

## 2020-2021 Remote Scholar and Family Handbook

*UP Academy will ensure that its scholars acquire the knowledge, skills, and strength of character necessary to succeed on the path to college and to achieve their full potential.*

UP ACADEMY OLIVER MIDDLE SCHOOL · 233 HAVERHILL STREET · LAWRENCE, MA · 01840  
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# Family Checklist

We are so excited to share this handbook with you as a starter guide to your scholar's time at UP Academy. We invite you to read through this document, and use it as a helpful reference throughout your time as a part of our school community.

In addition to this handbook, there are also some crucial forms we ask you to complete, for us to gather required information, as well as get to know you and your scholar better. Please see below for a list of start of the year forms we ask you complete and return to the school as soon as possible.

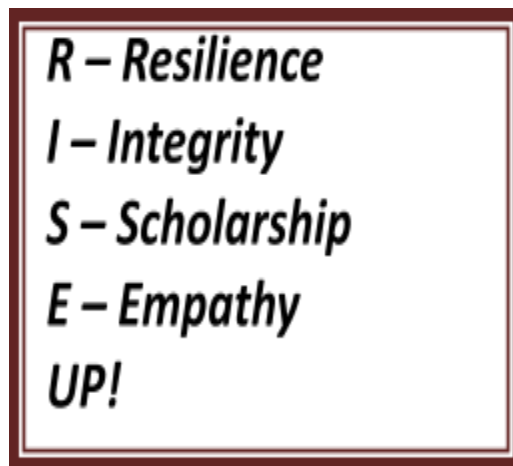
- Chromebook Use Policy
- Student Information Form
- Medical Forms (District specific) [Handed out by Nurse]
- Media Release
- Walking permission
- School Compact

## Our Mission

At UP Academy Oliver, we relentlessly believe in the unlimited capacity of our students. UP Academy Oliver's mission is to create a safe, rigorous and joyful learning community that empowers our students to build both the academic knowledge and skills as well as the social-emotional skills that will support them to become strong, independent thinkers who have the power to achieve any goal they set for themselves and to be meaningful contributors in their communities and the broader world.

## Our Values

We believe that a strong community is built on shared values. At UAO, our values express how we strive to treat ourselves and others, as well as our school building and overall community. Our values support us in pushing each other to be our best version of ourselves and to grow in the belief that we can achieve any goal we set. We also believe our values support us in continuing to build strong habits and skills in these areas in order to build a stronger UAO community, a stronger Lawrence community, and stronger future for ourselves, our family and this world



## UP Academy Oliver Contract for Excellence

We believe that families, and the staff of UP Academy are a team, each with important responsibilities in supporting scholars to have the best educational experience. To signify the importance of each of these partnerships, we have created a document we call a Contract for Excellence which highlights the role each of us have to play in this educational journey.

- Families hold the responsibility of supporting the UP Academy mission and vision by actively ensuring that they reinforce with their scholar the values and policies set forth by the school, and scholars commit to following and owning the high behavioral and academic expectations of UP Academy.
- The faculty and administration pledge to work relentlessly to make UP Academy a place where academic success is experienced, and to provide a safe and welcoming environment.

Please review and sign the following contract.

## UP Academy Contract for Excellence

**The mission of UP Academy is to ensure that students acquire the knowledge, skills, and strength of character necessary to succeed on the path to college and to achieve their full potential.**

Recognizing that this mission is only attainable when families, scholars, and the school work together, we assume the following responsibilities:

### School Commitment

#### **HIGH QUALITY EDUCATION**

- We will work tirelessly to ensure that our scholars receive the excellent education they deserve. We will neither make nor accept excuses.
- We will work a longer school day and school year, offer scholars extra help and support, and always offer our scholars the best we have.

#### **RESPECT and FAIRNESS**

- We will encourage and respect every scholar. We will listen to scholars and their needs. We will not tolerate disrespect of scholars towards themselves, their peers, or adults in our community. We will teach and enforce UP Academy's code of conduct and school values consistently and fairly. We will communicate with families when scholars fail to meet expectations just as when they exceed expectations.
- We will give scholars recognition, incentives and privileges if they do well and issue consequences and remove privileges if they do not.

#### **COMMUNICATION**

- We will communicate regularly with families about their child's progress and make ourselves available in person and on the phone. We will return parent phone calls as soon as possible, usually within 24 hours.

#### **HOMEWORK and ACADEMIC SUPPORT**

- We will assign Quality homework every night to reinforce and support skills and concepts learned in class.
- We will support scholars with excellent teaching and additional help during the school day and after/before school as needed.

#### **SAFETY**

- We will always work to provide a safe learning environment. We will always work to protect the safety, dignity and rights of all Individuals.

## **Parent/Guardian Commitment**

### **ATTENDANCE and PROMOTION**

- I will ensure that my child attends their assigned remote learning sessions every day at 7:30am to be able to begin the day's activities at 7:45am.
- I will not schedule family vacations during school time. I will do my best to schedule important appointments for out of school time.
- I understand that there may be consequences if my child does not attend their remote learning sessions.
- I understand that my child may be retained if he/she fails 2 or more core academic classes, and may be retained if he or she is absent for more than 15 days of the school year. If my child fails 1 class, he/she must successfully complete our summer program if one is offered and pass the exam in order to be promoted.

### **HOMEWORK and ACADEMIC SUPPORT**

- I will provide a quiet, distraction-free setting while in session. I will also see that my scholar completes around 2 hours of homework or more as well as independent reading nightly. When possible, I will make time to read with my child and ask them about the books they are reading in school.
- I will examine and sign my child's RISE UP! report every week.
- I will help my child study for tests and quizzes and give them support when they need help and praise when they do well.

### **BEHAVIOR and DRESS CODE**

- I understand that my child could receive a consequence such as an Out-of-School Suspension if he or she violates the Code of Conduct.
- I will make sure that my child is dressed appropriately

### **FAMILY SUPPORT and COMMUNICATION**

- I agree to work as part of a team for the academic success and behavioral growth of my child. I will return phone calls, review and sign documentation sent home including progress reports and behavior reports. I will attend parent-teacher conferences and meetings about my child.

## Scholar Commitment

### **EFFORT and HELP**

- I understand that my education is paramount. Being a scholar is my job. I will always work, think and behave in the best way I know how.
- I will do whatever it takes for my fellow scholars and me to learn. I will complete all homework. I will work to exceed the school's expectations.
- If I need help, I will ask for it. If I can give help, I will give it. I won't criticize other scholars if they struggle but instead will encourage them to persevere.

### **ATTENDANCE and APPEARANCE**

- I will start my sessions ready to learn by approximately 8:00am in order to complete my morning responsibilities and be online by 8:00am.
- If I need to miss class or school, I will ask for and make up all assignments.
- I will wear neat informal attire while attending remote classes. Students should
- I will be visible to the class — video on and demonstrating attentiveness to the person speaking.

### **COMMUNICATION**

- I will listen to directions. I will read and re-read directions before asking for help. If I cannot solve the problem myself, I will ask for help. I will help my classmates if they need help. I will not make excuses. I will be honest with my teachers and myself.

### **RESPONSIBILITY and HONESTY**

- If I make a mistake, I will tell the truth and accept responsibility for my actions. I will do the right thing, even when no one is watching.

### **BEHAVIORAL EXPECTATIONS**

- I will respect my teachers, my peers and myself. I will refrain from all disrespectful behavior.
- I embody UP Academy values every day. I will follow the school rules to protect the safety and rights of all Individuals and not detract from the educational opportunities of others. I'll accept the consequences if I don't meet our behavior expectations.

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Parent Signature

---

Date

---

Advisor Signature

---

Date

---

Scholar Signature

---

Date



# School at A Glance: Preparing for Day 1

## Contact Information

We are committed to establishing and maintaining an open and respectful line of communication between families and UP Academy staff. Families should contact staff by telephone or email and understand that we will do our best to return calls within 24 hours in the event that a message is left. Families will also have an opportunity to virtually meet with staff during student orientation and scheduled parent-teacher conference days. In addition, meetings can be arranged directly with a staff member at any time by appointment. If a parent needs to see a staff person more immediately, the parent should call the Main Office, or send an e-mail to [info@upacademyoliver.org](mailto:info@upacademyoliver.org) and we will facilitate the soonest possible contact.

**UP Academy Oliver is located at 233 Haverhill Street, 3<sup>rd</sup> floor.**

<b>Main Office Remote</b>	<b>978- 722-8670</b>
Principal	Jessica Deimel
Director of Operations	Christopher Graham
Assistant Principal	Shavonne Lord
Assistant Principal	Megan English

## Hours of Remote School Operation

UP Academy operates extended school days in order to maximize learning time for all scholars.

Day	Class/ Remote work Begins	Classes/Remote Work Ends	Additional Notes
Monday-Friday	8:00am	1:00pm	<ul style="list-style-type: none"><li>Teachers will be accessible from 8-3:00p.</li></ul>

## Attendance Policy

UP Academy takes regular attendance very seriously. Attendance expectations and frequently asked questions noted below.

Type of Absence	Description
Excused (Applies to absences, tardies, and early dismissals)	<ul style="list-style-type: none"><li>School nurse and/or primary care physician required absences – requires documentation<ul style="list-style-type: none"><li>Fever over 100 degrees</li><li>Surgery</li><li>Emergency medical care</li></ul></li><li>Court-mandated appearances – documentation required</li><li>Religious observances</li><li>Certain circumstances covered under Section 504 of the Rehabilitation Act ("Section 504"), the Americans with</li></ul>

	<p>Disabilities Act ("ADA"), and the Individuals with Disabilities Education Act ("IDEA") should absences be related to a disabling condition.</p> <ul style="list-style-type: none"> <li>• Presenting COVID-19 symptoms/positive test</li> </ul>
<p>Unexcused (Applies to absences, tardies, and early-dismissals) – all scholar absences not listed above, including but not limited to:</p>	<ul style="list-style-type: none"> <li>• Non-school related appointments</li> <li>• Family vacations</li> <li>• Multiple incomplete days (days when a student logs-on to a class meeting late or is logs-out early)</li> </ul>

*Frequently asked attendance questions:*

- **How many absences may lead to my child being retained?**
  - When a scholar exceeds 15 absences in a school year, UP Academy reserves the right to retain the scholar.
- **How will attendance be taken during remote learning?**
  - Attendance will be taken during each session (per course) every day
- **How will I know if my child missed a session?**
  - There are different ways to find out if your child has missed any sessions. One way is through the Dean's List app. Families may also view which sessions their scholar missed through their weekly Rise Up Report.
- **What if my scholar needs to leave their session early for travel or an appointment, does this count as an unexcused absence?**
  - Yes, we strongly encourage families to take advantage of the staff professional development and vacation days, to schedule appointments and travel.
- **If my scholar is absent from school, can they attend school sponsored activities that day?**
  - No. Scholars who are absent from their sessions shall not attend or participate in any school sponsored activities they day of the absence, unless the school has given permission in advance.
- **How does UP Academy support scholar attendance?**
  - We have a number of steps in place meant to support your scholar's attendance at school.

Number of Absences (Total)	Actions Taken
3 absences (Days)	Attendance panel calls home to discuss attendance as well as school retention and promotion policy.
5 absences (Days)	Meeting held via- web or telephone to develop an attendance plan, discuss the impact on academic performance and sign attendance contract. If there is no improvement in attendance Truancy will be filed with Lawrence Public Schools.
10- 12 absences (Days)	Call home made. Possible visit from Lawrence Public Schools Truancy Officer or other district intervention.
13-15 absences (Days)	Call home made unless there is a medical or safety concern

- **If I have any questions regarding scholar attendance and attendance records, who should I talk to?**
  - All questions regarding scholar attendance and attendance records should be directed to the school's Operations Manager or Office Manager at [info@upacademyoliver.org](mailto:info@upacademyoliver.org).
- **Please note:**
  - According to state law all scholars under 16 years of age are expected to be in school. All scholars under the age of 16 will be expected to comply with these laws, and the school will follow state procedures if the scholar does not comply with the law.
  - In cases of truancy, the Principal (or her/his designee) will investigate the situation. UP Academy operates in compliance with Department of Transitional Assistance requests and requirements, which can include mandated reporting of truancy to appropriate state agencies. UP Academy keeps accurate records of attendance and will make the records available for inspection by the DESE as needed.

## REMOTE STUDENT EXPECTATIONS:

### Remote Student Attire Guidelines

UP Academy requires that all students wear neat informal attire while attending remote classes. We encourage our students to wear any UP Academy Oliver attire if possible.

#### **Additional Considerations**

- Students may not attend sessions shirtless or without bottoms
- Students may wear intentionally provocative clothing
- Students may not wear clothing with inappropriate **logos or messaging**
- Students may not wear bandanas of any color per LPS district rules.

#### *Frequently Asked Uniform Questions*

- Who should I talk to if I have questions or concerns about the uniform policy?
  - Please e-mail [info@upacademyoliver.org](mailto:info@upacademyoliver.org) if you have questions about the uniform policy. .
- What are the consequences if a scholar violates the remote dress code expectation?
  - Any violation of these uniform guidelines will lead to the students' video being disabled and may result in further disciplinary action.

### Chromebooks

Chromebooks are to be used in compliance with our Chromebook Policy. Failure to comply with the policy may result in disciplinary consequences.

### Daily Schedule



## Essential School Supplies

Each scholar should plan to use a chromebook or other internet accessible device each day. Students may also be required to record notes on paper. Please e-mail [info@upacademyoliver.org](mailto:info@upacademyoliver.org) for support obtaining access to an internet enabled device, access to the internet, paper, or a writing utensil.

## School Breakfast and Lunch

UP Academy participates in the National School Lunch Program and the School Breakfast Program, which provide free or reduced price breakfast and lunch as well as free milk to eligible scholars. UP Academy Oliver is a universal free breakfast and lunch site for the 2020-2021 school year.

Meal	Time	Notes
Breakfast	Free breakfast served from 11-1pm	<ul style="list-style-type: none"><li>• Check <a href="https://www.lawrence.k12.ma.us/">https://www.lawrence.k12.ma.us/</a> for periodic updates</li></ul>
Lunch	Free lunch served from 11-1pm	<ul style="list-style-type: none"><li>• Check <a href="https://www.lawrence.k12.ma.us/">https://www.lawrence.k12.ma.us/</a> for periodic updates</li></ul>

## Holiday and Birthday Policies

- **Holiday:**
  - We want UP Academy to be an inclusive environment for all scholars. Therefore, we do not host remote activities for holidays that may not be celebrated by all families (i.e., Halloween, Thanksgiving, Hanukkah, Christmas, Valentine's Day, St. Patrick's Day, or Easter). Instead, we create alternative ways for students to come together and to foster a spirit of joy throughout the year.
- **Birthday Policy:**
  - As with holidays, we want UP Academy to have celebrations that create an inclusive environment for scholars that does not take away from instructional time. Therefore, if a family would like to celebrate a scholar's birthday with their classmates, we ask that the following guideline is followed:
    - You must contact the classroom teacher to make arrangements for any remote birthday celebrations.
  - If you prefer that your scholar's birthday not be acknowledged, please contact your classroom teacher, and we will gladly respect your request.

## Academic Overview

### Homework

Scholars have three important daily responsibilities related to homework:

- Collect homework assignments in their homework folders after each class
- Complete all homework assignments to the high standards set forth by the school.
- Return all completed homework assignments on time.

**All homework assignments are collected remotely on their due date.**

### Additional Academic Supports

UP Academy wants to ensure that every scholar has the support they need in order to excel. In addition to the specific supports noted above, and those supports in place for scholars with specific learning needs (e.g., scholars with IEPs, English Language Learners), there are specific ways scholars may be further supported by our staff.

- *Interventions* is a 45 minute academic intervention period each day before the start of academic classes. This is a time for targeted academic interventions differentiated to meet each student's academic needs.
- *Academic Tutoring*. All core subject teachers at UP Academy Oliver may provide daily tutoring in their respective subject areas based on need and availability. If you have any questions, please reach out to your scholar's advisor or teacher for details.

Please note: If you are concerned about your child's development you can send a letter to the school's Special Education Coordinator or Principal requesting evaluations to determine whether your son or daughter is entitled to special education services. Upon receipt of your request, the school must provide a consent form within five school days. The consent form must propose assessments in all areas of suspected need and an educational assessment. You may also request additional evaluations, such as a health assessment, psychological assessment, and/or home assessment. The initial evaluation and/or re-evaluations must be completed within thirty school days after receipt of your consent to the evaluation. A Team meeting must be held within forty-five school days after receipt of your consent to the evaluation. Written reports of the evaluations must be made available to you at least two days in advance of the Team meeting, but only if the school receives a written request for copies of the reports. (603 CMR 28.04, 603 CMR 28.05)

# Additional School Policies: Preparing for the Year

## Health Care

### Required Forms

We want to ensure that our school is a safe and healthy environment for all scholars. To ensure we are following Massachusetts state law and to create that healthy environment, we require the following items from you:

- ✓ Medical Requirements Checklist (see appendix)
- ✓ Health Information Form (see appendix)
- ✓ Authorization to dispense medication form (see appendix)
  - o Please note: This applies to all medication, including over the counter medication like Tylenol and ibuprofen, as well as asthma inhalers.

### Illness

We want our scholars to have every possible opportunity to learn, however, we understand that there are times when students do not feel well. It is important that parents email/call us if a child has a moderate-to-high-fever; is experiencing vomiting or diarrhea; shows signs of contagious diseases; and/or has an illness that prevents the child from participating in activities.

### Health Education, Sex Education, and Sexuality Education Policy

UP Academy may provide health education to scholars, designed to provide scholars with the knowledge and skills to make responsible, well-informed personal health decisions. The health education curriculum covers a wide variety of topics, including human sex education and human sexuality issues.

Under Massachusetts law, parents or guardians have the right to exempt their children from any portion of a curriculum that primarily involves human sexual education or human sexuality issues by submitting written notification to the school principal. The written notification should specify the lessons from which the child is to be exempted. A child who is exempted will not be penalized because of the exemption. The school may provide alternative assignments for exempted scholars. A copy of the health education curricula and related materials will be maintained by our physical education and health personnel for review.

## Academic, Behavioral and Grading Policies

Every week on Friday by 6:00p, families will receive weekly reports with information about their performance in each core subject area via-email. Families may also access this information via the DL App. At the end of each quarter, scholars will receive formal report cards with detailed information about their performance in each core subject area.

### *Weekly Reports*

See Appendix G for a sample RISE UP REPORT.

### *Report Cards:*

- *Final Grades.* Final grades for the year are determined by averaging quarter grades together with the course's final exam for a final Course Grade in each core academic subject. Scholars finish the year with four final core grades: Math, English, Science, and Social Studies.

Grades are also issued in specials classes (ie fitness, art theater, music etc.), but are not considered grades that determine retention or promotion.

### *Celebrations*

We celebrate the accomplishments of students who have excelled academically at the end of each quarter. To earn a spot on the honor roll, students must achieve one of the following at the end of each quarter:

- Highest honors: Scholars with a 95% or above in all four core subjects with no failing grades.
- High Honors: Scholars with a 90% or above in all four core subjects with no failing grades.
- Honors: Scholars with an 85% or above in all four core subjects with no failing grades.
- RISE UP! Awards: Teacher teams will nominate scholars who have shown the most consistent effort in living out our school's RISE UP! Values. Teachers may also issue awards by content area and/or across a number of academic categories (homework completion, participation etc.)

## **Make-Up Work Policies**

*Homework.* If a scholar is absent, late, or dismissed early from their remote session for any reason, all missed homework assignments are due:

- By 8:00am on the day of the scholar's return.
- By 8:00am on the day following the scholar's return, for the purposes of academic credit, or later within teacher discretion.

*Assessments.* If a scholar is absent for any reason (up to five consecutive days), or if a scholar is late and/or dismissed early from their session, all missed assessments (e.g., tests, quizzes) must be made up on the day the scholar returns to school. If a scholar is absent for five or more consecutive school days, he/she must meet with his or her advisor to determine a reasonable timeline for making up missed assessments.

Teachers may also assign make up work at their discretion to support students in improving their grades or making up lost content.

## **Promotion Policies**

If a scholar passes all core subjects and has not been absent for more than 15 days of the school year, the scholar is promoted automatically to the next grade level.

If a scholar fails one core subject, he/she must attend summer school or complete equivalent work if no summer school program is held in order to have an opportunity to be promoted to the next grade level.

If a scholar fails two or more core subject areas, he/she may be retained and must repeat the grade level, unless the leadership team and teaching staff determine that a student should instead participate in summer school. Several factors, including age and services, are considered.

## **Homeroom Teachers and Scholar Advisors**

At the beginning of the year, all scholars are assigned a **Homeroom**. Homerooms are named after colleges and universities (e.g., Springfield College). Scholars take all core academic classes within their homeroom.



Scholars are also assigned an **Advisor**. Advisors will develop and maintain close relationships with their advisees throughout the school year. Families should expect to hear updates from their child's advisor on a regular basis. Families should also see their child's advisor as the point person for all non-subject specific questions and concerns.

## RISE UP Values and Culture

At UP Academy, systems are in place so that students know what is expected of them at all times. Excellence is rewarded through a variety of privileges, and disciplinary structures are in place so that the classroom is always an environment where students can focus completely on learning.

Your child's RISE UP Report will provide you with a weekly snapshot of his or her performance. A student's weekly RISE UP Report total is impacted by his or her weekly attendance, homework completion, and behavior. Academic grades are also included on the RISE UP report, but they do not impact a student's RISE score. All students bring home a RISE UP report every Friday. You should plan to review and sign each report.

