



**Academy  
Boston**

**Scholar and Family Handbook**

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

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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.

## Our Vision

At UP Academy Boston, students in our school cultivate their sharp minds, share their kind hearts and explore their path and potential. UP graduates succeed on the path to college and pursue their passions.

## Our Mission

At UAB, through joy and rigor, we empower our students to explore their path and potential. In partnership with their families, we support the growth and development of the entire student: heart and mind. The work our students do matters. The work our teachers do is important. We commit to making a difference and we never give UP!

## Our Values

In an effort to ensure the success of all students, we hold a concrete system of values and expectations. We believe that the rules for school are the rules for life. To add, they promote appropriate behavior, create order and predictability in the classroom which encourage academic excellence. The following 5 components, marked by the acronym "ASPIRE," make up the overarching expectations that all students will be expected to uphold:

**A** - Achievement

**S** - Scholarship

**P** - Perseverance

**I** - Integrity

**R** - Respect

**E** - Enthusiasm

# 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 try and return calls within 24 hours in the event that a message is left. Families will also have an opportunity to meet with staff during scheduled parent-teacher conference days. In addition, meetings can be arranged at any time by appointment. If a parent needs to see a staff person more immediately, the parent should report directly to the Main Office, and we will facilitate the soonest possible contact.

**UP Academy Boston is located at 215 Dorchester Street, South Boston.**

<b>Main Office</b>	<b>617-635-8819</b>	
Principal	James Frier	<a href="mailto:jfrier@upacademyboston.org">jfrier@upacademyboston.org</a>
Director of Operations	Brittani Bond	Bbond@upacademyboston.org
Dean of Students	Kasim Shavis	<a href="mailto:kshavis@upacademyboston.org">kshavis@upacademyboston.org</a>

## Hours of School Operation

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

Day	Doors Open	Class Begins	Classes End	Extended Time	Additional Notes
Monday-Thursday	7:15am	7:35am	3:00pm	3:30pm	<ul style="list-style-type: none"> <li>School cannot supervise students before 7:15am or after 3:30pm</li> <li>Breakfast is provided for all students</li> <li>Students who are not in their homeroom seat and ready for the day by 7:35am will be marked tardy</li> <li>Students who need additional academic support, can stay at school for extended time until <b>3:30pm</b>.</li> </ul>

Friday	7:15a m	7:35a m	1:00pm	N/A	<ul style="list-style-type: none"><li>• School cannot supervise students before 7:15am or after 1:00pm</li><li>• Breakfast is provided for all students</li><li>• Students who are not in their homeroom seat and ready for the day 7:35am will be marked tardy</li></ul>
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### **Cold Weather Policy and Inclement Weather School Closings:**

- **Cold Weather Policy:** November 1 to April 1 between 7:00am and 7:15am, UP schools will open doors early to students waiting outside if:
  - The temperature is below freezing or 32 degrees Fahrenheit.
  - The wind chill is below 32 degrees Fahrenheit.
  - Students waiting outside at this time will be invited into the school and expected to work on structured activities such as:
    - Working on homework
    - Engaging in DEAR
- **Inclement Weather Closings:** UP Academy follows the exact same delay and cancellation policies as Boston Public Schools. In the event of poor weather conditions such as heavy snow, please listen to local television or radio or check the district's website and social media accounts for relevant information regarding school cancellation.

### **Transportation**

Our transportation policy is identical to that of the Boston Public Schools. If you are dropping off or picking up your child during normal arrival and dismissal hours, please use the 215 Dorchester Street entrance and park on the street.

If you have any questions about transportation, please contact 617-635-9520.

### **Attendance Policy**

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

<b>Type of Absence</b>	<b>Description</b>
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 Disabilities Act ("ADA"), and the Individuals with Disabilities Education Act ("IDEA") should absences be</li></ul>

	related to a disabling condition.
Unexcused (Applies to absences, tardies, and early-dismissals) – all scholar absences not listed above, including but not limited to:	<ul style="list-style-type: none"><li>• Non-school related appointments</li><li>• Family vacations</li><li>• Suspensions</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.**
- What if my scholar needs to leave school early for travel or an appointment, does this count as an unexcused absence?
  - We strongly encourage families to take advantage of the early dismissal on Fridays, as well as staff professional development and vacation days, to schedule appointments and travel.
- What should my scholar do if they are tardy or need to leave early?
  - Tardy students must check in at the main office before reporting to class. Students leaving early must be signed out with the main office before leaving school.
- If my scholar is absent from school, can they attend school sponsored activities that day?
  - No. Students who are absent from school cannot attend or participate in any school sponsored activities the 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. Below is a range of steps we may take:
- **1- 3rd student absence:** A daily attendance auto dial and phone call will be made
- **At 4 student absences:** CFC places a call to families to discuss absences. Information is logged and brought back to the Attendance team for discussion.
- **At 6 to 7 absences:** UAB administration will require a home visit to discuss Attendance concerns, discuss further actions or possible steps.
- **At 8 to 10 + Absences :** Discussion of filling of Attendance report to be submitted for review of BPS Attendance Officer.
- **At 15 + Absences:** Students are now considered at risk for retention. (UP Academy Boston reserves the right to retain scholars after they have acquired or surpassed 15 absences in a school year).
- 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 Director of Operations.

