers and school authorities may use reasonable force under the following circumstances:

- To quell a disturbance
- To obtain possession of weapons or other dangerous objects
- In protection of persons or property, or for the purpose of self-defense

#### SECLUSION AND RESTRAINT POLICY

Freire has seclusion and restraint standards and safety procedures in place to ensure the safety of all individuals. All Freire staff are prohibited from imposing any type of physical, chemical, or mechanical restraint and seclusion on students, except under specific conditions and in conformity with the standards established by 14 Del. Code § 4112 F. Staff shall receive annual training regarding the use of restraints and crisis prevention, provided by the Delaware Department of Education.

#### PARENTAL NOTIFICATION OF USE OF PHYSICAL RESTRAINT

If a student is restrained, the school shall notify the parents no more than 24 hours after the physical restraint is used. If physical restraint is included in a student's IEP, the IEP Team, including the parent, should determine a timeframe and manner of notification of each incident of physical restraint.

## DEFINITIONS

### STUDENT

A person enrolled in Freire Charter School Wilmington.

### PARENT/GUARDIAN

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

### STAFF

Any person employed by, or volunteering at, Freire Charter School Wilmington.

### COMMUNITY MEMBER

Any Freire Charter School Wilmington student, parent, staff member, mentor, board member, volunteer, neighbor, or any other person a student may encounter while on school grounds (defined below). These integral parts join together to create a special community.

### SCHOOL SETTING

School setting means (1) in school; (2) on school grounds; (3) in school vehicles; (4) at designated bus stops; (5) at activities sponsored, supervised or sanctioned by Freire (e.g. field trips, sporting events, events where students are representing Freire Charter School); or (6) in any other circumstance or location (on or away from school property) where Freire has jurisdiction over a student's conduct.

### INTERVENTION

A consequence assigned by the School as a result of a violation of the Code of Conduct. The purpose of the intervention is so that students understand that their behavior was unacceptable. Repeated violations of the Code of Conduct will result in more severe interventions. Students who do not respond to repeated interventions and continue to behave in ways that violate the Code of Conduct and challenge the expectations of the community may be asked to leave the community.

### MEDIATION PROGRAM

A conflict resolution program where trained students and staff guide individuals who are in conflict toward a peaceful resolution. Every student has the opportunity to participate in mediation when there is a conflict with another community member so that the conflict can be resolved in a constructive, nonviolent manner. Mediations are to be used in a proactive manner **prior** to an infraction of the Code of Conduct, not as a result of an infraction of the Code of Conduct.

### EMOTIONAL SUPPORT TEAM

Our emotional supports team aims to provide support to students and families in need. Students and families referred by Freire for emotional support are encouraged to participate in family therapy. Family and individual therapy is provided free of charge to Freire students and their families. Counseling and therapy services are an integral part of promoting the overall health and well-being of the Freire family. In certain cases, mandatory meetings with a member of the family therapy team may be assigned by the School as a behavioral intervention. Therapy services are available during regular school hours; evenings and weekend hours are available by appointment. Trained professionals work with students and families to resolve conflict, manage stress, anxiety, and depression, overcome grief and trauma, cope with symptoms of ADHD, manage difficult life transitions (divorce, separation, homelessness) and resist peer pressure. Students can request to visit Emotional Supports anytime throughout the day by asking their teachers. Parents, guardians, and family members can reach the Emotional Support Team by calling the main number (302) 407-4800.

### DISCIPLINE OF STUDENTS WITH DISABILITIES

Students with disabilities who violate the Code of Conduct, or engage in inappropriate behavior, disruptive or prohibited activities and/or actions injurious to themselves or others, which would typically result in corrective action or discipline of students without disabilities, will be disciplined in accordance with state and federal laws

and regulations, School policy, and, if applicable, their Individualized Education Program (IEP) and Behavior Support Plan.

When a determination to exclude a child from school constitutes a change in educational placement, Freire Charter School Wilmington shall first determine whether the student's behavior is a manifestation of his/her disability. A student with a disability whose behavior is not a manifestation of his/her disability may be disciplined in accordance with School policy, rules, and regulations in the same manner and to the same extent as students without disabilities.

#### DELEGATION OF AUTHORITY

The Board authorizes school administration to develop procedures to implement this Policy, setting specific behavioral expectations and outlining interventions and consequences.

### PROCEDURE 201A: GENERAL BEHAVIORAL EXPECTATIONS

Freire Charter School Wilmington will provide our students with skills that they need for the future. The staff at Freire are dedicated to the education and well-being of our students. In turn, the Charter School expects and requires all students to show respect and care for the staff, volunteers, visitors, the building, each other, and people of all cultures represented in the school. The Charter School also expects students to take care of the property within the school and in the surrounding community as further discussed below.

