

Appendix P. Letter of Intent to Lease Space

Letter of Intent – 624 Main Street., Lansdale, PA

This letter constitutes a NON-BINDING LETTER OF INTENT ("Letter of Intent") with respect to the matters set forth below. It is the intention of the parties that the terms of this Letter of Intent not under any circumstances be binding upon the parties with respect to the matters set forth herein, and that only a definitive lease containing commercially reasonable terms and conditions consistent with the matters set forth in this Letter of Intent (the "Lease") be binding upon the parties.

The letter of intent will serve to set forth the basic terms and conditions upon which LESSOR (the "Lessor") proposes to enter into a lease agreement with Montgomery Flex Charter School (the "Lessee") based on a lease of +/- 20,000 square feet of an existing facility, plus the use of adjacent land and parking areas, which is situated at 624 Main St., Lansdale, PA. The subject property is part of the Hillcrest Shopping Center.

The parties shall use diligent efforts to negotiate the definitive terms and conditions of a lease agreement (the "Lease Agreement") which shall be mutually acceptable to both parties. Lessor shall prepare the initial draft of the Lease which shall contain, without limitation, the following:

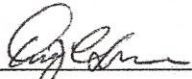
- Use:** A Charter school operation for grades 7 - 12, which is incorporated as a Pennsylvania non-profit corporation.
- Occupancy:** Initial enrollment of 240 students with a staff of approximately 25 employees.
- Term:** 10 year lease, including taxes, insurance and common area maintenance, contingent upon charter acquisition, township approval & security deposit and/or personal guarantees of the sponsor(s) of \$TBD. Lease will commence on August 1, 2013. Landlord will be responsible for real estate taxes, insurance and common area maintenance.
- Conditional Nature Of Offer:** Until a mutually satisfactory Lease has been drafted, negotiated and executed, Lessor shall be free to market and lease the premises to another user, and Lessor shall have the right during such period to terminate the negotiations between Lessor and Lessee by sending written notice of such termination to Lessee. Upon the sending of such termination notice, neither Lessor nor Lessee shall have any further rights or obligations under this Letter of Intent.
- Option to Extend Term:** Lessor shall provide two (2), five (5) year renewal options. The option(s) shall be exercised by providing Lessor with six (6) months prior written notice
- Lease Price:** Year 1: \$390,000 Year 2: \$400,000 Year 3: \$410,000 Year 4: \$420,000; Year 5: \$430,000; Year 6: \$440,000; Year 7, \$450,000; Year 8, \$460,000; Year 9, \$470,000; Year 10, \$480,000.
- Tenant Improvements/ Requirements** Lessee shall require a tenant improvement package of up to \$1,000,000. All architectural and engineering fees shall be considered as part of the tenant

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improvement package and shall be the responsibility of the Lessor. A plan drawn up by the Lessor's architect, at the Lessor's expense, shall be approved by the Lessee to incorporate all tenant improvements.

- Utilities:** Lessee will be responsible for its utility usage.
- Maintenance of Premises:** Lessor shall maintain, in good condition at its expense, the structure of the building, including the roof, roof membrane, drains, gutters, down spouts, foundation, floor slab, load-bearing and exterior walls, parking areas, driveways, truck wells, blacktops and sidewalks. HVAC maintenance and replacement to be negotiated and resolved in the Lease.
- Signage:** Maximum signage allowable by municipality including but not limited to Pylon space and building façade sign box.
- Subletting/Assignment:** Lessee shall have the right to sublease its space or assign the lease with the consent of the Lessor which shall not be reasonably withheld.
- Alterations:** Lessor will make improvements to the building including the installation of a sprinkler system, elevators, handrails, etc. in order to ensure premises adheres to the building code and use regulations in Lansdale Borough. Lessor, at its expense, shall apply for and procure any necessary zoning variances required for the property to function as a Charter School.
- Broker:** Montgomery Flex Charter School is not being represented by a broker in this agreement.

If the foregoing correctly states your understanding of our mutual intentions, please sign and return a copy of this letter within ten (10) days to name and address of lessee.

Signature: 

Name: Timothy C. Sagar

Title: Founder, Montgomery Flex Charter School

HC SPECTRUM PARTNERS, LP

By: SAS-HC, LLC, its General Partner

By: 

Title: **Elizabeth A. Wrigley**
Senior Vice President

APPENDIX Q – LETTER OF INSURABILITY



Arthur J. Gallagher & Co.
culture driven success



CharterSafe

August 23, 2012

To Whom It May Concern:

**RE: Insurance Coverage for Montgomery Flex Charter School
Broker of Record – Arthur J. Gallagher Insurance Brokers Inc.**

We are pleased to provide insurance services for Montgomery Flex Charter School. Our division specializes in Education and Charter Schools throughout the country. We currently work in many states helping schools secure insurance and are licensed to work in The State of PA as required by law. Our program utilizes the following carriers which are admitted in the State of PA: The Hartford, Lexington, Arch Insurance, Scottsdale Insurance, and Philadelphia Insurance Company.

On behalf of Montgomery Flex Charter School the following coverages will be secured to meet all requirements by the authorizing agency and/or additional insureds as appropriate:

Coverage	Limit
General Liability (include corporal punishment and Athletic Liability)	\$1,000,000 occurrence expressly covers field trips and athletics \$3,000,000 aggregate
Workers Compensation	As specified by PA Statutes
Employee Benefits Liability	\$1,000,000
Automobile/Bus Liability including underinsured and uninsured as needed	\$1,000,000
Umbrella / Excess Liability above primary program (GI, Auto, Abuse, D&O, EPLI, ELL, EBL)	\$10,000,000
Employment Practices Liability	\$1,000,000
Educators Legal Liability E & O	\$1,000,000
Directors & Officers	\$1,000,000
Sexual Abuse and Misconduct Liability	\$1,000,000 separate limits from the GL \$2,000,000 aggregate
Crime / Employee Dishonesty / Fidelity Coverage (Will obtain a Surety Bond for the CFO as required)	\$500,000 - \$1,000,000 limits as needed and based on cash flow of the school
Property/Lease and Boiler Machinery Coverage	Blanket Limits as needed by School, on an all risk of direct physical basis (replacement cost to school building for fire and theft)
Student Accident Coverage (Athletics)	Primary \$25,000 limits and CAT option at \$6,000,000

Appendix T

Montgomery Flex Charter School
Student Code of Conduct
2013-2014

Overview

A school is first and foremost a place of learning. We strongly believe that bringing students and teachers together in a common location creates the best environment for learning.

However, bringing people together creates the opportunity for tension, disagreement and disrespectful behavior. And yet, it is our sincerest intention to keep aberrant behavior to a minimum.

As such, we ask all of you to recognize the rights of others to achieve the maximum educational benefit from attending this school. We ask all of you to commit yourself to the following ideas:

- That everyone deserves the right to be respected. Respecting does not have to mean liking someone; it means that you maintain courteous behavior to all even if there are people who "get on your nerves."
- That everyone deserves the right to be uninterrupted in their educational efforts. A school environment which is free of distraction and disruption is one in which all students have the opportunity to maximize their educational attainment.
- That everyone deserves the right to attend a safe, secure school environment. Anyone threatening anyone or otherwise creating a hostile environment is infringing on the rights of all to attend a safe, comfortable school.
- That an inappropriate reaction to disruption, abuse or violence often results in as bad or worse disciplinary consequences of the one initiating the objectionable activity. The appropriate response to an act of disruption, bullying or aggression by another person is to inform a teacher or administrator of the behavior, not to handle the situation yourself.

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Human Rights Policy

Montgomery Flex Charter School brings together a diverse group of individuals. It is guided by the principle that respect and consideration for all individuals is foremost in all school activities. It is unlawful to discriminate against any individual based on race, color, religion, sex, nationality, sexual orientation, age or handicap status. Montgomery Flex Charter School is not only obligated to uphold the law concerning equal opportunity but regards the spirit of these laws to be the very core of its values. Montgomery Flex Charter School wishes to stress that it is the responsibility of every member of the school community to observe and uphold the principles of equal opportunity as they affect staff, faculty, and students in all aspects of school life. It is the responsibility of every member of the Montgomery Flex Charter School community to actively promote appropriate workplace behavior. Any form of coercion or harassment that insults the dignity of others or impedes their freedom to work and learn will not be tolerated. Any such form of coercion or harassment will result in appropriate discipline, up to and including, discharge.