- Please note:
  - According to state law all students under 16 years of age are expected to be in school. All students 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.
- All absences, regardless of whether they are excused, count toward a student's attendance record.

### **UP Academy Boston Dress Code**

UP Academy Charter School has a dress code which applies during all school days and during all school-sponsored events.

The UP Academy dress code has been adopted to improve the educational environment for all students. Specifically, we have instituted a dress code for the following reasons:

- to foster a sense of school identity and community
- to prepare students for the expectations related to professional attire that future institutions, organizations and employers will have
- to ensure that our students focus on learning instead of clothing
- to increase school safety and security by making the presence of visitors/outside immediately apparent
- to reduce the cost of clothing for families

#### Enforcement of Dress Code Policy

It is the goal of the school to have a dress code which makes things easier for parents and students rather than more difficult. For that reason, we have made every effort to be clear about this policy and consistent in its enforcement. Parents who have questions or concerns should contact the school immediately and seek clarification.

**Like all school policies, the dress code policy is strictly enforced.**

The UP Academy dress code is not intended to suppress speech or expression. We have added additional flexibility into the dress code so that students can meet the dress code requirements in the way that feels most comfortable to them.

**School Dress Code Policy:**

**School Uniform Items:**

- Up Academy Boston polo, t-shirt, or sweatshirt required
- Khaki colored, black, or navy blue bottoms (pants, joggers, skirts, and shorts).
- Solid black or navy blue basketball shorts or sweats (UAB logo not required).
- Any color shoes or sneakers (No open-toed shoes)
- Crocs are only allowed on FRIDAYS ONLY
- Students may wear knee-length skirts or shorts
- No bandanas or bonnets

**VENDOR INFORMATION:**

- Vendor: Metro School Uniforms located at 745 Dudley St, Dorchester, MA
- Vendor Website: [metroschooluniforms.com](http://metroschooluniforms.com)
- Ways to purchase:
  - **Option One:** Place an online order with a delivery option to your home.
  - **Option Two:** Online order with delivery to the store where you can pick up your uniforms.
  - **Option Three:** Purchase school uniforms at the store located on Dudley St. Nubian Sq. Their hours of operation are Monday- Saturday 10 am to 7 pm.

**All Students**

Category	Acceptable Items	Unacceptable Items
Shirts	<ul style="list-style-type: none"> <li>● Solid navy blue or black polo with UAB logo</li> <li>● Any T-shirt with a UAB logo</li> </ul>	<ul style="list-style-type: none"> <li>● Polo shirt that is not navy blue or black and does not have UAB logo</li> <li>● T-shirt without a UAB logo</li> </ul>

Sweatshirts/Sweaters	<ul style="list-style-type: none"> <li>• Solid crew neck or zip-up sweatshirt: navy blue or black with UAB logo</li> <li>• UAB Sweaters/sweatshirts</li> </ul> <p>*Undershirt <b>must</b> always be worn under a sweater/sweatshirt</p>	<ul style="list-style-type: none"> <li>• Sweaters/sweatshirts that are not navy blue or black and do not have the UAB logo</li> <li>• Sweatshirts with hoods</li> </ul>
Undershirts	<ul style="list-style-type: none"> <li>• Short sleeve undershirts - any color</li> <li>• Long-sleeve undershirts - Neutral colors and navy only (black, white, navy blue, grey, and/or brown)</li> </ul>	<ul style="list-style-type: none"> <li>• Undershirts that are patterned and printed or not neutral colors</li> </ul>
Pants	<ul style="list-style-type: none"> <li>• Khaki/Tan, black, navy blue pants, jogger, or shorts</li> <li>• UAB Sweatpants</li> <li>• Solid Black or Navy Blue sweatpants</li> <li>• Shorts must be knee-length</li> </ul>	<ul style="list-style-type: none"> <li>• Pants made of jean/denim material</li> <li>• Pants rips</li> <li>• Sweatpants with stripes</li> <li>• Shorts that are more than two inches above the knee</li> <li>• Leggings worn as pants</li> <li>• Spandex as outerwear (ie: bike shorts)</li> </ul>
Skirts/Jumpers	<ul style="list-style-type: none"> <li>• Khaki/Tan, black, or navy blue skirts/jumpers</li> <li>• Skirts/Jumpers must be knee-length</li> </ul>	<ul style="list-style-type: none"> <li>• Patterned Jumpers/dresses</li> <li>• Skirts/jumpers that are more than two inches above the knee</li> </ul>
Stockings/Tights	<ul style="list-style-type: none"> <li>• <u>Solid colors only</u> that are worn under a skirt or jumper</li> </ul>	<ul style="list-style-type: none"> <li>• Printed and patterned tights</li> <li>• Tights with rips/tears</li> <li>• Leggings worn as pants</li> </ul>
Shoes	<ul style="list-style-type: none"> <li>• Any color, closed-toe shoe</li> <li>• Shoelaces can be any color</li> <li>• Crocs on <u>Fridays only</u></li> </ul>	<ul style="list-style-type: none"> <li>• Shoes with high heels</li> <li>• Shoes with open toes</li> <li>• Slides!</li> <li>• Crocs on Monday-Thursday</li> </ul>
Socks	<ul style="list-style-type: none"> <li>• Any color socks</li> </ul>	<ul style="list-style-type: none"> <li>• No socks at all--all scholars must wear socks</li> </ul>
Headwear	<ul style="list-style-type: none"> <li>• Any color headbands and headwraps</li> <li>• Any headwear worn for cultural or religious reasons</li> </ul>	<ul style="list-style-type: none"> <li>• Bonnets</li> <li>• Du rags</li> <li>• Hats, Caps, Visors</li> </ul>

