

# STUDENT CODE OF CONDUCT AND STUDENT POLICIES

## I. Conduct and Behavior (Code of Conduct)

**Introduction.** Provident is a school dedicated to appreciating the individual nature of each child. Each child is unique and all students are responsible for their own actions and behaviors. The rules, procedures, and consequences that follow explain how students will be held accountable for their behavior.

**School Wide Behavior Support Plan.** Provident has developed a school wide behavior support plan designed to encourage positive behaviors and provide for fair manner discipline with minimal disruption to the student's education.

1. **Guidelines.** The following are expected behaviors. Additional rules may be established to guide student behavior.
  - Act responsibly
  - Be prepared
  - Listen carefully
  - Express yourself clearly and appropriately
  - Ask permission
  - Act in a safe manner at all times
  
2. **Violations.** The following is a list of potential violations. Provident reserves the right to determine the seriousness of each offense.
  - a. **MAJOR I VIOLATIONS.** Behaviors that impede orderly classroom procedures or interrupt the orderly operation of the school, including but not limited to:
    - Repeated classroom disruption or inappropriate classroom or school behavior
    - Defiance/disrespect/insubordination
    - Disorderly bus conduct
    - Lying
    - Running or shouting in the hallways
    - Oral harassment of others
    - Failure to follow a directive
    - Inappropriate displays of affection
    - i. **Examples of Disciplinary Options:**
      - Oral or written reprimand
      - Parent contact
      - Removal from class
      - Special assignment
      - Loss of privileges
      - Detention
  
  - b. **MAJOR II VIOLATIONS.** Behavior of such seriousness or frequency that tends to disrupt the learning or endangers the health or safety of others, including but not limited to:
    - Continuation of or escalation of Major I violations
    - Property damage/vandalism
    - Refusing to complete discipline assigned
    - Abusive, obscene, or disrespectful oral or written language or gestures, e.g.,

swearing

- Plagiarism/cheating
- Harassment/bullying/threats
- Possession of unauthorized electronic devices such as cellular telephones or personal iPads.
- Violation of major policies such as Network or Internet Safety Policies

i. Examples of Disciplinary Options:

- Oral or written reprimand
- Parent contact
- Removal from class
- Special assignment
- Loss of privileges
- Confiscation of unauthorized devices
- Restitution
- After school detention
- Bus suspension
- Suspension or expulsion
- Referral to police or District Magistrate

c. **MAJOR III VIOLATIONS.** Behavior that poses a threat to the safety or welfare of others in the school or poses a serious threat to property. Example include but are not limited to:

- Continuation of or escalation of Major II Violations
- Assault
- Theft
- Extortion or attempted extortion
- Possession or use of tobacco products
- Vandalism
- Physical aggression
- Fighting
- Out of bounds/out of authorized area
- Possession of or use of illegal drugs
- Possession or inappropriate use of prescription or over-the-counter medication
- Oral or physical threats of violence
- Continuation of or escalation of harassment/bullying/threats
- Bomb threat or threatening phone calls
- Racial, ethnic or minority slurs or intimidation
- Possession/use/transfer of weapons
- Arson or attempted arson
- All other violations of local/state/federal laws

i. Examples of Disciplinary Options:

- Loss of privileges
- Confiscation
- Out of school suspension
- Loss of transportation privileges
- Restitution of property or payment of damages
- Referral to police or District Magistrate

- Expulsion

d. **Prohibited Items.** Unless authorized by school administration, a student may not have in his or her possession any of the following items: iPods, games, toys, cameras, personal computers, medications, weapons, or drug or gambling paraphernalia.

Confiscated and will be returned to a student's parent at the first mutually convenient opportunity.

## **OTHER PROVIDENT POLICIES**

### **A. Anti-Bullying Policy**

**Introduction.** Harassment or bullying is any gesture or written, oral, graphic, or physical act (including electronically transmitted act) that takes place on school property, at any school-sponsored activity, or in a school vehicle and is reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression; a disability or impairment; or by any other distinguishing characteristic. Harassment or bullying includes any gesture or written, oral, graphic, or physical act (including electronically transmitted act) that takes place off school property if such act causes a hostile environment on school grounds.

Provident encourages students who have been subject to bullying or harassment to promptly report such incidents to designated employees as listed in this policy.

All complaints of harassment or bullying shall be investigated promptly, and corrective action shall be taken when allegations are substantiated. Confidentiality of all parties shall be maintained to the extent possible, consistent with Provident's legal and investigative obligations.

This policy also prohibits (a) retaliation against anyone who in good faith reports behavior prohibited by this policy; and (b) intimidation of any witness or party who participates in an investigation.

This policy applies to students, employees and third-parties (such as vendors, independent contractors and members of the general public) and covers incidents that result in the bullying or harassment of Provident students regardless of whether the incidents themselves occur on school property.

Provident's Principal & CEO or his/her designee is Provident's Compliance Officer for purposes of this anti-bullying policy.

The Compliance Officer shall publish and disseminate this policy and complaint procedure at least annually to students, parents/guardians, employees and the public. Such communications to students, parents/guardians and the public shall include the position, office address and telephone number of the Compliance Officer. This policy, its complaint procedures and the Compliance Officer's contact information shall be available on the website and at the school.

This policy applies to all applicable acts of harassment and bullying that occur on school property, at school sponsored events, on a school bus or as a result of a student's association with the school. The Superintendent shall develop an annual process for discussing the policy on harassment and bullying with students and staff.

Contact information for the Compliance Officer and for the building principal appears in Attachment A.

#### **Definitions**

*Harassment* is conduct that meets all of the following criteria:

- Is directed at one or more students;
- Substantially interferes with educational opportunities, benefits, or programs of one or more students;
- Adversely affects the ability of a pupil to participate in or benefit from Provident's educational programs or activities because the conduct, as reasonably perceived by the student, is so severe, pervasive, and objectively offensive as to have this effect; and,
- Is based on a student's actual or perceived distinguishing characteristic, or is based on an association with another person who has or is perceived to have a distinguishing characteristic,

such as race, color, age, creed, religion, gender, sexual orientation, ancestry, national origin, marital status, pregnancy, genetic history, or disability.

*Bullying* is conduct that meets the following criteria:

- Is directed at one or more students;
- Is severe, persistent or pervasive; and
- Has the effect of doing any of the following:
  - o Creating a threatening environment;
  - o Substantially interfering with educational opportunities, benefits, or programs of one or more students; or
  - o Substantially interfering with the orderly operation of the school.

### **Procedure**

Examples of bullying, intimidation and retaliation when such actions (or any other actions) are based on the target's race, color, age, creed, religion, gender, sexual orientation, ancestry, national origin, marital status, pregnancy, genetic history, or disability prohibited by this policy include but are not limited to

1. Name calling or insults
2. Inappropriate jokes
3. Inappropriate pictures, cartoons, drawings or other depictions
4. Isolation or exclusion

The list above is not all inclusive. Any action that marginalizes, isolates or harasses a student due to his/her race, color, age, creed, religion, gender, sexual orientation, ancestry, national origin, marital status, pregnancy, genetic history, or disability to the extent that such action creates a hostile environment is prohibited by this policy.

Provident expects students to conduct themselves in a manner keeping with their levels of development, maturity, and demonstrated capabilities with a proper regard for the rights and welfare of other students and school personnel. To prevent harassment and bullying, Provident staff shall use disciplinary situations as opportunities for helping students to learn to assume responsibility and consequences for their behavior. Staff members who interact with students shall apply best practices designed to prevent discipline problems and encourage students' abilities to develop self-discipline.

Provident prohibits both active and passive support for acts of harassment or bullying. The staff should encourage students to support students who walk away from these acts. Provident staff shall attempt to stop bystander support or encouragement of harassment or bullying. In serious cases of bystander support or encouragement of harassment or bullying staff shall report such actions to the building principal. Bystander support or encouragement of harassment or bullying shall be punishable as harassment or bullying.

Administrators shall develop and implement procedures that ensure both the appropriate consequences and remedial responses to student harassment or bullying. The following factors, at a minimum, shall be given full consideration by school administrators in the development of the procedures for determining appropriate consequences and remedial measures harassment or bullying:

- Parties' ages, development, and maturity
- Harm, if any
- Surrounding circumstances
- Prior incidents
- Parties' relationship
- Context
- Life skill competencies
- Social-emotional and behavioral supports

Consequences and appropriate remedial actions may range from positive behavioral interventions up to and including suspension or expulsion. Consequences must be consistent with Provident's 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 **consequences** may include, but are not limited to, the examples listed below:

- Warning
- Temporary removal from the classroom
- Loss of privileges
- Detention
- Suspension
- Legal action
- Expulsion

**Remedial measures** may include:

*Personal*

- Problem solving advice
- Peer support group
- Corrective instruction or other relevant learning or service experience
- Behavioral assessment or evaluation,
- Involvement of school disciplinarian
- Student counseling
- Parent conferences
- Student therapy

*Environmental (Classroom, School building)*

- Schedules modification
- Hallway traffic adjustment or monitoring
- Parent conferences
- Law enforcement involvement
- Peer support groups
- Adoption of research-based, systemic bullying prevention programs

The Principal & CEO is responsible for receiving complaints alleging violations to this policy. All school employees are required to report alleged violations of this policy to the Principal & CEO. The complaining party or reporting employee is encouraged to file a written report or use the report form available from the Administrative Assistant, but oral complaints shall be acceptable.

A school employee who suspects or is notified that a student has been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the Principal & CEO. Within two (2) school days the Principal & CEO will follow up with the student reported to be the subject of such conduct. 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. Reports may be made anonymously, but formal disciplinary action may not be based solely on the basis of an anonymous report.

## **Complaint Procedure**

### **Step 1 - Reporting**

The Principal & CEO is responsible for conducting a prompt, thorough, and complete investigation of each alleged incident. The Principal & CEO or his/her designee shall:

1. Inform the complaining party of the right to file a complaint and the complaint procedure.
2. Inform the complaining party if s/he is a student that s/he may be accompanied by a parent/guardian during all steps of the complaint procedure.
3. Notify the complaining party and the accused of the progress at appropriate stages of the procedure.
4. Refer the complaining party to the Chief Learning Officer if the Principal & CEO is the subject of the complaint.

Students and parents will be provided with the name of the Principal & CEO and the Chief Learning Officer before or at the beginning of the school year.

If the Principal & CEO is the subject of a complaint, the complaining party or the reporting employee shall report the incident directly to the Chief Learning Officer.

In cases in which the alleged victim may be in danger or his/her ability to participate fully in the educational process may be seriously impaired, the Principal & CEO or his/her designee may take interim action (consistent with state and federal law) to keep the alleged victim from his/her alleged harasser. Such action may include parent contact, removal from class, loss of privileges, detention, or suspension of the alleged harasser.