Harassment Policy

Montgomery Flex Charter School is committed to equitable and swift resolution of harassment issues. Any student experiencing harassment should follow any or all of these measures:

1. Let the offender know you want the behavior to stop. Be clear and direct. Do not apologize.
2. Make a record of when, where, and how you were mistreated; include witnesses (if any), direct quotations, and other evidence.
3. If you are not comfortable confronting the offender alone, ask a friend or adult to accompany you or write a letter to the offender, keeping a copy.
4. Students should notify the School Principal, or if they are uncomfortable doing so, they should speak with another adult.

As soon as possible, the adult notified will report to the School Principal. The School Principal will notify the authorities, if necessary.

Abuse

All school personnel are mandated reporters of suspected abuse and/or neglect. Mandated reporters are required to report suspected child maltreatment *immediately* when they have “reasonable cause to believe that a child who is 17 years of age or younger and known to them in a professional or official capacity has been harmed or is in danger of being harmed – physically, sexually, or through neglect – and that a caregiver either committed the harm or should have taken steps to prevent the child from harm.” After a report has been filed, school staff members are prohibited from discussing the details of the report with parents or any other party. Moreover, the school

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will not receive feedback or follow-up from the reporting agency once a report has been filed.

No one in the workplace, even a supervisor, is permitted to suppress, change, or edit a report of abuse.

A mandated reporter who willfully fails to report suspected incidents of child abuse or neglect is subject to license suspension or revocation, and commits a misdemeanor. Falsely reporting information is also a misdemeanor.

Scholar Dollars - The Behavior Management System

Every major disciplinary problem at schools starts with something small. Yet all these infractions have the ability to expand into larger problems unless they are addressed.

In order to ensure that the school's values are respected at all times, the Scholar Dollar behavior system at Montgomery Flex Charter School is centered on maintaining the school values (contribution, teamwork, integrity, perseverance, and fun). The school believes that students should be empowered to understand that their choices in life determine if they are rewarded or punished. Students who choose to uphold the school's values are rewarded, but students who choose to not uphold them are held accountable and must "pay" the consequences.

Procedures

Each student in the school receives a weekly paycheck, which captures his or her behavior and quality of work throughout the week. Students may **earn** money for scholarly habits and quality homework, but may **lose** money for choosing not to uphold one of the school's values. The money the students **earn** comes in the form of "scholar dollars" (not legal tender) which may be used for purchasing items at the school store, including school supplies, snacks, personal items, etc.

Students **earn** scholar dollars for coming to school on time, for demonstrating that they have worked diligently on homework the night before, and for working hard and behaving during class. Typically a student may **earn** up to five scholar dollars per day: 1 dollar for coming to school on time and 1 dollar for behavior, effort and quality homework assignments for each class.

If a student does something exceptionally well or goes above and beyond upholding the core values of the school, the teacher may credit money to that student's account (ranging from \$1 to \$3, depending upon the act).

When a student violates one of the core values (studentship, teamwork, or integrity), the student **loses** the appropriate amount of money from his or her account and the violation is recorded on the paycheck (see the levels of infractions below). Detailed notes are made on the paycheck and a new balance is calculated.

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Once a week, all students will receive their account balance, showing how many scholar dollars they gained or loss during the week and what their current balance is. We call this the "paycheck."

Students may use the balance of their "scholar dollars" account in the following ways:

- students may redeem their scholar dollars for items at the school store.
- students may use their scholar dollars to pay for attendance to school-sponsored field trips and to pay for other activities, such as dues for clubs
- students may allow their scholar dollars to accumulate and receive cash for their scholar dollar balance at the end of the year.

Level 1 = \$1 deduction from Scholar Dollars

- Did not follow directions in class or in work
- Unorganized
- Not prepared for class
- Off task
- Missing materials
- Messy desk or lunch area
- Out of seat without permission
- Chewing gum or eating candy

Level 2 = \$2 deduction from Scholar Dollars

- Disturbing other teammates from learning (such as talking without permission)
- Negative attitude
- Playing around in hallway or bathroom
- Throwing/leaving trash on floor
- Grossly unorganized
- Gossiping/talking about other team members
- Dress code violation
- Swearing/Profanity
- Gross disrespect

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- Electronic Devices
- Repeat Dress Code Offenders

Although the above procedures represent the consistent and planned approach for dealing with behavior problems, the school reserves the right to modify this system at any point in the school year.

This may involve changing the amount of scholar dollars students are eligible to receive, revising the level of infractions, and/or overhauling the entire checkbook management system as needed. The school recognizes that management systems need to be flexible to meet the needs of teachers and students. In the event that any major aspect of the checkbook management system is changed, parents will be notified in writing about the revisions.

The School's Uniform Policy

The mission of Montgomery Flex Charter School is to develop well-disciplined students. In light of this, all students will be taught how well-disciplined students act and how they present themselves in appearance. The school believes that students appear more scholarly when they are wearing an attractive uniform, and also believes that students will act more scholarly because they will feel good about their appearance.

Another value of the school is that of "teamwork." Just as members on a sports team are required to wear a uniform in order to show their strength in unity, so too are students of the Montgomery Flex Charter School team.

The student dress code policy at Montgomery Flex Charter School is that ALL students are expected to wear the required uniform every day, unless otherwise indicated.

Student Dress Code Specifics

Students and parents should make every effort to ensure that the uniform shirts and pants are cleaned regularly. Torn or worn clothing should be replaced.

The uniform will consist of the following:

Tops

- A Montgomery Flex Charter School polo shirt is required for all students. Students are required to wear it to school everyday, (all shirts must be free of writings by other students)
- Polo shirts may be purchased at the school store or through landsend.com.
- During the winter, a Montgomery Flex Charter School sweat-jacket or sweater may be worn over the polo shirt. These may be purchased from landsend.com
- Shirts MUST be tucked in at all times.

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- Students may wear plain, white shirts underneath their uniforms (short-sleeve or long-sleeve). No color shirts or shirts with designs may be worn underneath uniform shirts.
- Writings or designs *should not* be visible through the polo. Students will be told to remove any shirts not in compliance with the uniform policy.

Bottoms

- Beige Khaki pants, shorts, skirt, skort, or jumper. Pants and shorts with Cargo Pockets are Prohibited.
- Purchased by the parent at store of choice
- Should be free of any designs, writings, rips, embellishments, or contrasting accent colors
- No baggy pants
- Pants cannot sag
- Shorts, skirts, skorts, and jumpers should not be **more than 1 inch** above the knee
- Clothing should not be tight
- Belts are required for all items that have belt loops. Chains, pocket watches, or any other accessory should not be attached to the belt. Scarves, fabric, and other non-belt material may not be substituted for a belt. Belts can be worn only if they are sold as a belt.
- No suspenders should be worn over any uniform shirt.

Shoes

- All shoes worn must be black in color, with less than 10% of the shoe covered with a design or logo.
- No “flip-flops” or sandals
- Any shoes with a heel taller than an inch are not allowed
- All shoes, sneakers, or boots should be enclosed
- Socks, tights, or pantyhose should always be worn with shoes (no footless leggings). Socks must be black, blue or brown with no design. Tights must be Black, Brown or White, with no design.

Jewelry and Accessories

- Any jewelry worn around the neck should be worn inside of the uniform shirt

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- All earrings should not be larger than a nickel (in length or circumference).
- Earrings should be free of rhinestones, glitter, or any other embellishments.
- Hair should be free of color and glitter.
- Headbands can be worn only if they are sold as a headband. No homemade headbands will be allowed. Headbands should have nothing hanging or dangling from them.
- Nails should be free of any artificial enhancement (acrylic, silk wraps, press-ons, rhinestones, etc). In addition, nails should be free of extravagant designs.