Each student starts a RISE UP Week with 90 Points. Students who consistently have RISE scores over 100 earn special privileges. Students can increase their RISE score by demonstrating UP Academy's five RISE values. Students earn merits by showing the following behaviors

Resilience	Overcome the challenge.
Integrity	Do the right thing, even when it's hard.
Scholarship	Cultivate your sharp mind.
Empathy	Share your kind heart.
UP	Take care of our community.

Students lose points on their RISE Score when they fail to meet expectations.

- **Attendance expectations:** students lose points if they are absent or tardy.
- **Homework expectations:** students lose points if their homework isn't complete, is done unprofessionally, or is not turned in.
- **Behavioral expectations:** students lose points if they earn demerits, detentions, referrals, or other consequences.

The school reserves the right to add or subtract RISE Points for examples of very good or very poor behavior. For an example of a RISE UP! report, please refer to Appendix G.

## Behavior Standards

*Merits:* are recognition when scholars are practicing exceptional scholarship and behavior. Merits are also recognition to students when they go above and beyond to demonstrate the core values of the school. Examples of activities that might receive a merit are a student practicing integrity by picking up a piece of trash in the hall that is not theirs, scholarship could be a student who is consistently the first student in their class to be ready and set to learn each day, and respect might be helping a friend get organized. Merits can lead to a variety of incentives for students.

## **Dean of Students**

Scholars who are struggling to meet behavior expectations might be sent to the Dean of Students Office. Time in the Dean of Student's office is meant to be an opportunity for scholars to reflect meaningfully on their behavior and return to class ready to learn. A trip to the Dean of Students office could also be a time for a Dean of Students to process misbehaviors and issue consequences while supporting scholars in reflecting on their choices.

## **Suspension Policies**

Please refer to the [LPS Code of Conduct](#) for a detailed explanation of our Expulsion Policies.

## **Whole Class Incentives**

Celebrating student success and community success is an integral part of UP Academy Oliver's core programming. Regularly, students will receive opportunities to participate in reward activities. Classes will also earn special privileges for demonstrating strong community.

# Network Policies

## Nondiscrimination

UP Academy does not discriminate in admission to, access to, treatment in, or employment in its services, programs and activities, on the basis of race, color or national origin, in accordance with Title VI of the Civil Rights Act of 1964 (Title VI); on the basis of sex, in accordance with Title IX of the Education Amendments of 1972; on the basis of disability, in accordance with Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title B of the Americans with Disabilities Act of 1990 (ADA); or on the basis of age, in accordance with the Age Discrimination in Employment Act of 1974 (ADEA). In addition, no person shall be discriminated against in admission to UP Academy on the basis of race, sex, gender identity, color, national origin, creed, sex, ethnicity, sexual orientation, mental or physical disability, age, ancestry, athletic performance, special need, proficiency in the English language or a foreign language, housing status, or prior academic achievement, as-required by M.G.L.c.71, §89(1); 603 CMR 1.06(1). Finally, no person shall be discriminated against in obtaining the advantages, privileges or access to the courses of study offered by UP Academy on the basis of race, sex, color, gender identity, religion, national origin, housing status, or sexual orientation as required by M.G.L, c. 76, § 5. If you have questions or concerns about our nondiscrimination policy, please reach out to the Title IX and 504 coordinators.

Position	Name	Contact
Title IX Coordinator	Chris Graham, DOO	cgraham@upacademyoliver.org
SPED Coordinator	TBD	N/A

## Harassment

UP Academy is committed to maintaining a school environment free of harassment based on race, color, religion, gender, gender identity, sexual orientation, national origin, age, housing status, disability or any other protected category.

Harassment by administrators, certified and support personnel, scholars, vendors and other Individuals at school or at school-sponsored events is unlawful and is strictly prohibited. UP Academy requires all employees and scholars to conduct themselves in an appropriate manner with respect to their fellow employees, scholars and all members of the school community.

### Definition of Harassment

Harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an Individual because of race, color, religion, gender, gender identity, sexual orientation, national origin, age, disability, housing status, or any other protected category, or that of the Individual's relatives, friends or associates and that:

- Creates an intimidating, hostile or offensive learning environment; or
- Unreasonably interferes with an Individual's educational opportunities.

Harassing conduct includes, but is not limited to:

- Epithets;
- Slurs;
- Negative stereotyping;
- Threatening, intimidating or hostile acts that relate to the above characteristics; and

- Written or graphic material that denigrates or shows hostility or aversion toward an Individual or group because of the above characteristics, and that is placed on walls, bulletin boards, or elsewhere on the premises, or circulated on paper or electronically.

By law, what constitutes harassment is determined from the perspective of a reasonable person with the characteristic on which the harassment is based. What one person may consider acceptable behavior may reasonably be viewed as harassment by another person. Therefore, Individuals should consider how their words and actions might reasonably be viewed by other Individuals. It is also important for Individuals to make it clear to others when a particular behavior or communication is unwelcome, intimidating, hostile or offensive.

*Sexual Harassment.* While all types of harassment are prohibited, sexual harassment requires particular attention. Sexual harassment includes sexual advances, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature when:

1. Acceptance of or submission to such conduct is made either explicitly or implicitly a term or condition of employment or education.
2. The Individual's response to such conduct is used as a basis for employment decisions affecting an employee or as a basis for educational, disciplinary, or other decisions affecting a scholar.
3. Such conduct interferes with an Individual's job duties, education or participation in extra-curricular activities.
4. The conduct creates an intimidating, hostile or offensive work or school environment.

#### Harassment and Retaliation Prohibited

Harassment in any form or for any reason is absolutely forbidden. This includes harassment by teachers, administrators, certified and support personnel, scholars, vendors and other Individuals in school or at school related events. In addition, retaliation against any Individual who has brought harassment or other inappropriate behavior to the attention of the school or who has cooperated in an investigation of a complaint under this policy is unlawful and will not be tolerated by UP Academy.

Persons who engage in harassment or retaliation may be subject to disciplinary action, including, but not limited to reprimand, suspension, termination/expulsion or other sanctions as determined by the school administration and/or the Receiver, subject to applicable procedural requirements.

## **Corporal Punishment and Scholar Restraint**

UP Academy maintains a Code of Conduct and clear disciplinary procedures. These procedures do not allow for corporal punishment but rather include a clear set of consequences including demerits, detentions, and loss of privileges, suspensions, and expulsions.

In accordance with M.G.L. sect. 37G, corporal punishment of pupils is prohibited. School personnel can use reasonable force as is necessary to protect pupils, other persons, and themselves from an assault by a pupil. When such an assault has occurred, the Principal shall file a detailed report of such with the school board. All personnel authorized to administer any forms of restraint shall be trained annually in accordance with Department of Education guidelines.

# Grievance Procedure and Complaint Procedures

Any scholar who believes that UP Academy has discriminated against or harassed them because of their race, color, national origin, sex, disability or age in admission to, access to, treatment in, or employment in its services, programs and activities may file a complaint with the Principal. For details, please reference the Grievance Policy or the Complaint Procedures in Appendix E.

## Scholar Records

### *Scholar Records - (General)*

Federal and state laws provide parents and eligible scholars (those who are age 14 or older) with rights of confidentiality, access and amendment relating to scholar records. Copies of the Massachusetts Student Records Regulations ("Regulations"), detailing these rights, are available in the office of the Principal and Main Office. The following is a general overview of the provisions in the Regulations.

### *Access and Amendment*

A parent or eligible scholar has a right to access the scholar record. In order to obtain access to the scholar record, please contact the Principal.

A parent or eligible scholar has a right to add relevant comments, information and other written materials to the scholar record. In addition, a parent or eligible scholar may request that information in the scholar record is amended or deleted. In order to amend the record, please contact the Principal.

### *Scholar Records - (Access by non-custodial parents)*

Massachusetts General Laws c. 71, §34H ("Section 34H") governs access to scholar records by a parent who does not have physical custody of a scholar. Generally, Section 37H requires a non-custodial parent seeking access to submit a written request to the Principal on an annual basis. Parents who have questions or concerns regarding access to records by non-custodial parents are requested to contact the Principal for detailed information regarding the procedures that must be followed under Section 34H.

### *Confidentiality*

Release of scholar records generally requires prior written consent of the parent or eligible scholar.

In the following circumstances, however, UP Academy may release a scholar record to a third party without the parent or eligible scholar's written consent:

- School officials with legitimate educational interest;
- Other schools to which a scholar is transferring;
- Specified officials for audit or evaluation purposes;
- Appropriate parties in connection with financial aid to a scholar;
- Organizations conducting certain studies for or on behalf of the school;
- Accrediting organizations;
- To comply with a judicial order or lawfully issued subpoena;
- Appropriate officials in cases of health and safety emergencies;
- State and local authorities, within a juvenile justice system, pursuant to specific State law;
- Upon notification by law enforcement authorities that a scholar has been reported missing

### *Scholar Directory*

UP Academy may release student "directory information" without prior consent, unless you have indicated by informing the principal in writing. Directory information is information that is generally not considered harmful or an invasion of privacy if released. Its primary purpose is to allow the district to include this type of information in certain school publications, such as a yearbook, newsletter, playbill, or honor roll. Directory information includes the following: student's name, age, neighborhood of residence, class or grade, dates of enrollment, participation in officially recognized activities, membership on athletic teams, degrees, honors, and awards, and post-high school plans. UP Academy reserves the right to withhold any information if the UP Academy believes it is in the best interest of our students. However, the UP Academy will disclose information as required by law.

In the event a parent or eligible scholar objects to the release of any of the above directory information, the parent or eligible scholar should put that objection in writing and give it to the Principal. Absent receipt of a written objection by the third week of school, the directory information will be released without further notice or consent.

### *Filing a Complaint*

If you are not happy with any decisions, you have a right to file an appeal to the Principal. In addition, complaints relative to federal rights governing scholar records may be filed with the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue SW, Washington DC.

## **Internet Acceptable Use Policy**

### *Acceptable Use*

The Internet is a global network linking computers around the world. Internet use provides valuable opportunities for research, curriculum support, and career development. The primary purpose of providing access to the Internet is to support the educational mission of UP Academy using only approved sites. UP Academy expects that scholars will use this access in a manner consistent with this purpose. Scholars are not allowed to access school *Wi-Fi* from any device not belonging to the school.

While the Internet is a tremendous resource for electronic information, it has the potential for abuse. UP Academy makes no guarantees, implied or otherwise, regarding the factual reliability of data available over the Internet. Users of the UP Academy Internet service assume full responsibility for any costs, liabilities, or damages arising from the way they choose to use their access to the Internet. UP Academy has installed special filtering software in an effort to block access to material that is not appropriate for children.

### *Unacceptable Use*

The following is a list of prohibited behaviors. The list is not exhaustive but illustrates unacceptable uses of the UP Academy internet service:

- Disclosing, using or disseminating personal identification information about self or others;
- Accessing, sending or forwarding materials or communications that are defamatory, pornographic, obscene, sexually explicit, threatening, harassing, or illegal;
- Using the Internet service for any illegal activities such as gaining unauthorized access to other systems, arranging for the sale or purchase of drugs or alcohol, participating in criminal gang; activity, threatening others, transferring obscene material, or attempting to do any of the above

- Using the Internet service to receive or send information relating to dangerous instruments such as bombs or other explosive devices, automatic weapons or other firearms, or other weaponry;
- Vandalizing school computers by causing physical damage, reconfiguring the computer system, attempting to disrupt the computer system, or destroying data by spreading computer viruses or by any other means;
- Copying or downloading of copyrighted material without authorization from the copyright holder, unless the copies are used for teaching (including multiple copies for classroom use), scholarship, or research. Users shall not copy and forward or copy and upload any copyrighted material without prior approval of the Principal;
- Plagiarizing material obtained from the Internet. Any material obtained from the Internet and included in one's own work must be cited and credited by name or by electronic address or path on the Internet. Information obtained through E-mail or news sources must also be credited as to sources;
- Using the Internet service for commercial purposes;
- Downloading or installing any commercial software, shareware, freeware or similar types of material onto network drives or disks without prior permission of the Principal; and
- Overriding the Internet filtering software.

### *Safety Issues*

Use of the Internet has potential dangers. Parents and scholars are encouraged to read two brochures regarding Internet safety that the Massachusetts Attorney General's Office has prepared. The brochures are entitled *The Internet, Your Child and You: What Every Parent Should Know* and *Internet Safety: Advice from Kids Who Have Faced Danger Online*. Copies of these brochures are available on the Internet at [www.ago.state.ma.us](http://www.ago.state.ma.us).

The following are basic safety rules pertaining to the Internet:

- Never reveal any identifying information such as last names, ages, addresses, phone numbers, parents' names, parents' employers or work addresses, or photographs;
- Use the "back" key whenever you encounter a site that you believe is inappropriate or makes you feel uncomfortable;
- Immediately tell the Principal if you receive a message that you believe is inappropriate or makes you feel uncomfortable.
- Never share your password or use another person's password. Internet passwords are provided for each user's personal use only. If you suspect that someone has discovered your password, you should change it immediately and notify the Principal

### *Privacy*

Users should not have an expectation of privacy or confidentiality in the content of electronic communications or other computer files sent and received on the school computer network or stored in the user's directory or on a disk drive. UP Academy reserves the right to examine all data stored on diskettes involved in the user's use of UP Academy's Internet service.

Internet messages are public communication and are not private. All communications including text and images may be disclosed to law enforcement or other third parties without prior consent of the sender or the receiver. Network administrators may review communications to maintain integrity system-wide and ensure that users are using the system responsibly.

### *Violations*

Access to UP Academy's internet service is a privilege, not a right. UP Academy reserves the right to deny, revoke or suspend specific user privileges and/or to take other disciplinary action, up to and including suspension, expulsion (scholars) for violations of this policy. The school will advise appropriate law enforcement agencies of illegal activities conducted through UP Academy's internet service. The District also will cooperate fully with local, state, and/or federal officials in any investigation related to any illegal activities conducted through the service.

## **Lawrence Public Schools Bullying Prevention Plan**

**Click the link below for details**

**<https://www.lawrence.k12.ma.us/files/lps/LPSdistrictpolicies/LPSBullyingPrevention&InterventionPlanRev01-13-20Updated01-13-20.pdf>**



# **Students' Rights and Code of Conduct Handbook**

**School Year 2020-2021**

**Cynthia Paris Superintendent of  
Schools Lawrence Public Schools**

**LPS STUDENT RIGHTS AND CODE OF CONDUCT HANDBOOK**

July, 2020

Dear LPS Community:

According to the General Laws of Massachusetts and Department of Education regulations, each school and school district is required to adopt a set of rules that ensures a safe school climate for effective learning. This handbook not only meets this requirement but also highlights our commitment to providing all students with a welcoming and supportive learning community, where our youth are encouraged and supported to develop their full potential – academically, socially and emotionally.

Our new handbook expressly outlines the rights of students, the behavioral expectations for all school community members, and a revamped code system for consequences when violations of policies do occur. Woven throughout is our district’s commitment to restorative practices, in which all members of the learning community feel a sense of belonging, and to which all share a responsibility to ensure its well-being.

We know that learning goals are best met when students are present in school and when they feel welcome, safe and supported. To that end, consequences for violations of policy focus primarily on those that keep students in school. Examples range from verbal warnings and restorative conversations, to the creation of safety plans, detention, and in-house suspension. When behaviors jeopardize the safety of students or staff, exclusion from school may be possible, following due process guidelines that are also included in this handbook.

The responsibility for creating a safe and caring learning community lies with all of us: LPS administrators, educators and staff, together with our students, parents and families. This Student Rights and Code of Conduct Handbook is our collective guide to ensuring a safe community and to providing an equitable, consistent and developmentally appropriate handling of disciplinary issues when they arise.

Please help us meet our shared goals by taking time to read this publication and to discuss it with your student(s). Parents and caregivers, please also complete the Release Forms at the back of this book and return them to your school. If you have questions, please do not hesitate to contact your school leader or to be in touch with my office.

Together we can ensure that all of our students experience a safe and caring learning community that fosters our students’ academic, social and emotional development.

Sincerely,

Cynthia Paris Superintendent of Schools

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**PREFACE**

The Lawrence Public Schools enforces all local, state, and federal laws and ordinances regarding civil rights, criminal behaviors, substance use, and school/workplace safety. To this end, the Lawrence Public Schools does not tolerate disruptive behavior, or any form of discrimination, threatening actions or statements, or illegal activities. It is essential that all members of our school community understand that physical and verbal aggression are not legitimate means of resolving conflicts and that such behaviors will be cause for disciplinary action.

State laws and corresponding regulations require public school districts to follow certain due process

procedures to enforce school rules and implement discipline where appropriate. To that end, the LPS Code of Conduct has been developed in accordance with Massachusetts General Laws Chapter 71, Sections 37H, 37H 1/2, and 37H 3/4, and related regulations, 603 CMR 53.00 et seq.. The LPS Code of Conduct also provides a critical framework for conditions necessary to provide all students with a safe and caring learning environment that fosters academic, behavioral, and social-emotional development.

The LPS Code of Conduct ensures appropriate, equitable and consistent handling of disciplinary challenges, standardizes procedures, including due process, making transparent for students, staff and families in the Lawrence Public Schools, the rules and procedures to which each member of the community must commit.

## **CONTEXT**

Education cannot proceed without a culture of community and a supportive atmosphere of order and discipline necessary for effective learning. Discipline is best thought of as being responsive to the violation and productive, rather than punitive; the results of which are focused on helping individuals learn to make choices that support the school community. As a working definition, order and discipline may be described as a safe and caring climate with the absence of disturbances that can interfere with the optimum functioning of the student, the class, and the school. Since the goal of public schools is to educate all students, short-term suspension and long-term suspension measures are reserved for matters that imminently impact student and/or school safety, or as a last resort for all other instances. Under this code, alternative disciplinary measures, including restorative justice practices, should be attempted as a positive approach to replace, or greatly lessen, the use of short-term suspension and long-term suspension.

Restorative justice is a philosophy that is focused on the school environment as a community. Restorative practices are value-based approaches that promote equity, accountability, and safety, while also increasing the social competencies of those who have harmed the community through their actions. When misconduct occurs, harm is done to the community, whether the community is a classroom, a cohort, or the entire school. Restorative justice looks at student misconduct as a harm to the school community that needs to be repaired in order to return the community to full strength. Its practices incorporate both the structures that work to prevent conflict by building a strong school community and the interventions necessary when misconduct results in harm to that community. Of importance is the critical role that all community members play in restoring their community, including the individual(s) accountable for the misconduct.

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## **STUDENTS' RIGHTS**

### **1. EQUAL EDUCATIONAL OPPORTUNITY**

The right of a student to participate fully in classroom instruction and extracurricular activities shall not be abridged or impaired because of age, gender, gender identity, race, religion, national origin, sexual orientation, financial condition, housing status, pregnancy, parenthood, marriage, disability or for any other reason not related to his or her individual capabilities.

## 2. PROTECTIONS AGAINST DISCRIMINATION, INCLUDING HARASSMENT OR RETALIATION

It is a violation of Lawrence Public School policy for any member of the school community to engage in any form of discrimination, including harassment or retaliation, or to violate any other civil rights of any member of the school community. As such, the Lawrence Public Schools does not tolerate discrimination by or against staff or students on the basis of race, color, gender, gender identity, age, religion, national origin, disability, sexual orientation, housing status, genetic information, or ancestry.

- Harassment may include, but is not limited to, any unwelcome, inappropriate, or illegal physical, written, verbal, graphic, or electronic conduct that relates to an individual's actual or perceived race, color, gender, gender identity, age, religion, national origin, disability, sexual orientation, housing status, genetic information, ancestry or any other category protected by state or federal law, and that has the purpose or effect of creating a hostile education or work environment by limiting the ability of an individual to participate in or benefit from the district's programs and activities or by unreasonably interfering with that individual's education or work environment.
  - Further, sexual harassment is defined as any sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
    - Submission to such is either explicitly or implicitly a term or condition of employment or academic status.
    - Submission to, or rejection of, such conduct is the basis for an employment decision or an academic decision affecting that person
    - Such conduct substantially interferes with a person's work or academic performance or creates an intimidating, hostile, or offensive working or learning environment.
  - Sexual harassment can take many forms, including, but not limited to:
    - Verbal Harassment - Sexual innuendo or other suggestive comments, humor and jokes about sex or gender-specific traits, offensive written notes, sexual propositions, insults, threats, inquiries into one's sexual experiences, and discussion of one's sexual activities.
    - Nonverbal Harassment - Whistling, making suggestive or insulting sounds and/or gestures, exhibiting suggestive photos or posters, or displaying suggestive reading materials.
    - Physical Harassment - Touching the body (i.e.: kissing, brushing up against, patting, pinching, hugging against a person's will) or involuntary sexual activity.

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- Retaliation may include, but is not limited to, coercion, intimidation, interference, punishment, discrimination, or harassment, for reporting or filing a complaint of discrimination or harassment, cooperating in an investigation, aiding or encouraging another member of the school community to report such conduct or file a complaint, or for opposing any act or practice reasonably believed to be prohibited by LPS policy.

Students who believe they have been a victim of any form of discrimination, including harassment or



retaliation, should report the conduct or file a complaint to any school staff or administrator.

The Lawrence Public Schools will enforce all laws pertaining to discrimination or harassment, including sexual harassment, and will, as such, promptly respond to and investigate all reports or complaints, formal and informal, written, oral, or otherwise given notice, of any discrimination, including harassment or retaliation, or other violation of civil rights. Any member of the school community who is found, after investigation, to have engaged in any form of discrimination, including harassment or retaliation, against another member of the school community will be subject to appropriate disciplinary and corrective action.