### Dress Code Guidelines

- **Students may not wear clothing with large logos, unless it is the UP Academy logo.**
- Clothing must be **sized appropriately** to fit the student. Clothes may not be too big or too small.
- Students may not wear clothing with significant **stains** (e.g. large ink blots, food stains, etc.).
- Students **may not alter** their clothing in any way (e.g. writing/drawing, cutting, etc.) Pant cuffs may not be frayed.
- Once students enter the school building, wearing of **hats, bandanas, kerchiefs, or jackets** is not permitted unless it is in accordance with religious observation.
- Any clothing or accessory that might disrupt learning or that does not conform to standards of health, safety and cleanliness is not allowed. Excessive jewelry and other ornamentation is not allowed. Accessories that do not align with the school's dress code will be confiscated. Parents and guardians may retrieve these items from the school's Dean of Students.
- Students may not wear any clothing tied around the waist or neck.
- When students **enter the school building**, they must be in the proper uniform. Students must be in uniform while on school grounds and may not change out of their uniform before dismissal.
- Students may not use headphones/music equipment, cell- phones or smart watches while in the school building, even if it is before or after school, unless they have received permission from the Principal or Dean of Students.

Families with questions or concerns about the uniform policy should consult the Dean of Students.

### *Frequently Asked Uniform Questions*

- Where can I buy uniform pieces
- Metro School Uniforms [metroschooluniforms.org](http://metroschooluniforms.org)
- Who should I talk to if I have questions or concerns about the uniform policy?
  - Please contact the Dean of Students with questions.
- What are the exceptions to the uniform policy?
  - Like all school policies, we strictly enforce the uniform policy; if an exception is made for one scholar, we would need to apply it to all students, which would change the code. We want to ensure that we mean what we say, and we say what we mean, which is why we ask that families pay close attention to the chart above when purchasing uniform pieces.
- What are the consequences if a scholar comes to school out of uniform?
  - If students are out of dress code, this must be addressed before they go to classes. Families may be asked to bring correct uniform items to school, or students may need to wear loaner uniform pieces for the day.
  - If a scholar comes to school in an inappropriate outfit it may result in disciplinary consequences.

### ***Personal Technology and Accessories***

Students may not use personal cell phones, smart watches, tablets, or music equipment (with or without headphones) on school grounds at any time of the day, unless they have received permission from a school leader. All phones must be turned completely off before entering the building. If a scholar uses one of these items, it may be confiscated for the duration of the school day. This policy is in place to limit distractions during the school day and mitigate any academic integrity concerns.

### ***Daily Schedule***

The daily schedule is designed to ensure students are provided the following minutes of instruction per week: 400 minutes of ELA, 400 minutes of math, 235 minutes of science or social studies, and 332 minutes of encore (e.g. Art, Music, and PE). The schedule also designates daily lunch and breaks, and weekly enrichment classes.

Sample Schedule:

				Cohort A		Cohort B	
Start	End	Section	Min				
7:15:00 AM	7:35:00 AM	Arrival	20	Arrival	Arrival	Arrival	Arrival
7:35:00 AM	7:37:00 AM	Daily Attendance	2				
7:37:00 AM	8:27:00 AM	Period 1	50	ELA	Math	ELA	Science
8:27:00 AM	8:29:00 AM	Transition	2				
8:29:00 AM	9:19:00 AM	Period 2	50	ELA	Encore	ELA	History
9:19:00 AM	9:29:00 AM	AM Break	10	ELA	Encore	ELA	History
9:29:00 AM	9:31:00 AM	Transition	2				
9:31:00 AM	10:01:00 AM	Intervention	30				
10:01:00 AM	10:03:00 AM	Transition	2				
10:03:00 AM	10:28:00 AM	Lunch	25				
10:28:00 AM	10:30:00 AM	Transition	2				
10:30:00 AM	11:20:00 AM	Period 3	50	Math	ELA	Math	ELA
11:20:00 AM	11:22:00 AM	Transition	2				
11:22:00 AM	12:12:00 PM	Period 4	50	Science	ELA	Encore	ELA
12:12:00 PM	12:14:00 PM	Transition	2				
12:14:00 PM	1:04:00 PM	Period 5	50	History	Math	Science	Math
1:04:00 PM	1:14:00 PM	PM Break	10	History	Math	Science	Math
1:14:00 PM	1:16:00 PM	Transition	2				
1:16:00 PM	2:06:00 PM	Period 6	50	Math	History	Math	Encore
2:06:00 PM	2:08:00 PM	Transition	2				
2:08:00 PM	2:58:00 PM	Period 7	50	Encore	Science	History	Math
2:58:00 PM	3:00:00 PM	Pack up & Dismiss	2				



### *Frequently Asked Schedule Questions*

- Who gets to participate in Enrichment?
  - All students get a chance to participate in Enrichment. If a student has earned Detention it will take place on Friday from 1:00- 2:30 pm on Fridays
- Are all schedules similar to the above?
  - Yes, though intervention and lunch times vary by grade level

### ***Essential School Supplies***

The essential school supplies that students need day to day will be provided by the school. Each scholar should plan to carry a backpack and a pencil to and from school to ensure they are able to easily transport – and complete – homework and other items following each school day.

### **Nonessential Supplies**

Students should not bring non-essential items of value to school – monetary or otherwise – since they cannot be securely stored. **Although UP Academy makes efforts to ensure the safety of all belongings, the school does not accept responsibility for any missing items of value.** Students who bring inappropriate items to school, such as toys, technology, or laser pointers will have such items confiscated and may have to be retrieved by a parent or guardian. Repeated violations may result in suspension or items being held at the school until the end of the school year.

### **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 students. UP Academy is a universal free breakfast and lunch site for the 2020-2021 school year.

<b>Meal</b>	<b>Time</b>	<b>Notes</b>
Breakfast	Free breakfast served from 7:15-7:50 AM	Students must arrive by 7:50 AM to receive free breakfast
Lunch	Free lunch served from Monday - Thursday : 10:03-10:28 AM 10:55-11:20 AM 11:47-12:12 PM  Friday: 9:55-10:31 AM 11:00-11:36 AM	Students may also choose to bring a lunch from home, noting the following: <ul style="list-style-type: none"><li>• To avoid spills, students may only bring water to school or drink school provided beverages.</li><li>• Gum is not allowed during any portion of the day.</li></ul>

#### *Frequently Asked Questions:*

- What do families need to do to receive free lunch and breakfast?
  - All students receive free lunch and breakfast
- Where can I find a list of what is being served for school lunch?
  - Daily School Lunch Menus are available at the school in the main office or online.
- What do I do if my scholar has allergies or dietary restrictions?
  - Alert the school nurse and the Director of Operations as soon as possible, and ensure this is indicated in your scholar's paperwork.

## ***Holiday and Birthday Policies***

- **Birthday Policy:**

- As with holidays, we want UP Academy to have celebrations that create an inclusive environment for students 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 guidelines are fo

You may bring in a healthy treat to share with all students in the class during snack time such as granola bars, muffins, or fruit snacks.

- You must contact the classroom teacher to make arrangements for any 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.
- Students may not distribute invitations to parties within the school building unless every member of the class is invited.

### ***Academic Overview***

#### *Homework*

Students have three important daily responsibilities related to homework:

- Write down all homework assignments in their scholar planners or notebook
- Complete all homework assignments to the high standards set forth by the school.

## ***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 students with specific learning needs (e.g., students with IEPs, English Language Learners), there are specific ways students may be further supported by our staff.

- *Intervention* is a 30 minute math or reading intervention period before or after lunch. This is a time for both accountable independent reading or math work and for targeted guided support groups, depending on students' needs.
- *Academic Tutoring*. All core subject teachers at UP Academy 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 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 students. To ensure we are following Massachusetts state law and to create that healthy environment, we require the following items from you:

- ✓ Medical Requirements Checklist

- ✓ Health Information Form
- ✓ Authorization to dispense medication form
  - 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 students to have every possible opportunity to learn, however, we also do not want students to risk getting their classmates sick. Parents will be contacted 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 students, designed to provide students 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 students. A copy of the health education curricula and related materials will be maintained in the main office for review.

#### **Visitor Policy**

##### Custodial Parents and Guardians (classroom visit)

We welcome family visitors to our school. Parents may occasionally want to visit their child's classroom to observe learning, to participate in an activity, or to join a classroom party. Families should check with school staff ahead of the visit to coordinate the time.