#### CONSEQUENCES

Charter School Students who do not adhere to these expectations will receive a consequence. This consequence will be assigned by the Culture and Discipline team and is expected to be completed.

**Repeated or excessive violation of the same rule will result in more severe consequences.**

#### EXPECTATIONS

Freire Charter School Wilmington expects Charter School students to treat others like scholars at all times. Community members are expected to act in the following manner:

- Speak to students, teachers, and neighbors with courtesy.
- Use considerate phrases such as "please," "thank you," and "excuse me."
- Help others in the school and community.
- Tell the truth.
- Be courteous of others on the sidewalks, at bus stops, and at local businesses.
- Encourage others.
- Be willing to listen openly to the opinions of others.
- Accept and be open to personal differences.
- Be open to the school's mediation program.
- Know all policies surrounding the Code of Conduct.
- Keep your hands to yourself and don't touch others.
- Refrain from any public displays of affection.

#### THE FOLLOWING ACTIONS CONFLICT WITH OUR EXPECTATIONS AND ARE UNACCEPTABLE

- Sexual activity or public displays of affection, including kissing, hugging and handholding.
- Making excessive noise when entering the building or leaving the building.
- The use of profanity (cursing) anywhere inside or outside of the building.
- Interrupting the learning environment.
- Speaking to or treating any community member in a rude/disrespectful manner.

#### GROUPS KEPT CLEAN AND NEAT

#### EXPECTATIONS

Freire Charter School Wilmington expects students to act and think like college-trained professionals at all times. Community members are expected to act in the following manner:

- Use trash receptacles inside and outside of the school grounds.
- Keep desks, lockers, walls, and all other property free of graffiti, stickers, ink, and all other damage/destruction.
- Students are to use only the locker assigned to them.
- Return shared materials to the proper place in good condition (including laptops!).
- Leave things better than you found them.
- Dispose of gum and trash in appropriate locations.
- Gum is allowed. However, each teacher has the discretion to determine if gum is allowed in their particular classroom.
- Eat only in the cafeteria. Eating in classrooms is permitted only if there is adult supervision during lunch or special events, not during academic time unless authorized by an administrator.
- Clean up your own area (desk, floor, lunch area).

#### THE FOLLOWING ACTIONS CONFLICT WITH OUR EXPECTATIONS AND ARE UNACCEPTABLE

- Littering anywhere on or near the school grounds – inside or outside.
- Sharing a locker – Students who share lockers will be held responsible if it contains any items deemed inappropriate or prohibited (all students using that locker will receive disciplinary action).
- Eating or drinking in any area except the designated areas – Eating can only happen in classrooms if there is adult supervision during lunch or special events, not during academic time unless authorized by an administrator.
- Possession of a glass bottle.
- Disposal of gum in a place anywhere other than trash cans.

#### ON TIME AND READY TO LEARN

The Charter School Community believes that learning and maintaining an appropriate learning environment is essential for success.

#### EXPECTATIONS

Freire Charter School Wilmington expects students to study like college-trained professionals at all times in order to maintain an appropriate learning environment. Community members are expected to act in the following manner:

- Adhere to and follow your schedule. Make and keep appointments.
- Be prepared with materials; bring a charged chromebook and writing utensil to every class every day.
- Complete homework.
- Listen to others, wait your turn, raise your hand and follow directions at all times.
- Arrive to school on time.
- Carry an appropriate hall pass if you leave a classroom.
- Go to the appropriate authorities if you need to make an emergency phone call. If there is an emergency and a student needs to use their phone or a school phone, THEY MUST go to an administrator.

#### THE FOLLOWING ACTIONS CONFLICT WITH OUR EXPECTATIONS AND ARE UNACCEPTABLE

- Using school telephones without permission.
- Sleeping in class.
- Roaming the building without a pass.
- Disrupting the learning environment in any way.
- Playing cards or dice, or gambling in any way.
- Being tardy to class.
- Cheating and/or plagiarizing.

#### SAFETY FIRST

The Charter School community believes that having a clean, safe environment is mandatory and non-negotiable. Feeling safe to explore, to make mistakes, and to learn is essential.

### EXPECTATIONS

Freire Charter School Wilmington expects students to act like college-trained professionals at all times in order to maintain a safe environment. Charter School Community members are expected to act in the following manner:

- Notify staff of dangerous or illegal weapons or situations inside or outside of school.
- Notify staff of strangers in and outside of the building.
- Keep your hands to yourself.
- Avoid unnecessary physical contact.
- If physical contact is necessary, make sure that it is neither aggressive nor sexual.
- Depart for home immediately after the last class of the day or completion of an after-school program.
- Carry a student ID at all times and produce it when requested.
- Follow all procedures and policies outlined in the appropriate sections of this manual.