### **3. POSSESSION AND DISTRIBUTION OF LITERATURE**

Students shall have the right to distribute and possess any form of literature including, but not limited to newspapers, magazines, leaflets, and pamphlets, except that which the Principal may prohibit (i.e.: a specific issue of a publication or all issues of a specific publication) if in his/her judgment its possession or distribution will cause or is causing disruption of the educational process. This right of distribution shall extend to school grounds and buildings; however, use of school equipment to develop, duplicate, or produce this material is not allowed.

### **4. FREEDOM OF EXPRESSION, ASSEMBLY, AND RELIGION**

Students shall have the right to express themselves by speaking, writing, wearing, or displaying symbols of ethnic, cultural, or political values, except that the Principal may regulate expression, provided in his/her judgment there is a basis for believing a specific form of expression by a specific student will cause or is causing substantial disruption of school activities. The right of students to assemble in a non-disruptive manner, place, and time shall be preserved, but the details shall be authorized by the Principal in advance. Students shall also have the right to choose or refuse to attend or participate in any form of religious activity.

### **5. SEARCHES, INTERROGATIONS AND SEIZURES**

#### Searches by Staff

Under the Fourth and Fourteenth Amendments to the U.S. Constitution, students are protected from unreasonable searches and seizures conducted by public school staff. However, equipment assigned to students, such as lockers, desks and technology devices, belong to the Lawrence Public Schools, and school officials reserve the right to inspect such equipment at any time without notice. Students, and their person or personal property, including personal electronics

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and vehicles on school property, may be searched by a public school official pursuant to the following procedure:

- There is reasonable suspicion to believe that a search will disclose evidence that the student

has violated or is violating either the law or the rules of the school;

- “Reasonable Suspicion” for a student search may include, but is not limited to, for example, a school staff member’s personal observation that the student possesses contraband material on school premises, or the staff member’s receipt of a report to that effect by another school employee, a student, or some other reliable source. Even a report from an anonymous source may constitute reasonable grounds for a search, if all the circumstances persuade the school official that the report is reliable.
- When such reasonable suspicion exists, a search may be conducted under the explicit authorization of the Principal or his/her designee;
- The measures adopted are reasonably related to the objective of the search and are not excessively intrusive to the age and gender of the student and the nature of the infraction. The manner and method of the search must be tailored to the circumstances. The search should be limited to areas and objects that reasonably could be expected to obtain the contraband material or evidence being sought;
- Items, which might be used to disrupt or interfere with the educational process, such as weapons, will be removed from the student’s possession and may be turned over to law enforcement officials.

#### Interrogations, Arrests, and Searches by Police

- When law enforcement officials find it necessary to question students during the school day or periods of extracurricular activities, the school Principal or his/her designee will be present when possible. Except in exigent circumstances, the school Principal or his/her designee will attempt to contact the student’s parent or guardian prior to the student’s questioning by law enforcement.
- Where the police have obtained an arrest or search warrant authorizing a search of a student, his or her personal property, or school equipment assigned to such student, the school Principal or his/her designee will be present.
- If law enforcement officials must arrest or take into custody a student on school grounds during school hours or during a school event, the Principal and his/her designee will be notified before the student is arrested or taken into custody. Law enforcement officials will consult with school officials to determine the least disruptive way to take the student into custody.

#### 6. Physical Contact

Corporal punishment is prohibited by state law. Note that a teacher or other school personnel may use physical force against a student if that force is reasonable and necessary:

- To obtain possession of a weapon or other dangerous object; or
- To protect any person, provided there is a clear and present danger to that person; or in self-defense.

The Lawrence Public Schools has outlined below a list of behavioral expectations that support the development and maintenance of a safe, productive learning environment.

### **LPS Student and Staff Expectations**

1. Be respectful of self and others.
2. Take responsibility and be responsible for your actions.
3. Work together to form a supportive and caring community.
4. Be on time and prepared for school and learning.
5. Put forth the effort necessary to be successful every day.

### **APPLICATION OF THE CODE OF CONDUCT**

The Code of Conduct and its provisions shall be applicable during regularly scheduled school hours as well as such other times and places including, but not necessarily limited to: early arrival and dismissal times, school buses, designated school bus stops, school yards, direct routes to and from school, and school-sponsored events (i.e.: dances, field trips, athletic functions, after school programs, and the like), where appropriate public school personnel have jurisdiction over students. It is the responsibility of every school administrator, staff member, student, and parent/guardian to abide by the Code of Conduct described in the policy statement and published annually for home distribution, online publication, and posting in each school in the Lawrence Public Schools. This Code shall help ensure a safe and caring learning environment in all schools and classrooms. Individual schools may establish particular rules and regulations in keeping with their school comprehensive educational plan, as long as these rules and regulations are consistent with the law and the guidelines described in this Code. Any individual school rules or regulations must also be made available to students and parents, and posted throughout the school and on the school's webpage. Principals should involve students and parents in writing, revising, and administering individual school rules, addressing problems that lead to disciplinary proceedings, and exploring alternatives to suspension and long-term suspension for disciplinary sanctions.

### **RECORD KEEPING**

In accordance with the Massachusetts Educational Reform Act, a confidential discipline record will be maintained for all students and forwarded to any school district to which a student may relocate or apply for admission. This record shall include, but not be limited to, any incidents involving suspension or violation of criminal acts. All students entering the Lawrence Public Schools shall be required to provide the district with a complete school record, including their discipline record.

## **NOTIFICATION**

Parents must be notified of all violations by their child of the Code of Conduct. Such notification occurs consistent with the particular violation and related process and procedure.

## **MEMORANDUMS OF UNDERSTANDING**

In order to ensure a safe and caring educational environment, the Lawrence Public Schools has created Memorandums of Understanding with the Lawrence Police Department, the Department of Children & Families, the District Attorney's Office, and others to facilitate communication between schools, law enforcement, and social service agencies, as needed. Acts, behaviors, or events that jeopardize the immediate safety or civil rights of any member of the school community and/or violate the criminal laws of the Commonwealth of Massachusetts will be cause for filing a mandatory incident report. These could include:

- Any incident of assaultive behavior, provoked or unprovoked, resulting in an injury to a staff member or student
- Any inappropriate sexual behavior that includes indecent exposure (to include on social media), touching, fondling, and rape
- Incidents of civil rights violations
- Threats of bodily harm
- Arson, bomb threats, or false alarms
- Vandalism, destruction of property, or theft
- Possession of a dangerous weapon
- Violation of a restraining order
- Extortion
- Use or possession of alcohol or a suspected controlled substance, including but not limited to marijuana, cocaine, heroin, prescription drugs without a valid prescription, and any related paraphernalia
- Per section 36 of the Educational Reform Act of 1993, use or possession of tobacco products within the school building, school facilities, on school grounds or on school buses by any individual. E-cigarettes, Juuls, and Vaping devices are also prohibited.
- Sale or distribution of alcohol or a suspected controlled substance
- Gang activity

In addition, Massachusetts General Laws (Chapter 71, Section 2A and Chapter 71, Section 37H) and Lawrence City Ordinance Article V, Sections 14 - 36 make it illegal for any person to use tobacco products in school buildings or facilities, on school grounds or school buses, and at school sponsored events. These

mandates apply to students, staff, parents, and visitors to the Lawrence Public Schools.

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## **FUNDAMENTAL APPROACH**

The appropriate reaction to a discipline problem is the least extreme action that reasonably holds promise of resolving the problem with all involved parties. The age, grade level, and maturity of the student will be considered in the application of this policy. Students shall not be subject to corporal punishment. Included among appropriate reactions are parent notification, restorative justice practices, parent conferences, loss of privileges, counseling, after school and/or Saturday intervention, and in-school suspension. Out of school, short-term and long-term suspensions, and expulsions, while reserved for the most significant violations of the Code of Conduct, and/or when other remedies have failed, are also available tools, in accordance with the law.

## **DISCIPLINE GUIDELINES AND CODES**

In accordance with the student's right to due process (see, "Due Process"), the Lawrence Public Schools may discipline a student according to the following guidelines and discipline codes.

- **C code violations** are classroom level violations and discipline is at the discretion of the educator, or in accordance with any schoolwide plan communicated with families, and facilitated by the educator for which consequences do not include suspension. However, repeated, chronic or escalated C code violations may be elevated to the principal/designee for possible reclassification to a D code violation, which may result in suspension.
- **M and D code violations** are either mandatory (M) or discretionary (D) and discipline is facilitated by the school principal or designee.
- **Grade levels** - Unless otherwise noted, the code designations apply grades PK through 12.

**C code offenses** are violations of LPS policies and may require consequences to include verbal warning, verbal apology, letter of apology, parent notification, student and/or parent conference, loss of privileges, detention, or another solution that supports restorative practices.

C1 Violation of posted classroom, school, or bus rules

C2 Failure to complete class work

C3 Failure to complete homework (without an acceptable excuse or note from parent)

C4 Lack of proper materials/not ready for daily assignments

C5 Cheating on classroom tests or homework assignments

C6 Inappropriate attire/out of uniform

C7 Disruptive behavior or use of obscenities in the classroom or in any school setting or at any school sponsored event

C8 Defiance or disrespect towards peers or staff

C9 Possession or use of electronic devices/toys, including but not limited to: cell phones and other hand-held devices during regular school hours

C10 Late for class/tardy without parent/guardian notification (middle school and high school)

C11 Teasing of classmates or other children

C12 Threatening classmates or other children (PK, elementary)

C13 Verbal or physical aggressiveness towards peers or staff (PK-5);  
Verbal aggressiveness toward peers or staff (6-12)

C14 Destruction of classroom or school property

**D code offenses** are violations of LPS policy and/or state regulations and may require disciplinary consequences, including restorative practices, conferences, possible denial of participation school related activities, including graduation exercises, in-school or out of school suspension, in accordance to M.G.L. c. 71, §37H 34:

D1 Violation of any Lawrence Public Schools policy, including, but not limited to, the Policy on Bullying in Schools, Drug-Free Schools Policy, Safe Schools Policy, Tobacco-Free Schools Policy, and the Student Technology and Online Acceptable Use Policy and Guidelines

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D2 Discrimination against or harassment of another student or school personnel on the basis of, but not limited to race, color, sex, gender identity, homelessness, national origin, religion, disability or sexual orientation (possible police notification).

D3 Stealing and/or willful destruction of school or personal property (possible police notification).

D4 Possession of a dangerous weapon, or use of, or threatened use of any object as a weapon (grades K-5) (mandatory police notification).

D5 Cheating on state assessments, plagiarism or forgery, including impersonating another person either verbally or in written form.

D6 Fighting or any physical or sexual assault or act of violence committed against another student or school personnel (grades K-8) (possible police notification).

D7 Unauthorized sounding of a fire alarm or tampering with defibrillators (grades K-5).

D8 Intimidation (causing fear or harm) or extortion, or threat of intimidation, extortion, or hazing directed toward another student or school personnel (grades K-5) (possible police notification).

D9 Hazing directed toward another student (grades K-5) (possible police notification).

D10 Being present in the company of a person the student knows is using or selling illicit drugs or alcohol, or is otherwise violating an item on the Code of Conduct and who fails to remove themselves from the situation (possible police notification).

D11 Bullying that is unresponsive to classroom interventions, or for which the scope is larger than the classroom, or retaliation related to a bullying incident, reporting, or investigation (grades K -5) (possible police notification).

D12 Aiding, abetting or encouraging bullying, fighting, or any act of violence, or making a false allegation of bullying or retaliation or any act of violence.

D13 Possession and/or use of tobacco products or related paraphernalia of any type including Electronic Nicotine Delivery Systems (ENDS) regardless of whether they contain nicotine in any school facility, school bus, or on school grounds.

D14 Creating a video or audio recording of another person in school or at a school-sponsored event, without obtaining the consent of the person whose image or voice was recorded.

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D15 Targeted use of obscene, abusive or profane language or gestures, or rude or defiant behavior, any of which disrupts the educational process or school activity.

D16 Failure to identify one's self truthfully upon request of any school personnel.

D17 A pattern of defiant behavior towards any school personnel or policy.

D18 Behavior that endangers persons or property or substantially disrupts the educational process or school activity (possible police notification).

D19 Giving off a strong odor of alcohol or marijuana (possible police notification).



D20 Presence in unauthorized areas.

D21 Persistent or excessive truancy and/or tardiness to class and class cutting, when other documented remedies have failed.

D22 Violation of any criminal law of the Commonwealth of Massachusetts, including, but not limited to, gambling or stalking, not already covered by these rules (possible police notification).

D23 Unauthorized use of school materials, equipment or property.

D24 Reselling of food, refreshments or other items without permission of a school sanctioned, sponsoring group.

D25 Opening or propping open a school's exterior doors to let people in, to include but not limited to, late arrivals, visitors and deliveries.

D26 Exiting school without permission.

D27 Gang related activity.

D28 Refusal to serve an in-school suspension.

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**M code offenses** are violations of LPS policy and possibly state or federal laws and must be addressed utilizing either a disciplinary consequence previously outlined, or options for suspension or expulsion, according to M.G.L. c. 71, §37H, §37H1/2 and §37H 3/4. Some violations may include possible police involvement as indicated below.

M1 Possession of firearms (mandatory police notification).

M2 Striking a teacher or other school personnel (grades 6-12) (possible police notification).

M3 Possession, sale, distribution, intent to distribute, use or manufacture of controlled

substances or alcohol (mandatory police notification).

M4 Possession of a dangerous weapon, or use of, or threatened use of any object as a weapon (grades 6-12) (mandatory police notification).

M5 Use of, or threatened use of a knife, including a pocket knife, as a weapon (mandatory police notification).

M6 Fighting or any physical and/or sexual assault or act of violence committed against another student or any school personnel (grades 9-12) (possible police notification).

M7 Unauthorized sounding of a fire alarm or tampering with defibrillators (grades 6-12).

M8 Setting fires (mandatory police and fire department notification).

M9 Intimidation (causing fear or harm) or extortion, or threat of intimidation, or extortion directed toward another student or school personnel (grades 6-12) (possible police notification).

M10 Hazing directed toward another student (grades 6-12) (possible police notification).

M11 Bullying or retaliation related to a bullying incident, reporting, or investigation (grades 6-12) (possible police notification).

M12 Being under the influence of controlled substances or alcoholic beverages, or suspicion of use of controlled substances, or in possession of any drug paraphernalia (mandatory police notification for possession of drug paraphernalia).

M13 Possession, distribution or intent to distribute, and/or the manufacture of sexually explicit images and/or video (possible police notification).

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The term "dangerous weapon" shall include, but not be limited to, any type of firearm, knife or martial arts equipment, explosive devices (including fireworks), or a facsimile of a dangerous weapon. Any dangerous weapon in the possession of a student shall be removed from the student's custody, and any illegal weapon shall be turned over to the Lawrence Police Department. All other weapons shall be returned to the student or parent/guardian at the discretion of the principal or his/her designee. There shall be notification of the

possession of a weapon to parents or guardians before the weapon is returned.

The term “controlled substances” shall include all controlled substances as defined in G.L. c.94C, including, but not limited to: amphetamines, barbiturates, hallucinogens, marijuana, narcotics, or prescription drugs for which the student does not have a valid prescription.

The possession, distribution or intent to distribute, and/or manufacture sexually explicit images and/or video of individuals under the age of 18 can be considered by law enforcement as child pornography and may be an arrestable offense.

## **TYPES OF SUSPENSION**

A suspension is a removal from regular classroom activities. The principal/designee has the sole responsibility for determining who is suspended.

- In-School Suspension (ISS): At the discretion of the principal/designee, in-school suspension may also be imposed for violation of the student code of conduct. In-school suspension means the student is removed from regular classroom activities, but not from the school premises.
- Short-term suspension (STS): is the removal of a student from the school premises and regular classroom activities for 10 consecutive days or less.
- Long-term suspension (LTS): means the removal of a student from the school premises and regular classroom activities for more than 10 consecutive days.

A student serving an out of school suspension is restricted from entering the school buildings, or coming onto school grounds; and a suspended student may not participate in any school-sponsored activities or functions during the suspension period.

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## **DUE PROCESS**

The legal term “due process” comes from the Fifth and Fourteenth Amendments to the United States Constitution. The Fifth Amendment provides in part: "...nor shall any person be . . . Deprived of life, liberty, or property without due process of law." The Fourteenth Amendment reads as follows:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law, which shall abridge the privileges or immunities of citizens of the United States, nor shall any state deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

In January 1975, the United States Supreme Court ruled that public school students facing suspension are protected by the Due Process Clause of the Fourteenth Amendment. Because state statutes require school districts to maintain schools and require students to attend them, the Court stated that public education is a property interest. Deprivation of education (through suspension) without minimum procedural protections is thus a violation of the property interest protection of the Due Process Clause of the Fourteenth Amendment.

In the Lawrence Public Schools, due process is implemented in accordance with M.G.L. c. 71, §37H and M.G.L. c. 71, §37H 1/2 and 37H 3/4 . In administering discipline, school officials will be careful to observe the right to due process under the law for each student. The nature of the violation determines the due process that school officials follow.

### **In-School suspensions (ISS):**

Under Section 37H 3/4, school leaders may opt for in-school suspension (ISS) in response to relevant violations. School leaders must implement the following procedures:

- Investigate the situation
- Verbally inform the student of the infraction
- Provide the student with the opportunity to dispute the charges and explain the circumstances surrounding the alleged incident.
- If the principal/designee determines that the student committed the disciplinary offense,
  - Inform student of the length of the ISS (number of days at the discretion of the school leader but not to exceed 10 days, cumulatively or consecutively, in a school year). If an in-school suspension does exceed 10 days, a long-term out-of- school suspension hearing must occur prior to the in-school suspension exceeding 10 days.
- In-school suspension does not require prior notification to the parent/guardian. In-School Suspension can start immediately.
- On the same day as the decision - make reasonable efforts (defined as two attempts by phone on that day) to notify parents/guardians and invite them to a meeting to discuss the behavior.
  - If parent/guardian cannot be reached for meeting that day, offer a second meeting time and date in writing
- Send written notice about the ISS to include length and reason on the day of the suspension via email/mail/by hand and offer a meeting to discuss behavior.

Students serving ISS will have the opportunity to make up tests/assignments.

Appeal process:

There is no opportunity for appeal of the principal's decision to in-school suspend a student.

### **Short-Term, Out of School Suspensions (STS):**

Under Section 37H 34, school leaders may utilize short-term suspensions (1-10 days) (STS) in response to relevant violations. Following an investigation, the principal or designee:

- Determines that a violation of the handbook may have occurred and is anticipating there may be a serious disciplinary consequence.
- Provides written notice of charges and invites parent/guardian and student to a hearing with him/her, giving them the opportunity to hear charges and the results of investigation, as well as provide mitigating information. Parent/guardian has the right to request an interpreter.
  - A Short-Term Suspension may not be imposed without first providing the Student and Parent/Guardian oral and written notice, and an opportunity to participate in a hearing with the principal.
- Principal holds a hearing prior to determining discipline, at which time Student and Parent/Guardian have the right to provide information and mitigating circumstances.

Students will continue to attend school until after their hearing and a decision has been made.

Students will be able to make up any academic work missed during the suspension and be provided with assignments during the suspension.

Appeal process:

There is no opportunity for appeal of the principal's decision to short-term suspend a student.

### **Long-Term, Out of School Suspension (LTS):**

Under Section 37H 34, school leaders may utilize long-term suspensions (11-90 days) (LTS) in response to relevant and significant violations. Additionally, school leaders must utilize the LTS process if the student has or will accrue 10 or more days from earlier ISS and/or ST suspensions in the same school year.

Principal or designee will provide written notice of charges and invite parent/guardian and student to a hearing with him/her, giving them the opportunity to hear charges and the results of the investigation, as well as provide mitigating information. Parent/guardian has the right to request an interpreter.

In addition to these rights, a student and parent/guardian at a LTS hearing also have the right to:

- Invite to the hearing legal counsel or an advocate, at their expense

- Review the student record, including all documents concerning the investigation, prior to the hearing
- Call witnesses at the hearing, present their own side of the story, cross examine witnesses from the school, and provide mitigating information to be considered
- Request the meeting to be recorded by LPS and receive a copy (all participants must be notified)

Students will continue to attend school until after their hearing and a decision has been made.

Students serving LTS will be provided the opportunity to make academic progress based on the selection made from the options listed on the School-wide Educational Services Plan provided to the student and parent/guardian. There must be a minimum of two options provided to student and parent/guardian.

### Appeal process for LTS

Under Section 37H 3/4, student and Parent/guardian have five (5) calendar days following the effective date of the LTS to submit a written request for appeal to the Superintendent. Student and Parent/guardian may be granted an extension of up to seven (7) additional calendar days to submit a written request for appeal, provided the request for extension takes place within the five (5) calendar days. If the appeal is not timely filed, the Superintendent may deny the appeal, or may allow the appeal in his or her discretion, for good cause.

The Superintendent will hold a hearing with the student and the parent(s)/guardian(s) within three (3) school days of the student's request for an appeal. The time may be extended up to seven (7) additional calendar days if requested by the parent(s)/guardian(s). The Superintendent's hearing may proceed without the parent(s)/guardian(s) if a good faith effort was made to include parent(s)/guardian(s). The Superintendent shall be presumed to have made a good faith effort if he or she has made efforts to find a day and time for the hearing that would allow the parent and Superintendent to participate. The Superintendent shall send written notice to the parent of the date, time, and location of the hearing.