When a good time to visit is determined, parents must check in at the main office, sign into the visitor's log, get a visitor's lanyard, and be directed to the classroom. At no time will parents be unsupervised with students while at the school. If a parent is scheduled to be a regular classroom helper, they will receive instructions to have a CORI-SORI completed by the school. Single school/classroom visits do not require a CORI-SORI.

##### Non-Custodial Parents and Family Members (classroom visit)

A non-custodial family member is a member of the student's family who does not have guardianship over the student, such as a grandparent, aunt, uncle, cousin, etc. Even in cases where the student lives with these extended family members, if they do not have legal custody, they cannot be decision makers about the student's education or safety.

If a non-custodial parent or family member wants to visit the student's classroom (whether during learning time or for a classroom party), staff must get written permission from the custodial parent ahead of the visit. As a visitor to the school, at no time will they be unsupervised with students.

Field Trip Chaperones



Any person, whether a custodial parent or not, must submit a CORI check through the school and be cleared before chaperoning or attending a field trip with students.

### Dismissal Policy

Only adults who are on the student's emergency form may pick up a child from school. All adults dismissing a student from school, may be asked to show ID and will be told to sign the student out from the main office.

### **Field Trip Policy**

Throughout your scholar's time at UP Academy there will be various opportunities for field trips to enhance the learning experience. If a field trip is planned, students will not be allowed to attend without a signed permission slip from their parent/guardian. Families may be invited to join as chaperones. For details on that process please see the Visitor Policy.

### **Academic, Behavioral and Grading Policies**

Every week, students will receive weekly reports with information about their performance in each core subject area. At the end of each quarter, students will receive formal report cards with detailed information about their performance in each core subject area.

### **Weekly Reports:**

See Appendix G for a sample ASPIRE REPORT.

### **Report Cards:**

- *Final Grades.* Final grades for the year are determined by averaging quarter grades together for a final Course Grade in each core academic subject. In the case of Science and Social Studies, those two classes are averaged together to make one grade. Students finish the year with three final grades: Math, English and Science/Social Studies

### **Celebrations**

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

- Highest honors: Students with a 95% or above in all four core subjects with no

failing grades.

- High Honors: Students with a 90% or above in all four core subjects with no failing grades.
- Honors: Students with an 85% or above in all four core subjects with no failing grades

*Assessments.* If a scholar is absent for any reason (up to five consecutive days), or if a scholar is late and/or dismissed early, 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 the school Principal to determine a reasonable timeline for making up missed assessments.

Other than for homework and assessments missed during absence from school, UP Academy does not permit students to make or redo assignments for academic credit.

### **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 in order to have an opportunity to be promoted to the next grade level. The scholar must pass a subject-specific minimum competency test at the conclusion of summer school in order to be promoted to the next grade level. If the scholar does not pass the minimum competency test, he/she may be retained.

If a scholar fails two or more core subject areas, he/she will be automatically retained and must repeat the grade level unless there is a special circumstance.

### **Advisory Teachers and Scholar Advisors**

At the beginning of the year, all students are assigned an **Advisory**. Advisories are named after colleges and universities (e.g., Springfield College). Students take all core academic classes with their Advisory classmates. All administrative forms (e.g., lunch order forms, permission slips) will be collected by Advisory teachers on a daily basis during AM Advisory.

Students are also assigned an **Advisor**. Advisors will develop and maintain close relationships with their advisors 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.

### ***Enrichment Activities***

We provide an opportunity for enrichment every week.

Every Friday afternoon, from 12:16-1:00pm, the school will offer Enrichment activities for all students. Students will sign up for a specific Enrichment activity at the beginning of each trimester. Many activities will be taught by UP Academy staff members, while some will be taught by external instructors.

Please be advised that some Enrichment activities (e.g. Soccer, Basketball, and Volleyball teams) may (a) last beyond regular dismissal time on Friday afternoons, (b) hold mandatory meetings on other days of the week, and/or (c) occur off of school grounds. In such situations, families will receive permission slips which detail this additional information.

Students who earn a ASPIRE Report score lower than 70 are not eligible to participate in Enrichment during that respective week (see additional information below).

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

### ***ASPIRE Reports***

UP Academy Boston has developed a student ASPIRE Report system to provide students, families, and teachers with a frequent, comprehensive report of student performance. A student's ASPIRE Report total is impacted by his/her fulfillment of behavioral, academic, and attendance expectations. Attendance and academic data is also included on the report.

All students start the week with **90 Points**.