**REPORTS OF ALLEGED INCIDENTS MUST BE MADE NO LATER THAN FOURTEEN (14) DAYS AFTER THE ALLEGED INCIDENT OCCURRED.**

**Step 2 - Investigation**

Incidents of bullying, harassment, intimidation and retaliation prohibited by this policy will be promptly and equitably investigated.

The investigation may consist of individual interviews with the complaining party, the accused, and others with knowledge relative to the incident. The investigator may also evaluate any other information and materials relevant to the investigation. Both the alleged victim and the alleged bully/harasser will be given the opportunity to present witnesses and other evidence. The investigator will use the preponderance of evidence standard to determine whether this policy has been violated. That is, a violation will be found if the complainant or victim presents evidence establishing it is more likely than not that the prohibited conduct occurred.

The obligation to conduct this investigation shall not be negated by the fact that a criminal investigation of the incident is pending or has been concluded.

The investigation is to be completed within three (3) school days after a report or complaint is made. Any reasonable delays (e.g., the unavailability of witnesses or parties due to illness) will be noted in the investigative file, and the investigation will be completed as soon as possible following the delay.

**Step 3 - Investigative Report**

The Principal & CEO (or other person conducting the investigation) shall prepare a written report within fifteen (15) days unless additional time to complete the investigation is required. Any reason for additional time in which to complete the report will be noted in the investigative file. The report shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual, whether it is a violation of this policy, and a recommended disposition of the complaint.

Findings of the investigation shall be provided in writing within five (5) school days to the complaining party, the accused and the Compliance Officer.

**Step 4 - Action**

If the investigation results in a finding that the complaint is factual and constitutes a violation of this policy, Provident shall take prompt, corrective action to ensure that such conduct ceases and

will not recur. Victims of substantiated bullying or harassment claims will be offered counseling and other resources consistent with the circumstances of their charges.

Disciplinary action shall be consistent with the employee handbook, Student Code of Conduct, Board policies, Provident procedures, applicable employment agreements, and applicable law. Employees will be disciplined consistent with the findings and such discipline may include termination. Independent contractors found to be in violation of this policy may have their agreements terminated or may be debarred from transacting business with Provident. Other third-party actors may be prohibited from participating in Provident activities.

Students will be subject to the consequences listed (above). The lists of prohibited behavior and possible discipline are illustrative only. Consistent with state and federal law, Provident will take appropriate action to address bullying and harassment.

Reprisal or retaliation against any person who reports an act of harassment or bullying is prohibited. The consequences and appropriate remedial action for a person who engages in reprisal or retaliation shall be determined by the administrator after consideration of the nature, severity, and circumstances of the reprisal or retaliation.

False accusations of harassment or bullying are prohibited. The consequences and appropriate remedial action for a person found to have falsely accused another of harassment or bullying may range from positive behavioral interventions up to and including suspension or expulsion.

### **Appeal Procedure**

1. If the complainant is not satisfied with a finding of no violation of the policy or with the corrective action recommended in the investigative report, s/he may submit a written appeal to the Principal & CEO within fifteen (15) days.
2. The Principal & CEO shall review the investigation and the investigative report and may also conduct an additional reasonable investigation.
3. The Principal & CEO shall prepare a written response to the appeal within fifteen (15) days of receipt. Copies of the response shall be provided to the complainant, the accused and any other school administrator who took part in conducting the investigation.



## **B. Cyber-Bullying Policy**

**Introduction.** This policy applies to students, parents, employees and third-parties (such as vendors, independent contractors and members of the general public) and covers incidents that result in the cyber-bullying of Provident students regardless of whether the incidents themselves occur on school property.

This policy also prohibits (a) retaliation against anyone who in good faith reports behavior prohibited by this policy; and (b) intimidation of any witness or party who participates in an investigation.

### **Definitions**

“Cyber-Bullying” - Use of electronic information and communication devices, including but not limited to, E-mail, instant messaging, text messaging, mobile telephones, blogs, chat rooms, social media, and/or websites, that:

1. Threatens, harasses, and/or intimidates an individual or group of individuals;
2. Places an individual in reasonable fear of harm to him/herself or damage to his/her property; or
3. Has the effect of substantially disrupting the orderly operation of Provident.

Cyber-bullying includes any electronic transmission that is reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression; a disability or impairment; or by any other distinguishing characteristic.

“Provident owned, operated, or supervised technologies” - Any computer, networking system, electronic equipment, or any other equipment or device owned, leased, operated, or under the control or supervision of Provident and/or its staff.

### **Procedures**

#### **General Procedures**

Examples of cyber-bullying, intimidation and retaliation when such actions (or any other actions) are based on the target’s race, color, age, creed, religion, gender, sexual orientation, ancestry, national origin, marital status, pregnancy, genetic history, or disability prohibited by this policy include but are not limited to:

1. Name calling or insults
2. Inappropriate jokes
3. Inappropriate pictures, cartoons, drawings or other depictions
4. Isolation or exclusion

The list above is not all inclusive. Any use of electronic information and communication devices that marginalizes, isolates or harasses a student due to his/her race, color, age, creed, religion, gender, sexual orientation, ancestry, national origin, marital status, pregnancy, genetic history, or disability is prohibited by this policy.

Incidents of cyber-bullying, harassment, intimidation and retaliation, including cyber-bullying, harassment, intimidation and retaliation on the basis of disability, prohibited by this policy will be promptly and equitably investigated.

Any student or Provident staff member who believes he/she has or is being subjected to cyber-bullying, or any person who has reason to believe a student or Provident staff member is being cyber-bullied shall immediately make a report to the Principal & CEO or to his/her designee. Students and parents will be provided with the name of their Principal & CEO before or at the beginning of the school year. Provident’s Principal & CEO or his/her designee is Provident’s Compliance Officer for purposes of this cyber-bullying policy.

All school employees are required to report alleged violations of this policy to the Principal & CEO or his/her designee. The complaining party or reporting employee is encouraged to file a written report, but oral

complaints shall be acceptable.

A school employee who suspects or is notified that a student has been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the Principal & CEO. Within two (2) school days the Principal & CEO will follow up with the student reported to be the target of such conduct. 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. Reports may be made anonymously, but formal disciplinary action may not be based solely on the basis of an anonymous report.

All complaints of cyber-bullying shall be investigated promptly, and corrective action shall be taken when allegations are substantiated. The Principal & CEO or his/her designee shall investigate all reports of such conduct. If the investigation indicates cyber-bullying was not committed, the building principal or his/her designee will inform the affected parties of the investigation results. Confidentiality of all parties shall be maintained to the extent possible, consistent with Provident's legal and investigative obligations.

In the event the investigation indicates cyber-bullying was committed by a Provident student on school grounds and/or using school technologies, the student will be subjected to appropriate discipline.

In the event the investigation indicates cyber-bullying was committed by a Provident employee on school grounds and/or using school technologies, the employee will be subjected to appropriate discipline up to and including termination.

If the investigation indicates cyber-bullying was committed by a Provident student, a Provident employee, a parent, or a third-party using non-Provident technologies away from Provident school grounds, the Principal & CEO or his/her designee may report the investigation results to local law enforcement. This authority shall be exercised only when it is reasonably necessary for the student target's physical or emotional safety, security, and well-being or for the safety, security, and well-being of other students, staff, or Provident property.

Any investigation regarding an allegation of cyber-bullying will provide all parties the appropriate due process rights, including the right to appeal the determination of the building principal or his/her designee.

## **Complaint Procedure**

### **Step 1 – Reporting**

The Principal & CEO or his/her designee also are/is responsible for conducting a prompt, thorough, and complete investigation of each alleged incident. The Principal & CEO or his/her designee shall:

1. Inform the complaining party of the right to file a complaint and the complaint procedure.
2. Inform the complaining party if s/he is a student that s/he may be accompanied by a parent/guardian during all steps of the complaint procedure.
3. Notify the complaining party and the accused of the progress at appropriate stages of the procedure.
4. Refer the complaining party to the Chief Learning Officer if the Principal & CEO is the subject of the complaint.

In cases in which the alleged victim may be in danger or his/her ability to participate fully in the educational process may be seriously impaired, the Principal & CEO or his/her designee may take interim action (consistent with state and federal law) to keep the alleged victim from his/her alleged cyber-bully. Such action may include parent contact, removal from class, loss of privileges, detention, or suspension of the alleged cyber-bully.

**REPORTS OF ALLEGED INCIDENTS MUST BE MADE NO LATER THAN FOURTEEN (14) DAYS AFTER THE ALLEGED INCIDENT OCCURRED.**

## **Step 2 – Investigation**

The investigation may consist of individual interviews with the complaining party, the accused, and others with knowledge relative to the incident. The investigator may also evaluate any other information and materials relevant to the investigation. Both the alleged victim and the alleged cyber-bully will be given the opportunity to present witnesses and other evidence. The investigator will use the preponderance of evidence standard to determine whether this policy has been violated. That is, a violation will be found if the complainant or victim presents evidence establishing it is more likely than not that the prohibited conduct occurred.

The obligation to conduct this investigation shall not be negated by the fact that a criminal investigation of the incident is pending or has been concluded.

The investigation is to be completed within three (3) school days after a report or complaint is made. Any reasonable delays (e.g., the unavailability of witnesses or parties due to illness) will be noted in the investigative file, and the investigation will be completed as soon as possible following the delay.

## **Step 3 - Investigative Report**

The Principal & CEO (or other person conducting the investigation) shall prepare a written report within fourteen (14) days, unless additional time to complete the investigation is required. Any reason for additional time in which to complete the report will be noted in the investigative file. The report shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual, whether it is a violation of this policy, and a recommended disposition of the complaint.

Findings of the investigation shall be provided in writing within five (5) school days to the complaining party, the accused and the Principal & CEO.

## **Step 4 – Action**

If the investigation results in a finding that the complaint is factual and constitutes a violation of this policy, Provident shall take prompt, corrective action to ensure that such conduct ceases and will not recur. Victims of substantiated cyber-bullying claims will be offered counseling and other resources consistent with the circumstances of their charges.

Some acts of cyber-bullying may be isolated incidents requiring Provident to respond appropriately to the individual committing the acts. Other acts may be so serious or part of a larger pattern of cyber-bullying that require a response either at the classroom or school building level or by law enforcement officials.

Disciplinary action shall be consistent with the employee handbook, Student Code of Conduct, Board policies, Provident procedures, applicable employment agreements, and applicable law. Consequences and appropriate remedial actions for students who commit acts of cyber-bullying range from positive behavioral interventions up to and including suspension or expulsion.