At the hearing, the Superintendent shall determine whether the student committed the disciplinary offense of which the student is accused, and if so, what the consequence shall be. Students shall have all of the rights afforded to students at the Principal/designee's hearing for long-term suspensions. The Superintendent will issue a written decision within five (5) calendar days of the hearing. If the Superintendent determines that the student committed the disciplinary offense, the Superintendent may impose the same or a lesser consequence than the principal/designee, but shall not impose a suspension greater than that imposed by the principal/designee decision. Pending the outcome of any such appeal, the disciplinary sanction imposed shall remain in effect. Superintendent's decision is the final decision of the district.

### **Expulsion or Suspension under Section 37H:**

Under Section 37H, the principal may expel (or has discretion to suspend instead) students in grades 9-12 for:

- Possession of a dangerous weapon

- Possession of a controlled substance (including marijuana)
- Assault on a member of educational staff

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- Physical assault; or a threat of physical assault; with means to carry it out, and the staff member is in reasonable fear of immediate danger

Note: Section 37H does not apply to grades K-8; students in these grades may not be expelled from school.

The school must notify student and parent/guardian in writing of a hearing with the Principal. At that hearing the student may have representation, along with the opportunity to present evidence and witnesses. Student remains in school until the date and time of the hearing. Parent/guardian has the right to request an interpreter.

During a Section 37H suspension that is less than 10 days, a student will be able to make up any academic work missed during the suspension and be provided with assignments during the suspension.

During a Section 37H expulsion or a suspension that is more than 10 days, students will be provided the opportunity to make academic progress based on the selection made from the options listed on the School-wide Educational Services Plan provided to the student and parent/guardian. There must always be a minimum of two options provided to student and parent/guardian.

Appeal Process:

The student and parent/guardian have the right to request an appeal to the Superintendent for an expulsion under Section 37H. If a school leader decides to suspend, rather than expel, that action is not appealable. The appeal for a Section 37H expulsion must be requested within 10 days from the date of the expulsion. The student will serve suspension while the appeal is pending.

### **Expulsion or Suspension under Section 37H 1/2:**

If a student is charged with felony, s/he may be suspended from school if the principal determines that the student's continued presence would have a "substantial detrimental effect on the general welfare of the school."

- The student shall receive written notification of the charges and reasons for suspension prior to such suspension taking effect, and a hearing is held by the principal. Parent/guardian has the right to request an interpreter.
- The length of the suspension may run during the pendency of the felony charge. If convicted (or the student admits to sufficient facts) of a felony, the student may be expelled via a hearing, utilizing the same determination regarding "substantial detriment."

## Appeal Process:

Unlike Section 37H, a student and parent/guardian have the right to appeal the suspension or expulsion to the Superintendent. The appeal for a Section 37H 1/2 suspension or expulsion must be requested

within five (5) days from the date of the decision. The student will serve the suspension while the appeal is pending.

## Manifestation Determination Review:

Before a long term suspension (more than 10 days consecutively or cumulatively) or expulsion hearing can be initiated for a student on an IEP, on a 504, or currently undergoing testing, the student's Team must conduct a "**manifest determination.**" Student and the parent/guardian are invited to this **meeting** where it must be determined whether the behavior exhibited by the student was substantially related to the student's disability.

The Manifestation Determination Review (MDR) should be conducted immediately prior to the Disciplinary Hearing. The principal, or designee for the discipline hearing, should not be present for the MDR. If the team decides the conduct is a manifestation of the student's disability, the discipline hearing is canceled and replaced with a Team Meeting.

Manifestation determinations involve a discussion that includes the parents/guardians and the team members. However, the final determination is made by the school, informed by the parent/guardian.

There is not a District level appeal to the MDR, the appeal is to the Bureau of Special Education Appeals and parents will be informed of those rights at the MDR.

If a student has more than 10 days of suspension, a MDR must be held for every disciplinary event thereafter.

## Emergency Removal under 603 CMR 53.07:

A school leader may remove a student temporarily, for up to two days maximum, if s/he finds that the student's continued presence is a:

- Threat, or disruption due to the intensity and severity of the behavior, and
- There is no alternative available to alleviate danger or disruption.

Under these conditions:

- A school leader must notify the superintendent in writing prior to removal, and include the reason the student is considered "a danger to person or property" or "materially disrupts the smooth functioning of the school."



- The school leader must also orally notify the student and parent/guardian that same day. S/he may not remove a student under the age of 18 without prior notification.
  - The school must also identify that student, if under 18, is accompanied home by parent or designee.
  - Principal will give the student and parent/guardian an invitation to attend a Hearing within two (2) days of the emergency removal and follow the ST or LT Suspension procedures outlined above.
- 
- The up to two days maximum emergency removal are to be included in the total number of days suspended.

## **OPPORTUNITY TO MAKE ACADEMIC PROGRESS**

Any student who is suspended shall have the opportunity to earn credits, make up assignments, tests, papers, and other school work as needed to make academic progress during the period of his or her removal from the classroom or school.

Any student who is expelled or suspended out of school for more than 10 consecutive days, shall have an opportunity to receive education services and make academic progress toward meeting state and local requirements, based on the selection made from the options listed on the School-wide Educational Services Plan provided to the student and parent/guardian. There must be a minimum of two options provided to student and parent/guardian.

The Principal/Designee shall inform the student and parent/guardian of this opportunity in writing, in English and in the primary language of the home, when such suspension or expulsion is imposed. The notice shall include a list of the specific education services pursuant to the School-wide Educational Services Plan available for the student to choose from, as well as contact information for a school staff member who can provide more detailed information.

Education services shall be based on, and be provided in a manner consistent with, the academic standards and curriculum frameworks established for all students under the law.

## **OTHER DISCIPLINARY CONSEQUENCES**

**Extracurricular/School-Based Activities:** The Principal/Designee may, as a disciplinary measure, remove a student from privileges, such as extracurricular activities and attendance at school-sponsored events, based on the student's misconduct. Such a removal is not subject to the due process protections under the law and/or this Policy.

**Bus Privileges:** A student's bus privileges may be revoked if the Code of Conduct violation occurs on a school bus or while waiting to board, boarding, or exiting said school bus. Such a removal is not subject to the due process protection under the law and/or this Policy unless the student has transportation as part of

their current IEP.

**Involuntary Transfer:** The Superintendent, or his/her designee, at his or her discretion, as a disciplinary consequence, may transfer a student from one school assignment area to another within the Lawrence Public Schools. This may include the revocation of a student's assignment variance.

## **DATA COLLECTION AND REPORTING**

For each student expelled or suspended from school for more than 10 consecutive days, whether in-school or out-of-school, the school district shall document the student's enrollment in education

services. For data reporting purposes, the school shall track and report attendance, academic progress, and such other data as directed by the Department of Elementary and Secondary Education.

The school district shall collect and annually report data to the DESE regarding in-school suspensions, short- and long-term suspensions, expulsions, emergency removals, access to education services, and such other information as may be required by the DESE.

The Principal/Designee of each school shall periodically review discipline data by selected student populations, including but not limited to race and ethnicity, gender, socioeconomic status, English language learner status, and student with a disability status in accordance with law and regulation.

**LPS POLICY REFERENCES** All of the policies listed here can be found on the LPS website, [www.lawrencepublicschools.org](http://www.lawrencepublicschools.org).

- AC Non-Discrimination
- ACAA Sex Discrimination and Sexual Harrassment
- ACE Non-Discrimination on Basis of Disability
- ADB Drug-Free Schools
- ADC Tobacco-Free Schools
- ADD Safe Schools
- IJNDB Acceptable Use Policy, including Wireless Access addendum
- JEA Attendance, Pre-K through Grade 8
- JEC Attendance, High School
- JIC Student Discipline
- JICFB Bullying in Schools
- JKAA Physical Restraint

## DEFINITION OF TERMS

**Aggressiveness:** Characterized by or tending toward unprovoked offensives, attacks, invasions, or the like; militantly forward or menacing

**Assault:** Physical assault; or a threat of physical assault; with means to carry it out, and the staff member is in reasonable fear of immediate danger

**Bullying:** Repeated, unwanted behaviors committed by one or more individuals against another, to include internet or social media activity. These acts may be physical or verbal in nature, such as: hitting, taunting, manipulating friendships, or purposely excluding other children from activities.

**Chronic Behavior:** A behavior which has developed into a pattern and is demonstrated more often than not.

**Controlled Substance:** Any drug or substance prohibited by M.G.L. c. 94C. This includes, but is not limited to: amphetamines, barbiturates, hallucinogens, marijuana, narcotics, and any principal compound used or produced primarily for use in the manufacturing of such drugs or substances.

**Dangerous Weapon:** Any device, instrument, or substance which under the circumstances in which it is used, attempted to be used, or threatened to be used is readily capable of causing physical injury. This includes, but is not limited to: firearms, knives, shod foot, brass/metal knuckles, razors, explosives, slingshots, etc.

**Defiance:** Refusal to follow school or classroom rules; refusal to follow directions; challenging a staff's authority; talking back to staff.

**Disrespect:** Lack of common courtesy toward peers and authority figures, including but not limited to: interrupting conversations or activities; use of inappropriate or derogatory language and/or gestures; damaging or ruining property of peers and/or staff, etc.

**Disruptive Behavior:** Behavior by an individual or group of individuals which interferes with the productive operation of the school/classroom (i.e.: constant interruption of a presentation, inciting a group to misbehave, etc.)

**Electronic Devices:** Non-instructional items which are battery operated or electrically charged, including but not limited to: cell phones and other hand-held devices, tablets, laser pointers, etc.

**Extortion:** To use, or threaten to use, violence or other criminal means to cause harm to a person, reputation, or property as a means to obtain money, goods or favors from another person without his/her consent.

**Felony:** A serious crime punishable, by statute, by a term of imprisonment in a state prison.

**Fighting:** To take part in a physical struggle with another person.

**Forgery:** To copy or imitate a signature or document.

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**"Gang" related activity:** An activity which serves to bolster gang affiliation, including but not limited to: flashing hand signs, using gang slang, putting graffiti on personal items, intimidating peers through a show of force, specialized handshakes, meeting or congregating for gang-related purposes, or recruitment or initiation practices.

**"Gang" related dress:** Any clothing or accessories which denote a specific gang affiliation, such as: bandanas, beads or customized gang insignia jewelry, emblems, headgear (hats, caps, headbands), wearing "colors", etc..

**Harassment:** To torment someone through verbal, written (including online), or physical attacks.

**Hazing:** Any conduct or method of initiation into any student group/organization which willfully or recklessly endangers the physical or mental health of any student or other person.

**Inappropriate Attire:** Clothing which does not conform to the Uniform Policy or Dress Code of the school. Items in this category include, but are not limited to: head gear (hats, caps, bandanas, etc.), tank tops, halters, strapless shirts or blouses, tops with bare midriffs, spandex clothing, mini skirts, short shorts, or clothing with discriminatory, derogatory or suggestive words, phrases, or illustrations (i.e.: references to alcohol, drugs, tobacco, sexuality, violence or discrimination) which are distracting or disruptive to the learning environment.

**Indecent exposure:** Revealing one's genitalia or breasts in public.

**Obscenity:** Offensive, sexually explicit, or lewd language.

**Plagiarism:** To take ideas or writings from another person and offer them as your own.

**Pornographic Materials:** Presentation or production of sexually explicit pictures, writings, or other media/technology (i.e. "sexting") or materials

**Repeated Behavior:** A behavior which occurs more than once in a short time period.

**Tardiness:** Being late for school without good cause as determined by the school principal.

**Threat:** A source of imminent danger or an expression of intent to hurt, destroy, or punish with the targeted individual(s) feeling that the threat is capable of being carried out.

**Toys:** Play things, such as: electronic games, card collections, dolls, stuffed animals, etc..

**Trespassing:** To enter school property or a school related event without permission or right to do so.

**Truancy:** Being absent from school without notification to the school by a parent/guardian or the

student, if 18 years or older.

**Vandalism:** Malicious destruction of or damage to property.

# Releases and Acknowledgements

*These pages should be signed, dated and returned to your school.*

## DISCIPLINE CODE ACKNOWLEDGMENT STATEMENT

Student's Name: Grade:

School: Teacher: \_\_\_\_\_

We have read and discussed the Lawrence Public Schools Discipline Code. We understand that the code will be implemented and that all children are subject to its guidelines. We also understand our responsibilities as a student and parent or guardian and agree to fulfill these responsibilities as they relate to creating a safe and caring school climate for all students and the enforcement of the discipline code.

Parent/Guardian Signature: Date: \_\_\_\_\_

Student Signature: Date:

## DETENTION AUTHORIZATION

In the event that my child is assigned an after school detention, I give permission for him/her to serve the detention that day as long as I am personally notified by telephone before school ends for the day. Otherwise, I will sign the detention notice that is sent home in order for the detention to be served on the assigned date.

Parent/Guardian Signature: Date: \_\_\_\_\_

## REQUEST TO WITHHOLD STUDENT DIRECTORY INFORMATION

I do not want directory information released for my child. I understand that this decision may exclude my child from mailing lists, directories, etc. Please withhold the following (choose one):

All directory information  Only directory information to military recruiters

The following portions of the directory information: \_\_\_\_\_

---

Name of Student: \_\_\_\_\_ D.O.B: \_\_\_\_\_

School: \_\_\_\_\_ Grade: \_\_\_\_\_

Parent/Guardian Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### **REQUEST TO WITHHOLD PARENT/GUARDIAN DIRECTORY INFORMATION**

The district works with many community agencies, including those that support the employment, health and educational needs of parents and guardians. To effectively support families across the district, we provide our partners with one-time access to mail our families with information that may address these or other related needs. Please check below if you do NOT want your information shared for this purpose.

I do not want my name and address information to be shared with community partners and understand that this decision may exclude me from receiving information about community resources.

Name of Student: \_\_\_\_\_ D.O.B \_\_\_\_\_

School: \_\_\_\_\_ Grade: \_\_\_\_\_

Parent/Guardian Signature: \_\_\_\_\_ Date: \_\_\_\_\_





## **APPENDIX B: UP Academy Substance Use Prevention Policy**

In accordance with **Mass. General Laws chapter 71, section 96**, which states that "Each public school shall have a policy regarding substance use prevention and the education of its students about the dangers of substance abuse."

### **I) Leadership**

Maintaining a safe and supportive learning environment is important to UP Academy. Leadership at UP Academy is essential in developing and implementing effective substance use prevention and abuse education policies. In adopting or updating policies, the relevant charter school board of trustees committees (as applicable) will work in conjunction with UP Academy in developing clearly defined goals to prevent and address substance use and abuse among youth.

### **II) Professional Development**

UP Academy will provide training, so that all school staff know policies, procedures, and protocols for prevention, intervention, and follow-up in preventing and responding to substance use and abuse. Staff will be provided training on the early warning signs and behaviors that indicate a student may be experiencing substance use problems, and should be aware of building-based referral systems and other protocols to follow.

### **III) Access to Resources and Services**

School staff and school counseling personnel will work in collaboration with substance use counseling professionals and mental health specialists to meet the needs of those students most at risk. School counseling personnel will have access to information and strategies necessary to facilitate referrals to community services for the wide variety of mental health problems that students experience, including substance use. UP Academy will establish a resource list of services available through local agencies.

### **IV) Re-Entry**

Follow-up is a crucial phase of a student's recovery after return from treatment for substance abuse. UP Academy school staff will devise an after-care program to review of the student's school program with parents, guidance counselor and case manager, placements in an appropriate class schedule, and follow-up meetings.

### **V) Academic and Non-Academic Strategies**

UP Academy school-based mental health professionals, will work directly with young people who are identified as being at risk. At least one adult in the school will be designated as the point of contact and support for students who are considered to be at risk.

### **VI) Disciplinary Procedures Relating to Drug/Alcohol Abuse**

1. The UP Academy Code of Conduct prohibits the use of any substance on school grounds, and at school-sponsored or school-related events.
2. Per the Code of Conduct, a student who is found on school premises or at school-sponsored or school-related events, including athletic games, in possession of a controlled substance as defined in chapter ninety-four C, including, but not limited to, marijuana, cocaine, and heroin, may be subject to expulsion from the school or school district by the Principal.
3. UP Academy shares these policies annually with students and families.

### **VII) Collaboration with Families**

Families are essential partners in schools' efforts to prevent substance use. Parental input, particularly from parents of students with substance related-problems, helps identify and prioritize the needs of the school community.

UP Academy will work in collaboration with families/guardians in weaving together the resources for comprehensive, multifaceted approaches to preventing substance use and abuse.

# APPENDIX C: Restraint Prevention and Behavior Support Policy

UP Academy, in accordance with 603 CMR 46.00 et seq., has determined that the school staff will adhere to the following guidelines. These guidelines apply not only during school hours but also at school-sponsored events and activities, whether or not on school property.

## **Section 1: Use of Physical Restraint**

School staff may use physical restraint<sup>1</sup> only as an emergency procedure of last resort and is only permitted when a student's behavior poses a threat of assault, or imminent, serious, physical harm to self or others and the student is not responsive to verbal directives or other lawful and less intrusive behavior interventions. No written Individual behavior plan or Individualized education program (IEP) may include use of a physical restraint as a standard response to any behavior.

Per 603 CMR 46.01 (4), nothing in 603 CMR 46.00 precludes any teacher, employee or agent of a public education program from using reasonable force to protect students, other persons or themselves from assault or imminent, serious, physical harm.

## **Section 2: Prohibitions on the Use of a Physical Restraint**

Physical restraint may not be used as a means of discipline or punishment or as a response to property destruction, disruption of school order, a student's refusal to comply with a school rule or staff directive, or verbal threats when those actions do not constitute a threat of imminent, serious, physical harm. Physical restraint shall not be used when the student cannot be safely restrained because it is medically contraindicated for reasons including, but not limited to, asthma, seizures, cardiac condition, obesity, bronchitis, communication-related disabilities, or risk of vomiting. Only those staff members that have received in-depth training as described within this policy shall administer physical restraints. School staff must review and consider any known medical or psychological limitations, known or suspected trauma history, and/or behavioral intervention plans regarding the use of physical restraint on an Individual student.

Prone restraint<sup>2</sup> is prohibited in the school except on an Individual student basis, and only under the following circumstances:

- The student has a documented history of repeatedly causing serious self-injuries and/or injuries to other students or staff;
- All other forms of physical restraint have failed to ensure the safety of the student and/or others;
- There are no medical contraindications as documented by a licensed physician;
- There is psychological and behavioral justification for the use of it and there are no psychological or behavioral contraindications, as documented by a licensed mental health professional;

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<sup>1</sup> Physical restraint is direct physical contact that prevents or significantly restricts a student's freedom of movement. Physical restraint does not include: brief physical contact to promote student safety, providing physical guidance or prompting when teaching a skill, redirecting attention, providing comfort, or a physical escort.

<sup>2</sup> Prone restraint is a physical restraint in which a student is placed face down on the floor or another surface, and physical pressure is applied to the student's body to keep the student in the face-down position.

- The school has obtained consent to use prone restraint in an emergency as set out in 603 CMR 46.03.

If all of the above conditions are met, all must be documented in advance of a prone restraint and the school should maintain this documentation. Medication restraint<sup>3</sup>, mechanical restraint<sup>4</sup> and seclusion<sup>5</sup> are prohibited in school settings.

The regulations do not prevent a teacher, employee or agent of UP Academy from using reasonable force to protect students, other persons, or themselves from assault or imminent serious harm or from restraining students as otherwise provided in 603 CMR 46.00.

### **Section 3: Prevention & Alternatives to Restraint**

As part of UP Academy's commitment to using physical restraint only as an emergency procedure of last resort, school staff will engage in a number of strategies to prevent the use of restraint. As a first response, school staff will utilize a number of CPI Nonviolent Crisis Intervention-approved alternative strategies, including, but not limited to:

- Allowing students a safe place to calm down on his/her own using reinforcing, positive, and clam language
- When necessary, evacuating a space to ensure the safety of others in order to allow for de-escalation without the need for restraint
- Not engaging with unproductive language, remarks, or questions that may escalate a student unnecessarily
- Acknowledging a student's feelings and frustration with a situation
- Seeking support from the student's school-based support team

In some cases, the school may utilize time-out as a behavioral support strategy to prevent the need for restraint. Time-out will only be utilized as a calm-down strategy when a student needs to de-escalate in a space away from the classroom or learning area; if the student demonstrates continued agitation and a need for time-out beyond 30 minutes, the principal will be notified and give verbal approval for continuing the time-out.

UP Academy staff will also utilize varied methods for more broadly preventing student violence, self-injurious behavior, and suicide, including but not limited to:

- Utilization of the school's behavior ladder, which directs staff when to intervene if students are engaging in potentially dangerous behavior
- The Dean of Students, in collaboration with school support staff, will develop Individualized plans for students that require more support than the school-wide behavior intervention system provides

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<sup>3</sup> Medication restraint shall mean the administration of medication for the purpose of temporarily controlling behavior. Medication prescribed by a licensed physician and authorized by the parent for administration in the school setting is not medication restraint.

<sup>4</sup> Mechanical restraint is the use of a physical device or equipment to restrict a student's freedom of movement. The term does not include devices implemented by trained school personnel, or utilized by a student that have been prescribed by an appropriate medical services related professional, and are used for the specific and approved positioning or protective purposes for which such devices were designed (e.g. orthopedically prescribed devices).