Prohibited Clothing

- Tight clothing
- Leggings/Jeggins
- Any headwear such as bandanas, hats, scarves, caps, head wraps, etc.
- Any gang related attire
- Makeup with excessive coloring
- Large gold chains or other excessive jewelry
- Body tattoos or body piercings
- Attire with any reference to death (i.e. skulls, poison logos, etc.)
- More than one bangle or bracelet on each arm

The school reserves the right to add to this list as concerns or problems arise.

Additional garments may be worn that are part of a religious observance. However, all students must adhere to the school dress code for items that are not part of the religious clothing.

Uniform Violation Consequences

Students who come to school not abiding by any of the above policies will receive \$2 off of their Scholar Dollars balance.

Blatant uniform violations (no uniform shirt or no khaki bottoms) or consistent violations (no belt for several days) will result in the parent being contacted immediately to bring the appropriate item to school.

Personal Belongings

The following items are prohibited in school:

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- Soda or strong “power” drinks
- Fruit drinks, iced teas, carbonated beverages
- Any illegal substance
- Toys, beads
- Weapons and toy weapons Stuffed animals or dolls
- Chips, danishes, cakes, or sweet/salty snacks
- Sunflower seeds

Portable Electronic Devices and Cellular Telephones

Students are forbidden from using any electronic devices (portable games, iPods, iTouch, cell phones, electronic toys, etc) on the school campus for any reason at any time (including field trips, extracurricular activities, etc.). Students who choose to violate this policy will have the device confiscated, and it will only be returned to the child’s parent. Any additional violations following the first warning will result in the child being suspended for violating the Electronics and Communication Device Policy.

Administrators and/or staff members will not investigate to find any electronic communication device if it is brought to school and lost or stolen.

Telephone Use

Students may not use any school phone without permission from a teacher. Students will only be allowed to use the phone in case of an emergency. Students must have a written pass from a teacher to use a school phone. Students who use a phone without permission from a teacher will be subject to disciplinary procedures. Students are also not allowed to receive phone calls unless it is an emergency. Parents/guardians are asked to communicate messages and make transportation arrangements with the child before sending the child to school in the morning. If necessary, the Administrative Assistant will deliver messages to students in class, but only in urgent situations will the student be pulled out of class to receive a phone call.

The following list is a guide for how many Scholar Dollars will be charged to a Student Account for specific behavioral violations

Homework Club

The last period of the day at Montgomery Flex Charter School is Activity Period. Those students who do not have an activity to attend will be required to go to Homework Club. Homework Club is designed to ensure academic success. In addition, any teacher or Academic Coach who sees a persistent neglect of homework by a student may require the student to attend homework club rather than any other activity, including extra-curricular activities at the student's district of residence. During this time, students will work on their homework independently or in small groups. They may also receive

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assistance from the assigned staff member. Homework Club meets Monday, Tuesday, Thursday and Friday from 3:30- 4:30.

Discipline Policy

Students at Montgomery Flex Charter School are expected to abide by the Montgomery Flex Charter School Commitment to Excellence at all times. For students who choose not to follow the expectations within this agreement, there will be consistent consequences in place. The Montgomery Flex Charter School Scholar Dollar System is the primary means for administering consequences and rewards, and it will be used for disciplining students in most situations.

Other consequences for disciplinary problems may include, but are not limited to:

- Verbal correction
- Phone call home to parents
- Teacher-student-parent conference
- Behavior Contract
- Removal from extracurricular activities
- Loss of incentives and school trips
- Calling Plans, where the student must call the teachers to inform them when homework is completed
- 4-day school Detention
- Suspension (removal from school for a period of ten or fewer days)
- Expulsion (removal from school for a period of more than ten days)

Detention

Detention will serve as a consequence for those students who disrupt the learning environment of other students or violate the school's code of conduct in any other way.

What determines if a student is placed on Detention?

- When a teacher, Academic Coach or Administrator believes that a charge to a student's scholar dollar account is not a sufficient deterrent for the student to continue classroom disruptions.
- When a student's scholar dollar account falls below zero.
- When a behavior is so flagrant that a penalty beyond a reduction of scholar dollars is warranted.

Detention Specifics

Detention has several components. Detentions will last for four days. When a student is on detention, she or he must be seated in the detention room during the activity period. Detention is designed to correct a student's behavior and not simply to punish. As a result, students will be asked to complete a series of reflections, discussions, and readings that address the behaviors they displayed during the previous week. Students will also write goal statements to help prevent them from repeating the same mistakes and offenses. On the last day of detention, students will participate in a group discussion about decision-making. In addition to these reflections, readings and discussions, students on detention must write five commitments, which will all be due by Monday morning upon arrival during the week of detention. Any student, who arrives to school on Monday without a completed commitment list will not be allowed to enter the school building until the commitments are completed. After-school detention is scheduled Monday, Tuesday, Thursday and Friday from 3:30 – 4:30.

How long will students be placed on Detention?

Students will be placed on detention for four days.....Monday, Tuesday, Thursday and Friday afternoon.....for 1 hour each day.

How will a student get out of the Detention?

Students will be placed out of Detention once they have served their time and all assignments are completed. Written assignments must be completed on the last day of Detention, with the exception of the 5 commitments which are due the Monday of the week the detention is to be served.

What happens if my child is on detention week after week?

Students placed on Detention for consecutive weeks will receive additional consequences.

- A parent conference will occur after two weeks on detention
- A parent is required to attend class with the student for at least half of a day after 3 weeks of detention.
- The student will be given a short term suspension and behavior plan after 4 weeks of detention.
- The student will be given a probationary contract after 5 weeks of detention.

Suspension

The School Principal or Dean of Students may impose a Suspension at his/her discretion. Before imposing Suspension, the School Principal or Dean of Students shall verbally inform the student of the Suspension and the reason for it. The student shall be given an opportunity to deny or explain the infractions.

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The School Principal or Dean of Students also shall immediately notify the parent(s) or guardian(s) by telephone and in writing that the student has been suspended from school. Written notice shall be provided by personal delivery, express mail delivery, or equivalent means reasonably calculated to assure receipt of such notice within 24 hours of the suspension at the last known address. Such notice shall provide a description of the incident, or incidents, which resulted in a Suspension and shall offer the opportunity for an immediate informal conference with the School Principal.

Whenever possible, notification shall also be provided by telephone if the school has been provided with a contact telephone number for the parent(s) or guardian(s). Such notice shall provide a description of the incident, or incidents, which resulted in the suspension and shall offer the opportunity for an immediate informal conference with the School Principal.

Alternate Instruction

Students who are suspended will be provided with alternate instruction. Arrangements will be made between the school and each individual family for the delivery of services, pick-up/delivery of work, and the making up of any missed assignments and classroom instructional support. All IDEA mandates will be followed for students with disabilities.

Expulsion

Expulsion is exclusion from school by the governing board for a period exceeding 10 school days and may be permanent expulsion from the school.

If a student is being considered for expulsion from Montgomery Flex Charter School, the School Principal shall provide written notification to the student and his or her parent(s) or guardian(s) that the student is being considered for expulsion. Such notice also shall set a time and place for an informal conference with the School Principal and shall inform the parent(s) or guardian(s) of their right to be accompanied by an individual of their choice.

If the Board of Trustees of the School maintains that the student would receive an adequate and appropriate education in another school program, the School Principal shall provide written notification to the student and his or her parent(s) that the School Board will hold a formal hearing to consider the matter. Written notice shall be provided by personal delivery, express mail delivery, or equivalent means reasonably calculated to assure receipt of such notice within 24 hours of expulsion to the last known address. Where possible, notification shall also be provided by telephone if the school has been provided with a contact telephone number for the parent(s) or guardian(s). Such notice shall include a description of the behavior and/or academic problems indicative of the need for transfer, a description of the alternatives explored, prior action taken to resolve the problem, and an invitation for an immediate formal hearing with members of the Board of Trustees. At the formal hearing, the student shall have the right to be represented by counsel, question witnesses, and present evidence. The parents, should they so choose, may also present materials to the Board of Trustees for consideration.

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The Board of Trustees will render a formal decision at their next regularly scheduled board meeting.

Once a permanent expulsion has been determined, the initial responsibility for providing the required education rests with the student's parents or guardian, through placement in another school, tutorial or correspondence study, or another educational program approved by the CEO of the Charter School.