Students may **increase their ASPIRE Score** by meeting or exceeding expectations during a given week by:

- Earning Merits from a staff member for a variety of reasons.
- 100% completion of homework assignments
- Showing the ASPIRE values with peers, teachers, and staff members
- Genuinely and exceedingly caring about the school community

Students will **decrease their ASPIRE Score** when they fail to meet expectations. Specifically, ASPIRE Points are deducted when:

- Students do not meet behavioral expectations (e.g., they earn suspension);
- Students do not meet attendance expectations (e.g., they are tardy)
- Students do not complete homework assignments up to UP Academy Boston standards

ASPIRE Reports will be used to develop rewards per trimester. Rewards include but are not limited to:

- Field trips
- Special Lunch
- Preferred books to take home
- School Swag

### **Whole Class Incentive and Accountability**

#### **ASPIRE of the Week**

Teachers will select one scholar every week that exceptionally and consistently demonstrated our core values throughout the week. This is a great opportunity to recognize a student for character growth and/or for making better choices than previously. Students will receive an ASPIRE of the Week certificate and will be added to the list for the ASPIRE of the Week Prize at the end of the month.

Each student starts an ASPIRE Week with 90 Points. Students who end a week below 60 points earn **Friday Detention**. Every Student will get **Enrichment**, where they participate in a sports, arts, or music activity of their choice. Students are encouraged everyday to earn lost of ASPIRE points.

Students can increase their ASPIRE score by demonstrating UP Academy's six ASPIRE values. Students earn merits by showing the following behaviors:

ASPIRE Value	What it looks like
Achievement	High school level answer in class, exceptional work on an assignment, extra credit on a quiz or test.
Studentship	Reading a book during a break period, keeping a perfectly organized desk, always having the required materials out for class, perfect posture
Perseverance	Sticking with a difficult question until it is answered, working hard even when tired, bouncing back from a tough morning or moment
Integrity	Doing the right thing when it doesn't seem like anybody is watching- picking up a piece of trash off the ground, helping a classmate stay on track
Respect	Holding the door for a teacher or classmate, helping a classmate, saying please and thank you, offering to help out a peer or teacher
Enthusiasm	Hand is constantly up to answer questions in class, snapping for a classmate when they correctly answer a question.

Students lose points on their ASPIRE 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 points for examples of very good or very poor behavior. For an example of an ASPIRE report, please refer to Appendix G.

### ***Behavior Standards***

*Merits*: are recognition when students are practicing exceptional studentship and behavior. Merits are also given 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, studentship 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.

### ***Lunch Detention***

If a student earns lunch detention, he/she will be notified by the teacher and a Culture member will. If a student is required to stay for lunch detention the school will do its best to contact the family by 3:00pm. If a student does miss detention, they will need to make it up the following school day.

### ***Referrals***

Students who are struggling to meet behavior expectations might be sent to the Reflection Center. Time in the Reflection Center is meant to be an opportunity for students 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 students in reflecting on their choices.

**Suspension Policies**

Please refer to Appendix D for a detailed explanation of our Expulsion Policies.

**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.

<b>Position</b>	<b>Name</b>	<b>Contact</b>
Title IX Coordinator	Brittani Bond, Director of Operations	Bbond@upacademyboston.org
504 Coordinator	Special Education Coordinator	
Title II Coordinator (if staff is +50 people)	Brittnai Bond, Director of Operations	Bbond@upacademyboston.org

**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, students, vendors and other Individuals at school or at school-sponsored events is unlawful and is strictly prohibited. UP Academy requires all employees and students to conduct themselves in an appropriate manner with respect to their fellow employees, students 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 extracurricular 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, students, 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 students (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 students will use this access in a manner consistent with this purpose. Students 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), studentship, 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 students 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 (students) 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.

## ***UP Academy Bullying Prevention Plan***

### **I. LEADERSHIP**

*Leadership at UP Academy played a critical role in development and implementation of the Bullying Prevention and Intervention Plan ("the Plan") in the context of other whole school and community efforts to promote positive school climate. Leaders have a primary role in teaching students to be civil to one another and promoting understanding of and respect for diversity and difference. Leadership at UP Academy is committed to setting priorities and staying up-to-date with current research on ways to prevent and effectively respond to bullying.*

- A. Public involvement in developing the Plan. As required by M.G.L. c. 71, § 37O, the Plan was developed in consultation with teachers, school staff, professional support personnel, school volunteers, administrators, community representatives, local law enforcement agencies, students, parents, and guardians. Consultation included notice and a public comment period before the Plan was adopted.

B. Assessing needs and resources. The Plan serves as UP Academy's blueprint for enhancing capacity to prevent and respond to issues of bullying within the context of other healthy school climate initiatives. As part of the planning process, school leaders, with input from families and staff, will assess the adequacy of current

programs; review current policies and procedures; review available data on bullying and behavioral incidents; and assess available resources including curricula and training programs. This “mapping” process will assist the school in identifying resource gaps and the most significant areas of need. Based on these findings, we will revise or develop policies and procedures; establish partnerships with community agencies, including law enforcement; and set priorities. At least once every four years beginning with 2015/16 school year, the district will administer a Department of Elementary and Secondary-developed student survey to assess school climate and the prevalence, nature, and severity of bullying in its school(s). Additionally, the school will annually report bullying incident data to the Department.