### THE FOLLOWING ACTIONS CONFLICT WITH OUR EXPECTATIONS AND ARE UNACCEPTABLE

- Not producing a student ID when asked.
- Participating in horseplay or play fighting. (Horseplay and play fighting are defined as rough, noisy, unruly, or rowdy play that may or may not involve physical contact.)
- Loitering on the street corners or sitting on the steps of surrounding buildings.
- Running down the stairs or hallways in the school, around school, or outside of the school.
- Throwing objects anywhere in the building (extreme circumstances could lead to recommendation for expulsion).
- Speaking to any community member in a way that makes them feel unsafe or violated (extreme circumstances may lead to suspension and/or recommendation for expulsion).
- Turning lights off in the gym, hallway, or classrooms without permission.
- Tampering in any way with school building systems or equipment (such as fire alarms or fire extinguishers).
- Being in areas of the buildings before or after school without the permission and presence of a staff member.

### PROCEDURE 201B: INTERVENTIONS

If a Charter School Student chooses to act in an unacceptable way, the Culture and Discipline team will assign a consequence for the student's actions. **Each intervention is meant to be used as a warning that the student's behavior is unacceptable and therefore should NOT BE REPEATED.**

**A Charter School Student whose behavior does not change or intensifies will be subject to interventions of increased severity.** All students and parents will receive a warning notification if unacceptable behavior continues, or the frequency of that behavior increases.

The following is a list of interventions that may be used by the Culture and Discipline team. This is not an exhaustive list but rather a sample of the interventions the Culture and Discipline team may use:

- |                                  |  |
|----------------------------------|--|
| • Anger management support group | • Informal hearing                             |
| • Apology letter                 | • Losing privileges to attend school functions |
| • Community outreach/service     | • Lunch detention                              |
| • Behavior contract              | • Parent conference (by phone or in person)    |
| • Probationary contract          | • Personalized Improvement Plan (PIP)          |
| • Detention                      | • Public apology (written or verbal)           |
| • Saturday school                | • Research project                             |
| • Behavior Intervention Lesson   | • Support groups                               |
| • Hours outside of school time   | • Teacher/Student Conference                   |

- Teacher detention

- Suggest Therapy

## BOARD POLICY 202: SUSPENSION/REINSTATEMENT

Suspension is defined as “taking away permission to attend classes, activities, and all other privileges of enrollment at Freire Charter School Wilmington.” This includes but is not limited to dances, shows, athletics, field trips, and special events.

The following actions can result in a suspension from school activities:

- Jeopardizing the safety of another community member, including but not limited to any act of violence, pulling fire alarms, setting off alarm doors, or use of fire extinguishers except in life-threatening emergencies
- Active or passive participation in the destruction of property
- Possession of weapon, drugs, alcohol, or other illegal items
- Breaking the Nonviolence and Commitment to Peace Policy
- Cutting class, leaving the classroom without permission, or being out of bounds in a location that students are not allowed
- Involving other community members (or your friends) in personal matters and situations that began in school
- Stealing
- Repeated disruption or disrespectful behavior inside of the classroom
- Sexual harassment, including creating or maintaining a sexually hostile environment and/or seeking or demanding any sexual ‘quid pro quo’, is forbidden on the part of students, faculty, staff, and all adults

### STEPS AND PROCEDURES FOR SUSPENSION

- Student is informed of the reason for suspension at the time of suspension verbally and in written form.
- Student is given the opportunity to respond.
- The Charter School must notify the parent/guardian of suspension. Please note that a suspended student will not be sent home until the School is able to communicate with that student’s parent/guardian.

**If a student has been suspended, they will be prohibited from attending school, being on school grounds (including the bus and parent pick-up areas) or participating in or attending school activities.**

**Students are required to make up all class work and tests missed during a suspension.**

During testing times, students may not be suspended at the discretion of the school administration. However, any infractions that accrue during that time may lead to a suspension once testing is completed.

### REINSTATEMENT MEETINGS

**If a student is suspended, they are required to attend a reinstatement meeting with their parent or guardian upon their return to school. Students may not return to school until this mandatory meeting occurs as permitted by law.**

The reinstatement will serve as a warning to alert the student and their parent/guardian that they have seriously or chronically violated the school’s Code of Conduct. It is further hoped that the student will realize the impact their behavior has had on their learning and that of their fellow students, and therefore make all necessary changes in his/her behavior while in school.