<sup>5</sup> Seclusion is defined as the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving. Seclusion does not include a time-out as defined in 603 CMR 46.02.

- Individual crisis counseling and student support by the school-based social worker and counselors, in conjunction with the Principal and Dean of Students, for any student who may be at risk of suicide and/or self-injurious behavior
- Partnering with external providers, as needed, to provide additional counseling and support to Individual students, and when necessary, families

UP Academy will partner with families and students in these prevention efforts, engaging them in discussions about restraint prevention and the use of restraint solely as an emergency procedure. UP Academy will annually share this policy with all families and students through UP Academy's Family Handbook. In addition, UP Academy's school culture and student support teams work closely with students and families, as needed, on developing self-regulation and de-escalation strategies to prevent scenarios where restraint may be required. This may happen in whole-school, small-group, or Individual settings.

#### **Section 4: Proper Administration of a Physical Restraint**

Only trained school personnel shall administer physical restraints. Trained school personnel are those Individuals who have received in-depth training in accordance with the section below regarding staff training and with state law [603 CMR 46.04(2) and 603 CMR 46.04(3)].

Whenever possible, the administration of the physical restraint shall be witnessed by at least one adult who does not participate in the physical restraint. When administering a physical restraint, school personnel shall use only the amount of force necessary to protect the student or others from physical injury or harm. Additionally, school personnel administering a physical restraint shall use the safest method available and appropriate to the situation in accordance with the safety requirements detailed below.

School personnel shall discontinue the restraint as soon as the student is no longer an immediate danger to himself or others, or the student indicates that he or she cannot breathe, or if the student is observed to be in severe distress, such as having difficulty breathing, or sustained or prolonged crying or coughing. As noted in Section 2 of this policy, floor restraints, including prone restraints, are prohibited unless the school personnel administering the restraint has received in-depth training in the judgment of the trained staff member, such method is required to provide safety for the student or others present, and the additional conditions detailed in Section 2 have been met.

#### **Section 5: Duration & Safety Requirements**

No restraints shall be administered in such a way that a student is prevented from breathing or speaking. During the administration of a restraint, school personnel shall continuously monitor the physical status of the student, including skin temperature and color, and respiration. Additionally, restraints shall be administered in such a way as to prevent or minimize physical harm.

If, at any time during a physical restraint the student expresses or demonstrates significant physical distress, including, but not limited to, difficulty breathing, the student shall be released from the restraint immediately, and school staff shall take steps to seek medical assistance.

All physical restraint must be terminated as soon as the student is no longer an immediate danger to self or others, or the student indicates that he or she cannot breathe, or if the student is observed to be in severe distress, such as having difficulty breathing, or sustained or prolonged crying or coughing. If a student is restrained for a period longer than 20 minutes, program staff shall obtain the approval of the principal or designee. The approval shall be based upon the student's continued agitation during the restraint justifying the need for continued restraint. School personnel shall review and consider any known medical or psychological limitations, known or suspected trauma history, and/or behavioral intervention plans regarding the use of physical restraint on an Individual student.

### **Section 6: Follow-Up Procedures**

After the release of a student from restraint, the school shall implement the follow-up procedures set forth below:

- Review the incident and restraint with the student to address the behavior that precipitated the restraint;
- Review the incident with school personnel who administered the restraint to discuss whether proper restraint procedures were followed; and
- Consider whether any follow-up is appropriate for the students who witnessed the incident.

### **Section 7: Reporting & Reviewing Requirements**

#### **A. Verbal and Written Reports: School Personnel**

School staff shall report and document the use of physical restraint, for any length of time. The school staff member who administers a physical restraint shall verbally inform the Principal or designee of the restraint as soon as possible and no later than the close of the school day in which the restraint was administered. A written report shall be completed and provided to the Principal or designee no later than the next working day after the restraint was administered. If the Principal has administered the restraint, the principal must prepare the report and submit it to an Individual or team designated by the superintendent for review. The Principal/designee must maintain an ongoing record of all such reported instances, which will be made available for review by the Department or the student's parent, upon request. In addition, the school will annually report all data regarding the use of physical restraint to the Department. Such data shall be reported in a manner and form directed by DESE.

#### **B. Verbal and Written Reports: Parents/Guardians**

The Principal or designee must make reasonable efforts to inform the student's parents of any physical restraint within 24 hours of the event, and by written report either within three school working days to an e-mail address provided by the parent for communication about the student, or by regular mail postmarked no later than three school working days of the use of the restraint. If the school customarily provides a parent of the student with school-related information in a language other than English, the written restraint report must be provided to the parent or guardian in that language. The principal must provide the student and parent an opportunity to comment orally and in writing on the use of restraint and on information in the written report.

#### **C. Contents of the Reports**

All written reports of restraint referenced above must include the following information:

- The name of the student; the names and job titles of the staff who administered the restraint, and observers, if any; the date of the restraint; the time the restraint began and ended; the name of the principal or designee who was verbally informed following the restraint; and, as applicable, the name of the principal or designee who approved continuation of the restraint beyond 20 minutes pursuant;
- A description of the activity in which the restrained student and other students and staff in the same room or vicinity were engaged immediately preceding the use of physical restraint; the behavior that prompted the restraint; the efforts made to prevent escalation of behavior, including the specific de-escalation strategies used; alternatives to restraint that were attempted; and the justification for initiating physical restraint;
- A description of the administration of the restraint including the holds used and reasons such holds were necessary; the student's behavior and reactions during the restraint; how the restraint ended; and documentation of injury to the student and/or staff, if any, during the restraint and any medical care provided;
- Information regarding any further action(s) that the school has taken or may take, including any consequences that may be imposed on the student; and
- Information regarding opportunities for the student's parents to discuss with school officials the administration of the restraint, any consequences that may be imposed on the student, and any other related matter.

In the event that a physical restraint results in an injury to the student or staff member, the school must send a copy of the written report to the Department postmarked no later than three school working days of the administration of restraint. The school must also send the department a copy of the record of physical restraints maintained by the Principal for the 30-day period prior to the date of the reported restraint. The Department shall determine if additional action by the school is warranted, and if so, shall notify the school of any required actions within 30 calendar days of receipt of the required written report(s).

#### **D. Individual Student Review**

The Principal will conduct a weekly review of restraint data to identify students who have been restrained multiple times during the week. If such students are identified, the principal will convene one or more review teams as the principal deems appropriate to assess each student's progress and needs. If the principal directly participated in the restraint, a duly qualified Individual designated by the superintendent must lead the team's discussion. The assessment must include at least the following:

- Review and discussion of the written reports submitted in accordance with 603 CMR 46.06 and any comments provided by the student and parent about such reports and the use of restraints
- An analysis of the circumstances leading up to each restraint, including factors such as time of day, day of the week, antecedent events, and Individuals involved

- Consideration of factors that may have contributed to escalation of behaviors, consideration of alternatives to restraint, including de-escalation techniques and possible interventions, and such other strategies and decisions as appropriate, with the goal of reducing or eliminating the use of restraint in the future
- An agreement on a written plan of action by the program

The principal or designee shall ensure that a record of each Individual student review is maintained and made available for review by the Department or the parent, upon request.

#### **E. Administrative Review**

On a monthly basis, the principal will conduct a school-wide review of restraint data. This review should consider patterns of use of restraints by similarities in the time of day, day of the week, or Individuals involved; the number and duration of physical restraints school-wide and for Individual students; the duration of restraints; and the number and type of injuries, if any, resulting from use of the restraint. The principal will determine whether it is necessary or appropriate to modify the school's restraint prevention and management policy, conduct additional staff training on restraint reduction and prevention strategies, such as training on positive behavior strategies and supports, or take such other action as necessary or appropriate to reduce or eliminate restraints.

#### **Section 8: Training Requirements**

All staff will receive training regarding the school's restraint prevention and behavior support policy. Such training shall occur within the first month of staff returning for orientation, and for employees hired after the school year begins, within a month of their employment. This training shall also include:

- The role of the student, family, and staff in preventing restraint;
- The school's restraint procedures, including use of time-out as a behavior support strategy distinct from seclusion;
- Interventions that may preclude the need for restraint, including de-escalation of problematic behaviors and other alternatives to restraint in emergency circumstances;
- When behavior presents an emergency that requires physical restraint, the types of permitted physical restraints and related safety considerations, including information regarding the increased risk of injury to a student when any restraint is used, in particular a restraint of extended duration;
- Administering physical restraint in accordance with medical or psychological limitations, known or suspected trauma history, and/or behavioral intervention plans applicable to an Individual student; and
- Identification of program staff who have received in-depth training pursuant to 603 CMR 46.04(3) in the use of physical restraint.

In addition to the training for all school staff, at the beginning of each school year, the Principal shall ensure any staff who may administer restraint receive an in-depth training in accordance with 603 CM4 46.04(4). This will include:

- Appropriate procedures for preventing the use of physical restraint, including the de-escalation of problematic behavior, relationship building and the use of alternatives to restraint;

- A description and identification of specific dangerous behaviors on the part of students that may lead to the use of physical restraint and methods for evaluating the risk of harm in Individual situations in order to determine whether the use of restraint is warranted;
- The simulated experience of administering and receiving physical restraint, instruction regarding the effect(s) on the person restrained, including instruction on monitoring physical signs of distress and obtaining medical assistance;
- Instruction regarding documentation and reporting requirements and investigation of injuries and complaints;
- Demonstration by participants of proficiency in administering physical restraint; and
- Instruction regarding the impact of physical restraint on the student and family, recognizing the act of restraint has impact, including but not limited to psychological, physiological, and social-emotional effects.

## **Section 9: Complaint Procedures**

### **A. Informal Resolution of Concern About Use of Physical Restraint**

Before initiating a formal complaint procedure, a student or his/her parent/guardian who has concerns regarding a specific use of a physical restraint, may seek to resolve his/her concerns regarding a specific use of a physical restraint by raising the issue with the Principal of the school. The student and/or his/her parent/guardian should direct their concerns regarding a specific use of a physical restraint to the Principal within ten (10) school days of the parent/guardian's receipt of the written report from the school detailed above. The Principal shall attempt, within his/her authority to work with the Individual to resolve the complaint fairly and expeditiously. If the student and/or his/her parent/guardian are not satisfied with the resolution, or if the student and/or his/her parent/guardian does not choose informal resolution, then the student and/or his/her parent/guardian may proceed with the formal complaint process detailed below.

### **B. Formal Resolution of Concern About Use of Physical Restraint**

A student and/or his/her parent/guardian, who has concerns regarding a specific use of a physical restraint, may seek to resolve his/her concerns regarding a specific use of a physical restraint by submitting a written complaint to the Principal. The student and/or his/her parent/guardian should submit this letter within twenty (20) school days of the parent/guardian's receipt of the written report from the school detailed above. The written complaint shall include (a) the name of the student; (b) the name of the school where the physical restraint allegedly occurred; (c) the name of the Individuals involved in the alleged physical restraint; (d) the basis of the complaint or concern; and (e) the corrective action being sought. The Principal shall conduct an investigation upon receipt of the formal complaint. In the course of their investigation they shall contact those Individuals that have been referred to as having pertinent information related to the complaint. Strict timelines cannot be set for conducting the investigation because each set of circumstances is different. The Principal will make sure that the complaint is handled as quickly as is feasible. After completing the formal investigation, the Principal shall contact the Individual who filed the complaint regarding the outcome of their investigation and their determination as to whether any internal corrective action is warranted.



## APPENDIX D: Expulsion and Suspension

The following section sets forth the procedures for determining consequences students may face for violations of the Code of Conduct. All students are entitled to due process commensurate with the disciplinary consequences to which they may be subject. Part One governs non-expellable disciplinary offenses, including in-school suspensions, short- and long-term suspensions, and emergency removals. Part Two governs expellable offenses.

Students who are serving in-school suspension, short-term or long-term suspension, or expulsion will have the opportunity to earn credits, as applicable, make up assignments, tests, papers, and other school work as needed to make academic progress during the period of his or her removal from the classroom or school. The Principal, or his/her designee, will inform the student and parent of this opportunity in writing when such suspension or expulsion is imposed.

Students who are expelled or suspended for more than ten consecutive days, whether in school or out of school, have an opportunity to receive educational services and make academic progress toward meeting state and local requirements, through the school's Education Service Plan.

If a student withdraws from the school and/or moves to another district during the period of suspension or expulsion, the new district of residence shall either admit the student to its schools or provide educational services to the student in an education service plan, under section 21 of chapter 76.

### Part One: Procedures Governing Non-Expellable Disciplinary Offenses

This section governs procedures for offenses that may result in (A) In-School Suspension; and (B) Short Term and Long Term Out-of-School Suspensions, pursuant to G.L. c. 71, §37H <sup>3</sup>/<sub>4</sub>.<sup>6</sup> For such offenses under this section, no student may be suspended or expelled from school for ninety (90) school days or more.

The Receiver has designated the Principal, or his/her designee, as the decision-maker for overseeing matters involving disciplinary offenses that may result in suspension or expulsion for any period of time. In such cases, the Principal, or his/her designee, will exercise discretion in deciding the consequence, consider ways to re-engage the student in learning, and avoid using expulsion as a consequence until alternatives have been tried. Possible alternatives that may be considered include the use of evidence-based strategies and programs such as mediation, conflict resolution, restorative justice, writing a letter of apology and publicly present this letter to UP Academy staff and/or students, submitting a reasonable and genuine plan for improvement, signing a behavior contract and positive interventions and supports.

Note: This Section does not apply to the following disciplinary offenses: (a) possession of a dangerous weapon; (b) possession of a controlled substance; (c) assault on a member of the educational staff; and (d) a felony charge of delinquency complaint or conviction, or adjudication or admission of guilt with respect to such felony (collectively, "Expellable Offenses"). For procedures governing Expellable Offenses, see Part Two below. Further, procedures governing special education students are set forth in this Code of Conduct at Section One, Paragraph A.

### A. In-School Suspension

**Definition:** In-School Suspension is when a student is removed from regular classroom activities, but not from the school premises, as a result of his or her conduct. If a student faces in-school suspension for more than ten school (10) school days, consecutively or cumulatively during the school year, the procedures governing long-term suspension (Section B of Part One below) will be followed. Removal from extracurricular or after-school activities does not count as removal for purposes of calculating the number of days of suspensions.

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<sup>6</sup> A copy of G.L. c. 71, . 71, §37H <sup>3</sup>/<sub>4</sub>, and 603 CMR 53.00, et. seq., is set forth at the end of this Appendix.

Infractions which may warrant an In-School Suspension include, but are not limited to:

- In the category of **Inappropriate Language:**
  - **Examples:** High-level profanity not targeted at another individual
- In the category of **Harassment:**
  - **Examples:** Teasing intended to frighten or intimidate that does not rise to the level of bullying
- In the category of **Threats:**
  - **Examples:** Threatening to damage school property
- In the category of **Physical Contact:**
  - **Examples:** Instigating an altercation, regardless of participation
- In the category of **Disrespect:**
  - **Examples:** Mocking others in tone, words, or ideas in a way that is intended to hurt
- **Other Infractions:**
  - Skipping school or afterschool commitments
  - Leaving school grounds without permission
  - Certain integrity violations (e.g., lying)

**Procedures:** When a student has engaged in behavior that may result in an In-School Suspension (and Short-Term and Long-Term Out-of-School Suspensions are not being considered), the student will be removed from class and sent to the Main Office, Dean's Office, or another designated school location. The Principal, or his/her designee, will inform the student of the disciplinary offense charged and the basis for the charge, and provide the student an opportunity to dispute the charges and explain the circumstances surrounding the alleged incident. If the Dean of Students determines that the student committed the disciplinary offense, the Principal, or his/her designee, will inform the student of the length of the student's in-school suspension, which shall not exceed 10 school days, cumulatively or consecutively, in a school year, and the school's expectations of the student during the In-School Suspension.

On the same day as the In-School Suspension decision, the Principal, or his/her designee, will make reasonable efforts to notify the parent orally of the In-School Suspension, the disciplinary offense, the reasons for concluding that the student committed the infraction, and the length of the In-School Suspension. The Principal, or his/her designee, will also invite the parent to a meeting (a "Parent Meeting") to discuss the student's academic performance and behavior, strategies for student engagement, and possible responses to the behavior. This meeting will be scheduled on the day of the suspension, if possible, or as soon as possible thereafter.

The Principal, or his/her designee, will also send written notice to the student and parent about the In-School Suspension, including the reason for and length of the In-School Suspension discipline, and inviting the parent to a Parent Meeting, if the Parent Meeting has not already taken place.

While carrying out In-School Suspensions, students must check-in with the School Culture Manager at the start of the regularly scheduled school day. The Principal, or his/her designee, will reiterate the expectations of the In-School Suspension, which may include that the student will:

- Not be permitted to attend class, and must report to the Dean's Office as required;
- Complete content and instructional materials while serving out the In-School Suspension;
- Not be permitted to communicate with any students throughout the day;
- Not participate in selected school or class activities;
- Not participate in breaks;
- Not attend reward events including field trips, dances, etc. (exceptions may be made in extraordinary circumstances at the sole discretion of the school administration)

Violation of the requirements of In-School Suspension may result in further discipline, up to and including Out-of-School Suspension and/or additional days of In-School Suspension.

## B. Out-of-School Suspension

**Definition:** The consequences of certain behavior may result in a short-term or long-term out-of-school suspension (collectively or individually, "out-of-school suspension"). A **Short-Term Out-of-School Suspension**

means the removal of a student from the school premises and regular classroom activities for no more than ten (10) consecutive or cumulative school days. A **Long-Term Out-of-School Suspension** means the removal of a student from the school premises and regular classroom for more than ten (10) consecutive or cumulative school days.

Infractions which may warrant an Out-of-School Suspension include, but are not limited to:

- In the category of **Inappropriate Language:**
  - Examples: targeted high-level profanity, targeted hate language
- In the category of **Harassment:**
  - Examples: bullying, sexual harassment, and other targeted harassment
- In the category of **Threats:**
  - Examples: threatening to cause mass harm, threatening to hurt another person
- In the category of **Physical Contact:**
  - Examples: dangerous, targeted physical contact, fighting or attempted fighting, assault, physical contact that is sexual in nature
- In the category of **Disrespect:**
  - Examples: Significant disruption to the learning environment (e.g., pulling fire alarm), verbal confrontation with adult
- **Other Infractions:**
  - Using or possessing tobacco products
  - Being charged with a felony (see M.G.L. c. 71, §37H1/2 in Appendix)

**Procedures:** When a student has engaged in behavior that may result in an out-of-school suspension of any length, the student will be removed from class and sent to the Main Office, Dean's Office, or another designated school location. The Principal, or his/her designee, will provide oral and written notice to the student and parent before the suspension takes effect; notice will include but not be limited to informing the student of the disciplinary offense charged, the basis for the charge, the potential consequences, and rights to a hearing, including the parent's opportunity to participate in the hearing. Relevant portions of the oral and written notice will be provided in English and the primary language spoken in the student's home.

For infractions that may result in a Short-Term Out-of-School Suspension, the hearing will be held with the Principal, or his/her designee. The Principal, or his/her designee, will determine at the hearing, based on the available information, including mitigating circumstances, whether the student committed the disciplinary offense, and if so, what remedy or consequence will be imposed. The Dean of Students will notify the student and the parent in writing of the determination and the reasons for it, and if the student is suspended, the opportunity to make up assignments and such other school work as needed to make academic progress during the period of removal. If a suspension is imposed, the student and parent/guardian will be provided with written notice in English and in the primary language spoken at home of the right to receive educational services that will enable the student to make academic progress during the period of suspension.

For infractions that may result in a Long-Term Out-of-School Suspension, the hearing will be held with the Lawrence Public Schools Hearing Officer. The Hearing Officer will determine at the hearing, based on the available information, including mitigating circumstances, whether the student committed the disciplinary offense, and, if so, what remedy or consequence will be imposed. The Hearing Officer will notify the student and the parent in writing of the determination and the reasons for it, and if the student is suspended, the opportunity to make up assignments and such other school work as needed to make academic progress during the period of removal. If a suspension is imposed, the student and parent/guardian will be provided with written notice in English and in the primary language spoken at home of the right to receive educational services that will enable the student to make academic progress during the period of suspension.

**Appeals:** Decisions imposing Long-Term Out-of-School Suspensions after a hearing with the Hearing Officer may be appealed. An explanation of appeal rights for expulsions is outlined in the statutes in the Appendix. Such disciplinary appeals will be made to the Receiver. Written notice of appeals rights will be provided in English and in the primary language spoken in the student's home. Note that Long-Term Suspensions will remain in effect unless and until the Receiver decides to reverse on appeal the Dean of Students' hearing determination.

## C. Emergency Removal

In cases of emergency that do not involve students with Individualized Education Plans or Expellable Offenses, the school may authorize removal of a student on an emergency basis. Such emergency removal may occur when the Principal, or his/her designee, has charged the student with a disciplinary offense and determined that his or her continued presence either a) poses a danger to a person or property, or b) materially or substantially disrupts the order of the school. The Principal, or his/her designee, must also determine that there is no alternative available to alleviate the disruption or danger. In such cases, adequate provisions will be made for the student's safety and transportation.

In such case, the Principal, or his/her designee, will make immediate and reasonable efforts to inform the student and parent/guardian orally of the emergency removal, the reason for the need for the emergency removal, the disciplinary offense, the basis for the charge, the potential consequences, including the potential length of the student's suspension, and the opportunity for the student to have a hearing with the Principal, or his/her designee, or Hearing Officer concerning the proposed suspension, among other rights to which the student is entitled.