Due Process Procedures

Students with disabilities have the same rights and responsibilities as other students, and may be disciplined for the same behavioral offenses listed above. If a student with disabilities has an IEP that includes disciplinary guidelines, then that student will be disciplined according to those guidelines as required by IDEA. Students for whom the IEP does not include specific disciplinary guidelines may be disciplined in accordance with the standard school policy listed above.

If a parent is dissatisfied with a suspension or expulsion, he or she may appeal directly to the Board of Trustees. The President of the Board of Trustees will schedule an appeal hearing within ten (10) days of the appeal request. The family may bring counsel with them if they so desire. In all events of expulsion, the School Principal of Montgomery Flex Charter School will work in conjunction with the family to find the best possible alternative setting.

Act 26 Expulsions

Act 26 (24 P.S. § 13-1317.2) is a Pennsylvania law which requires the **expulsion for at least one year** of any student who **possesses** a **weapon** on school property, at a school function, or going to and from school.

Who is affected by Act 26?

Any student who **possesses** a weapon in school, or at a school activity, or going to and from school (including on public transit), must be **expelled for at least one year** under this law. The student does not have to use the weapon (or even intend to use it); it is enough to carry it, keep it in a locker or book bag, or hold it for a friend.

What is a weapon?

A **weapon** is defined by Act 26 as "any knife, cutting instrument, cutting tool, nunchaku, firearm, shotgun, rifle, and [anything else] capable of inflicting serious bodily injury." This definition may include box cutters, kitchen knives, pen knives on key chains, and other common household items. A narrower definition is used for cases involving special education students.

Will the police be notified?

Yes. Act 26 requires school officials to **notify the police** whenever they discover any weapon covered by the Act. This does not mean that the police must arrest the student.

Does a student have any rights in an expulsion case?

Yes. Before a student can be expelled, the student is entitled to a **formal hearing**. The student is entitled to advance notice of the hearing, and can request that the names of the witnesses against the student and copies of any statements made by those witnesses be provided to the student before the hearing.

At the hearing, the student has the right to bring an attorney, question the witnesses against him/her, and present evidence on the student's behalf. Although the hearing may be held before a Hearing Officer or a panel of the district's school board, the entire Board of Trustees must vote on the expulsion. If a student wishes to challenge an expulsion decision, an appeal must be filed in the local county court within **30 calendar days** of the decision.

Are there any exceptions to the rule that a student must be expelled for at least one year for possession of a weapon?

Yes. The CEO of the charter school can recommend that the child not be expelled on an individual basis. If a school refuses to consider a student's **individual circumstances**, you may have grounds to appeal the expulsion in court. A **charter school may not adopt a "zero tolerance policy"** that does not allow the CEO to consider the individual circumstances of a student. The CEO must be allowed to recommend to the school board that it impose less discipline than expulsion for one year.

Are students who receive special education affected by Act 26?

Not directly. Instead, a federal law called the Individuals with Disabilities Education Act (IDEA) requires that schools must use special procedures before students who receive special education may be expelled. However, if a student who receives special education brings a dangerous weapon to school, that student may be transferred to an alternative program for 45 days without parental consent while those special procedures take place. In order to make a 45-day transfer, the student must be in possession of a "dangerous weapon," which does not include a pocket knife with a blade of less than 2-1/2 inches.

What happens to a student who has been expelled?

When a student is expelled, if the student is **under 17** and cannot find another school to attend within 30 days of the expulsion, the student's family must notify the charter school in writing of the need for a program. It is then the charter school's duty to provide the student with an educational program, although the law is not clear about what that program must look like.

A student in special education has the right to continue receiving special education services up until graduation or age 21, even if expelled. Those services would just have to be delivered outside of the regular school setting.

Does a student's family have to tell a new school district, private or charter school about an expulsion or disciplinary problems at another school?

Yes. Act 26 also requires that whenever a student registers in a new school, the student's "parent, guardian, or other person having control or charge of a student" must fill out a form stating whether the student has ever been suspended or expelled from any public or private school in any state for offenses involving weapons, drugs, alcohol, willful injury to another person, or violence on school grounds. This form is called a "Parental Registration Statement."

Specific Behavior Consequences

Montgomery Flex Charter School has adopted the following policies regarding specific prohibited behaviors:

- 1. Tobacco:** All tobacco products are prohibited at Montgomery Flex Charter School. Penalties for students found with tobacco products range from suspension to expulsion.
- 2. Electronic Communication Devices:** All Electronic communication devices (including paging devices, cellular phones, walkie-talkies, etc.) must be stored away and not heard during school hours. If electronic devices are seen or heard

by staff members, the device will be confiscated and will only be returned to the child's parent. Additional violations will range from Detention to Suspension. The school also reserves the right to confiscate the device for an extended period of time if it is brought back on campus. **Administrators and/or staff members will not investigate to find any electronic communication device if it is brought to school and lost or stolen.**

3. Weapons and/or Explosive Devices: A student shall not possess, handle, or transport any explosive, weapon, dangerous object or object that can reasonably be considered a weapon. Disciplinary actions range from Suspension to Expulsion.

Firearms: As required by state and federal law, Montgomery Flex Charter School has established a policy requiring the expulsion from school for any student who is determined to have brought a firearm to school. A student shall not possess, handle or transport any pistol, revolver, or any other firearm designed or intended to propel a missile of any kind, including a stun weapon. A stun weapon refers to any mechanism that is designed to emit an electronic, magnetic, or other type of charge or shock for the purpose of temporarily incapacitating a person.

Cutting Instruments/ Objects: A student shall not carry, conceal, display or use any straight edge razor, box cutter, razor blade, disk, bowie knife, switchblade knife, ballistic knife, or any other knife, spring stick, metal knuckles, blackjack, bat, club, or other bludgeon-type weapon, or any flailing instrument which may be known as nun-chuck or fighting chain, throwing star or oriental dart, or any weapon of like kind. Items will be confiscated and turned over to a police officer. In addition to any criminal penalty, students are also subject to disciplinary action from Suspension to Expulsion.

Explosives: A student shall also not supply, possess, handle, use, threaten to use, or transmit any explosive device or item that ejects or releases a spray, foam, gas, spark, fire, smoke, odor, etc., including but not limited to: fireworks of any type or size, smoke bomb, paint bomb, stink bomb, any homemade bomb, or any form of gasoline, kerosene, explosive or corrosive chemicals, etc. Students found to be in violation of this policy are also subject to disciplinary action from Suspension to Expulsion as well as legal action.

4. Threat of Violence against Staff: Students shall not threaten, harass, or cause inappropriate bodily contact with and/or cause damage to the property of any school employee. Students found to be in violation of this policy shall be subject to disciplinary actions ranging from Suspension to Expulsion as well as a referral to the local law enforcement agency.

5. Drugs/Substances: Students found to be in possession of or under the influence of any “drug,” including alcohol, alcoholic beverages, look-alike drugs, inhalants, pills, tablets, or illegal drugs or substances shall be subject to consequences ranging from Suspension to Expulsion. Students found to be guilty of selling or distributing any “drug” as defined above shall be expelled. Students may also be subject to prosecution under the Laws of Pennsylvania.

6. Destruction or Theft of Property: Destruction of, theft of, and/or threats to destroy or damage or deface school, private, or public property will result in immediate disciplinary action ranging from Suspension to Expulsion.

7. Violence: Violence at Montgomery Flex Charter School will not be tolerated. Verbal threatening, fighting or intimidating students with or without actual physical contact, an attempt to hurt another person, or actions which cause reasonable fear of immediate bodily harm is defined as an “assault” and will result in penalties ranging from Detention to Expulsion. Fighting or making physical contact of an insulting, offensive, or provoking nature with another student is defined as “simple battery” and will result in penalties ranging from Suspension to Expulsion. Students guilty of “aggravated battery” (maliciously causing bodily harm to another) or “aggravated assault” (an assault made with a deadly weapon or with an object or device that is likely to result in serious bodily harm) are subject to immediate Expulsion. Students who participate in a fight by running to an altercation or by encouraging others to participate are also subject to punishment ranging from Detention to Expulsion. In addition to school sanctioned disciplinary actions, students may also be referred to the appropriate law enforcement agency.