Employees will be disciplined consistent with the findings and such discipline may include termination. Independent contractors found to be in violation of this policy may have their agreements terminated or may be debarred from transacting business with Provident. Other third-party actors may be prohibited from participating in Provident activities.

Reprisal or retaliation against any person who reports an act of cyber-bullying is prohibited. The consequences and appropriate remedial action for a person who engages in reprisal or retaliation shall be determined by the administrator after consideration of the nature, severity, and circumstances of the reprisal or retaliation.

False accusations of cyber-bullying are prohibited. The consequences and appropriate remedial action for a person found to have falsely accused another of cyber-bullying may range from positive behavioral interventions up to and including suspension or expulsion. Consequences and appropriate remedial action for a Provident employee found to have falsely accused another of an act of cyber-bullying shall be discipline in accordance with Provident policies and procedures.

Prevention and intervention techniques to prevent cyber-bullying and to support and protect victims shall include appropriate strategies and activities as determined by the building principal or his/her designee.

### **Appeal Procedure**

1. If the complainant is not satisfied with a finding of no violation of the policy or with the corrective action recommended in the investigative report, s/he may submit a written appeal to the Principal & CEO within fourteen (14) days.
2. The Principal & CEO shall review the investigation and the investigative report and may also conduct an additional reasonable investigation.
3. The Principal & CEO shall prepare a written response to the appeal within fourteen (14) days of receipt. Copies of the response shall be provided to the complainant, the accused and the Principal & CEO and any other school administrator who took part in the initial investigation.

## **C. Nondiscrimination Policy**

**Introduction.** Provident provides equal opportunities for all students regardless of race, color, age, creed, religion, gender, sexual orientation, ancestry, national origin, marital status, pregnancy, genetic history, or disability to achieve their maximum potential through the programs offered in the school.

Provident shall provide to all students, without discrimination, course offerings, counseling, assistance, athletics and extracurricular activities. Provident shall make reasonable accommodations for identified impairments that constitute disabilities, consistent with the requirements of federal and state laws and regulations.

Provident encourages students and others (who are not students or Provident employees) who have been subject to discrimination to promptly report such incidents to designated employees as listed in this policy. Employee complaints of discrimination are covered in the employee handbook.

All complaints of discrimination shall be investigated promptly, and corrective action shall be taken when allegations are substantiated. Confidentiality of all parties shall be maintained to the extent possible, consistent with Provident's legal and investigative obligations.

No reprisals or retaliations shall occur as a result of good faith charges of discrimination.

Provident's Principal & CEO or his/her designee is Provident's Compliance Officer for purposes of this nondiscrimination policy.

The Principal & CEO shall publish and disseminate this policy and complaint procedure at least annually to students, parents/guardians, employees and the public. Such communications to students, parents/guardians and the public shall include the position, office address and telephone number of the Principal & CEO. This policy, its complaint procedures and the Principal & CEO's contact information shall be available on the Provident website.

### **Procedures**

Examples of discrimination, harassment and retaliation when such actions (or any other actions) are based on the target's race, color, age, creed, religion, gender, sexual orientation, ancestry, national origin, marital status, pregnancy, genetic history, or disability, prohibited by this policy include but are not limited to:

1. Name calling or insults
2. Inappropriate jokes
3. Inappropriate pictures, cartoons, drawings or other depictions
4. Isolation or exclusion
5. Bullying
6. Intimidation

The list above is not all inclusive. Any behavior that marginalizes, isolates or harasses a student due to his/her race, color, age, creed, religion, gender, sexual orientation, ancestry, national origin, marital status, pregnancy, genetic history, or disability is prohibited by this policy.

This policy also prohibits (a) retaliation against anyone who in good faith reports behavior prohibited by this policy; and (b) intimidation of any witness or party who participates in an investigation.

This policy applies to students, employees and third-parties (such as vendors, independent contractors and members of the general public) and covers incidents that cause a hostile environment for Provident students in the school regardless of whether the incidents themselves occur on school property.

The Principal & CEO is responsible for monitoring nondiscrimination procedures in the following areas:

1. Curriculum and Materials - Review of curriculum guides, textbooks and supplemental materials for discriminatory bias.

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

The Principal & CEO or his/her designee shall be responsible to complete the following duties when receiving a complaint of discrimination:

1. Inform the complaining party of the right to file a complaint and the complaint procedure.
2. Inform the complaining party if s/he is a student that s/he may be accompanied by a parent/guardian during all steps of the complaint procedure.
3. Notify the complaining party and the accused of the progress at appropriate stages of the procedure.
4. Refer the complaining party to the Chief Learning Officer if the Principal & CEO is the subject of the complaint.

## **Complaint Procedure**

### **Step 1 - Reporting**

Anyone who believes s/he has been subject to conduct that constitutes a violation of this policy is encouraged to immediately report the incident to the Principal & CEO.

A school employee who suspects or is notified that a student has been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the Principal & CEO. Within **two (2)** school days the Principal & CEO will follow up with the student reported to be the subject of such conduct.

If the Principal & CEO is the subject of a complaint, the complaining party or the reporting employee shall report the incident directly to the Chief Learning Officer.

The complaining party or reporting employee is encouraged to file a written report, but oral complaints shall be acceptable.

In cases in which the alleged victim may be in danger or his/her ability to participate fully in the educational process may be seriously impaired, the Compliance Officer or his/her designee may take interim action (consistent with state and federal law) to keep the alleged victim from his/her alleged harasser. Such action may include parent contact, removal from class, loss of privileges, detention, or suspension of the alleged harasser.

**REPORTS OF ALLEGED INCIDENTS MUST BE MADE NO LATER THAN FOURTEEN (14) DAYS AFTER THE ALLEGED INCIDENT OCCURRED.**

### **Step 2 - Investigation**

Incidents of discrimination, intimidation, harassment and retaliation, including discrimination, harassment, intimidation and retaliation on the basis of disability, prohibited by this policy will be promptly and equitably investigated.

The investigation may consist of individual interviews with the complaining party, the accused, and others with knowledge relative to the incident. The investigator may also evaluate any other information and materials relevant to the investigation. Both the alleged victim and the alleged harasser will be given the opportunity to present witnesses and other evidence. The investigator will use the preponderance of evidence standard to determine whether this policy has been

violated. That is, a violation will be found if the complainant or victim presents evidence establishing it is more likely than not that the prohibited conduct occurred.

The obligation to conduct this investigation shall not be negated by the fact that a criminal investigation of the incident is pending or has been concluded.

All complaints will be investigated within three (3) school days of a complaint being filed. Any reasonable delays (e.g., the unavailability of witnesses or parties due to illness) will be noted in the file, and the investigation will be completed as soon as possible following the delay.

### **Step 3 - Investigative Report**

The Principal & CEO (or other person conducting the investigation) shall prepare a written report within fourteen (14) days, unless additional time to complete the investigation is required. Any reason for additional time in which to complete the report will be noted in the investigative file. The report shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual, whether it is a violation of this policy, and a recommended disposition of the complaint.

Findings of the investigation shall be provided in writing within five (5) school days to the complaining party, the accused and any other school administrator involved in the investigation.

### **Step 4 - Action**

If the investigation results in a finding that the complaint is factual and constitutes a violation of this policy, Provident shall take prompt, corrective action to ensure that such conduct ceases and will not recur. Victims of substantiated harassment or discrimination claims will be offered counseling and other resources consistent with the circumstances of their charges.

Disciplinary action shall be consistent with the employee handbook, Student Code of Conduct, Board policies, Provident procedures, applicable employment agreements, and applicable law. Employees will be disciplined consistent with the findings and such discipline may include termination. Independent contractors found to be in violation of this policy may have their agreements terminated or may be debarred from transacting business with Provident. Other third-party actors may be prohibited from participating in Provident activities.

Examples of student discipline are as follows:

Oral harassment of others may result in:

- Oral or written reprimand
- Parent contact
- Removal from class
- Written agreement/contract
- Loss of Privileges
- Detention

Students who continue to harass after being disciplined or students who:

- Use abusive, obscene, or disrespectful oral or written language or gestures, swearing; or
- Harass/bully/threaten

May receive:

- Oral or written reprimand
- Parent contact
- Removal from class
- Written agreement/contract
- Loss of Privileges
- Detention

- Bus Suspension
- Suspension
- Referral to police or District Magistrate
- Expulsion

Students whose discriminating or harassing behavior is so serious or frequent that it tends to disrupt the learning climate of the school such as:

- Continuation of behaviors listed above
- Assault
- Vandalism
- Physical aggression
- Fighting
- Oral or physical threats
- Continuation of or extreme harassment/bullying/threats
- Discriminatory slurs or intimidation

May receive:

- Loss of privileges
- Out of school suspension
- Loss of transportation privileges
- Requirement for restitution of property or payment of damage
- Referral to police or District Magistrate
- Expulsion

The above lists of prohibited behavior and possible discipline are illustrative only. Consistent with state and federal law, Provident will take appropriate action to provide equal opportunities for all students regardless of race, color, age, creed, religion, gender, sexual orientation, ancestry, national origin, marital status, pregnancy, genetic history, or disability to achieve their maximum potential through the programs offered in the school.

### **Appeal Procedure**

1. If the complainant is not satisfied with a finding of no violation of the policy or with the corrective action recommended in the investigative report, s/he may submit a written appeal to the Principal & CEO within fourteen (14) days.
2. The Principal & CEO shall review the investigation and the investigative report and may also conduct an additional reasonable investigation.
3. The Principal & CEO shall prepare a written response to the appeal within fourteen (14) days of receipt. Copies of the response shall be provided to the complainant, the accused and any other school administrator who took part in the initial investigation.



#### **D. Student Network Internet Policy**

**Purpose.** Provident developed its computer network for instructional use. All files on the network are the property of Provident and are subject to normal review and maintenance procedures.