### Part Two: Procedures Governing Expellable Offenses

*This section governs procedures relating to conduct that may result in expulsion.*

*Any student who is found on school premises or at school-sponsored or school-related events, including athletic games, in possession of a dangerous weapon, including, but not limited to, a gun or a knife; or a controlled substance as defined in chapter ninety-four C, including, but not limited to, marijuana, cocaine, and heroin, may be subject to expulsion from the school or school district.*

*Any student who assaults a principal, assistant principal, teacher, teacher's aide or other educational staff on school premises or at school-sponsored or school-related events, including athletic games, may be subject to expulsion from the school or school district.*

*Per the Memorandum of Agreement between UP Education Network and Lawrence Public Schools, "in no event may a student be expelled without the prior, specific approval of the Receiver."*

*Therefore, expulsion for those offenses listed above and any other offenses deemed to be expellable by Lawrence Public Schools will involve the Receiver. Upon receipt of the recommendation for expulsion by the Principal or her/his designee, the Receiver or his designee will conduct a hearing to consider the expulsion of a student as provided for in M.G. L. c. 76, §16 and § 17.*

*The following procedural safeguards will be in effect:*

- *After the behavioral infraction has occurred, and prior to the hearing, the student may be referred to another educational setting as determined by Lawrence Public schools for a length of time as mutually determined by the Principal and Lawrence Public Schools.*
- *The student shall receive written notice of the hearing including:*
  - o *The charge(s);*
  - o *Date, time and place of a hearing;*
  - o *Notice of the right at the hearing to:*
    - *Be represented by their parents, legal or other representative (at the student's / parent's own expense);*
    - *Present evidence; and*
    - *Confront and cross-examine witnesses.*
- *The Receiver will record (by tape or other appropriate means) the hearing and a copy of such will be made available to the student upon request.*
- *Notices and proceedings will be translated into the student's/parent's primary language if necessary for their understanding of the proceedings.*
- *A student and/or parent, upon request, will have the right to review the student's records in accordance with the Massachusetts Student Records Regulations or other applicable law.*

- All decisions by the Receiver regarding expulsion of a student will be issued to the student in writing.

Per M.G.L. c. 71, §37H, any school district that expels a student under this section shall continue to provide educational services to the student during the period of expulsion, under section 21 of chapter 76. If the student moves to another district during the period of expulsion, the new district of residence shall either admit the student to its schools or provide educational services to the student in an education service plan, under section 21 of chapter 76. If an Expulsion is imposed, the student and parent/guardian will be provided with written notice in English and in the primary language spoken at home, of the right to receive educational services that will enable the student to make academic progress.

### **M.G.L. Chapter 71, Section 37H**

#### **(Expulsion for possession of a dangerous weapon or a controlled substance or assault of educational personnel)**

(a) Any student who is found on school premises or at school-sponsored or school-related events, including athletic games, in possession of a dangerous weapon, including, but not limited to, a gun or a knife; or a controlled substance as defined in chapter ninety four C, including, but not limited to, marijuana, cocaine, and heroin, may be subject to expulsion from the school or school district by the principal.

(b) Any student who assaults a principal, assistant principal, teacher, teacher's aide or other educational staff on school premises or at school-sponsored or school-related events, including athletic games, may be subject to expulsion from the school or school district by the principal.

(c) Any student who is charged with a violation of either paragraph (a) or (b) shall be notified in writing of an opportunity for a hearing; provided, however, that the student may have representation, along with the opportunity to present evidence and witnesses at said hearing before the principal. After said hearing, a principal may, in his discretion, decide to suspend rather than expel a student who has been determined by the principal to have violated either paragraph (a) or (b).

(d) Any student who has been expelled from a school district pursuant to these provisions shall have the right to appeal to the superintendent.\* The expelled student shall have ten days from the date of the expulsion in which to notify the superintendent\* of his appeal. The student has the right to counsel at a hearing before the superintendent.\* The subject matter of the appeal shall not be limited solely to a factual determination of whether the student has violated any provisions of this section.

(e) When a student is expelled under the provisions of this section, no school or school district within the commonwealth shall be required to admit such student or to provide educational services to said student. If said student does apply for admission to another school or school district, the superintendent of the school district to which the application is made may request and shall receive from the superintendent of the school expelling said student a written statement of the reasons for said expulsion.

#### **The following changes to M.G.L. Ch. 71 Section 37H will be effective on July 1, 2014:**

(e) Any school district that suspends or expels a student under this section shall continue to provide educational services to the student during the period of suspension or expulsion, under section 21 of chapter 76. If the student moves to another district during the period of suspension or expulsion, the new district of residence shall either admit the student to its schools or provide educational services to the student in an education service plan, under section 21 of chapter 76.

(f) Districts shall report to the Department of Elementary and Secondary Education the specific reasons for all suspensions and expulsions, regardless of duration or type, in a manner and form established by the Commissioner. The Department of Elementary and Secondary Education shall use its existing data collection tools to obtain this information from districts and shall modify those tools, as necessary, to obtain the information. On an annual basis, the Department of Elementary and Secondary Education shall make district level de-identified data and analysis, including the total number of days each student is excluded during the school year, available to the public online in a machine readable format. This report shall include district level data disaggregated by student status and categories established by the Commissioner.

(g) Under the regulations promulgated by the Department, for each school that suspends or expels a

significant number of students for more than 10 cumulative days in a school year, the Commissioner shall investigate and, as appropriate, shall recommend models that incorporate intermediary steps prior to the use of suspension or expulsion. The results of the analysis shall be publicly reported at the school district level.

**M.G.L. Chapter 71, Section 37H ½**

**(Delinquency complaint against student; suspension; hearing; expulsion upon conviction; appeal)**

(1) Upon the issuance of a criminal complaint charging a student with a felony or upon the issuance of a felony delinquency complaint against a student, the principal or headmaster of a school in which the student is enrolled may suspend such student for a period of time determined appropriate by said principal or headmaster if said principal or headmaster determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school. The student shall receive written notification of the charges and the reasons for such suspension prior to such suspension taking effect. The student shall also receive written notification of his right to appeal and the process for appealing such suspension; provided, however, that such suspension shall remain in effect prior to any appeal hearing conducted by the superintendent.\*

The student shall have the right to appeal the suspension to the superintendent.\* The student shall notify the superintendent\* in writing of his request for an appeal no later than five calendar days following the effective date of the suspension. The superintendent\* shall hold a hearing with the student and the student's parent or guardian within three calendar days of the student's request for an appeal. At the hearing, the student shall have the right to present oral and written testimony on his behalf, and shall have the right to counsel. The superintendent\* shall have the authority to overturn or alter the decision of the principal or headmaster, including recommending an alternate educational program for the student. The superintendent\* shall render a decision on the appeal within five calendar days of the hearing. Such decision shall be the final decision of the city, town or regional school district with regard to the suspension.

(2) Upon a student being convicted of a felony or upon an adjudication or admission in court of guilt with respect to such a felony or felony delinquency, the principal or headmaster of a school in which the student is enrolled may expel said student if such principal or headmaster determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school. The student shall receive written notification of the charges and reasons for such expulsion prior to such expulsion taking effect. The student shall also receive written notification of his right to appeal and the process for appealing such expulsion; provided, however, that the expulsion shall remain in effect prior to any appeal hearing conducted by the superintendent.\*

The student shall have the right to appeal the expulsion to the superintendent.\* The student shall notify the superintendent,\* in writing, of his request for an appeal no later than five calendar days following the effective date of the expulsion. The superintendent\* shall hold a hearing with the student and the student's parent or guardian within three calendar days of the expulsion. At the hearing, the student shall have the right to present oral and written testimony on his behalf, and shall have the right to counsel. The superintendent\* shall have the authority to overturn or alter the decision of the principal or headmaster, including recommending an alternate educational program for the student. The superintendent\* shall render a decision on the appeal within five calendar days of the hearing. Such decision shall be the final decision of the city, town or regional school district with regard to the expulsion. Upon expulsion of such student, no school or school district shall be required to provide educational services to such student.

**M.G.L. Chapter 71, Section 37H ¾**

(a) This section shall govern the suspension and expulsion of students enrolled in a public school in the commonwealth who are not charged with a violation of subsections (a) or (b) of section 37H or with a felony under section 37H1/2.

(b) Any principal, headmaster, superintendent or other person acting as a decision-maker at a student meeting or hearing, when deciding the consequences for the student, shall exercise discretion; consider ways to re-engage the student in the learning process; and avoid using expulsion as a consequence until other remedies and consequences have been employed.

(c) For any suspension or expulsion under this section, the principal or headmaster of a school in which the student is enrolled, or a designee, shall provide, to the student and to the parent or guardian of the student, notice of the charges and the reason for the suspension or expulsion in English and in the primary language spoken in the home of the student. The student shall receive the written notification and shall have the opportunity to meet with the principal or headmaster, or a designee, to discuss the charges and reasons for the suspension or expulsion prior to the suspension or expulsion taking effect. The principal or headmaster, or a designee, shall ensure that the parent or guardian of the student is included in the meeting, provided that such meeting may take place without the parent or guardian only if the principal or headmaster, or a designee, can document reasonable efforts to include the parent or guardian in that meeting. The department shall promulgate rules and regulations that address a principal's duties under this subsection and procedures for including parents in student exclusion meetings, hearings or interviews under this subsection.

(d) If a decision is made to suspend or expel the student after the meeting, the principal or headmaster, or a designee, shall update the notification for the suspension or expulsion to reflect the meeting with the student. If a student has been suspended or expelled for more than 10 school days for a single infraction or for more than 10 school days cumulatively for multiple infractions in any school year, the student and the parent or guardian of the student shall also receive, at the time of the suspension or expulsion decision, written notification of a right to appeal and the process for appealing the suspension or expulsion in English and in the primary language spoken in the home of the student; provided, however, that the suspension or expulsion shall remain in effect prior to any appeal hearing. The principal or headmaster or a designee shall notify the superintendent\* in writing, including, but not limited to, by electronic means, of any out-of-school suspension imposed on a student enrolled in kindergarten through grade 3 prior to such suspension taking effect. That notification shall describe the student's alleged misconduct and the reasons for suspending the student out-of-school. For the purposes of this section, the term "out-of-school suspension" shall mean a disciplinary action imposed by school officials to remove a student from participation in school activities for 1 day or more.

(e) A student who has been suspended or expelled from school for more than 10 school days for a single infraction or for more than 10 school days cumulatively for multiple infractions in any school year shall have the right to appeal the suspension or expulsion to the superintendent. The student or a parent or guardian of the student shall notify the superintendent\* in writing of a request for an appeal not later than 5 calendar days following the effective date of the suspension or expulsion; provided, that a student and a parent or guardian of the student may request, and if so requested, shall be granted an extension of up to 7 calendar days. The superintendent\* or a designee shall hold a hearing with the student and the parent or guardian of the student within 3 school days of the student's request for an appeal; provided that a student or a parent or guardian of the student may request and, if so requested, shall be granted an extension of up to 7 calendar days; provided further, that the superintendent\*, or a designee, may proceed with a hearing without a parent or guardian of the student if the superintendent\*, or a designee, makes a good faith effort to include the parent or guardian. At the hearing, the student shall have the right to present oral and written testimony, cross-examine witnesses and shall have the right to counsel. The superintendent shall render a decision on the appeal in writing within 5 calendar days of the hearing. That decision shall be the final decision of the school district with regard to the suspension or expulsion.

(f) No student shall be suspended or expelled from a school or school district for a time period that exceeds 90 school days, beginning the first day the student is removed from an assigned school building.

## APPENDIX E: Grievance Policy

### *Where to File a Complaint*

Any student who believes that UP Academy has discriminated against or harassed her/him because of her/his race, color, national origin, sex, disability, or age in admission to, access to, treatment in, or employment in its services, programs, and activities may file a complaint with the Principal. If the Principal is the person who is alleged to have caused the discrimination or harassment, the complaint may be filed with the CEO of UP Education Network, the Dean of Students, or the Dean of Curriculum and Instruction. These individuals are listed below and are hereinafter referred to as "Grievance Administrators."

- CEO of UP Education Network: Veronica Conforme
- Co-Directors: Kelsey LeBuffe & Christopher Graham
- Assistant Principal: Megan English

### *Complaints of Harassment by Peers*

In the event the complaint consists of a student's allegation that another student is harassing him/her based upon the above-referenced classifications, the student may, as an alternative to filing a complaint with the Principal or a Grievance Administrator, file a complaint with the complaint manager (hereinafter referred to as "Building Complaint Manager"). The name of the Building Complaint Manager(s) is kept at the school and may be obtained from the main office

### *Complaints of Discrimination Based on Disability*

Parents or students who disagree about the identification, evaluation, or educational placement of a student, who because of a handicap needs or is believed to need special instruction or related services (pursuant to, e.g., Section 504 of the Rehabilitation Act of 1973, Chapter 766, and/or the Individuals with Disabilities Education Act) must use the procedure outlined in the Massachusetts Department of Elementary and Secondary Education's Parents' Notice of Procedural Safeguards (formerly known as the "Parent's Rights Brochure"). A copy of the Notice is available from the Learning Specialist.

### *Contents of Complaints and Timelines for Filing*

Complaints under this Grievance Procedure must be filed within 30 school days of the alleged discrimination. The complaint must be in writing. The Grievance Administrator or Building Complaint Manager (collectively, "Grievance Administrator"), or any person of the grievant's choosing, may assist the grievant with filing the complaint. The written complaint must include the following information:

1. The name and school (or address and telephone number if not a student or employee) of the grievant;
2. The name (and address and telephone number if not a student or employee) of the grievant's representative, if any;
3. The name of the person(s) alleged to have caused the discrimination or harassment (respondent);
4. A description, in as much detail as possible, of the alleged discrimination or harassment;
5. The date(s) of the alleged discrimination or harassment;
6. The name of all persons who have knowledge about the alleged discrimination or harassment (witnesses), as can be reasonably determined; and
7. A description, in as much detail as possible, of how the grievant wants the complaint to be resolved.

### *Investigation and Resolution of the Complaint*

Respondents will be informed of the charges as soon as the Grievance Administrator deems appropriate based upon the nature of the allegations, the investigation required, and the action contemplated.

The Grievance Administrator will interview witnesses whom s/he deems necessary and appropriate to determine the facts relevant to the complaint, and will gather other relevant information. Such interviews and gathering of information will be completed within fifteen (15) school days of receiving the complaint.

Within twenty (20) school days of receiving the complaint, the Grievance Administrator will meet with the grievant and/or her/his representative to review the information gathered and, if applicable, to propose a resolution designed to stop the discrimination or harassment and to correct its effect. Within ten (10) school



days of the meeting with the grievant and/or representative, the Grievance Administrator will provide written disposition of the complaint to the grievant and/or representative and to the respondent(s).

Notwithstanding the above, it is understood that in the event a resolution contemplated by UP Academy involves disciplinary action against an employee or a student, the complainant will not be informed of such disciplinary action, unless it directly involves the complainant (e.g., a directive to "stay away" from the complainant, as might occur as a result of a complaint of harassment).

Any disciplinary action imposed upon an employee or student is subject to applicable procedural requirements.

All the time lines specified above will be implemented as specified, unless the nature of the investigation or exigent circumstances prevent such implementation, as determined in the School's sole discretion, in which case, the matter will be completed as quickly as practicable. If the time lines specified above are not met, the reason(s) for not meeting them must be clearly documented. In addition, it should be noted that in the event the respondent is subject to a collective bargaining agreement which sets forth a specific time line for notice and/or investigation of a complaint, such time lines will be followed.

Confidentiality of grievants/respondents and witnesses will be maintained to the extent consistent with UP Academy's obligations relating to investigation of complaints and the due process rights of individuals affected.

Retaliation against someone because he/she has filed a complaint under this Grievance Procedure is strictly prohibited. Acts of retaliation may result in disciplinary action, up to and including suspension or expulsion/discharge.

*Appeals.* If the grievant is not satisfied with a disposition by a Grievance Administrator, the grievant may appeal the disposition to the Receiver in writing:

**Cynthia Paris**  
**Superintendent, Lawrence Public Schools**

The Superintendent will issue a written response on the appeal to the grievant within thirty (30) school days of receiving the appeal.

Generally, a grievant may file a complaint with the U.S. Department of Education, Office for Civil Rights, JW McCormack POCH, Boston, Massachusetts 02109-4557, telephone (617) 223-9662, TTY (617) 223-9695 as follows:

1. Within 180 calendar days of alleged discrimination or harassment, or
2. Within 60 calendar days of receiving notice of UP Academy's final disposition on a complaint filed through UP Academy, or
3. Within 60 calendar days of receiving a final decision by the Massachusetts Department of Education, Bureau of Special Education Appeals, or
4. Instead of filing a complaint with UP Academy.

## **J. Complaint Procedures**

Both the school and the school district work in conjunction with one another to hear and resolve any complaints. If a problem arises, both the school and the district encourage the complainant to address the problem directly with the staff member(s). If the complainant is dissatisfied with the proposed resolution by the appropriate faculty or staff member, a meeting should be scheduled with the Principal. If this does not resolve the issue, then the district encourages the complainant to contact the Receiver who will arrange to have the complaint heard as soon as possible.

Any parent, guardian, or other individual or group who believes that the school has violated or is violating any state or federal law or regulation regarding special education or any other law may file a complaint directly with the MA DESE by contacting the Office of Program Quality Assurance at (781)338-3700 or [compliance@doe.mass.edu](mailto:compliance@doe.mass.edu).

This complaint policy will be disseminated annually to all school community members and will also be made available upon request.

Any parent, guardian, or other individual or group who believes that a charter school has violated or is violating any state or federal law or regulation regarding special education or any other law outside of the charter school statute may file a complaint directly with the MA DESE by contacting the Office of Program Quality Assurance at (781)338-3700 or [compliance@doe.mass.edu](mailto:compliance@doe.mass.edu).

This complaint policy will be disseminated annually to all school community members and will also be made available upon request.

# APPENDIX F: Uniform Exemplar

## School Uniform

Official Uniform Pieces: Several elements of the UP Academy uniform are official uniform pieces, created specifically for UP Academy with the UP Academy logo. These include polo shirts, athletic shirts, and athletic sweatpants, in addition to several optional pieces. Students may still wear all items purchased during the 2013-2014 school years. Uniforms may only be purchased from Allante Fashion (431 Essex St, 978-975-3957) Per item cost breakdown is as follows:

Item	Price (tentative)
Polo shirt*	\$11-\$12
Sweatpants*	\$15
Fitness t-shirts*	\$9.99
Gym shorts*	\$12-\$13
Sweaters*	\$22
* this uniform item is optional, not required	



## APPENDIX G: Sample Remote RISE UP! Report

	Homeroom
Week of _____	Homeroom teacher's name/email

Subject	Total Assignments	Total Assignments Complete	Total Assignments Missing
ELA	20	15	5
Math	30	20	10
Social Studies	15	5	10
Science	10	8	2
Physical Education	5	3	1
Theatre	3	3	0

Assigned this week	25	Missed this week	5
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Subject	Current Overall Grade	Complete Assignments	Missing Assignments
ELA	85.3%	4	1
Social Studies	91.2%	3	2
Math	87.3%	5	0
Physical Education	88.0%	3	0
Science	100%	3	2
Theatre	95%	2	0

**This Week's Attendance**

Present in Class	Absent from Class
15	5

Roster	Monday	Tuesday	Wednesday	Thursday	Friday
Boston College	Present in Class	Present in Class	Present in Class	Present in Class	Present in Class
Boston College ELA	Absent from Class	Present in Class	Absent from Class	Present in Class	Present in Class
Boston College Math	Absent from Class	Present in Class	Present in Class	Present in Class	Absent from Class
Boston College Science	Present in Class	Present in Class	Present in Class	Present in Class	Absent from Class

### Merits & Demerits

## APPENDIX H: Required Forms

### PERMISSION FORM

Walking permission slip

2020-2021 Academic Year

**Student Name:** \_\_\_\_\_

**Grade:** \_\_\_\_\_

**Activity:** Supervised walking

**Schedule:** 2020-2021 Academic Year, during school hours

**Transportation:** Walking

**Material and/or Dress Requirements:** UP Academy Oliver uniform

**Details:** Under the close supervision of UP Academy staff and/or faculty, students should be allowed to participate in school-related activities that require leaving the school premises within walking distance.

*Please direct all questions to the main office at 978-722-8670*

### Parent/Guardian Contract

By my signature below, I hereby grant permission for my child to participate in supervised walking and to travel with UP Academy Oliver staff members to locations within walking distance of the school by walking.

I understand that in order to participate in this activity, students must be in good academic standing. I also understand that teachers and administration will have the final say regarding student eligibility.

I hereby agree to release UP Academy Oliver Middle School, its officers, directors, trustees and employees, professionally and individually, from all claims or liability of any description that may occur. This includes, but is not limited to, claims relating to accommodations and/or to activities in which my son/daughter may participate.

I further acknowledge that I am the parent or legal guardian of the student participant identified above, with legal authority to grant this consent.