8. Bullying/Harassment: In accordance with Pennsylvania law, bullying is strictly prohibited and will result in immediate disciplinary action. Bullying is defined as 1) any willful attempt or threat to inflict injury on another person, when accompanied by an apparent present ability to do so; or 2) any intentional display of force such as would give the victim reason to fear or expect immediate bodily harm. Harassment, which includes any form of behavior that would contribute to or cause psychological harm to someone else and/or urges students to engage in such conduct, shall also be prohibited at the school. Examples are verbal, written or physical taunts, insults, or challenges, which are likely to intimidate and/or provoke a negative response from the student being treated in this manner.

Additional examples of bullying/harassment behaviors include but are not limited to:

- Physical: hitting, kicking, grabbing, spitting, giving wedgies, etc.
- Verbal: name calling, racist remarks, put-downs, extortion, etc.
- Indirect: spreading rumors, wearing or possessing items depicting or implying hatred or prejudice, exclusion from peer group, taking and hiding/destroying other's possessions, etc.
- Written/electronic: e-mail/blogs or other similar means, notes, and/or graffiti, containing harassing or bullying messages etc.

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Grounds for disciplinary action may apply whenever the student's *prohibited* behavior is reasonably related to school or school activities, including but not limited to on/off school grounds, school sponsored activities, traveling to or from school or a school activity, and the greater community. Penalties for students found to be in violation of this policy range from Detention to Expulsion.

9. Rude or Disrespectful Behavior: Students at Montgomery Flex Charter School are expected to operate with the utmost integrity at all times, and therefore discourteous or inappropriate language and/or behavior or gestures toward a staff member or student will result in penalties ranging from a Scholar Dollar charge to Suspension. Consistent rude or disrespectful behavior may result in Expulsion.

10. Skipping Class: Any student caught skipping class is subject to immediate consequences ranging from Suspension to Expulsion.

- Skipping Class: Students are considered “skipping” a class if they are unaccounted for 15 minutes or more without a pass. Consequences for skipping class range from a \$5 Scholar Dollar deduction to Suspension.
- Skipping detention: Students who skip detention will be suspended for failing to accept disciplinary action. If a student is unable to complete a detention, the parent must contact the Dean of Students **before** the end of the school day. Missed days **must** be made up and students will still be responsible for completing assignments missed.

11. Classroom Disturbance: The value of “Scholarship” is of utmost importance at Montgomery Flex Charter School, and therefore classroom disturbances will not be tolerated. Any behavior that disrupts the instructional process, distracts students and/or teachers from classroom activities and studies, and/or creates a dangerous or fearful situation for students and/or staff will result in penalties ranging from a Scholar Dollar Charge to Suspension. Consistent disturbances may result in Expulsion.

12. School Disturbance: Any acts that may cause disruption of the school environment and/or threaten the safety or well-being of other students is strictly prohibited at Montgomery Flex Charter School.

Such activities may include, but are not limited to, terroristic threats, gang-related activities, walk-outs, sit-downs, rioting, picketing, trespassing, inciting disturbances, threats to the school, pranks, etc. Penalties for such disturbances may range from Suspension to Expulsion.

13. Profanity or Obscenity: Students at Montgomery Flex Charter School are expected to uphold the value of integrity at all times, and any use of profanity or obscenity will be considered a violation of this value. Such use includes, but is not limited to, profane, vulgar, obscene words or gestures; possession of profane, vulgar, or obscene material; accessing, viewing, and/or sending obscene material via the Internet,

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email, cell phones (e.g. “sexting”) or other electronic means; profane, vulgar, obscene or insulting racial, ethnic, or religious comments or actions. Penalties may range from Detention to Expulsion.

14. Failure to Accept Disciplinary Action: Students are expected to follow the disciplinary actions set forth by any staff member at the school, and any students who fail to do so are subject to immediate and harsh consequences. Refusing or failure to accept the detention status, serve a suspension, or carry out any other disciplinary action imposed by a teacher or school administrator is grounds for Suspension or Expulsion.

15. Bus Misbehavior: Students at Montgomery Flex Charter School must recognize that riding the bus is a **privilege**, not a right. Therefore, the privilege of riding the bus to and from school may be denied to any student who consistently misbehaves while on the bus. In addition, any behavior that disturbs or distracts a bus driver, or causes a dangerous situation for a bus driver and/or students, or that disturbs the orderly operation of a bus, or that creates a dangerous situation for vehicles operating near a bus (including throwing things out of the window or using reflective devices to distract drivers, etc.) may result in Suspension or Expulsion. The following items are prohibited to be used or consumed while on a school bus: electronic devices (such as cellular phones, pagers, audible radios, tape or compact discs without headphones), food, drinks, candy, glass objects, nuisance items, animals, drugs, weapons, mirrors, lasers, flash cameras, or any other device that might interfere with the driver’s operation of the school bus. Students who do not follow the school bus rules may be suspended from the bus temporarily or for the entire year, depending upon the severity of the violations.

16. Conduct Outside of School Hours: It is imperative that students recognize that as a Montgomery Flex Charter School student, they are always representing the school. Therefore, any conduct outside of school hours or away from school which may adversely affect the educational process or endanger the health, safety, morals, reputation, or well-being of other students or staff members may result in punishment by the school. Such penalties may range from verbal warnings to Expulsion.

17. Gambling: Gambling in all forms is strictly prohibited at Montgomery Flex Charter School. Acts such as betting money or items on card games, dice games, the outcome of games or activities and/or possession of gambling materials or paraphernalia may result in a variety of consequences ranging from Detention to Expulsion.

18. Providing False Information: Students engaging in any act that entails providing false information to the school will be subject to immediate consequences. Such offenses include such acts as falsifying school records, forging signatures, making or providing false statements, bribery, using an unauthorized User ID or password, etc. Penalties for such infractions may range from Detention to Expulsion.

19. Cheating: Cheating will absolutely not be tolerated at Montgomery Flex Charter School. Students found to be cheating will receive a consequence ranging from

Detention to Suspension along with a written assignment. Cheating includes copying someone else's work, having someone else complete an assignment, copying the answers from an answer key, going against the directions in seeking outside assistance, etc. Repeated cheating may result in a Suspension in addition to other consequences.

20. Plagiarism: Plagiarism involves the stealing of someone else's ideas or words as one's own or the imitation of the language, ideas, and thoughts of another author (or person) and representation of them as one's original work. Students who copy an idea or the actual text from another source and claim that it is their own will be guilty of plagiarism. Plagiarizing is considered against the law and will be punished at Montgomery Flex Charter School. Penalties may range from Detention to suspension.

21. Sexual Misconduct: Sexual misconduct between or among students on school property or at any school activity or event, including, but not limited to, sexual contact, sexual assault, unwelcome sexual advances or comments, request for sexual favors, indecent exposure, insulting comments about sexual orientation, stalking etc. will be subject to swift and harsh consequences ranging from Suspension to Expulsion. Such matters will also be referred to law enforcement when appropriate.

22. Trespassing on School Property: Students at Montgomery Flex Charter School are not allowed to enter the premises of the school after hours or on the weekend without authorization or permission from the principal. Students found to be trespassing may be Suspended or Expelled.

When a student refuses to leave the school property and/or returns to the school after being instructed to leave the property, the student will be in violation of this policy and the matter will be referred to law enforcement. Students who have been Suspended or Expelled are strictly prohibited from entering the premises of the school at any time during the length of their Suspension or Expulsion.

22. Soliciting/Selling Merchandise: Students are not permitted to solicit or sell merchandise to other students or staff members without administrative authorization. Such activity is prohibited during all school functions, including but not limited to: on school grounds, during school sponsored activities, or traveling to or from school or a school activity. Students found to be in violation of this policy shall be subject to consequences ranging from Detention to Suspension. Soliciting or selling illegal substances will result in further consequences up to Expulsion.

Appendix R

INTERNET ACCEPTABLE USE POLICY

PREAMBLE

The basic principles that shape the Internet Acceptable Use Policy that follows are to:

- make powerful Internet resources, especially broadband access, widely and equitably available and affordable for all learners;
- provide continuous and relevant training and support for educators and administrators;
- build a new research framework of how people learn in the Internet age; and
- develop high quality educational content that meets the highest standards of educational excellence.