Provident expects students to use the Internet and Provident's network in a responsible manner. This policy governs the use of the Internet and Provident's network. Students who do not comply with the standards of behavior outlined in the Code of Conduct or with the Internet/network rules below may lose their privileges and be subject to other disciplinary action.】

**Guidelines.** As a user of the network, students are expected to abide by the following guidelines:

- Only licensed software may be used on the network.
- Games and personal software are not to be installed on the computers. No one shall execute a software program that has not been installed on the server by a member of the Provident Technology Department.
- Intentionally altering the files and/or the hardware on Provident computers or mobile devices will be viewed as vandalism.
- Deliberate attempts to spread viruses through the network will be dealt with by the administration of the school as a violation of the Code of Conduct.
- Unauthorized copying of school software will be considered theft.
- Each student will be provided a username and password to be used by that student to access the network. This is the only login information that a student should be using. Students shall not lend their password out to anyone else and should inform a staff member immediately if they feel their password has been compromised.
- Users are to log off the system as soon as they are finished to prevent use under the wrong login information.
- There will be no distributing of threatening, obscene, or harassing messages over the network or through the printer.
- Abusive, obscene, or disrespectful oral or written language or gestures and swearing will be strictly prohibited in any digital format including, but not limited to, electronic mail.
- Students may not engage in advertisement of products or services for sale or participate in "chain letters" or "pyramid schemes."
- No confidential information is to be distributed by students to other parties at any time. This includes reposting of information sent by another party.
- Students are not permitted to connect to networks other than those provided by Provident.
- Students are not permitted to deliberately bypass the Provident Internet firewall by use of proxy servers or other known methods.
- Students will follow the instructional directives of the teacher or staff member in charge at all times.
- The illegal use of copyrighted software is strictly prohibited. Any and all damages which may occur as a result of unauthorized usage or access will be the responsibility of the user.
- The use of the network to access obscene or pornographic material is prohibited and will be dealt with as a serious breach of the Code of Conduct.

## **E. Social Media Policy**

**Introduction.** Students must follow Provident Internet policies and these guidelines anytime they post material that could identify them or their relationship to the school or when using Web tools in the classroom or in any way related to classroom or school activities.

**Guidelines.** Students must

1. *Be aware of what they post online.* Social media venues are public and often permanent. Students should not post anything they wouldn't want friends, enemies, parents, teachers, or future employers to see.
2. *Follow the school's policies when writing online.* What is inappropriate in the classroom is inappropriate online. Harassing, bullying, threatening and other types of inappropriate conduct is prohibited in school and online. It is acceptable to disagree with someone else's opinions; however, do it in a respectful way. Criticism should be constructive and not hurtful.
3. *Be safe online.* Never give out personal information, including last names, phone numbers, exact birth dates, and addresses. Students should not share their passwords with anyone besides their teachers and their parents.
4. *Be careful when they link.* Linking to other websites to support thoughts and ideas is recommended. However, student should be sure to read the entire article prior to linking to ensure that all information is appropriate to a school setting.
5. *Do their own work!* Students are not to use other people's work without their permission. It is illegal to copy and paste other people's work (even parts of their work) without giving credit to that person. Students should hyperlink to their sources or include the web address where the information can be found. Pictures, videos, songs, and audio clips may also be protected by law. Students who don't have permission to use the images, videos, songs or other clips, shouldn't use them.
6. *Be genuine.* Students should not misrepresent themselves by using someone else's identity.
7. *Use appropriate writing.* Blog and wiki posts should be well written. Students should use proper grammar, capitalization, and punctuation. If student suggest edits to someone else's work such suggestions should be made in the spirit of improving the writing.
8. *Tell someone.* If students find inappropriate material that makes them feel uncomfortable, or is not respectful, students should tell their teachers. If students cannot tell their teachers, they should tell their principals.
9. *Follow the rules.* Students who do not abide by Provident's policies and these guidelines will be subject to the consequences listed below and outlined in the Code of Conduct.

Provident-issued email accounts are not private and Provident retains the right to review, audit, intercept, access and disclose all messages created, received, or sent over the electronic mail system as necessary.

Provident Administration reserves the right to make random audits of the history files that record which web sites students have visited.

Provident is not, and cannot be, held responsible for the loss of material, accidental corruption or any other action that might affect transmission or loss of data.

Provident has taken all precautions to maintain safety of all users and these guidelines are written and enforced in the interest of all users' safety and effective use of the Internet.

**Consequences.** Violations of this policy may result in (but are not limited to) the following consequences:

- Restriction of network access
- Loss of the grade
- Financial responsibility for repair/replacement of damaged items
- Suspension in accordance with school discipline code
- Criminal prosecution under appropriate state and federal laws

Teachers will monitor student use of the Internet. Students are given access for instructional activities. If Provident determines that a student has been using the system in an inappropriate activity, the privilege will be withdrawn.

The signature of the parent or guardian must be on file for each student *prior* to Internet access. **Access will be denied until a signature in this Code of Conduct is received.**

## **F. Internet Safety Policy**

**Introduction.** Provident will (a) prevent its computer network from being used to access or to transmit inappropriate material via Internet, electronic mail or other forms of direct communications; (b) prevent unauthorized access and other unlawful online activity; (c) prevent unauthorized online disclosure, use or dissemination of minors' personal identification information; and (d) comply with the Children's Internet Protection Act, 47 U.S.C. § 254(h) ("CIPA").

### **Guidelines.**

*Inappropriate Material Access.* To the extent practical, technology protection measures shall be used to block or filter access to inappropriate material on the Internet or in other forms of electronic communications. Specifically, as required by the CIPA, internet filters will be used to block any material deemed to be obscene, child pornography or harmful to minors. Subject to staff supervision technology protection measures may be disabled or, in the case of minors, minimized only for bona fide research or other lawful purposes. 47 U.S.C. § 254(h) (5) (D).

*Inappropriate Network Use.* To the extent possible, steps will be taken to promote the safety and security of users of the Provident's online computer network when using electronic mail, chat rooms, instant messaging and other forms of direct electronic communications. Specifically, as required by the CIPA prevention of inappropriate network use includes (a) unauthorized access, including so-called "hacking" and other unlawful activities; and (b) unauthorized disclosure, use and dissemination of personal identification information regarding minors.

*Supervision and Monitoring.* All Provident staff members shall be responsible for supervising and monitoring use of the online computer network and access to the Internet in accordance with this policy and the CIPA.

Provident will educate all students about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response. The concept of digital citizenship will continue to be discussed in all grades, with additional instruction focusing on research and information literacy.

The Principal & CEO or his/her designated representative(s) shall be responsible for developing and implementing procedures for disabling or otherwise modifying any technology protection measures.

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THE FULL POLICY IS ALSO POSTED AND IS MADE AVAILABLE TO PARENTS AND STUDENTS  
AT THE BEGINNING OF EACH SCHOOL YEAR.

## **G. Hazing Policy**

**Introduction.** The purpose of this policy is to maintain a safe, positive environment for students and staff that is free from hazing. Hazing activities of any type are inconsistent with the educational goals of Provident and are prohibited at all times.

Provident does not condone any form of hazing as part of any school-sponsored student activity including activities that occur off school property. No student, coach, sponsor, volunteer or school employee shall plan, direct, encourage, assist or engage in any hazing activity. Provident directs that no administrator, coach, sponsor, volunteer or school employee shall permit, condone or tolerate any form of hazing. Any hazing activity, whether by an individual or a group, shall be presumed to be a forced activity, even if a student willingly participates.

Provident encourages students who have been subjected to hazing to promptly report such incidents to the building principal. Provident will investigate all complaints of hazing and will administer appropriate discipline to any individual who violates this policy.

**Definitions.** For purposes of this policy hazing is defined as any activity that recklessly or intentionally endangers the mental health, physical health or safety of a person or causes willful destruction or removal of public or private property for the purpose of initiation or membership in or affiliation (or continued affiliation) with any organization.

"Endanger the physical health" shall include but not be limited to any brutality of a physical nature, such as whipping; beating; branding; forced calisthenics; exposure to the elements; forced consumption of any food, alcoholic beverage, drug, or controlled substance; or other forced physical activity that could adversely affect the physical health or safety of the individual.

"Endanger the mental health" shall include any activity that would subject an individual to extreme mental stress, such as prolonged sleep deprivation, forced prolonged exclusion from social contact, forced conduct which could result in extreme embarrassment, or any other forced activity which could adversely affect the mental health or dignity of the individual.

**Procedures.** The Principal & CEO shall investigate promptly all complaints of hazing and administer appropriate discipline to any individual who violates this policy.

Students, administrators, coaches, sponsors, volunteers, and school employees shall be alert to incidents of hazing and shall report such conduct to the Principal & CEO.

Provident shall annually inform students, parents/guardians, coaches, sponsors, volunteers and school staff by distribution of written policy, publication in handbooks, presentation at an assembly or oral instructions by the coach or sponsor at the start of the season or program that hazing of school students is prohibited.

If a student believes that s/he has been subject to hazing, the student shall promptly report the incident, orally or in writing, to the Principal & CEO. The Principal & CEO shall conduct a timely, impartial, thorough, and comprehensive investigation of the alleged hazing. The investigation shall be complete within five (5) days.

The Principal & CEO shall prepare within five (5) days a written report summarizing the investigation and recommending disposition of the complaint. The complainant and the accused shall be informed of the outcome of the investigation, including the recommended disposition of the complaint.

If the investigation results in a substantiated finding of hazing, the Principal & CEO shall recommend appropriate disciplinary action, as circumstances warrant, in accordance with the Code of Conduct.

Additionally, the student found to have hazed another person may be subject to disciplinary action by the coach or sponsor, up to and including removal from the activity or other discipline consistent with Provident policies,

If the investigation results in a substantiated finding that a coach or sponsor affiliated with the activity planned, directed, encouraged, assisted, condoned or ignored any form of hazing, s/he will be disciplined appropriately. Discipline could include dismissal from the position as coach or sponsor. If the investigation results in a substantiated finding that the team or other organization authorized hazing, permission for the team or other organization to operate on Provident property or under the recognition of Provident will be revoked.

Provident shall document the corrective action taken and, where not prohibited by law, inform the complainant.

Penalties imposed by Provident will be in addition to any penalties imposed under Pennsylvania law or under any other rules to which the hazers or the organizations authorizing hazing are subject.

## **H. Search Policy**

**Introduction.** Lockers are the property of Provident. Therefore, students have only a limited expectation of privacy in their lockers. Lockers will not be used to store any substance or item that is prohibited by law, Provident policy or rules, or that presents a threat to the health, safety or welfare of Provident's community or property.

### **Procedures.**

- Provident reserves the right to search a student's locker at any time based on reasonable suspicion for the purpose of determining whether the locker is being used improperly for the storage of contraband, drugs or controlled substances, illegal objects or anything that poses a threat to the school population.
- Inspections or searches may include but not be limited to the use of certified drug-sniffing dogs, metal detectors or any similar means or device used to protect the health, safety and welfare of the school population.
- The Principal & CEO or his/her designee will be present whenever a student locker is searched on the basis of reasonable suspicion.
- The student will be notified and be given an opportunity to be present before an individual locker search based on reasonable suspicion. If, however, Provident has reasonable suspicion that a locker contains something that poses a threat to the health, safety or welfare of Provident's school population, the student locker may be searched without prior warning and without the student being present.
- A Principal & CEO shall open a student locker on the request of law enforcement only upon presentation by the requesting officer of a duly authorized search warrant or on the intelligent and voluntary consent of the student.
- The Principal & CEO will be responsible for the safekeeping and proper disposition of any substance or item found in a student locker if such substance or item is prohibited by law, Provident policy or rules, or presents a threat to the health, safety or welfare of Provident's community or property. Confiscated substances or items may be used as evidence in a disciplinary hearing.
- Illegal or dangerous substances or items will be given to law enforcement officials.
- Students are responsible for the security of their lockers.
- Students, parents and staff will receive a copy of this policy at least annually.
- The Principal & CEO or his/her designee will develop procedures to implement this policy.