---

Parent/Guardian Signature  
Permission

Date of

---

Parent/Guardian Name

Number

Emergency Contact Phone

## Student Information Form

**General Contact Information**

Student name: \_\_\_\_\_ Grade: \_\_\_\_\_

Student birthday: \_\_\_\_ / \_\_\_\_ / \_\_\_\_  
Month Date Year

GUARDIAN 1 NAME: \_\_\_\_\_ Relationship \_\_\_\_\_

Address: \_\_\_\_\_ Zip Code \_\_\_\_\_

Cell Phone: \_\_\_\_\_ Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_

Email address: \_\_\_\_\_ Preferred language: \_\_\_\_\_

GUARDIAN 2 NAME: \_\_\_\_\_ Guardian 2 Relationship \_\_\_\_\_

Address: \_\_\_\_\_ Unit: \_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_

Cell Phone: \_\_\_\_\_ Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_

Email address: \_\_\_\_\_ Preferred language: \_\_\_\_\_

**Emergency Contact**

In the event of an emergency in which the UP Academy Oliver staff is unable to contact me directly, please contact:

Name: \_\_\_\_\_ Relationship: \_\_\_\_\_

Address: \_\_\_\_\_ Phone number: \_\_\_\_\_

**Transportation**

How does your student get to and from school on most days?

 Walk     District Bus     Private Bus: \_\_\_\_\_     Dropped Off

Other: \_\_\_\_\_

**Medical information**

Please list any allergies your student has (food, medicine, environment): \_\_\_\_\_

Does your student use an inhaler or EPI pen for these allergies?

 Yes     No

Does your student take medication at school?

 Yes     No

# UP Academy Oliver

## Chromebook Policy

The students of UP Academy Oliver are all provided with a chromebook laptop at the start of the new school year. Each student is assigned a chromebook that is labeled with their name. The laptop is school property. Therefore, it must remain in the classroom all year and is to be used for academic purposes only.

All students are encouraged to take great care of their laptops and are responsible for keeping it clean and undamaged. **Please take the following steps to protect your laptop:**

- Never carry your laptop or walk around with it while it is open. Always close the laptop first before carrying it from room to room.
- Do not keep open containers of liquids near your laptop.
- Never leave your laptop in a classroom unattended.

**By signing below, I signify that I have read, understand and agreed to UP Academy Oliver's chromebook policy. I agree to take the best care of my chromebook laptop and respect it as another person's property.**

\_\_\_\_\_  
**Student Signature**

\_\_\_\_\_  
**Student Name (Printed)**

\_\_\_\_\_  
**Parent/Guardian Signature**

\_\_\_\_\_  
**Parent/Guardian (Print)**

### Media Release Form

I, \_\_\_\_\_ ("Student"), hereby give permission to UP Education Network, Inc. ("UP" or the "Organization," including in such terms UP Academy Oliver Middle School, and any other school managed or operated by, or affiliated with, UP Education Network, Inc., whether through receivership, management agreement or otherwise, and collectively, the "School"), to take, use, record, film, photograph, interview, reproduce, exhibit, display, or distribute and/or publicly publish photographs, audio recordings, and/or video recordings, my name, appearance and spoken words, whether undertaken by staff, students, or anyone outside the School, including the media, that may pertain to me—including my image, likeness, voice, and/or my story, including direct quotes from me (collectively, "Photographs"). I understand that such Photographs may be used for educational, research, fundraising, advertising, marketing or commercial purposes, including in both printed and online publications (e.g., the School's website, annual report, newsletters, Facebook, etc.) (collectively, "Marketing Purposes").

I acknowledge that the School owns all rights to the results of and proceeds of any Photographs used for Marketing Purposes. I understand that the School may copyright such Photographs, and use, re-use, or publish the Photographs, in whole or in part, in any manner and in any and all media types. I also understand that if such Photographs are posted online, such as on the School's website or social media sites, the Photographs can be downloaded or shared by any computer user and therefore may be re-disclosed by any third party not affiliated with the School. I understand that signing this release does not guarantee publication or use of the Photograph. I waive any right that I may have to inspect, approve or edit the finished product(s) incorporating the Photograph in connection with any Marketing Purposes. I understand that I will receive no compensation or remunerations of any kind from the School for use of such Photographs, and I agree that the School may use, or allow others to use, those works without limitation or compensation.

To the extent that this Media Release Form is signed by a parent or guardian of Student, this Media Release Form shall apply to Photographs of such parent or guardian.

**RELEASE**

**I, on behalf of myself and the Student, and on behalf of the respective heirs, executors, administrators and assigns of ourselves and said Student (hereinafter collectively the "Releasers"), agree to release and hold harmless the School and its affiliates, and its present and former employees, agents, assigns, and successors (hereinafter collectively the "Releasees") from all demands, actions, causes of action, suits, and liabilities whatsoever, of every name and nature, both in law and in equity, including without limitation any claims for defamation or invasion of privacy under state and/or federal laws, in any way related to the taking, use or distribution of any such Photographs as defined and described above. This release is not intended to constitute a waiver of our rights that cannot by law be waived.**

YES

NO

\_\_\_\_\_  
Student Name (please print)

\_\_\_\_\_  
Parent/Guardian Name (please print)

\_\_\_\_\_  
Signature of Parent/Guardian

\_\_\_\_\_  
Date



## **APPENDIX I: Code of Conduct**

### **UP ACADEMY OLIVER CODE OF CONDUCT SCHOOL YEAR 2020-2021**

#### **Section I: Rationale and Guiding Principles**

UP Education Network has created a Code of Conduct for each UP Academy ("UP Academy" or "school") in order to:

Ensure that our school cultures are built on a foundation of mutual respect between students and adults, and that this respect fosters a safe, welcoming and supportive learning environment;  
Prepare our scholars to become engaged citizens who will positively shape the world around them and who can navigate the complex and sometimes inequitable structures of this world by setting high expectations for what our scholars will accomplish in school and in life; and,  
Allow scholars to focus on their learning.

Our schools should inspire a love of learning in all our scholars. We strive to ensure that our students build an intrinsic thirst for knowledge and develop a strong sense of intellectual independence, and that our teaching of content merges with the teaching of social and emotional skills so that our scholars can be prepared to navigate the world. This inspiring task often requires multiple approaches to ensure that we reach every single student in our buildings. We believe that high expectations help create an environment that is conducive to engaged learning and true intellectual freedom, and that students feel secure and are most successful when clear structures are set and consistently maintained throughout the school day. Our safe, supportive and welcoming school climates enable students to take positive risks, discover their passions, and achieve success. Through joyous routines and strong relationships, we seek every possible opportunity to celebrate our scholars' achievements in ways that build our students' confidence, sense of worth, and love of learning. We also help our students grow to meet high academic and behavioral standards through a constructive and clear consequence and reward system (e.g., merits and demerits). These systems allow scholars to practice social skills that will help them achieve their goals of success in high school, college and the complex world beyond. We help scholars understand that holding high expectations for themselves will put them on a path to being engaged citizens that will positively shape the world around them. We invest the time it takes to build, implement, and maintain strong systems that ensure every student in every classroom has the same opportunity to be successful in our schools, and that we, as educators, can take advantage of every minute that we have with our scholars. In short, the details matter in our school. This Code of Conduct covers many of the key details of our approach to building a strong and inclusive learning environment.

We also recognize that no one knows our students like their families. We cannot achieve our shared vision for their students' future if we do not engage in authentic and meaningful relationship building. Our families must feel heard and valued in this work. They entrust us with their students every day. We must earn that trust and showcase - through our words and actions - that it is an honor to serve them and their students.

We believe that a supportive and consistent Code of Conduct promotes the equitable treatment of all scholars and helps to create a context in which they can maximize their potential. UP Education Network believes that school discipline and behavior management systems work best when they are instructive, not punitive, and that "the purpose of discipline must be to understand and address the causes of behavior to resolve conflicts, while teaching

new skills and repairing the harm done [in order to] restore relationships and reintegrate students into the school community.<sup>17</sup> In short, the goal of a discipline policy is to teach.

UP Academy's Code of Conduct is based upon a framework of progressive discipline. Specifically, minor behaviors result in smaller consequences while larger behaviors result in more serious consequences. Furthermore, first-time inappropriate behaviors result in smaller consequences, while repeated inappropriate behaviors result in more serious consequences and interventions.

UP Academy staff strive to support students who engage in inappropriate behaviors with the goal of minimizing exclusions. This includes the use of behavior intervention plans and restorative practices that are used to help students to learn new, more productive behaviors. Moreover, all scholars are entitled to due process commensurate with disciplinary consequences, in accordance with state and federal law. All members of UP Education Network and UP Academy schools will aim to resolve disciplinary problems by means other than exclusions to the fullest extent possible. All UP Academy personnel – including the Principal or his/her designee responsible for determining the outcome of a hearing - will exercise discretion in deciding consequences, consider ways to re-engage scholars in learning, and avoid using exclusions as a consequence to the fullest extent possible when alternatives are available. We all will seek authentic resolutions that build students' skills and repair relationships.

This Code of Conduct outlines both the productive academic and social behaviors that staff members will seek to reward and celebrate and the behaviors that need to improve such that all scholars develop excellent academic and social habits. It outlines the rights and responsibilities of students, staff and families in cases of disciplinary incidents. What follows is not an exhaustive list of behaviors and habits that schools may choose to emphasize; it offers examples of behaviors and their corresponding rewards and consequences. UP Academy staff have the discretion to deviate from these consequences if doing so is necessary to meet a student's unique needs.

This code is meant to define productive behaviors in the following school settings:

While the scholar is on school grounds, during uniformed arrival / dismissal, or on transportation to and from the school;

During school-sponsored activities and trips;

During all other school-related events, and;

Off-of-school grounds that result in substantial disruption to the learning environment.

The remainder of the Code of Conduct is divided into the following sections:

Section II: Common Rewards and Consequences

Section III: Application of the Code of Conduct in Specific Circumstances

Section IV: Suspension and Expulsion

In addition, a copy of the state statute related to disciplinary procedures can be found in the Appendix.

### Section II: Common Rewards and Consequences

*Part A: Positive Based Incentive System (PBIS): A key part of UP Academy's Code of Conduct is its positive based incentive systems (PBIS), including:*

- *Merits and RISE UP Reports*

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<sup>7</sup> Boston Public Schools Code of Conduct, February 2016, page 6.

Merits and Scholar RISE UP Reports: UP Academy has developed a scholar RISE UP Report system to provide scholars, families, and teachers with a frequent, comprehensive report of scholar performance. A scholar's weekly RISE UP Report total is impacted by their fulfillment of behavioral, homework, and attendance expectations. Year-to-date attendance and academic data is also included on the report. The RISE week runs Friday through Thursday (for logistical reasons). All scholars receive RISE UP Reports every Friday. Each scholar starts the "RISE week" with 90 Points.

Scholars may increase their RISE UP Score by meeting or exceeding expectations during a given week, for which they may receive:

- **Merits:** recognize and reward students for making positive choices and modeling exemplary behavior, e.g., meeting an expectation with impressive urgency;
- **RISE Merits:** recognize and reward students for modeling the school's core values, e.g., RISE Merit for taking an academic risk;
- **Act Worthy of Public Recognition (AWPR Merits):** recognize and reward students for going above and beyond, e.g. offering to tutor another student

*Scholars with high RISE scores may earn additional privileges.*

Scholars will decrease their RISE UP Score when they fail to meet expectations. Specifically, RISE UP points are deducted when:

- Scholars do not meet behavioral expectations (e.g., they earn demerits , detentions, suspensions);
- Scholars do not meet attendance expectations (e.g., they are absent, late, or dismissed early);
- Scholars do not complete homework assignments;
- Scholars are referred out of class; and,
- Scholars misbehave in homework club or detention.

*Weekly RISE UP Reports are sent home to be reviewed and signed by parents/guardians. Scholars complete a weekly reflection to be reviewed by the scholar's advisor. The purpose of the reflection is for the scholar to better understand where they did well or need to improve, and to serve as a starting point for conversations between scholar and advisor as needed. The school reserves the right to add or subtract RISE UP Points for examples of very good or very poor behavior.*

*During every period of the school day, classes are assessed on their performance as a group, earning between zero and five RISE UP points. The number of points earned is based on teacher's observations of the class throughout the period. When giving the score to the class, teachers use this opportunity to give concrete suggestions for improvement.*

### *Part B: Demerits*

*To achieve the goal of college readiness, scholars must maximize the learning time they have in school and learn excellent academic habits. Low-level misbehaviors, while not necessarily a sign*

of disrespect, take away from instructional time and, when internalized, can become limitations to scholarship. When needed, a teacher will issue a demerit to a scholar, as a reminder for scholars not to repeat misbehaviors and to refocus after small mistakes. By delivering this feedback consistently, scholars can practice forming strong academic habits in a low stakes environment. Demerits are generally used in UP Academy schools starting in the 5<sup>th</sup> grade. Prior to 5<sup>th</sup> grade, feedback on a scholars' behavior is delivered using an "impressions chart" or "color stick".

UP Academy teachers are trained to use a number of behavioral interventions when directions are given. These include using a warm/firm tone, circulation, eye contact, countdowns, and narration of positive behavior. These interventions often reduce the need for demerits in skilled teachers' classrooms.

If a scholar engages in any of the following behaviors, the scholar may receive a demerit:

- Inappropriate communication (e.g., disrespectful outburst)
- Off-task behavior (e.g., head down on desk)
- Unprofessional conduct (e.g., shoes or personal property on other scholar's desk)
- Disregarding directions (e.g., out of seat without permission)

When a scholar earns a demerit, the scholar will be notified by the issuing teacher.

In addition to a demerit, the scholar may receive additional corrective consequences and/or lose other school privileges as determined by UP Academy staff.

### Part C: Detention

Mutual respect is the foundation of a safe, healthy, and supportive school culture and integral to becoming a productive citizen in the world. It is our goal to teach our scholars to handle adversity with respect for themselves and for each other. A detention is a consequence that requires scholars to stay after school, complete additional assigned work, and reflect on instances of repeatedly failing to follow directions such that learning time of other scholars was lost, engaging in low-level disrespect, or low-level breaches of trust and integrity.

If a scholar engages in any of the following inappropriate behaviors, the scholar may receive a detention. Inappropriate behaviors which warrant a detention include, but are not limited to:

- Disrespectful behavior (e.g., name calling of other student)
- Disruptions (e.g., sleeping in class)
- Inappropriate contact or communication (e.g., kicking chair)

If a student is required to stay for detention, he/she will be notified by the issuing teacher during PM Homeroom or Study Hall. If a student is required to stay for detention, the school will do its best to contact the family by an auto call at 3:00 pm, or by manual phone through 3:20pm. In the case that the school cannot directly reach the family, the student is still required to stay at school. It is imperative that the school always have correct contact information for all parents

and guardians. Families should provide the school with all relevant contact information as requested at the beginning of the year and keep the school updated if family contact information should change.

Other than for family/medical emergencies or health-related appointments, students may not be excused from detention. In the case of a family/medical emergency or health-related appointment, all students will be required to make-up missed detention time on the following school day. Under these circumstances, a family member must directly communicate with the Principal, Dean of Students, or their designee in order for their child to be dismissed. Absences from detention can only be excused by the Principal or Dean of Students.

#### Part D: Referrals

Referrals are designed for scholars to reflect meaningfully on their behavior and return to class ready to learn. In a referral, students go to the Dean of Student's Office to process high-level misbehavior, build their behavioral skills, and return to class as quickly as possible. Behaviors which warrant a referral include, but are not limited to:

- Disrupting the learning environment (e.g., vocal refusal to work)
- Disrespect to adult (e.g., aggressive response to consequence)
- Earning 5 or more consequences within a single class (demerits or detentions or a combination of the two)
- Disrespect to space and/or property (e.g., vandalism)
- Threats or aggression (e.g., slamming doors)
- Attacking the dignity of another scholar

#### Part E: Friday Detention

Scholars who have skipped or struck out (e.g. high level disruption) of any Dean's Office Detention Monday-Thursday, or who have been suspended during the week, will miss Friday Enrichment activities and serve detention instead until 1:30pm. In the event that an academic week does not end in a Friday, detention will still be served at the discretion of the School Leadership Team.

Scholars will receive notice with their weekly RISE UP Reports on Friday..

### Section III: Application of the Code of Conduct in Specific Circumstances

Special Consideration for Scholars with Individualized Education Plans and Scholars with Section 504 Accommodation Plans

UP Academy holds all scholars to the same standards and expects all scholars to act with scholarly behavior at all times. Staff will work to support scholars with Individualized Education Plans (IEPs) and scholars with Section 504 Accommodation Plans so that they are able to meet these expectations.

Scholars with IEPs and scholars with Section 504 Accommodation Plans are entitled to special access by law, as determined by the Individuals with Disabilities Education Act (IDEA). Once a scholar with an IEP and/or with a Section 504 Accommodation Plan reaches five cumulative days of suspension throughout the school year, the school will seek to convene the IEP and/or 504 Plan team to create an intervention plan. In accordance with federal law, the school will host a meeting to conduct a manifestation determination prior to a hearing once the student has reached his or her ninth day of suspension. The goal of this meeting is to determine whether a scholar's actions are a result (a manifestation) of the scholar's disability. If the action is believed to be a manifestation of his or her disability, the scholar will be allowed to return to school immediately and the team will work to support the scholar in having a successful return to the learning environment. If the action is not believed to be a manifestation of the disability, the suspension length will be determined as a result of the meeting. However, the scholar will continue to receive educational services, albeit in a different environment, and to make progress towards meeting the goals set out in the scholar's IEP and/or 504 Accommodation Plan.

Please note that the school will attempt to schedule a meeting to conduct the manifestation determination meeting as soon as the behavior has occurred (and in no more than 10 days following the decision to impose discipline). If the parent/guardian misses the meeting, the school team will work to reschedule. After the second missed meeting, the team will host one more meeting, regardless of the presence of the parent/guardian.

In accordance with state and federal law, schools may choose to remove a student to an interim alternative educational setting for not more than 45 school days, regardless of manifestation determination, for behaviors that involve scholars carrying a weapon; scholars knowingly possessing, using, selling or soliciting drugs; or instances in which scholars inflict bodily harm.

### *Part B: Scholar Searches*

*In order to maintain the security of all its scholars, UP Academy staff reserve the right to conduct searches of its scholars and their property in the rare cases when there is credible information that a scholar might be in possession of a dangerous item inside the school. In these rare cases, the school will ensure that the privacy of the scholar is respected to the fullest extent possible, and that the scholar and his/her family are informed of the circumstances surrounding and results of the search. School cubbies, desks, and lockers which are assigned to scholars for their use, remain the property of UP Academy, and scholars should, therefore, have no expectation of privacy in these cases.*

### *Part C: Remote Learning behavior*

*The UP Academy Code of Conduct applies on every remote learning session.*

*Failing to adhere to remote session directives or expectations (i.e., engaging in unsafe behaviors at any time, using profane language, not obeying the teacher) are all considered inappropriate behaviors, as well other behaviors listed in this Code of Conduct. The teacher will report these behaviors to school staff, and consequences will be administered as if the behavior had occurred within school. More serious safety-related behaviors (i.e., fighting) will be investigated and treated in the same manner as if the conduct or incident occurred on school grounds. A hearing may be conducted and a range of consequences considered, including the loss of transportation privileges. Other consequences (e.g., demerits, detentions, suspensions) may also apply.*

### *Part E: Cheating, Plagiarism, and Copying Other's Work*

*Cheating on homework or exams, using resources inappropriately, and copying other people's work – scholars' or otherwise – is not permissible under the UP Academy Code of Conduct. If scholars are unsure about an assignment or unsure about a test question or testing procedure, they should go to their teacher and ask for direction. Specific guidelines regarding cheating and plagiarism will be reviewed with scholars during the first week of school and reiterated throughout the year. The school will determine appropriate consequences, but cheating, plagiarism, and copying other's work may result in in-class reflection, suspension, loss of academic credit, and/or other consequences.*

### *Part F: Academic Credit for Homework / Missed Assignments*

*Any scholar who is serving suspension, short-term suspension, long-term suspension, or expulsion shall have the opportunity to earn credits, as applicable, make up assignments, tests, papers, and other school work as needed to make academic progress during the period of his or her removal from the classroom or school. Scholar work will be available for students.. The completed work will receive full credit, if submitted by deadlines in accordance with the school make-up policy outlined in the Student and Family Handbook. If a scholar does not complete this work, the scholar may face standard academic consequences (e.g., no academic credit).*

## Section IV: Suspension and Expulsion

The following section sets forth the procedures for determining consequences scholars may face for not following the Code of Conduct. All scholars are entitled to due process commensurate with the disciplinary consequences to which they may be subject, in accordance with state and federal law. In addition, all members of UP Education Network and UP Academy schools will aim to resolve disciplinary problems by means other than exclusions, to the fullest extent possible. All UP Academy personnel – including the Principal or his/her designee responsible for determining the outcome of a hearing - will exercise discretion in deciding consequences, consider ways to re-engage scholars in learning, and avoid using exclusions as a consequence when alternatives are available.

Possible alternatives that may be considered include the use of evidence-based strategies and programs such as mediation, conflict resolution, restorative justice, writing a letter of apology and publicly present this letter to UP Academy staff and/or scholars, submitting a reasonable and genuine plan for improvement, signing a behavior contract and positive interventions and supports.

Part A governs non-expulsion disciplinary misbehaviors, including in-school suspensions (remote), short- and long-term suspensions, and emergency removals. Part B governs expellable actions.

Scholars who are serving an in-school suspension, short- or long-term suspension, or expulsion will have the opportunity to earn credits, as applicable, make up assignments, tests, papers, and other school work as needed to make academic progress during the period of his or her removal from the classroom or school. The Principal or designee will inform the scholar and parent of this opportunity in writing when such suspension or expulsion is imposed.

Scholars who are expelled or suspended for more than ten cumulative days, whether in-school or out-of-school, have an opportunity to receive educational services and make academic progress toward meeting state and local requirements, through the school's Education Service Plan.