It is intended that Internet access will improve the processes of teaching and learning as well as facilitate improvements in communication among all members of the learning community, especially between parents and teachers. Montgomery Flex Charter School (the "School") seeks to establish a secure, appropriate virtual learning space that will be available, during and after regular school hours. In essence, Internet access hopefully can function as an all-encompassing "home base" for the instructional business of the entire community of learners embraced by Montgomery Flex Charter School. Through Internet access, students, parents, and educators will have extended access to learning opportunities at home, at public libraries, or at any other location at which the Internet can be reached.

A. GENERAL PRINCIPLES OF ACCESS

- 1) Montgomery Flex Charter School is obtaining access to the Internet, including access to e-mail, for its employees, students, and guests. Guests include but are not limited to parents, substitute teachers, parent volunteers, and other school volunteers.
- 2) Internet access and the use of e-mail through the use of the School's system, has a limited educational purpose. The term "educational purpose" includes use of the system by students and their parents for learning activities both in school and at home, employee professional or career development, communication between teachers, students and their parents and the facilitation of information-sharing between teachers and administrators. If any user has a question whether their Internet use is consistent with the School's educational purpose, goals, and mission, s/he should consult with School CEO or Principal.

- i. This Internet Acceptable Use Policy governs all electronic activity, including e-mail and access to the Internet, which is undertaken by employees, students, and parents/guardians either in their official capacity or as part of the educational, instructional or extracurricular programs connected to the School. No School employee, student, or parent/guardian may engage in activities prohibited by this IAUP, whether through the School's Internet service or through another Internet Service Provider, when those activities are undertaken in their official School capacity.
 - ii. As with other curricular offerings and tools, parents do not have a general right to opt their child out of classroom use of the Internet. As set forth more fully below however, parental consent is required with respect to certain aspects of Internet use (e.g., posting a child's photograph on a school web page). Parents moreover, are strongly encouraged to discuss and monitor their child's school Internet use and to discuss any issues or concerns that they may have with the school's teacher and administrators.
- 3) Student and Employee access to the Internet will be governed by this policy. All use will be in compliance with the acceptable use provisions of the Internet service provider.
- 4) The School reserves the right to terminate any user's access to the Internet, including access to e-mail, at any time and for any reason. The School reserves the right to monitor all Internet access, including all e-mail, through use of the School's system. The School specifically reserves the right to revoke access and/or take other appropriate disciplinary action, with respect to any user who violates this policy.

B. SYSTEM RESPONSIBILITIES

- 1) The CEO, Principal and IT Manager will serve as coordinators to oversee Internet access via use of School systems.
- 2) School staff members are responsible for the dissemination of this Internet Acceptable Use Policy.
- 3) The IT Manager will approve building-level activities, ensure teachers receive proper training in the use of the system and of this policy, establish a system to ensure adequate supervision of students using the system, maintain executed user agreements if applicable and be responsible for interpreting the Internet Acceptable Use Policy. The school will also establish a process for modifying the Internet filtering software or for de-filtering.
- 4) The School reserves the right to revise this Internet Acceptable Use Policy as it deems necessary and will post the current policy on its web site as

notice to users of any revisions. Users are responsible for reading the policy regularly.

Users who require technical assistance with Internet access or e-mail should call the school's IT Manager.

C. LIMITATION OF LIABILITY

- 1) The School makes no warranties of any kind, either express or implied, that the functions or the services provided by or through the School's system will be error-free or without defect. The School will not be responsible for any damage users may suffer, including but not limited to, loss of data or interruptions of service. The School is not responsible for the accuracy or quality of the information obtained through or stored on the system. The School will not be responsible for financial obligations arising from a user's unauthorized use of the system.
- 2) Users will indemnify and hold the School harmless from any losses sustained by the School as a result of intentional misuse of the system by user.

D. FILTERING

The School will install Internet filtering software in an attempt to block user access to inappropriate and/or harmful text on the Internet. The software works by scanning web site addresses, web site content, e-mail and other documents for objectionable words or concepts. Objectionable words and concepts are pre-determined by the School. When the software finds any such objectionable words or concepts, it denies the user access to them based on the level of access assigned to the word or concept by the School. Generally, levels of access go from the least restrictive level, which allows users access to the web site or document that contains the word or concept, to the most restrictive level, which denies users access to the web site or document that contains the word or concept. There are levels between these two levels that neither automatically allow or automatically deny access but rather, prompts the software to perform a more in-depth review of the web site or document to determine whether it is objectionable (e.g., for high school students, the word or concept "breast" would fall into this intermediate level so a student who is doing research on breast cancer would be allowed access to web sites or documents related to "breasts" but a student looking for pornography would be denied access to pornography related to "breasts"). Filtering technology is not perfect and therefore, may in effect interfere with legitimate educational research.

The default level of access that will be granted to students varies depending on grade level and are referenced in subsections a, b, and c below. The School shall establish a process for modifying the filter or for de-filtering Internet access for students when it is educationally appropriate. Appropriate monitoring mechanisms must be

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established by the School. No filtering software is one hundred percent effective and it is possible that the software could fail. In the event that the filtering software is unsuccessful and children gain access to inappropriate and/or harmful material, the School will not be liable.

a) Default filtering levels for grades 7 through 8: The filter is set at the most restrictive setting in restricting access to Internet sites that may contain interactive chat or mail or information regarding:

- crime
- intolerance
- violence
- sex acts
- sex attire
- sex/nudity
- sex/personal
- basic sex education
- advanced sex education
- sexuality
- sports

b) Default filtering levels for grades 9 through 12:

The filter is modified to be less restrictive consistent with age and educational goals.

E. REGULATIONS OF ACCESS

1) Review of Access Privileges

a) The School will cooperate fully with local, state, or federal officials in any lawful investigation concerning or relating to any illegal activities conducted through the School's internet system.

b) The School may revoke Internet access in its sole discretion. If a student's access is revoked, the School will ensure that the student nonetheless continues to have a meaningful opportunity to participate in the educational program.

c) Student disciplinary actions should be tailored to meet specific concerns related to the violation and to assist the student in gaining the self-discipline necessary to behave appropriately on an electronic network. If the alleged violation also involves a violation of other provisions of the student disciplinary code, the violation will be handled in accordance with the applicable provision of the code.

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d) Employee violations of the School Internet Acceptable Use Policy will be handled by appropriate discipline.

2) Privacy

a) The School reserves the right to use “cookies” on its site. Cookies are computer programs that allow the School, among other things, to verify whether a visitor is an authorized user of the School’s system and that store information about a user on a computer hard drive or disk. Information stored includes, but may not be limited to, the date and time a user visits the site and information about the user’s activities while online. Any information gathered is obtained solely for the purpose of improving the School’s services and providing the system with statistical information to assist in improving teaching and learning by teachers and students respectively.

Except as otherwise provided in this Internet Acceptable Use Policy, the School will not use cookies to gather personal identifying information about any of its users. Personal identifying information includes, but is not limited to, names, home addresses, e-mail addresses and telephone numbers.

b) As required by the Children’s Internet Protection Act (“CIPA”), the School will monitor students’ online activities. Such monitoring may lead to discovery that the user has violated or may be violating, the School Internet Acceptable Use Policy, the student disciplinary code, or the law. The School also reserves the right to monitor other users’ (e.g., non students) online activities.

c) The School reserves the right to employ and review the results of software that searches, monitors and/or identifies potential violations of the Internet Acceptable Use Policy.

d) Users should be aware that their personal files may be discoverable in court and administrative proceedings and in accordance with public records laws.

e) System users have no privacy expectation in the contents of their personal files and records of their online activity while on the School system.

3) Freedom of Expression

Nothing in this policy shall affect any existing or future policy on free speech.