## **I. Photo Policy**

Photographs and videotape footage of students involved in various school related activities are often used as part of Provident's community relations. Photographs/videotapes may be used in school publications, video productions, newspapers and on television. Names of students may be placed in articles in school and local newspapers/newsletters to recognize various student achievements.

At the beginning of the year, Provident will distribute permission slips to allow photographs and videotapes to be taken of students to or for the names of students to be published in school publications or local newspapers. Participation is voluntary.



## **J. Attendance Policy**

**Absences.** Immediately upon returning to school after an absence, students are to present an absence form to the school office containing the dates of absence, the reason for the absence, and a parent/guardian signature. Absences for reasons of illness, funeral, medical and dental appointments, religious observance or court appearances will be considered excused.

When a student accumulates three or more days of unexcused absences, a legal written notice will be sent to the parent/guardian informing them that there has been a violation of the compulsory attendance provisions of PA School Law. Further violations can result in a citation being filed against the parent with the district magistrate.

Students with ten (10) consecutive unexcused absences will be permanently dropped from the school's rolls and will not be able to return.

Students are limited to no more than twenty (20) absences in a full school year and no more than ten (10) in a trimester. Both excused and unexcused absences are applicable to this total. Any absence beyond twenty (20) days must be accompanied with a medical doctor's excuse. A student with a chronic health condition and/or other serious problem may petition for a waiver to the attendance policy.

**Tardiness.** Those students who are not in their seats at 8:15am are considered tardy to school. Students who are tardy to school must be signed in at the Main Office by a parent or guardian. Tardiness for reasons of illness, funeral, medical and dental appointments, religious observance or court appearances will be considered excused. All other tardies will be considered unexcused. Three unexcused tardies will equal one unexcused absence and may lead to possible prosecution before the magistrate.

**Early Dismissals.** Early dismissals may be requested for funerals, doctor appointments, and court appearances. Such requests must be made no later than 11:00 AM the morning of the requested early dismissal. Students are to present an early dismissal form to the school office listing the date, time and reason for dismissal, and including a parent/guardian signature. At the time of dismissal, the student must report to the front office to sign out of the building. Students will not be permitted to leave for an early dismissal after 4:00 PM.

Students will only be allowed to leave the school after phone verification of the dismissal from a parent/guardian on the day of the dismissal.

## **K. Weapons Policy**

Any instance of possession or suspicion of possession of a weapon, or "look alike" weapon, will be reported to the appropriate authorities. A weapon shall include, but not be limited to, any knife, cutting instrument, cutting tool, nunchaku, firearm, shotgun, rifle and any other tool, instrument, or implement capable of inflicting serious bodily injury.

Any object used in a threatening manner shall be considered a weapon even if its normal use is not as a weapon.

Provident will cooperate with the authorities in the prosecution of weapons offenses.

Possession of a weapon in violation of the Weapons Policy will be grounds for expulsion from the school.

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#### **L. Smoke Free/Tobacco Free Policy**

Provident is committed to providing a healthy and productive environment for staff, students, student families and community members. We believe that education has a central role to play in establishing healthy habits for children; we also believe it is appropriate to take measures to help students resist the use of tobacco.

Students shall not be permitted to use or possess tobacco products of any kind or any form while in a school building, on school property, in a school vehicle, in a school bus, or while attending any school sponsored function at any time.

## **M. DRUG AND ALCOHOL POLICY**

**INTRODUCTION.** Student use of alcohol and student use of controlled substances (drugs) for which the student does not have a valid prescription are illegal. Illegal use of drugs and alcohol has an adverse effect on everyone in the Provident community. This policy is designed to assist students in abstaining from drugs and alcohol and to provide assistance and appropriate referral when use is detected or suspected.

**PROCEDURES.** The goal of this policy is to provide a drug-free, healthy and productive environment for all students. Therefore, student use of alcohol and drugs is prohibited. This policy does not prohibit the use of drugs for which a student has a valid prescription.

Provident will provide educational guidance and supportive services to assist students in issues related to illegal drug and alcohol use.

Students with drug and/or alcohol problems will be referred to appropriate support and rehabilitation services after written notice to the students' parents.

Provident is committed to keeping students in school during treatment, but it reserves the right to make appropriate alternative arrangements if appropriate to safeguard the health and safety of the student and the Provident community.

If a student cannot attend school due to treatment, Provident will assist in coordinating a successful re-entry into the Provident system, if appropriate.

When necessary, Provident will take appropriate disciplinary action to address student drug and alcohol use. The focus, however, will remain getting students assistance in addressing their drug and alcohol problems. Thus, students violating this drug and alcohol policy may be required by Provident to get treatment, counseling, alternative education and/or other services. In extreme cases, students may be expelled (pursuant to applicable law and regulation) from Provident.

### *Particular Situations*

*Inappropriate behavior.* If a staff member is concerned about inappropriate student behavior that may impede the educational process, the staff member should [notify the student's parent of the behavior/refer the student to counseling].

*Drug or alcohol use symptoms.* If a staff member witnesses a student exhibiting symptoms of drug or alcohol use, the staff member will contact the school nurse. If necessary, this will be treated as a medical emergency, and the student will be transported to a medical facility. The Principal & CEO or his/her designee will investigate the incident, which may include a search of the student's locker. The student's parents will be contacted. If a controlled substance is discovered, the police will be contacted. The student will be referred to counseling and may be disciplined, if appropriate.

*Alcohol, drug or paraphernalia possession.* If a student is found to be in possession of alcohol, drugs, or paraphernalia, he/she will be taken to the Principal's office. The student's locker will be searched. The student's parents will be contacted. If alcohol or a controlled substance is discovered, the police will be contacted. The student will be referred to counseling and will be disciplined, up to expulsion (pursuant to applicable law and regulation), if appropriate. The student will be required to participate in drug and alcohol education. The student will not be permitted to participate in student activities or school social events for a number of days/weeks designated by the Principal & CEO. The student and his/her parents may be required to attend a drug and alcohol educational program. The student may be subject to criminal prosecution.

*Using, possessing, distributing, and/or selling at school sponsored functions.* It will also be a violation of this policy for a student to use, possess, distribute, and/or sell drugs or alcohol when

attending or participating in any school sponsored function on or off school property, including events at other schools. The Principal & CEO will be notified, and appropriate security will be called. The student will be accompanied at all times. In the event of a medical emergency, the student will be transported to a medical facility at his/her parents' expense. The Principal & CEO will investigate and will contact the student's parents. Discipline and possible police intervention may be used. The student may be referred to counseling.

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## **N. Student Assistance Program**

**Introduction.** In Pennsylvania, every middle and high school has a Student Assistance Program (SAP). A SAP team is comprised of school personnel and community agency staff. SAP team members are trained to identify and assist students who may be having problems in school due to difficult life events, mental health problems, and/or drug and alcohol problems. These students are then referred for counseling or other assistance with the permission of their parents.

**Procedure.** Students are referred to the SAP team by teachers and other school personnel. Students and parents can also refer students whom they are concerned about. Students themselves can go directly to a SAP team member and ask for help.

Participation in the SAP process is voluntary and confidential. Parents will be contacted to sign a permission form. Once the permission form is signed, SAP members will begin working with the child to identify needs and obtain appropriate services.

*In-school behaviors that may result in a SAP referral:*

- Withdrawing from family and friends and/or school
- Changing friends
- Unexplained physical injuries
- Talking or writing about death and/or suicide
- Symptoms of depression, fatigue and/or listlessness
- Defying authority, both at home and at school
- Acting aggressively and/or outbursts of anger
- Lying
- Sudden drop in grades
- Increased number of absences and/or tardies
- Talking freely about drug use and/or drug and alcohol experimentation

*Personal circumstances for which a parent might make a referral:*

- Recent death of a loved one
- Divorce
- Family relocation
- Relationship problem
- Other traumatic event]

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## O. Personal Medication Policy

**Introduction.** Provident recognizes that some students must take prescription medication during school hours, but prescription medication must be taken in accordance with the direction of a parent/guardian or family physician and will be permitted only when failure to take such medicine would jeopardize the health of the student or the student would not be able to attend school if the medicine were not available during school hours.

**Procedures.** Students who while at school must take any medication (prescription or OTC) must provide the written permission of his/her parent/guardian and the prescription or written order of the prescribing physician. The prescription or written order must include the purpose of the medication, dosage, time at which or special circumstances under which the medication is to be administered, length of period for which medication is required, and possible side effects of medication. No medication will be administered without a written order from a licensed medical or dental practitioner.

Permission for taking any medication (prescription or OTC) will be effective for the school year for which it is granted only and must be renewed each subsequent school year.

All medications shall be administered by the [school nurse] or his/her designee, or self-administered by the student (under the supervision of the [school nurse]) upon written request of the student's parent.

Parents/guardians should confer with the student's physician to arrange medication time intervals to avoid school hours, whenever possible. All medication that can be given at home should be given at home. Whenever medication must be given during school hours, the following guidelines must be followed:

Prescription medication must be brought to school in the original container in which it was purchased and must have a pharmacy label indicating the student's name, the name of the medication and the date and time the medication is to be given. If any information on the pharmacy label changes, a doctor's note or a new pharmacy label with the changes must be provided to the school nurse as soon as possible. A fax of the information will be accepted.

**All medications MUST be brought to school and taken from school by an adult.** All prescription medication except medication the student is permitted to keep with him/her must be given directly to the school nurse. Medication given to the school nurse will be kept in a locked cabinet or drawer.

Over-the-counter (OTC) medications must be brought to school in the original container but must be brought directly to the school nurse at the beginning of the school day. The student's name, dosage and time to be given must be written on the container.

All OTC medications require a written order from a licensed medical or dental practitioner.

OTC written orders are required FOR EACH CHILD. Siblings may not share medication from the same bottle or container.

No medication is to be kept in the student's possession except EpiPens®, inhalers, or any other substance or device that a physician deems necessary for emergency treatment of a health condition. The student's parent/guardian must provide a prescription or written order that includes the purpose of the medication, dosage, circumstances under which the medication is to be administered, and possible side effects of medication. No medication is to be self-administered without a written order from a doctor.