The Principal of UP Academy worked with the Dean of Students, and School Counselor (where applicable) to conduct a needs assessment using the following techniques: 1) surveying students, staff, parents, and guardians on school climate and school safety issues; and 2) collecting and analyzing building-specific data on the prevalence and characteristics of bullying (e.g., focusing on identifying vulnerable populations and “hot spots” in school buildings, on school grounds, or on school buses). This information will help to identify patterns of behaviors and areas of concern, and will inform decision-making for prevention strategies including, but not limited to, adult supervision, professional development, age-appropriate curricula, and in-school support services. Needs assessment analysis will be conducted through leadership team meetings in the spring and early summer, allowing the team adequate time to respond to the data and implement new strategies before the next school year. The leadership team takes ownership of conducting and responding to this needs assessment.

- C. Planning and oversight. Responsibility for various aspects of the Plan will be taken by the following members of the leadership team:

Principal	Social Workers/School Counselors	Dean of Students/School Counselors
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<ul style="list-style-type: none"> <li>▪ Developing or revising current policies and protocols under the Plan, including an Internet safety policy, and designating key staff to be in charge of implementation of them; and</li> <li>▪ Supervising the parent or family engagement efforts and drafting parent information materials.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Planning for the ongoing professional development that is required by the law;</li> <li>▪ Choosing and implementing the curricula that the school or district will use;</li> </ul>	<ul style="list-style-type: none"> <li>▪ Receiving reports on bullying;</li> <li>▪ Collecting and analyzing building- and/or school-wide data on bullying to assess the present problem and to measure improved outcomes; and</li> <li>▪ Creating a process for recording and tracking</li> </ul>
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<ul style="list-style-type: none"> <li>Amending student and staff handbooks and codes of conduct; and</li> </ul>		<p>incident reports and for accessing information related to targets and aggressors.</p> <ul style="list-style-type: none"> <li>Planning supports that respond to the needs of targets and aggressors;</li> <li>Reviewing and updating the Plan each year, or more frequently.</li> </ul>
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D. Priority statement:

The mission of UP Academy is to ensure that its students acquire the knowledge, skills, and strength of character necessary to succeed on the path to college and to achieve their full potential. The school is committed to providing all students with a safe learning environment that is free from bullying and cyber-bullying. This commitment is an integral part of our comprehensive efforts to promote learning, and to prevent and eliminate all forms of bullying and other harmful and disruptive behavior that can impede the learning process.

We recognize that certain students may be more vulnerable to become targets of bullying, harassment, or teasing based on actual or perceived characteristics, including race, color, religion, ancestry, national origin, sex, socioeconomic status, homelessness, academic status, gender identity or expression, physical appearance, or sensory disability, or by association with a person who has or is perceived to have one or more of these characteristics. The school will identify specific steps it will take to create a safe, supportive environment for vulnerable populations in the school community, and provide all students with the skills, knowledge, and strategies to prevent or respond to bullying, harassment, or teasing.

**II. TRAINING AND PROFESSIONAL DEVELOPMENT**

*Under M.G.L. c. 71, § 37O we are required to provide ongoing professional development for all staff, including but not limited to, educators, administrators,*

*counselors, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities, and paraprofessionals.*

- A. Annual staff training on the Plan. During August staff orientation, UP Academy will provide annual training for all school staff on the Plan, which will include staff duties under the Plan, an overview of the steps that the Principal or designee will follow

upon receipt of a report of bullying or retaliation, and an overview of the bullying prevention curricula to be offered at all grades throughout the school. Staff members hired after the start of the school year are required to participate in training during the school year in which they are hired.

- B. Ongoing professional development. The goal of professional development is to establish a common understanding of tools necessary for staff to create a school climate that promotes safety, civil communication, and respect for differences. Professional development will build the skills of staff members to prevent, identify, and respond to bullying. As required by M.G.L. c. 71, § 37O, the content of school wide professional development will be informed by research and will include information on:
- (i) Developmentally (or age-) appropriate strategies to prevent bullying;
  - (ii) Developmentally (or age-) appropriate strategies for immediate, effective interventions to stop bullying incidents;
  - (iii) Information regarding the complex interaction and power differential that can take place between and among an aggressor, target, and witnesses to the bullying;
  - (iv) Research findings on bullying, including information about specific categories of students who have been shown to be particularly at risk for bullying in the school environment;
  - (v) Information on the incidence and nature of cyber-bullying; and
  - (vi) Internet safety issues as they relate to cyber-bullying.

Professional development will also address ways to prevent and respond to bullying or retaliation for students with disabilities that must be considered when developing students' Individualized Education Programs (IEPs). This will include a particular focus on the needs of students with autism or students whose disability affects social skills development.

- C. Written notice to staff. The leadership team will provide all staff with an annual written notice of the Plan by publishing information about it, including sections related to staff duties, in the employee handbook.