4) Selection of Material

When using the Internet for class activities, teachers should:

- a) Select material that is appropriate in light of the age of the students and that is relevant to the course objectives.
- b) Preview the materials and sites they require students to access to determine the appropriateness of the material contained on or accessed through the site.
- c) Provide guidelines and lists of resources to assist their students in channeling their research activities effectively and properly.
- d) Assist their students in developing the skills to ascertain the truthfulness of information, distinguish fact from opinion, and engage in discussions about controversial issues while demonstrating tolerance and respect for those who hold divergent views.

5) Parental Notification and Responsibility

- a) As appropriate, the School will provide students and parents with guidelines and instructions for student safety while using the Internet.
- b) The School Internet Acceptable Use Policy contains restrictions on accessing inappropriate material and student use generally will be supervised. However, there is a wide range of material available on the Internet, some of which may or may not fit the particular values of the students. It is not practically possible for the School to monitor and enforce a wide range of social values in student use of the Internet. Further, the School recognizes that parents bear primary responsibility for transmitting their particular set of family values to their children. The School will encourage parents to specify to their child(ren) what material is and is not acceptable for their child(ren) to access through the School system.
- c) If the School provides home Internet access, parents are exclusively responsible for monitoring their own and their child(ren)'s use of the Internet if they access the system from home. Filtering may or may not be employed to screen home access to the Internet. Parents should inquire with the school or district.

6) Access

- a) Students may be provided with Internet access from home. There is no central School policy requiring the School to enter into a written agreement to provide a student such access. On the other hand, for educational reasons, the School may decide to create a written agreement or "compact" with parents that embodies the terms and responsibilities of the student, parent and School in detail. However, the written agreement may not permit any Internet or e-mail activity prohibited by this Internet Acceptable Use Policy, and it may not prohibit any such activity permitted by this Policy.
- b) School employees may be provided with Internet accounts and may have access to the system from home. No written agreement will be required.

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7) Limitations on Internet Usage

A) Personal Safety Violations For Students

- i) Student users will not post or transmit photographs or personal contact information about themselves or other people without prior written parental consent from the parent of the student whose information is being posted. Such consent must be delivered to the child's teacher or principal. Personal contact information includes, but is not limited to, home address, telephone number, school name, school address and classroom.
- ii) Student users will not agree to meet with someone they have met online without their parent's approval and participation.
- iii) Student users will promptly disclose to their teacher or other school employee any message they receive that is inappropriate or makes them feel uncomfortable.

B) Illegal Activities

- i) Users shall not attempt to gain unauthorized access to the School system or go beyond their authorized access. This prohibition includes intentionally seeking information about passwords belonging to other users, modifying passwords belonging to other users, or attempting to log in through another person's account. Further, users may not attempt to access, copy, or modify another user's files. These actions are not permitted and may be illegal, even if only for the purposes of "browsing."
- ii) Users shall not attempt to subvert network security, impair the functionality of the network or bypass restrictions set by network administrators. Users are also prohibited from destroying data by spreading computer viruses or vandalizing data, software or equipment.

Users shall not use the School system to engage in any other illegal act, such as arranging for a drug sale, purchasing alcohol for a minor, engaging in criminal gang activity, threatening the safety of a person, etc.

C) System Security Violations

- i) Users are responsible for the use of their individual account if applicable and should take all reasonable precautions to prevent others from being able to use their account. Under no conditions should a user provide their password to another person, except that supervisors and/or teachers may require users to provide their passwords.

- ii) Student users will immediately notify a teacher if they identify a possible security problem (such as disclosure of their password to another person) and other users will immediately notify the system administrator. No users will go looking for security problems, because this may be construed as an illegal attempt to gain access.

The school will install and maintain anti-virus software on each workstation. Updates, typically referred to as "virus definitions," will be updated as the manufacturer recommends.

D) Inappropriate Language

- i) Restrictions against inappropriate language apply to public messages, private messages, and material posted on Web pages.
- ii) Users will not use obscene, profane, lewd, vulgar, rude, inflammatory, threatening, abusive or disrespectful language.
- iii) Users will not post information that could interfere with the educational process or cause a danger of disruption in the educational environment.
- iv) Users will not engage in personal attacks, including prejudicial or discriminatory attacks.
- v) Users will not harass another person. Harassment is persistently acting in a manner that distresses or annoys another person. If a user is told by a person to stop sending them messages, they must stop. However, nothing in this paragraph shall prohibit supervisory use of e-mail in connection with School activities and employment.

Users will not knowingly or recklessly post false or defamatory information about a person or organization.

E) Privacy Violations

- i) Users should not repost a message that was sent to them privately without permission of the person who sent them the message.
- ii) Users should not post private information about another person.

F) Respecting Resource Limits.

- i) Users will use the system only for educational and professional activities. Staff may not use the Internet for personal use during working hours, except that they may engage in incidental use during their duty-free time (e.g., staff may be permitted to use the Internet for purchasing a book for personal use

during their lunch hour, but may not operate a business or engage in any profit-making activity at any time).

- ii) Users will not download large files unless absolutely necessary. If necessary, users will download the file at a time when the system is not being heavily used and immediately remove the file from the system computer to their personal computer or diskette.
- iii) Users will not post chain letters or engage in "spamming." Spamming is sending an annoying or unsolicited message to many people, except that an unsolicited message sent by a supervisor, relating to work activity does not constitute spamming.
- iv) Users will check their e-mail frequently and delete unwanted messages promptly. Users will limit the size of their mailboxes to a district-identified storage limit. The system will notify users when they are approaching the limit and users will not be able to send e-mail once they have exceeded a defined limit, currently 30 megabytes. However, users may still be able to receive and view e-mail upon exceeding the limit.

Users will not send e-mail containing commercial links unless the link is predominantly instructional in nature (as described in Section 8, B, ii, d of this policy).

G) Plagiarism and Copyright Infringement

- i) Users will not plagiarize works that they find on the Internet. Plagiarism is taking the ideas or writings of others and presenting them as if they were original to the user.
- ii) Users will respect the rights of copyright owners and not infringe on those rights. Copyright infringement occurs when an individual inappropriately reproduces a work that is protected by a copyright. If a work contains language that specifies acceptable use of that work, the user should follow the expressed requirements. If the user is unsure whether or not they can use a work, they should request permission from the copyright owner.

H) Access to Inappropriate Material

- i) Users will not use the School system to access material that is profane or obscene (e.g., pornography), that advocates illegal or dangerous acts, or that advocates violence or discrimination towards other people (e.g., hate literature). For students, a special exception may be made if the purpose is to conduct research and is approved in writing by both the teacher and the parent. School employees may access the above material only in the

context of legitimate research expressly approved in writing by the employee's supervisor.

If users inadvertently access such information, they should immediately disclose the inadvertent access in a manner specified by their school or central division office. This will protect users against an allegation that they have intentionally violated the Internet Acceptable Use Policy.

I) Other

- i) Users will not use the Internet for advertising, promotion, commercial purposes or similar objectives, except that employees may make personal purchases online during their duty-free (e.g., lunch) time.

Users will not use the Internet to conduct for-profit business activities or to engage in religious activities. Users are also prohibited from engaging in any non-governmental-related fund raising or public relations activities such as solicitation for religious purposes, lobbying for political purposes, or soliciting votes. The School is not responsible for this or any other commercial activity users engage in.

8) Web Pages: The School's Web page policy is as follows:

A) Student Information

The school must obtain written parental consent prior to the disclosure of student information or student work on any School Web page. Student information includes name, address, school name, grade, class, photograph, writing or other creative work, or any other student educational record.

B) Web Page Requirements

- i) The provisions of this Internet Acceptable Use Policy will govern material placed on the Web.
- ii) Web Pages shall not:
 - a. Contain personal contact information about students beyond that permitted by the school, district and parent.
 - b. Display photographs, videos or other images of any identifiable individual, other than a historical or public figure, without a signed release. Releases for students under the age of 18 must be signed by their parent or lawful guardian.
 - c. Contain copyrighted or trademarked material belonging to others unless written permission to display such material has been obtained from the

owner. There will be no assumption that the publication of copyrighted material on a web site is within the fair use exemption.