If a scholar withdraws from the school and/or moves to another district during the period of suspension or expulsion, the new district of residence shall either admit the scholar to its schools or provide educational services to the scholar in an education service plan.

### *Part A: Procedures Governing Non-Expellable Disciplinary Issues*

*This section governs procedures for actions that may result in (A) In-School Suspension; and (B) Short Term and Long Term Out-of-School Suspensions, pursuant to G.L. c. 71, §37H ¾.<sup>8</sup> For such*

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<sup>8</sup> A copy of G.L. c. 71, §37H ¾, is included in the Appendix.



misbehaviors under this section, no scholar may be suspended or expelled from school for ninety (90) school days or more.

Note: This section does not apply to the following disciplinary actions: (a) possession of a dangerous weapon; (b) possession of a controlled substance; (c) assault on a member of the educational staff; and (d) a felony charge of delinquency complaint or conviction, or adjudication or admission of guilt with respect to such felony (collectively, "Expellable Actions.") For procedures governing Expellable Actions, see Part B below. Further, procedures governing special education scholars are set forth in this Code of Conduct in Section III, Part A.

### Part A.1: Alternative Consequence for In-School and Out-of-School Suspension

Alternative consequences are a class of activities designed to help scholars identify the problems caused by their behavior and repair the situation. The UP Education Network encourages schools to utilize these types of consequences whenever appropriate, as they maximize scholars' time in class and are often more successful in helping to modify behavior. These consequences may be preferable to exclusion when one or more of the following conditions exist:

- The behavior presents no threat to the safety of other students or teachers and does not keep other students from exercising their own civil right to learning.
- Exclusion has been used before for the student for a particular behavior and has not led to a change in behavior.
- The logical consequence to a behavior is easily defined.
- Excluding the student from school presents a substantial risk to that student's health or safety.

Examples of Alternative Consequences used in UP Academy schools include:

- If a scholar destroys property within the school or writes graffiti on school property...
  - ✓ An agreement can be reached with the parent or guardian for the scholar to stay after school and repair the damage or repaint a wall.
- If a scholar uses profanity targeted at a teacher ...
  - ✓ The scholar can be required to deliver a public apology to the teacher in front of the class and/or participate in a classroom-wide restorative conversation.
- If a scholar has already been excluded for the behavior with no effect...
  - ✓ An agreement is reached with the parent or guardian for the scholar to attend Saturday School to reflect on the behavior, receive coaching, and make a behavior intervention plan.

## Part A.2: In-School Suspension

*In-School Suspension is when a scholar is removed from regular classroom activities, but not from the school premises, as a result of their conduct. If a scholar faces in-school suspension for more than ten (10) school days, consecutively or cumulatively during the school year, the procedures governing long-term suspension (Section B of Part One below) will be followed. Removal from extracurricular or after-school activities does not count as removal for purposes of calculating the number of days of suspensions.*

*Inappropriate behaviors which may warrant an In-School Suspension include, but are not limited to:*

- *In the category of **Inappropriate Language**:*
  - *Examples: High-level profanity not targeted at another Individual*
- *In the category of **Harassment**:*
  - *Examples: Teasing intended to frighten or intimidate that does not rise to the level of bullying*
- *In the category of **Threats**:*
  - *Examples: Threatening to damage school property*
- *In the category of **Physical Contact**:*
  - *Examples: Instigating an altercation, regardless of participation*
- *In the category of **Denigrating another's personhood**:*
  - *Examples: Mocking others in tone, words, or ideas in a way that is intended to hurt*

*Other behaviors that may warrant an In-School Suspension include but are not limited to:*

- *Skipping school or afterschool commitments*
- *Leaving school grounds without permission*
- *Certain integrity violations (e.g., lying)*

*When a scholar has engaged in behavior that may result in an In-School Suspension (and Short-Term and Long-Term Out-of-School Suspension are not being considered), the scholar will be removed from class and sent to the Main Office, Dean of Students' office, or another designated school location. The Principal or designee will inform the scholar of the disciplinary issue and the basis for the consequence, and provide the scholar an opportunity to dispute the consequence and explain the circumstances surrounding the alleged incident. If the Principal or designee determines that the scholar engaged in the inappropriate behavior, the Principal or designee will inform the scholar of the length of the scholar's in-school suspension, which shall not exceed 10 school days, cumulatively or consecutively, in a school year, and the school's expectations of the scholar during the In-School Suspension.*

*On the same day as the In-School Suspension decision, the Principal or designee will make reasonable efforts to notify the parent orally of the In-School Suspension, the inappropriate behavior, the reasons for concluding that the scholar engaged in the inappropriate behavior, and the length of the In-School Suspension. The Principal or designee will also invite the parent*

or guardian to a meeting (a "Parent/Guardian Meeting") to discuss the scholar's academic performance and behavior, strategies for scholar engagement, and possible responses to the behavior. This meeting will be scheduled on the day of the suspension, if possible, or as soon as possible thereafter.

The Principal or designee will also send written notice to the scholar and parent/guardian about the In-School Suspension, including the reason for and length of the In-School Suspension discipline, and inviting the parent to a Parent/Guardian Meeting, if the Parent/Guardian Meeting has not already taken place.

While carrying out In-School Suspensions, scholars must check-in with the Dean of Students at the start of the regularly scheduled school day. The Dean of Students, or his or her designee, will reiterate the expectations of the In-School Suspension, which may include that the scholar will:

- Report to the Dean of Students' office as required;
- Complete content and instructional materials while serving out the In-School Suspension; and,
- Not participate in selected school, class, or other activities.

Not meeting the requirements of In-School Suspension may result in further consequences, including Out- of-School Suspension and/or additional days of In- School Suspension.

### Part A.3: Out-of-School Suspension

The consequences of certain behavior may result in a short-term or long- term out-of-school suspension (collectively or individually, "out-of-school suspension"). A Short-Term Out-of-School Suspension means the removal of a scholar from the school premises and regular classroom activities for no more than ten (10) consecutive or cumulative school days. A Long-Term Out-of-School Suspension means the removal of a scholar from the school premises and regular classroom for more than ten (10) consecutive or cumulative school days.

The following inappropriate behaviors may warrant an Out-of-School Suspension:

- In the category of **Inappropriate Language**:
  - Examples: targeted high-level profanity and/or targeted hate language that infringes on another's civil rights
- In the category of **Harassment**:
  - Examples: bullying, sexual harassment, and other targeted harassment
- In the category of **Threats**:
  - Examples: threatening to cause mass harm, threatening to hurt another person
- In the category of **Physical Contact**:
  - Examples: dangerous, targeted physical contact, fighting or attempted fighting, assault, physical contact that is sexual in nature
- In the category of **Sustained or Extreme Defiance**:
  - Examples: Significant disruption to the learning environment (e.g., pulling fire



Other behaviors that may warrant an Out of School Suspension include but are not limited to:

- Using or possessing tobacco products
- Being charged with a felony (see M.G.L. c. 71, §37H1/2 in the Appendix)

When a scholar has engaged in behavior that may result in an Out-of- School suspension of any length, the scholar will be sent to the Dean of Students' office. The Principal or designee will

provide oral and written notice to the scholar and parent/guardian before the suspension takes effect, which notice will include but not be limited to informing the scholar of the inappropriate behavior, the basis for the action taken, the potential consequences, and rights to a hearing, including the opportunity for the parent or guardian to participate in the hearing. Relevant portions of the oral and written notice will be provided in English and the primary language spoken in the scholar's home.

For inappropriate behaviors that may result in a Short-Term Out-of-School Suspension, the hearing will be held with the Principal or designee. The Principal or designee will determine at the hearing, based on the available information, including mitigating circumstances, whether the scholar engaged in the disciplinary issue, and if so, what remedy or consequence will follow. The Principal or designee will notify the scholar and the parent / guardian in writing of the determination and the reasons for it, and if the scholar is suspended, the opportunity to make up assignments and such other school work as needed to make academic progress during the period of removal. If a suspension is recommended, the scholar and parent/guardian will be provided with written notice in English and in the primary language spoken at home of the right to right receive educational services that will enable the scholar to make academic progress during the period of suspension.

For inappropriate behaviors that may result in a Long-Term Out-of-School Suspension, the hearing will be held with the Principal or designee. The Principal or designee will determine at the hearing, based on the available information, including mitigating circumstances, whether the scholar engaged in the disciplinary issue, and if so, what remedy or consequence will take place. The Principal or designee will notify the scholar and the parent/guardian in writing of the determination and the reasons for it, and if the scholar is suspended, the opportunity to make up assignments and such other school work as needed to make academic progress during the period of removal. If a suspension is recommended, the scholar and parent/guardian will be provided with written notice in English and in the primary language spoken at home of the right to right receive educational services that will enable the scholar to make academic progress during the period of suspension.

Appeals: Decisions that recommend Long-Term Out-of-School Suspensions after a hearing may be appealed. An explanation of appeal rights for Long-Term Out –of-School Suspensions is outlined in the statutes in the Appendix. The appeals process varies based on the governance model of the UP Academy school. Written notice of appeals rights will be provided in English and in the primary language spoken in the scholar's home. Note that Long- Term Suspensions will remain in effect unless a decision is made to reverse or appeal the hearing determination.

#### Part A.4: Emergency Removal

*In cases of emergency that do not involve scholars with Individualized Education Plans or Expellable Actions, the school may authorize removal of a scholar on an emergency basis. Such emergency removal may occur when the Principal or designee has issued a disciplinary*

*consequence to a student and determined that his or her continued presence either a) poses a danger to a person or property, or b) materially or substantially disrupts the order of the school. The Principal or designee must also determine that there is no alternative available to alleviate the disruption or danger and can only make a decision for an Emergency Removal after de-escalation techniques have been tried. In such cases, adequate provisions will be made for the scholar's safety and transportation.*

*In such case, the Principal or designee will make immediate and reasonable efforts to inform the scholar and parent/guardian orally of the emergency removal, the reason for the need for the emergency removal, the disciplinary issue, the basis for the removal, the potential consequences, including the potential length of the scholar's suspension, and the opportunity for the scholar to have a hearing with the Principal or designee concerning the proposed suspension, among other rights to which the scholar is entitled. Emergency removals should but as short as possible, but may last for up to three days, including the day of removal.*

#### *Part B: Procedures Governing Expellable Actions*

*This section governs procedures relating to conduct that may result in expulsion.*

*Any scholar who is found on school premises or at school-sponsored or school-related events, including athletic games, in possession of a dangerous weapon, including, but not limited to, a gun or a knife; or a controlled substance as defined in chapter ninety- four C, including, but not limited to, marijuana, cocaine, and heroin, may be subject to expulsion.*

*Any scholar who assaults educational staff on school premises or at school-sponsored or school-related events, including athletic games, may be subject to expulsion.*

*Upon receipt of the recommendation for expulsion by the Dean of Students, the Principal will conduct a hearing to consider the expulsion of a scholar as provided for in M.G. L. c. 76, §16 and § 17. Prior to the hearing, the school will recommend that the scholar and family seek the aid of an advocate.*

*The following procedural safeguards will be in effect:*

- *After the disciplinary issue has occurred, and prior to the hearing, the scholar may be referred to another educational setting.*
- *The scholar shall receive written notice of the hearing including:*

- o *The disciplinary issue being levied;*
- o *Date, time and place of a hearing;*
- o *Notice of the right at the hearing to:*
  - *Be represented by his or her parent/guardian(s), or a legal or other representative (at the scholar's / parent's/guardian's own expense);*
  - *Present evidence; and*
  - *Confront and cross-examine witnesses.*
- *The Principal will record (by tape or other appropriate means) the hearing and a copy of such will be made available to the scholar upon request.*
- *Notices and proceedings will be translated into the scholar's/parent's/guardian's primary language if necessary for their understanding of the proceedings.*
- *A scholar and/or parent/guardian, upon request, will have the right to review the scholar's records in accordance with the Massachusetts Student Records Regulations or other applicable law.*
- *All decisions by the Principal regarding expulsion of a scholar will be issued to the scholar in writing.*

*Per M.G.L. c. 71, §37H, any school district that expels a scholar under this section shall continue to provide educational services to the scholar during the period of expulsion, under section 21 of chapter 76. If the scholar moves to another district during the period of expulsion, the new district of residence shall either admit the scholar to its schools or provide educational services to the scholar in an education service plan, under section 21 of chapter 76. If an expulsion is imposed, the scholar and parent/guardian will be provided with written notice in English and in the primary language spoken at home, of the right to right receive educational services that will enable the scholar to make academic progress.*

M.G.L. Chapter 71, Section 37H

(Expulsion for possession of a dangerous weapon or a controlled substance or assault of educational personnel)

- (a) Any scholar who is found on school premises or at school-sponsored or school-related events, including athletic games, in possession of a dangerous weapon, including, but not limited to, a gun or a knife; or a controlled substance as defined in chapter ninety four C, including, but not limited to, marijuana, cocaine, and heroin, may be subject to expulsion from the school or school district by the principal.
- (b) Any scholar who assaults a principal, assistant principal, teacher, teacher's aide or other educational staff on school premises or at school-sponsored or school-related events, including athletic games, may be subject to expulsion from the school or school district by the principal.
- (c) Any scholar who is charged with a violation of either paragraph (a) or (b) shall be notified in writing of an opportunity for a hearing; provided, however, that the scholar may have representation, along with the opportunity to present evidence and witnesses at said hearing before the principal.

After said hearing, a principal may, in his/her discretion, decide to suspend rather than expel a scholar who has been determined by the principal to have violated either paragraph (a) or (b).

- (d) Any scholar who has been expelled from a school district pursuant to these provisions shall have the right to appeal to the superintendent. The expelled scholar shall have ten days from the date of the expulsion in which to notify the superintendent of his appeal. The scholar has the right to counsel at a hearing before the superintendent. The subject matter of the appeal shall not be limited solely to a factual determination of whether the scholar has violated any provisions of this section.
- (e) Any school district that suspends or expels a scholar under this section shall continue to provide educational services to the scholar during the period of suspension or expulsion, under section 21 of chapter 76. If the scholar moves to another district during the period of suspension or expulsion, the new district of residence shall either admit the scholar to its schools or provide educational services to the scholar in an education service plan, under section 21 of chapter 76.

- (f) *Districts shall report to the Department of Elementary and Secondary Education the specific reasons for all suspensions and expulsions, regardless of duration or type, in a manner and form established by the Commissioner. The Department of Elementary and Secondary Education shall use its existing data collection tools to obtain this information from districts and shall modify those tools, as necessary, to obtain the information. On an annual basis, the Department of Elementary and Secondary Education shall make district level de-identified data and analysis, including the total number of days each scholar is excluded during the school year, available to the public online in a machine readable format. This report shall include district level data disaggregated by scholar status and categories established by the Commissioner.*
- (g) *Under the regulations promulgated by the Department, for each school that suspends or expels a significant number of scholars for more than 10 cumulative days in a school year, the Commissioner shall investigate and, as appropriate, shall recommend models that incorporate intermediary steps prior to the use of suspension or expulsion. The results of the analysis shall be publicly reported at the school district level.*

M.G.L. Chapter 71, Section 37H ½

(Delinquency complaint against scholar; suspension; hearing; expulsion upon conviction; appeal)

- (1) *Upon the issuance of a criminal complaint charging a scholar with a felony or upon the issuance of a felony delinquency complaint against a scholar, the principal or headmaster of a school in which the scholar is enrolled may suspend such scholar for a period of time determined appropriate by said principal or headmaster if said principal or headmaster determines that the scholar's continued presence in school would have a substantial detrimental effect on the general welfare of the school. The scholar shall receive written notification of the charges and the reasons for such suspension prior to such suspension taking effect. The scholar shall also receive written notification of his right to appeal and the process for appealing such suspension; provided, however, that such suspension shall remain in effect prior to any appeal hearing conducted by the superintendent.*

*The scholar shall have the right to appeal the suspension to the superintendent. The scholar shall notify the superintendent in writing of his request for an appeal no later than five calendar days following the effective date of the suspension. The superintendent shall hold a hearing with the scholar and the scholar's parent or guardian within three calendar days of the scholar's request for an appeal. At the hearing, the scholar shall have the right to present oral and written testimony on his behalf, and shall have the right to counsel. The superintendent shall have the*



authority to overturn or alter the decision of the principal or headmaster, including recommending an alternate educational program for the scholar. The superintendent shall render a decision on the appeal within five calendar days of the hearing. Such decision shall be the final decision of the city, town or regional school district with regard to the suspension.

- (2) Upon a scholar being convicted of a felony or upon an adjudication or admission in court of guilt with respect to such a felony or felony delinquency, the principal or headmaster of a school in which the scholar is enrolled may expel said scholar if such principal or headmaster determines that the scholar's continued presence in school would have a substantial detrimental effect on the general welfare of the school. The scholar shall receive written notification of the charges and reasons for such expulsion prior to such expulsion taking effect. The scholar shall also receive written notification of his right to appeal and the process for appealing such expulsion; provided, however, that the expulsion shall remain in effect prior to any appeal hearing conducted by the superintendent.

The scholar shall have the right to appeal the expulsion to the superintendent. The scholar shall notify the superintendent, in writing, of his request for an appeal no later than five calendar days following the effective date of the expulsion. The superintendent shall hold a hearing with the scholar and the scholar's parent or guardian within three calendar days of the expulsion. At the hearing, the scholar shall have the right to present oral and written testimony on his behalf, and shall have the right to counsel. The superintendent shall have the authority to overturn or alter the decision of the principal or headmaster, including recommending an alternate educational program for the scholar. The superintendent shall render a decision on the appeal within five calendar days of the hearing. Such decision shall be the final decision of the city, town or regional school district with regard to the expulsion. Upon expulsion of such scholar, no school or school district shall be required to provide educational services to such scholar.

M.G.L. Chapter 71, Section 37H <sup>3</sup>/<sub>4</sub>

- (a) This section shall govern the suspension and expulsion of scholars enrolled in a public school in the commonwealth who are not charged with a violation of subsections (a) or (b) of section 37H or with a felony under section 37H 1/2.
- (b) Any principal, headmaster, superintendent or other person acting as a decision-maker at a scholar meeting or hearing, when deciding the consequences for the scholar, shall exercise discretion; consider ways to re-engage the scholar in the

learning process; and avoid using expulsion as a consequence until other remedies and consequences have been employed.

(c) For any suspension or expulsion under this section, the principal or headmaster of a school in which the scholar is enrolled, or a designee, shall provide, to the scholar and to the parent or guardian of the scholar, notice of the charges and the reason for the suspension or expulsion in English and in the primary language spoken in the home of the scholar. The scholar shall receive the written notification and shall have the opportunity to meet with the principal or headmaster, or a designee, to discuss the charges and reasons for the suspension or expulsion prior to the suspension or expulsion taking effect. The principal or headmaster, or a designee, shall ensure that the parent or guardian of the scholar is included in the meeting, provided that such meeting may take place without the parent or guardian only if the principal or headmaster, or a designee, can document reasonable efforts to include the parent or guardian in that meeting. The department shall promulgate rules and regulations that address a principal's duties under this subsection and procedures for including parents in scholar exclusion meetings, hearings or interviews under this subsection.

(d) If a decision is made to suspend or expel the scholar after the meeting, the principal or headmaster, or a designee, shall update the notification for the suspension or expulsion to reflect the meeting with the scholar. If a scholar has been suspended or expelled for more than 10 school days for a single infraction or for more than 10 school days cumulatively for multiple infractions in any school year, the scholar and the parent or guardian of the scholar shall also receive, at the time of the suspension or expulsion decision, written notification of a right to appeal and the process for appealing the suspension or expulsion in English and in the primary language spoken in the home of the scholar; provided, however, that the suspension or expulsion shall remain in effect prior to any appeal hearing. The principal or headmaster or a designee shall notify the superintendent in writing, including, but not limited to, by electronic means, of any out-of-school suspension imposed on a scholar enrolled in kindergarten through grade 3 prior to such suspension taking effect. That notification shall describe the scholar's alleged misconduct and the reasons for suspending the scholar out-of-school. For the purposes of this section, the term "out-of-school suspension" shall mean a disciplinary action imposed by school officials to remove a scholar from participation in school activities for 1 day or more.

(e) A scholar who has been suspended or expelled from school for more than 10 school days for a single infraction or for more than 10 school days cumulatively for multiple infractions in any school year shall have the right to appeal the suspension or expulsion to the superintendent. The scholar or a parent or guardian of the scholar shall notify the superintendent in writing of a request for an appeal not later than 5



*calendar days following the effective date of the suspension or expulsion; provided, that a scholar and a parent or guardian of the scholar may request, and if so requested, shall be granted an extension of up to 7 calendar days. The superintendent or a designee shall hold a hearing with the scholar and the parent or guardian of the scholar within 3 school days of the scholar's request for an appeal; provided that a scholar or a parent or guardian of the scholar may request and, if so requested, shall be granted an extension of up to 7 calendar days; provided further, that the superintendent, or a designee, may proceed with a hearing without a parent or guardian of the scholar if the superintendent, or a designee, makes a good faith effort to include the parent or guardian. At the hearing, the scholar shall have the right to present oral and written testimony, cross-examine witnesses and shall have the right to counsel. The superintendent shall render a decision on the appeal in writing within 5 calendar days of the hearing. That decision shall be the final decision of the school district with regard to the suspension or expulsion.*

- (f) No scholar shall be suspended or expelled from a school or school district for a time period that exceeds 90 school days, beginning the first day the scholar is removed from an assigned school building.*