Students permitted to carry EpiPens®, asthma inhalers, or other devices or substances for emergencies must be trained in how to use the device or substance and must demonstrate competency in the self-administration of medication and responsible use of the medication. A student will lose the privilege of

carrying an EpiPen® or other similar device if he/she abuses the medication or if he/she allows another person to use the EpiPen® or other similar device. If a student loses the privilege of carrying his/her EpiPen®, inhaler or other similar device, the device will be stored in the office of the school nurse.

Students who use devices for emergency supportive therapy must report to the school nurse after use to ensure that appropriate emergency medical treatment is rendered, if necessary. In case of accidental injection or use of emergency supportive therapy, students must report to the school nurse to ensure that appropriate emergency medical treatment is rendered, if necessary.

*Field Trip Guidelines.* Medications **CANNOT BE SENT WITH THE TEACHER** if the school nurse is unable to attend the field trip. Situations involving children with life threatening medical conditions and those taking daily medications will be dealt with on an individual basis. For other situations, parents of children who receive routine medication during school hours may choose to have their children not receive their medication on the day of the field trip if a nurse cannot attend.

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## **P. Academic Integrity Policy**

**Introduction.** Provident maintains and preserves the highest expectations and academic standards for its students. Students must respect the intellectual and academic property of self and others, and parents must encourage their children to maintain high personal standards of academic involvement by producing original quality work. Teachers must monitor and maintain academic integrity by requiring quality original work by each student.

**Definitions.** The following practices are considered to be violations of this Policy:

1. Attempting, receiving or giving unauthorized assistance from printed or recorded aids or material from any person or another's work
2. Using improperly school or personal technology, such as computers, calculators and other electronic devices
3. Re-submitting work (whether the student's own work or another's work) to different classes without modifications, editing or other appropriate changes

**Procedures.**

1. Administration and teachers must
  - a. Inform students and parents in writing yearly of this Policy.
  - b. Inform parents and students that this infraction is a grading violation in the Code of Conduct.
2. Teachers, in the event of an infraction, must also
  - a. Inform the student immediately.
  - b. Notify parents and building administration.
  - c. Administer a penalty of zero or no credit on the assignment.

## **Q. Student Records Policy**

**Introduction.** Parent(s)/guardian(s) and eligible children (i.e., students 18 and older) have privacy rights relevant to the collection, maintenance, release and destruction of records as required by the Family Educational Rights and Privacy Act of 1974 (FERPA), 20 U.S.C. § 1232g, 34 C.F.R. part 99, the No Child Left Behind Act of 2001, and Pennsylvania Chapters 711-(Special Education Services and Programs) and 12-(Student Rights and Responsibilities).

Annual notice of this policy is given on Provident's website and available in the school office.

The different categories of information maintained by Provident are as follows educational and health records, personally identifiable information, and directory information. Information known as directory information can be released without consent. Parents may opt out by requesting in writing to the Principal & CEO that some or all directory information not be released.

### **Definitions and Procedures.**

*Educational records* include records directly related to a student that are maintained by Provident. The educational records of Provident may include all of the following (this list is not intended to be exhaustive): grades, standardized test results, student evaluation reports, samples of student work, records transferred from sending schools, discipline records, medical records and any other records created and maintained by Provident directly related to the student. Educational records do not include communications with legal counsel that are attorney client privileged. Educational records **do not** include records maintained solely by the creator for their personal use, not shared with others. The contents of a student's educational file shall be determined by Provident unless a specific parental request is made or a complaint is made, consistent with the Annual Notice.

Provident shall permit the parent/guardian(s) of a student or an eligible special education student, who is or has been in attendance in Provident, to inspect and review the education records of the student upon written request. Provident will comply with a written request to review records within a reasonable period of time (never to exceed 45 calendar days from the date of written request) after the request has been made. When there are special cases and where necessary, a parental request to review records will be granted and arranged as soon as possible. Visits to review a student's records shall be arranged and facilitated by the building principal or designee, or any party selected by Provident, for the purposes of security and assistance in explaining or interpreting the data. The right to inspect and review education records includes:

1. The right to a response from Provident to reasonable requests, made in writing, for explanation and interpretations of the record; and
2. The right to obtain copies of records from Provident where failure of Provident to provide the copies would effectively prevent a parent or eligible student from exercising the right to inspect and review the educational records (e.g., where the parent lives too far to come review the records personally). A reasonable fee of .25 will be charged per page for duplicate copies of documents already provided to parents/guardians.

In accordance with FERPA, Provident will not produce or compile documentation that does not already exist.

Provident assumes that both natural parent/guardian(s) of a student have authority to inspect and review (by appointment) the education records of the student at the child's school unless there is evidence that there is a legally binding instrument, a State law or court order governing such matters as divorce, separation or custody, which provides to the contrary. A Provident designee will sit with the parent when the parent reviews the records in a private conference area of the main office.

Under federal law, parental consent is not required for the release of Directory information, which is information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed.

**Directory information** includes, but is not limited to:

1. The student's name; address; telephone listing; electronic mail address; photograph; date and place of birth; major field of study; grade level; enrollment status; dates of attendance; participation in officially recognized activities and sports; weight and height of members of athletic teams; degrees, honors and awards received; and the most recent educational agency or institution attended.
2. Directory information does not include a student's
  - a. Social security number; or
  - b. Student identification (ID) number, except as provided in paragraph (3) of this section.
3. Directory information includes a student ID number, user ID, or other unique personal identifier used by the student for purposes of accessing or communicating in electronic systems, but only if the 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.

A written record of this information, or electronic copy of the same, including grade level completed and year completed, may be maintained at least 100 years after a student attains age 21. A parent/guardian or eligible student may notify Provident in writing of their refusal to allow Provident to release directory information without prior consent. Such written refusal for consent must be sent to the Principal & CEO, Provident Charter School, 1400 Troy Hill Road, Pittsburgh, PA 15212.

Pursuant to Section 9528 of the *No Child Left Behind Act*, Provident is required to release student directory information (access to names, addresses, and phone numbers of high school juniors and seniors) to military recruiters and college admissions officers. The *No Child Left Behind* law requires high schools to release information to colleges or other higher learning institutions upon request. Any parent/guardian or student who has reached age eighteen may notify Provident in writing of his/her refusal for this information to be released. Letters seeking the withholding of information to military recruiters should be sent to the Principal & CEO, Provident Charter School, 1400 Troy Hill Road, Pittsburgh, PA 15212.

**Student medical records**, per federal guidance, maintained by the nurses' office, are considered educational records and will be shared with staff who Provident determines have a legitimate educational interest in the information and a need to know medical information to protect the safety and health of the student. Once provided to Provident, specific parental consent will not be sought to share information on a need to know basis. Parental requests to maintain the

confidentiality of specific medical information must be made in writing to the school nurse. Requests for complete confidentiality of medical information will be granted at the discretion of the school nurse. These requests will be granted unless dangerous to the student.

If Provident reported a crime committed by a student with a disability Provident will ensure that copies of the special education records and disciplinary records of the student will be transmitted properly and only to the extent possible that the transmission is permitted by the FERPA.

Provident can communicate about sex offenders from agency to agency.

Provident shall obtain the written consent of the parent(s)/guardian(s) of a student age eighteen (18) before disclosing personally identifiable information, other than directory information, from the education records of a student to a third party. Consent is not required where the disclosure is to the parent/guardian(s) of a student who is not an eligible student or the student himself or herself.

**Personally identifiable information** includes, but is not limited to

1. The student's name;
2. The name of the student's parent or other family members;
3. The 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 Provident reasonably believes knows the identity of the student to whom the education record relates.

**Uses.** Provident may disclose personally identifiable information from the education records of a student without written consent of the parent/guardian(s) or the student or the eligible student in several situations. See 34 C.F.R. Part 99. Some examples of when no consent to release information is needed include but are not limited to:

1. To other school officials, including teachers, guidance counselors, nurses, and I.U. personnel within Provident who have been determined by Provident to have legitimate educational interests or are providing instruction or services to students. Provident has determined that all school employees involved in the direct supervision of a student (academic or non-academic, including support staff) have a legitimate education interest in academic and health related student information if the information is necessary to ensure appropriate fulfillment of their professional duties and to ensure the health and safety of the student.
2. To officials of another school or school system or post-secondary schools in which the student seeks or intends to enroll, subject to the requirements of federal regulations. Parents may request a copy of the record sent.
3. To appropriate parties in a health or safety emergency, subject to the conditions listed in federal regulations, if knowledge of the information is necessary to protect the health or safety of the student or other individuals.
4. Information designated by Provident as directory information.

5. Generally, schools must have written permission from the parent/guardian or eligible student in order to release any information from a student's education record. However, FERPA allows schools to disclose those records, without consent, to the following parties or under the following conditions (34 CFR § 99.31):
- Specified officials for audit and evaluation purposes
  - Appropriate parties in connection with financial aid to a student
  - Organizations conducting studies for or on behalf of the school
  - Accrediting organizations
  - Judicial order or lawfully issued subpoena
  - State and local authorities, within the juvenile justice system, pursuant to specific state law
  - Contractor, consultant, volunteer, or other party to whom Provident has outsourced institutional services or functions may be considered a school official if the party
    1. Performs an institutional service or function for which Provident would otherwise use employees;
    2. Is under the direct control of Provident with respect to the use and maintenance of education records; and
    3. Is subject to the requirements of § 99.33(a) governing the use and disclosure of personally identifiable information from education records.

Provident will use reasonable methods to ensure that school officials obtain access to only those education records in which they have legitimate educational interests.

When providing records to authorized third parties, Provident will make a reasonable attempt to notify the parent/guardian(s) of the student or the eligible student of the transfer of the records at the last known address of the parent(s)/guardian(s) or eligible student. Per state law, Provident will not provide any notice of transfer of records of a student to a school in which a student seeks or intends to enroll.

Provident maintains student records in the school building. Special education student records, student health records, and 504 student service plans are kept in separate locked files in the school until the time when the student is no longer active. Once a student becomes inactive in Provident his/her records are transferred to a different floor within the school building.

**PLEASE NOTE: PROVIDENT MAY DESTROY RECORDS UNDER THE FOLLOWING CIRCUMSTANCES AND TIMELINES**

1. Records that include a student's name, address, grades, attendance records, classes attended, grade level completed and year completed may be destroyed once 100 years have passed since the student's 21<sup>ST</sup> birthday.
2. Special education records, Section 504 records, Response to Intervention (RTI) records, and health records may be destroyed once 10 years have passed from the date a student has graduated or reached graduation age (if exiting Provident before graduation) as long as there is no outstanding request to inspect and review the records and the records are no longer deemed useful to the school.
3. Notice of destruction of these records is provided annually. Educational records of a student are no longer needed by Provident to provide educational services at the end of one year following a student's graduation from Provident. A parent/guardian may submit

- a written request for the destruction of all education records at that time.
4. Destruction will proceed where parents or eligible students have not requested copies by November 1<sup>st</sup> of the year the records may be destroyed. Parents or students over eighteen (18) have the right to request a copy of the records before destruction.