- d. Contain web links to or advertisements for profit-making entities, such as publishers or other consumer goods purveyors, unless the site being linked to is predominantly instructional in nature (such as museum sites, encyclopedias, national parks, aquariums, literary organizations, etc.). Notwithstanding the forgoing, districts and schools may not directly benefit financially from any such entities linked to on their web pages.
- e. Display for promotional purposes, the logo or other commercial insignia of the vendor that created the web page.
- iii) Material placed on the web site is expected to meet academic standards of proper spelling, grammar and accuracy of information.
- iv) A student may have a copyright interest in material he or she has created and places on a web page covered by this Policy. Placing the material on the web page will not transfer the copyright interest to the School. But students and parents should be aware that placing material on a web page may affect a copyright interest by giving other users access to the material. A School employee will not have a copyright interest in material he or she has created and places on a web page covered by this Policy.
- v) All web pages should include a notice that the web page may contain copyrighted material and that visitors may not download any such material without the prior consent and approval of the copyright owner.
- vi) All Web pages should have a link at the bottom of the page that will help users find their way to the appropriate home page.
- vii) Users should retain a back-up copy of their Web pages.

All school, teacher, staff, student, and extracurricular organization web sites not hosted by the School may do so only if they register with the School's Manager of IT. This ensures that in the event of hacking or any other violations of this policy that come to the School's attention, the School can contact the appropriate parties. This requirement will also make it possible for CEO to review the contracts between the school and the third party vendors that provide the hosting service to ensure that such contracts comply with the terms set forth in this policy.

C) School Web Page

- i) Material appropriate for placement on the School web pages includes: School information, teacher or class information, student projects, and student extracurricular organization information. Personal, non-educationally-related information should not be allowed on School web pages.

The CEO will designate a Web Publisher, responsible for maintaining the official School web page and monitoring all School web activity. The Web Publisher will develop style and content guidelines for the official school web page. The Web Publisher will also develop procedures for the placement and removal of such material. All School material must be approved through a process established by the Web Publisher.

D) Teacher Web Pages

Teachers may establish Web pages for use with class activities or to provide a resource for other teachers. Teachers will be responsible for maintaining their class or educational resource sites. Teacher web pages will not be considered official material, but will be developed in such a manner as to reflect well upon the School.

E) Other Staff Web Pages

Subject to district-wide policies and procedures, staff may develop web pages that provide a resource for others. Staff will be responsible for maintaining their resource sites. Staff web pages will not be considered official material, but will be developed in a manner as to reflect well upon the School.

F) Student Web Pages

- i) Subject to school policies and procedures, students may create a web site as part of a class activity. Material presented on a student class activity web site must meet the educational objectives of the class activity.
- ii) Subject to School procedures and with the approval of the Principal or Web Publisher, students may establish personal web pages. Material presented in the student's personal web page must be related to the student's educational and career preparation activities.
- iii) The School has the right to exercise control over the content and/or style of student web pages so long as its actions are reasonably related to legitimate pedagogical concerns. Requiring removal of material that fails to meet established educational objectives or that is in violation of a provision of the Internet Acceptable Use Policy or student disciplinary code will not be considered a violation of a student's right to free speech under the Student Bill of Rights. However, student material may not be removed on the basis of disagreement with the views expressed by the student.
- iv) Student Web pages must include the following notice: "This is a student Web page. Opinions expressed on this page shall not be attributed to the Montgomery Flex Charter School."

- v) Schools have the right to remove student web pages at the end of each school year.

H) Extracurricular Organization Web Pages

- i) With the approval of the Principal, extracurricular organizations may establish web pages. Material presented on the organization web page must relate specifically to organization activities. The School has the right to exercise control over the content and/or style of organization web pages so long as its actions are reasonably related to legitimate pedagogical concerns.

Extracurricular organization web pages must include the following notice:
"This is a student extracurricular organization web page. Opinions expressed on this page shall not be attributed to the Montgomery Flex Charter School."

9) E-mail Policy:

A) Email Acceptable Use Guidelines

- i) "Acceptable" e-mail activities are those that conform to the purpose, goals, and mission of the School and to each user's job duties and responsibilities. Users shall have no right to privacy while using the School's internet or e-mail system. E-mail may not be used for personal purposes during working hours, except that users may engage in minimal e-mail activities for personal purposes, such as family correspondence, if the use does not diminish the employee's productivity, work product, or ability to perform services for the School.

"Unacceptable" use is defined generally as activities using School hardware, software, or networks at any time that does not conform to the purpose, goals, and mission of the School and to each user's job duties and responsibilities. The following list, although not inclusive, provides some examples of unacceptable uses:

1. Opening unknown e-mail attachments or introducing computer worms or viruses. Users are prohibited from performing any activity that will or may cause the loss or corruption of data or the abnormal use of computing resources (degradation of system/network performance).
2. Using e-mail services for private commercial or business transactions and any activity meant to foster personal gain.
3. Using your School e-mail address to subscribe to websites or other internet services that do not conform to your School duties and responsibilities.

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4. Conducting non-School fund raising or public relations activities such as solicitation for religious and political causes or not-for-profit activities.
5. Transmitting threatening, offensive harassing information (messages or images) containing defamatory, abusive, obscene, pornographic, sexually oriented, racially offensive, or otherwise biased, discriminatory, or illegal material.
6. Attempting to subvert network security, impair functionality of the network, or bypass restrictions set by the network administrator. Assisting others in violating these rules by sharing information or passwords.
7. Distributing "junk" mail, such as chain letters, advertisements, or unauthorized solicitations.
8. Revealing, publicizing, using, or reproducing confidential or proprietary information regarding the DOE including, but not limited to, financial information, databases and/or the information contained therein, computer network access codes, staff or student information and business relationships. Users should contact their supervisors about questionable e-mail usage.

This e-mail Acceptable Use (EAU) applies to all School employees, temporary employees, consultants, contractors, and anyone given access to e-mail via any electronic device, network, or e-mail service owned, provided or maintained by the School. The acceptable uses are an integral part of the Internet Acceptable Use Policy.

Users should call the Network Administrator if they experience any problems with opening documents; believe they may have a computer virus, or encounter questionable material or potential threats to the School's internet or e-mail system.

NOTE: Users may be subject to limitations on their use of e-mail as determined by their supervisor. Montgomery Flex Charter School reserves the right to examine any/all e-mail or Internet correspondence for security and/or network management purposes.

Violation of this e-mail policy may result in disciplinary action.

Appendix S - Timetable for Steps Leading to Opening

November, 2012

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15 Application submitted to school district	16	17
18	19	20 Hold Information Session	21	22	23	24
25	26	27	28	29	30	

December, 2012

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3 Approximate date of public hearing	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18 Hold Information Session	19	20	21	22
23/30	24/31	25	26	27	28	29

January, 2013

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15 Hold Information Session	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31 Notification by the School District		

February, 2013

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3	4 Sign Lease for space	5	6	7	8	9
10	11 Apply for zoning variance	12	13	14	15	16
17	18	19 Hold Information Session	20	21	22	23
24	25	26	27	28		

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March, 2013

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19 Hold Information Session	20	21	22	23
24/31	25	26	27	28	29 Variance for space granted	30

April, 2013

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1 Begin Construction of Space	2	3	4	5	6
7	8	9	10	11	12	13
14	15 Nominations Received for Board Members	16 Hold Information Session	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

May, 2013

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15 Board Vote on Nominations for new Board Members	16	17	18
19	20	21 Hold Information Session	22	23	24	25
26	27	28	29	30	31	

June, 2013

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3 Curriculum Ordered	4	5	6	7	8
9	10	11	12	13	14	15
16	17 Order Furniture	18 Hold Information Session	19	20	21	22
23/30	24	25	26	27	28	29

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July, 2013

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1 New Board Members commence duties	2 Board Meeting	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29 Certificate of Occupancy	30	31			

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August, 2013

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	2	3
4	5 Furniture delivered	6 Board Meeting	7	8	9	10
11	12	13	14	15 Teacher Induction	16 Teacher Induction	17
18	19 All Staff Report – Preparation	20 Staff Preparation	21 Staff Preparation	22 Staff Preparation	23 Staff Preparation	24 Staff Preparation
25	26 Staff Preparation	27 Staff Preparation	28 Staff Preparation	29 Staff Preparation	30 Staff Preparation	31 Staff Preparation