## BOARD POLICY 202B: HEARING PROCESS

### INFORMAL HEARINGS



Informal hearings are held in cases where a serious infraction of the Code of Conduct has occurred. Informal hearings will follow the format described below.

- During the informal hearing the Charter School will state the concerns and observed behaviors.
- The Charter School will provide the results of any investigation should the incident have required one.
- Both parent and student will have the opportunity to provide their observations, comments and concerns regarding the incident.
- Upon conclusion of the meeting the Charter School will determine the next action. Charter School administration will recommend one of three consequences: recommendation for expulsion, removal from school, or a probationary behavioral or contract.
  - Recommendation for Expulsion – See Formal Hearing/Expulsion policy (see next section)
  - Removal from School – Placement in an alternative setting
  - Behavioral or Probationary Contract – The administrator will review with the student the written warning, which states the student understands:
    - This is their final warning from the Charter School.
    - Students will be required to fulfill the conditions of the contract.
    - Failure to fulfill the conditions of the contract may result in a recommendation for expulsion from the Charter School.
    - In order for a contract to be issued the student and parent must agree to follow the terms being presented by the Culture and Discipline team.
    - The contract will establish a time and date when the compliance of the contract will be reviewed.

**NOTE:** Contracts are non-negotiable. Students and parents must agree to follow all terms of the contract. Since contracts are issued in lieu of a recommendation for expulsion, if a parent/student does not agree to follow the terms of the contracts, then there is a possibility that the refusal could result in a recommendation for expulsion. Prior to this, a meeting to review the contract will be held by the Culture and Discipline Team. This meeting will include the parent/guardian and the student.

## BOARD POLICY 202C: FORMAL HEARING/EXPULSIONS

**If a student is recommended for expulsion as a consequence of their actions, they have a right to a formal expulsion hearing. This hearing must commence within 15 days of formal charges (unless mutually agreed upon by both parties).**

- A formal hearing is **REQUIRED** in all expulsion actions.
- An expulsion hearing will be arranged and notification of the charges, all evidence, and the rights of students/parents shall be sent to the student's parents or guardians at least 3 days prior to the hearing. All information will be sent via certified mail.
- The hearing will commence on the agreed-upon date with an independent Fact Finder presiding over the hearing.
- The Charter School will present evidence, statements, and its case, giving the parent and student a chance to view all information.
- Parents and students will be given the opportunity to question witnesses and present their own information.
- The hearing shall be held in private unless the student or parent requests a public hearing.
- The Fact Finder will write a summation of facts that will be presented at the following Board meeting.

- Only the Board of Directors, through a majority vote of the entire Board, can determine whether a student will be expelled.
- Notice of a right to appeal the results of the hearing shall be provided to the student with the expulsion decision.

## PARENT AND STUDENT RIGHTS

- In a case involving a possible expulsion, the student is entitled to a formal hearing.
- A formal hearing is required in all expulsion actions.
- This hearing will be conducted by an impartial Fact Finder.
- The Board of Directors is given a summation of facts by the Fact Finder and a majority vote of the entire governing Board is required to expel a student.
- The following due process requirements shall be observed with regard to the formal hearing:
  - Notification of the charges shall be sent to the student's parents or guardians by certified mail.
  - At least 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. Otherwise the hearing will proceed as scheduled.
  - The hearing shall be held in private unless the student or parent requests a public hearing.
  - The student may be represented by counsel, at the expense of the parents or guardians, and must have the parent or guardians (as identified in the Infinite Campus database) attend the hearing.
  - 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.
  - The student has the right to request that the witnesses appear in person and answer questions or be cross-examined.
  - The student has the right to testify and present witnesses on his/her own behalf.
  - 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.
  - The proceeding shall be held within 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:
    - Laboratory reports are needed from law enforcement agencies.
    - Evaluations or other court or administrative proceedings are pending due to a student invoking his rights under the Individuals With Disabilities Education Act (20 U.S.C. § 1400-1482).
- Notice of a right to appeal the results of the hearing shall be provided to the student with the expulsion decision.
- 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. Parents have 5 days to find the appropriate placement and notify the School.

## PARENTS RIGHT TO WITHDRAW

Freire Charter School Wilmington is a school of choice for families. Parents may choose to voluntarily withdraw their child from the school at any time for any reason. If a student is on a First-Year Contract, they may need to meet with the Head of School in order to withdraw. The School cannot formally expel a student who is no longer enrolled at Freire. Should a parent choose to withdraw their child from Freire prior to potentially being



expelled, any remaining procedures related to expulsion will cease. The student's academic record will reflect the withdrawal, not an expulsion. If a parent decides to withdraw their student, they must submit an Official Withdrawal Form.

