



Education Law Center

Making sure that all of Pennsylvania's children
have access to quality public schools

Transfers to "Alternative Education Programs" in Philadelphia: Information for Parents and Guardians

IMPORTANT: ELC's publications are intended to give you a general idea of the law. However, each situation is different. If, after reading our publications, you have questions about how the law applies to your particular situation, contact us or an attorney of your choice.

If the School District of Philadelphia (District) wants to transfer your child to an "alternative education program" (such as CEP or Camelot) because of a disciplinary incident, here are some things you should know.¹

The District may expel or transfer students for **Level II** violations of the Code of Conduct (examples include distribution of drugs, possession of a weapon, and aggravated assault). If the District is accusing your child of committing a Level I violation, your child should not be transferred or expelled. Check the District's Code of Conduct to make sure the District is following its own rules. Your child should have received the Code of Conduct at the beginning of the school year, but copies can be found in your child's school and on the District's website at <http://www.phila.k12.pa.us>.

The District generally should not transfer your child without having a hearing first. You need to get notice in writing about the hearing **BEFORE** it happens so that you can be prepared when you go to it. Make sure you go to the hearing! It is your one chance to explain why the District should not transfer your child. In addition, the District may transfer your child before you have had the hearing as a **temporary** or **interim** placement. If you disagree with this "interim" placement, or it is taking

¹ Note: For students who have an **Individualized Education Program** (IEP) and receive *special education*, and for children who have **504 Plans/Chapter 15 Service Agreements**, the District must follow a different process not described here. Contact the Disability Rights Network (DRN) at 1-800-692-7443 for more information, or see ELC's fact sheet, *School Discipline and Children with Disabilities* at www.elc-pa.org.

a long time for the hearing to happen, you should call the District's Alternative Schools Regional Office at 215-400-5771.

Here is how the transfer process should work:

- **Student Conference.** The school (either the principal or assistant principal) must have a conference with the student, usually on the same day as the incident. At the conference, the student can present her side of the story.
- **Parent Gets Notice of Transfer Hearing.** The District should send you a letter with the date, time and place of the hearing, and information on your rights at the hearing. If the date of the hearing does not work for you, call the District immediately to try to reschedule it at 215-400-5854. Prior to the hearing, you have the right to review your child's records and any witness statements. District staff may ask you to sign a "waiver," which means that you agree to the transfer. *If you do not want the District to transfer your child, do not sign the waiver!*
- **Behavior Performance Review.** The District must do a written review of your child's behavior and school performance (called a "Behavior Performance Review"). The purpose of the review is to decide whether your child may need a special education evaluation. If the District decides that an evaluation is needed, and you agree, your child may be able to stay in her school until the evaluation is completed (unless the disciplinary incident involved weapons, drugs, or serious injury). However, if the District decides that an evaluation is *not* needed, the transfer process will go forward.

You can ask to see the "Behavior Performance Review," and if you think that it is wrong in some way, you can ask that it be changed. For further information, contact ELC.

- **Rights at the Hearing.** At any time before or at the hearing, you can look at your child's records and any witness statements. If you wish, you can bring an attorney to the hearing. An impartial "hearing officer" runs the hearing and records it. (However, the hearing officer is a District employee.) At the hearing, you can question the District's witnesses and offer witnesses and evidence of your own. If you want particular school employees to come to the hearing, tell the District in advance in writing.

- **Advice concerning the hearing.** At the hearing, you and your child should explain the circumstances surrounding the misbehavior. You should explain why you believe she should not be sent to an alternative school. The Hearing Officer may look into issues such as attendance, grades, previous discipline actions against the student (such as pink slips and suspensions), and the student as a member of the community. The Hearing Officer will already have a copy of the student's grades and attendance records. Other helpful information to bring may include:
 - A letter from a teacher in the school stating his or her opinion that the District should not transfer the student to an alternative discipline school.
 - A letter from someone in the community (a neighbor, a minister, an employer, etc.) in support of the student. You can also bring this person to speak at the hearing.
 - If the student sees a counselor or therapist outside of school, a letter from the counselor or therapist expressing his or her opinion about the right school placement for the student.
 - Any other information that could explain the misbehavior or explain why the student should not be transferred. For example, if the school is wrongly accusing your son of fighting, you could bring letters from classmates who write that your son was not in the fight. If the school has accused your daughter of "repeated school violations" but never notified you of previous incidents, tell this to the Hearing Officer. Or, if you have asked to meet with the principal to discuss your child and been ignored, tell the Hearing Officer this. Any proof you have will help (such as a copy of the e-mail you sent to the principal).
 - These are only suggestions. You do not need to have all of this information, nor does providing all of this to a Hearing Officer guarantee a decision in your favor.

Even if the District is recommending an alternative disciplinary school, you can ask that your child be transferred to another regular school instead. You should give reasons supporting your request. You can also ask that your child be placed in the alternative school for a shorter period of time (perhaps 45 days instead of 180 days).

- **The decision.** The Hearing Officer will give you a written decision, sometimes at the end of the hearing, or sometimes mailed to you a week or two after the

hearing. The decision will tell you whether your child is being transferred, and if so, to what school. If you have not heard back from the Hearing Officer with a decision, you can call the District's Alternative Schools Regional Office at 215-400-5771 to ask when you will get the decision. If the District transfers your child to an alternative disciplinary program, be sure to ask the Alternative School's Regional Office what your child needs to do to be able to return to a regular school. It will likely involve your child's grades, behavior and attendance. If you are unhappy with the District's decision, see our publication *Transferring a Child Out of a Neighborhood Public School in the School District of Philadelphia (School Choice)* for other school options, including charter schools, cyber charter schools, and private schools.

- **Your child's placement while awaiting the decision.** Normally, your child can stay in her regular school from the time of the incident until you receive the hearing officer's decision. However, if the school determines that the student is a threat to school safety, the school can assign her to an alternative school while the hearing process moves forward (called an "interim placement"). You should get a letter telling you about this "interim" transfer. If you disagree with the interim placement, call the District's Alternative Schools Regional Office at 215-400-5771.

Good luck. Please contact the Education Law Center with additional questions at 215-238-6970.

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Prepared by: Education Law Center (Rev 5/09)
(215) 238-6970 (Philadelphia)
(412) 258-2120 (Pittsburgh)
www.elc-pa.org