Parents are reminded that copies of the records might be needed for the acquisition of Social Security benefits or for other purposes.

**Amendment of Education Records.** A parent/guardian or eligible student has the right to request amendment of a student's educational file if it is believed that any information is inaccurate or in violation of a student's rights. Provident shall decide within a reasonable time whether to amend the record. If Provident decides not to amend the educational record it shall notify the parent/student of the right to and arrange an informal hearing. The hearing will be conducted by an official of Provident without an interest in the outcome, who will be either the Principal & CEO or his/her designee. The parent may present relevant evidence. Provident will issue a written decision based on the hearing. Informal inquiries may be sent to: [ferpa@ed.gov](mailto:ferpa@ed.gov) or [ppra@ed.gov](mailto:ppra@ed.gov). The website address is [www.ed.gov/policy/gen/guide/fpcd](http://www.ed.gov/policy/gen/guide/fpcd)

Complaints regarding violation of rights accorded parent(s)/guardian(s) and eligible students with respect to student records are to be submitted, in writing to the Principal & CEO, Provident Charter School, 1400 Troy Hill Road, Pittsburgh, PA 15212. All complaints will be investigated and responded to in writing within a reasonable period of time. If complaints cannot be satisfactorily resolved by Provident, complaints can be filed with the following:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-4605

Questions regarding the above information or requests for a copy of the records policy may be referred to the Principal & CEO, Provident Charter School, 1400 Troy Hill Road, Pittsburgh, PA 15212.

### **III. SPECIAL EDUCATION SCREENING AND EVALUATION**

Provident has a three-part screening process in place that identifies any student who may need special education.

#### **LEVEL 1: Review of Group-Based Data**

The building principal, general education teachers, and resource teachers review enrollment information, academic and health records, and results from group-based tests such as Dynamic Indicators of Basic Early Literacy Skills (DIBELS), Measure of Academic Performance Assessment (MAP), Developmental Reading Assessment (DRA), 4- Sight Assessments, and the Pennsylvania System of School Assessment (PSSA). Data gathered through a thorough review of records may prompt a referral for screening of a child for special education.

#### **LEVEL 2: Review of Hearing, Vision, Motor, Speech and Language**

As prescribed by Section 1402 of the Pennsylvania School Code, Provident routinely conducts health screenings for current students and new students without history of recent exams as follows: Vision (annually); hearing (Grade 3; threshold tests as required by Pennsylvania law); dental screenings (Grade 3); and Body Mass Index (BMI) and height and weight screening (at least annually). Speech and language skills are screened upon referral to the speech pathologist. Gross motor and fine motor skills, academic and social-emotional skills are assessed by the general education teachers, special education teachers, and support staff on an on-going basis. Specified needs from all of these screening sources are noted within the child's official file, discussed with parents and, and when appropriate, referred to the Student Support Team which meets regularly to conduct various on-going screening and to develop interventions.

#### **LEVEL 3: Student Support Team**

The Student Support Team is a group process aimed to maximize individual student success in the regular classroom, to consider barriers to learning, and to serve as a screening process for students who may be in need of special education services. The Student Support Team is a positive, team based process which uses intervention techniques to help remove educational, behavioral or affective stumbling blocks for all students in the regular classroom. Referrals for the Student Support Team may be initiated by the parent, classroom teacher or any staff member. The Student Support Team includes teachers, counselors and administrators.

##### Process

1. Identify the student's needs for academic and behavioral support, and identify the strategies that have been tried within the classroom.
2. Determine more specific interventions to be implemented
3. Implement the interventions
4. Determine if the interventions are addressing the student's needs
  - a. If the interventions work, continue the interventions.
  - b. If the interventions do not work, determine if the interventions need more time to be implemented or refer the student for a multidisciplinary evaluation (MDE).

Parents or guardians may request that their children be screened or evaluated for special education services. Requests for screening or evaluation should be made in writing and directed to the attention of Maria Paluselli, Chief Learning Officer, Provident Charter School, 1400 Troy Hill Road, Pittsburgh, PA 15212. Parents or guardians should request an evaluation for special education services if their child demonstrates warning signs of a developmental delay.

### Warning signs of developmental delay

#### Behavioral warning signs:

- Does not pay attention or stay focused on an activity for as long a time as other children of the same age
- Focuses on unusual objects for long periods of time; enjoys this more than interacting with others
- Avoids or rarely makes eye contact with others
- Gets unusually frustrated when trying to do simple tasks that most children of the same age can do
- Shows aggressive behaviors and acting out and appears to be very stubborn compared with other children
- Displays violent behaviors on a daily basis
- Stares into space, rocks body, or talks to him/herself more often than other children of the same age
- Does not seek love and approval from a caregiver or parent

#### Gross motor warning signs:

- Has stiff arms and/or legs
- Has a floppy or limp body posture compared to other children of the same age
- Uses one side of body more than the other
- Has a very clumsy manner compared with other children of the same age

#### Vision warning signs:

- Seems to have difficulty following objects or people with his/her eyes
- Rubs eyes frequently
- Turns, tilts or holds head in a strained or unusual position when trying to look at an object
- Seems to have difficulty finding or picking up small objects dropped on the floor
- Has difficulty focusing or making eye contact
- Closes one eye when trying to look at distant objects
- Eyes appear to be crossed or turned
- Brings objects very close to eyes to see
- One or both eyes appear abnormal in size or coloring

#### Hearing warning signs:

- Talks in a very loud or very soft voice
- Seems to have difficulty responding when called from across the room, even when it is for something interesting
- Turns body so that the same ear is always turned toward sound
- Has difficulty understanding what has been said or following directions
- Doesn't startle to loud noises
- Ears appear small or deformed
- Fails to develop sounds or words that would be appropriate at his/her age

### **Services for School Age Students with Disabilities.**

Provident provides a free, appropriate public education to students with disabilities according to state and federal rules. To be eligible, the child must



- Have a disability and be in need of specially designed instruction
- Meet eligibility criteria for one or more of the following physical or mental disabilities as set forth in the Pennsylvania State Standards: autism, deaf-blindness, blindness, visual impairment, emotional disturbance, specific learning disability, other health impairment, traumatic brain injury, speech/language impairment, orthopedic impairment, hearing impairment, deafness, multiple disabilities, or mental retardation.

If a student is found eligible for an Individual Education Plan (IEP) according to state and federal law, the following services are designed to meet the student's needs:

- The annual development of an individualized education program (IEP)
- A triennial multidisciplinary re-evaluation, although students with intellectual disabilities will receive a biennial re-evaluation
- A range of supports from itinerant level to supplemental level to full time level special education support within Provident or placement in a full-time special education disabilities class outside of the regular school

The extent of special education services for students with disabilities and the location for the delivery of such services are determined by the parents and Provident staff at the IEP team meeting and are based on the student's identified needs and abilities, chronological age and the level of intensity of the specified intervention.

Prior to initiation of services, parents of a student with disabilities are presented a "Notice of Recommended Educational Placement/Prior Written Notice" (NOREP) for review. If parents agree to the program outlined by the multidisciplinary team and the parent signs the NOREP, then the program is implemented for the child. If parents disagree with the program being recommended, they have the right to request IEP facilitation, mediation and/or a due process hearing. Parents are issued their "Procedural Safeguards" which outlines in detail their legal rights as parents of a child identified as having a disability.

#### **IV. Child Find Policy**

**Introduction.** As required by the Individuals with Disabilities Education Improvement Act of 2004, 20 U.S.C. 1200 et. seq. ("IDEA 2004"), Provident identifies, locates, and evaluates all students with disabilities, regardless of the severity of their disability, who are in need of special education and related services. Chapter 711 of Title 22 of the Pennsylvania Code requires the publication of a notice to parents sufficient to inform parents of children applying to or already enrolled in school of (1) available special education services and programs; (2) how to request those services and programs; and (3) systematic screening activities that lead to the identification, location and evaluation of children with disabilities. This Policy is provided annually (Annual Notice) is to comply with Provident's obligations under Chapter 711 of Title 22 of the Pennsylvania Code. The Annual Notice is made available both in the school office and on the web site.

**Procedure. Qualifying for Special Education and Related Services.** Under the Federal IDEA of 2004, there are two steps for a student to qualify for special education and related services. The first step is a finding that the student has one or more of the following disabilities that interfere with his or her educational performance, such as

1. autism or pervasive developmental disorder,
2. deaf-blindness,
3. deafness,
4. emotional disturbance,
5. hearing impairment,
6. mental retardation,
7. multiple disabilities,
8. orthopedic impairment,
9. other health impairment (includes ADD, ADHD, epilepsy, etc.),
10. specific learning disability,
11. speech or language impairment,
12. traumatic brain injury, and/or
13. visual impairment including blindness.

IDEA of 2004 provides legal definitions of the above-listed disabilities, which may differ from those terms used in medical or clinical practice or daily language.

The second step in determining eligibility for Special Education and related services is a finding by the school's multi-disciplinary team (MDT) that the student with one or more of these disabilities is in need of specially-designed instruction.

**What Parents Can Do If They Think Their Child May Qualify for Special Education.** Some potential signs of a student having a qualifying disability include experiencing years of difficulties in reading, writing or solving math problems, difficulties focusing and concentrating on schoolwork, difficulties sitting still in the classroom, and difficulties controlling emotions (such as anxiety and depression) and behaviors. If parents believe that their child has had difficulties in school over the years and may have one or more of these conditions, they should contact Provident's Chief Learning Officer.

Parents who think their child is eligible for special education may request, at any time, that Provident conduct a Multi-Disciplinary Evaluation. Requests for a Multi-Disciplinary Evaluation must be made in writing to the school's Chief Learning Officer. If a parent makes an oral request for a Multi-Disciplinary Evaluation, Provident shall provide the parent with a form for that purpose. If Provident denies the parents' request for an evaluation, the parents have the right to challenge the denial through an impartial hearing or through

voluntary alternative dispute resolution such as mediation.

*Systematic Screening and Referral Processes.* Through its systematic screening and referral processes, Provident identifies and refers for evaluation students who are thought to be eligible for special education services. These screening and referral processes include initial academic placement tests, classroom performance, vision and hearing screenings.