## BOARD POLICY 202D: DISCIPLINE OF STUDENTS WITH DISABILITIES

Freire Charter School Wilmington will develop and implement positive Behavior Support Plans and programs for students with disabilities who require specific interventions to address behaviors that interfere with learning.

Students with disabilities who violate the Code of Conduct, or engage in inappropriate behavior, disruptive or prohibited activities and/or actions injurious to themselves or others, which would typically result in corrective action or discipline of students without disabilities, will be disciplined in accordance with requirements of the Individuals with Disabilities in Education Act (IDEA), its implementing state and federal laws and regulations, and school policy.

### SUSPENSION FROM SCHOOL

A student with a disability may be suspended for up to ten (10) consecutive and fifteen (15) cumulative days of school per school year, for the same reasons and duration as a student without a disability. Such suspension shall not constitute a change in the student's educational placement.

### CHANGES IN EDUCATIONAL PLACEMENT/MANIFESTATION DETERMINATIONS

A manifestation determination is required by IDEA (2004) when considering the exclusion of a student with a disability that constitutes a disciplinary change of placement.

In certain circumstances, students who have not been determined to be eligible for special education may assert the protections of IDEA 2004 if the Charter School had "knowledge" that the student was a student with a disability before the occurrence of the behavior that precipitated a disciplinary action. Freire will be deemed to have knowledge if: (1) the parent/guardian of the student expressed a concern in writing (unless the parent/guardian is illiterate or has a disability that prevents compliance with the requirements contained in this provision) to Freire that the student is in need of special education and related services; (2) the parent/guardian of the student has requested an evaluation of the student; or (3) the teacher of the student, or other Freire personnel, expressed a specific concern about the behavior or performance of the student to the director of special education or other supervisory personnel at Freire.

### DISCIPLINARY CHANGE OF PLACEMENT

A disciplinary change of placement occurs when a student who is receiving special education services is excluded from school:

- For more than ten (10) school days in a row,
- When days 11-15 constitute a pattern of exclusion, OR
- When a series of removals constitutes a pattern, through consideration of factors such as the length of each removal, the total amount of time the student is removed, and the proximity of the removals to one another; OR
- For any length of time for a student with an intellectual disability\*.

\*For students with intellectual disability, any disciplinary suspension or expulsion is a change in educational placement and may not be made without parental consent or judicial approval.

The School may remove a student to an interim alternative educational setting for no more than forty-five (45) school days without a manifestation determination review under the following circumstances, and where the underlying conduct is at school, on school premises, or to or at a school function under the jurisdiction of the Charter School:

- Carrying or possessing a weapon

- Knowingly possessing, using, selling or soliciting illicit substances
- Inflicting serious bodily injury upon another person

In addition, a student with a disability may be removed to an appropriate interim alternative educational setting for not more than 45 school days if a hearing officer orders the change in placement after determining that maintaining the current placement of the student is substantially likely to result in injury to the student or to others.

On the date a decision is made to make a removal that constitutes a change of placement due to a violation of the Code of Conduct, the Charter School will notify the parent/guardian(s) of that decision and provide procedural safeguards to the family. A student with a disability who is removed from the child's current placement shall continue to receive educational services so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP (with services as determined by the Child's IEP team); and shall receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur.

Note: IDEA 2004 does not prohibit the Charter School from reporting a crime committed by a student with a disability to appropriate authorities, nor does it 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 a student with a disability. Any such reports made by the Charter School shall comply with IDEA 2004.

#### MANIFESTATION DETERMINATION PROCESS

Within ten (10) school days of the decision to change the student's placement, the parent/guardian and members of the students' IEP team shall conduct a Manifestation Determination meeting to answer the following questions:

1. Was the behavior caused by, or directly and substantially related to, the student's disability; OR
2. Was the behavior a direct result of the failure to implement the IEP?

If the behavior is a manifestation of the student's disability, the IEP team will take one of the following actions:

- Conduct a Functional Behavioral Assessment (FBA), unless one was already conducted prior to the change of placement occurring, and implement a positive Behavior Support Plan for the student;
- OR
- If a positive Behavior Support Plan has already been developed, review and modify it as necessary to address the behavior; and return the student to the placement from which they were removed, unless the parent/guardian and IEP team agree to a change of placement as part of the positive Behavior Support Plan.

If the behavior is not a manifestation of the student's disability:

- The student may be disciplined in accordance with school policy, rules, and regulations in the same manner and to the same extent as students without disabilities.