The school regularly assesses the current achievement and performance of the child, designs school-based interventions, and assesses the effectiveness of interventions. (The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation is not to be considered an evaluation for eligibility for special education and related services.) If a concern can be addressed without special education services, or if the concern is the result of limited English proficiency or the lack of appropriate instruction, a recommendation may be made for interventions other than a multi-disciplinary team evaluation. Parents have the right to request a multidisciplinary team evaluation at any time, regardless of the outcome of the screening process. Moreover, screening or pre-referral intervention activities may not serve as a bar to the right of a parent to request an evaluation, at any time, including prior to or during the conduct of screening or pre-referral intervention activities.

Whenever a student is referred for an evaluation, Provident must obtain written permission from a parent before the evaluation can be conducted. A surrogate parent must be appointed when no parent can be identified; a public agency, after reasonable efforts, cannot locate a parent; the child is a ward of the State under the laws of Pennsylvania, or the child in an unaccompanied homeless youth. The surrogate parent may represent the child in all matters relating to the identification, evaluation, and educational placement of the child. Reasonable efforts must be made to ensure the assignment of a surrogate parent not more than thirty (30) days after it is determined that the child needs a surrogate parent.

If parents need additional information regarding the purpose, time, and location of screening activities, they should call or write the school's Chief Learning Officer.

*Evaluation.* An evaluation involves the use of a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child, including information provided by the parent that may assist in determining whether the child is a child with a disability and the content of the child's IEP. Provident does not use any single measure or assessment as a sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for the child. Technically sound instruments are used to assess the relative contribution of cognitive and behavioral factors in addition to physical or developmental factors.

Parental consent must be obtained by Provident prior to conducting an initial evaluation to determine if the child qualifies as a child with a disability and before providing special education and related services to the child. Parental consent for an evaluation shall not be construed as consent for their child to receive special education and related services. The screening of a child by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation is not considered to be an evaluation for eligibility for special education and related services; therefore, parental consent is not required in this instance.

The Multi-Disciplinary Evaluation process is conducted by a Multi-Disciplinary Team (MDT) which includes a teacher, other qualified professionals who work with the child, the parents and other members as required by law. The Multi-Disciplinary Evaluation process must be conducted in accordance with specific timelines and must include protection-in-evaluation procedures. For example, tests and procedures used as part of the Multi-Disciplinary Evaluation may not be racially or culturally biased.

The Multi-Disciplinary Evaluation process results in a written report called an Evaluation Report (ER). This report makes recommendations about a student's eligibility for special education based on the presence of a disability and the need for specially designed instruction. If the student's Multi-Disciplinary Team determines that the student is eligible for special education and related services, then the student's IEP Team and writes a detailed plan for supporting the student in his/her area(s) of need over the coming year so that he/she can be successful in school—and then later in life.

*Programs and Services for Children with Disabilities.* Provident, in conjunction with the parents, determines the type and intensity of special education and related services that a particular child needs based exclusively on the unique program of special education and related services that the school develops for that child. This program is called an Individualized Education Plan—the IEP—and is different for each student. An IEP Team consisting of educators, parents, and other persons with special expertise or familiarity with the child. The participants in the IEP Team are dictated by IDEA of 2004.

The parents of the child have the right to be notified of and to be offered participation in all meetings of their child's IEP Team. The IEP is revised as often as circumstances warrant but reviewed at least annually. The law requires that the program and placement of the child, as described in the IEP, be reasonably calculated to ensure meaningful educational benefit to the student. In accordance with IDEA of 2004, there may be situations in which the school may hold an IEP team meeting if the parents refuse or fail to attend the IEP team meeting.

IEPs generally contain:

1. a statement of present levels of academic achievement and functional performance;
2. a statement of measurable annual goals established for the child;
3. a statement of how the child's progress toward meeting the annual goals will be measured and when periodic reports will be provided;
4. a statement of the special education and related services and supplementary aids and services and a statement of the program modifications or supports for school personnel that will be provided, if any;
5. an explanation of the extent, if any, to which the child will not participate with non-disabled children in the regular class and in activities;
6. a statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on State and school assessments; and
7. the projected date for the beginning of the services and modifications and the anticipated frequency, location and duration of those services or modifications.

Special education services are provided according to the educational needs of the child, not the category of disability. Types of service that may be available, depending upon the child's disability and needs include, but are not limited to:

1. learning support;
2. life skills support;
3. emotional support;
4. deaf or hearing impaired support;
5. blind or visually impaired support;
6. physical support;
7. autistic support; and
8. multiple disabilities support.

Related services are designed to enable the child to participate in or access his or her program of special

education. Examples of related services that a child may require include but are not limited to speech and language therapy, transportation, occupational therapy, physical therapy, school nursing services, audiologist services, counseling, or training.

Provident ensures that children with disabilities are educated to the maximum extent possible in the regular education environment or "least restrictive environment." To the maximum extent appropriate, students with disabilities are educated with students who are not disabled. Special classes, separate schooling or other removal of students with disabilities from the general educational environment occurs only when the nature or severity of the disability is such that education in general education classes, even with the use of supplementary aids and services, cannot be achieved satisfactorily. Programs and services available to students with disabilities, might include:

1. regular class placement with supplementary aides and services provided as needed in that environment;
2. regular class placement for most of the school day with itinerant service by a special education teacher either in or out of the regular classroom;
3. regular class placement for most of the school day with instruction provided by a special education teacher in a resource classroom;
4. part-time special education class placement in a regular public school or alternative setting; and
5. special education class placement or special education services provided outside the regular class for most or all of the school day, either in a regular public school or alternative setting, such as an approved private school or other private facility licensed to serve children with disabilities.

Some students may also be eligible for extended school year services if determined needed by their IEP teams in accordance with Chapter 711 regulations contained in Title 22 of the Pennsylvania Code.

Beginning not later than the first IEP to be in effect when the child turns 16, or younger if determined appropriate by the IEP Team, and updated annually, thereafter, the IEP must include appropriate measurable postsecondary goals and transition services needed to assist in reaching those goals. Provident must invite the child to the IEP team meeting at which the transition plan is developed.

Beginning not later than one year before the child reaches the age of 21, which is the age of majority for education purposes under Pennsylvania law, the IEP must include a statement that the student has been informed of the student's rights, if any, that will transfer to the student on reaching the age of 21.

*Confidentiality of Student Information.* Every effort is made throughout the screening, referral and evaluation process to strictly maintain the confidentiality of student information and protect the students' privacy rights.

After referral and evaluation, a written record of the evaluation results is generated and called an Evaluation Report. This report may include information regarding the student's physical, mental, emotional, and health functioning through testing and assessment, observation of the student, as well as a review of any records made available to Provident through the student's physician and other providers of services, such as counselors. Moreover, the evaluation report contains "personally identifiable information" of the student. Personally identifiable information includes the child's name, the name of the child's parents or other family member, and a list of characteristics that would make the child's identify easily traceable. Input from parents is also an information source for identification.

Provident protects the confidentiality of personally identifiable information by one school official being responsible for ensuring the confidentiality of the records, training being provided to all persons using the information, and maintaining for public inspection a current list of employees' names and positions who

have had access to the information. Provident will inform parents when this information is no longer needed to provide educational services to a student and will destroy the information at the request of the parent. However, general information, such as the student's name, address, phone number, grades, attendance record, classes attended, and grade level completed may be maintained without time limitation.

Parents of students with disabilities have a number of rights regarding the confidentiality of their child's records. The right to inspect and review any educational records related to their child that are collected, maintained, or used by the school. Provident will comply with a request from parents to review the records without unnecessary delay and before any meeting regarding planning for the child's special education program (called an IEP meeting), and before a hearing should the parents and Provident disagree about how to educate the child who needs special education and, in no case, take more than 45 days to furnish parents with the opportunity to inspect and review the child's records.

Parents have the right to an explanation and interpretations of the records, to be provided copies of the records if failure to provide the copies would effectively prevent parents from exercising their right to inspect and review the records, and the right to have a representative inspect and review the records.

Upon request, Provident will provide parents with a list of the types and the location of education records collected, maintained, or used by the school.

Parents have the right to request amendment on their child's education records that parents believe are inaccurate or misleading, or violate the privacy or other rights of the child. Provident will decide whether to amend the records within a reasonable time of receipt of the parents' request. If school administrators refuse to amend the records, parents will be notified of the refusal and your right to a hearing. At that time, parents will be given, additional information regarding the hearing procedures and, upon request, Provident will provide parents with a records hearing to challenge information in the child's educational files.

Parent consent is required before personally identifiable information contained in the child's education records is disclosed to anyone other than officials of Provident collecting or using the information for purposes of identification of the child, locating the child and evaluating the child or for any other purpose of making available a free appropriate public education to the child. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his/her professional responsibility. Additionally, Provident, upon request, discloses records without consent to officials of another school district or charter school in which the child seeks or intends to enroll.

When a child reaches age eighteen (18), the rights of the parent with regard to confidentiality of personally identifiable information are transferred to the student.

A parent may file a written complaint alleging that the rights described in this notice were not provided. The complaint should be addressed to:

Pennsylvania Department of Education  
Bureau of Special Education  
Division of Compliance  
333 Market Street  
Harrisburg, PA 17126-0333

The Department of Education will investigate the matter and issue a report of findings and necessary corrective action within sixty (60) days. The Department will take necessary action to ensure compliance is

achieved.

## V. **Services for Protected Handicapped Students**

Provident will provide to each protected handicapped student, without discrimination or cost to the student or family, those related aids, services or accommodations that are needed to provide equal opportunity to participate in and obtain the benefits of school programs and extracurricular activities to the extent appropriate to the student's abilities. To qualify as a protected handicapped student, the child must be of school age with a physical or mental handicap which substantially limits or prohibits participation in or access to an aspect of the school program.

Services for protected handicapped students are distinct from those applicable to disabled students enrolled in special education programs. Protected handicapped students fall under Pennsylvania's Chapter 15, sometimes known by its federal name, Section 504 of the 1973 Rehabilitation Act (Section 504). In contrast, students with disabilities who qualify for special education services are covered by regulations contained in Pennsylvania's Chapter 711. While both Chapter 711 and 15 provide services to students, there are technical differences between the two. Additional information about evaluation procedures and provision of services to protected handicapped students is available by contacting the Chief Learning Officer, Provident Charter School, 1400 Troy Hill Road, Pittsburgh, PA 15212.



**SIGNATURE PAGE**

I have read and understand the Code of Conduct and Policies:

Parent /Guardian Signature

Date

---

Parent /Guardian Print Name

Date

---

Student Name/Grade

Date

---

Student Signature

Date

---

Student Print Name

Date

---

**ATTACHMENT A**  
**SCHOOL CONTACT INFORMATION**

Provident Charter School  
1400 Troy Hill Road  
Pittsburgh, PA 15212