### **III. ACCESS TO RESOURCES AND SERVICES**

*A key aspect of promoting positive school climates is ensuring that the underlying emotional needs of targets, aggressors, families, and others are addressed. The*

*following sections outline strategies we will use to provide support and services necessary to meet those needs.*

- A. Identifying resources. Annually, the leadership team will review the current staffing and programs that support the creation of positive school environments by focusing on early interventions and intensive services. Once this mapping of resources is

complete, the team will develop recommendations and action steps to fill resource and service gaps for the upcoming year. These recommendations may include adopting new curricula, reorganizing staff, establishing safety planning teams, and identifying other agencies that can provide services.

- B. Counseling and other services. Counseling will be provided by contracted licensed professionals. When necessary, the leadership team will build partnerships with community based organizations to provide culturally and linguistically appropriate resources. Principals, along with counselors or other staff members, will develop safety plans for students who have been targets of bullying or retaliation. As the need arises, the school will provide social skills programs to prevent bullying and will also offer education and/or intervention services for students exhibiting bullying behaviors. In addition, the leadership team may consider using tools including, but not limited to, behavioral intervention plans, social skills groups, and individually focused curricula.
- C. Students with disabilities. As required by M.G.L. c. 71B, § 3, as amended by Chapter 92 of the Acts of 2010, when the IEP Team determines the student has a disability that affects social skills development or the student may participate in or is vulnerable to bullying, harassment, or teasing because of his/her disability, the Team will consider what should be included in the IEP to develop the student's skills and proficiencies to avoid and respond to bullying, harassment, or teasing.
- D. Referral to outside services. When the leadership team, with the guidance of licensed professionals, determines that school resources are insufficient to address a specific bullying situation, students and families may be referred to outside services. Referrals will comply with relevant laws and policies.

#### **IV. ACADEMIC AND NON-ACADEMIC ACTIVITIES**

*Age-appropriate instruction on bullying prevention in each grade will be incorporated into the school's homeroom, advisory or community/morning circle. The curriculum will be evidence-based. Effective instruction will include classroom approaches, whole school initiatives, and focused strategies for bullying prevention and social skills development.*

- A. Specific bullying prevention approaches. Bullying prevention curricula will be informed by current research which, among other things, emphasizes the following approaches:

- using scripts and role plays to develop skills;
- empowering students to take action by knowing what to do when they witness other students engaged in acts of bullying or retaliation, including seeking adult assistance;

- helping students understand the dynamics of bullying and cyber-bullying, including the underlying power imbalance;
- emphasizing cyber-safety, including safe and appropriate use of electronic communication technologies;
- enhancing students' skills for engaging in healthy relationships and respectful communications; and
- engaging students in a safe, supportive school environment that is respectful of diversity and difference.

The Plan will be reviewed with students during homeroom periods annually in September.

B. General teaching approaches that support bullying prevention efforts. The following approaches are integral to establishing a safe and supportive school environment. These underscore the importance of our bullying intervention and prevention initiatives:

- setting clear expectations for students and establishing school and classroom routines;
- creating safe school and classroom environments for all students, including for students with disabilities, lesbian, gay, bisexual, transgender students, and homeless students;
- using appropriate and positive responses and reinforcement, even when students require discipline;
- using positive behavioral supports;
- encouraging adults to develop positive relationships with students;
- modeling, teaching, and rewarding pro-social, healthy, and respectful behaviors;
- using positive approaches to behavioral health, including collaborative problem-solving, conflict resolution training, teamwork, and positive behavioral supports that aid in social and emotional development;
- using the Internet safely; and
- supporting students' interest and participation in non-academic and extracurricular activities, particularly in their areas of strength.

## **V. POLICIES AND PROCEDURES FOR REPORTING AND RESPONDING TO BULLYING AND RETALIATION**

*The following outlines the procedure at UP Academy for reporting and responding to bullying and retaliation.*

- A. Reporting bullying or retaliation. Reports of bullying or retaliation may be made by staff, students, parents or guardians, or others, and may be oral or written. Oral reports made by or to a staff member shall be recorded in writing. A school staff



member is required to report immediately to a Principal or Dean of Students any instance of bullying or retaliation the staff member becomes aware of or witnesses. Reports made by students, parents or guardians, or other individuals who are not school staff members, may be made anonymously. No disciplinary action shall be taken against a student solely on the basis of an anonymous report. A Bullying Incident Report Form will be available to the school community.

Use of the Bullying Incident Report Form is not required as a condition of making a report. UP Academy will: 1) include a copy of the Bullying Incident Report Form in the Family Handbook distributed to students and parents or guardians at the beginning of the year; 2) include a copy of it in the Employee Handbook distributed to all staff members in August; 3) make it available in the school's main office, the Dean's office, and other locations determined by the leadership team; and 4) post it on the school's website. The Bullying Incident Report Form will be made available in the most prevalent language(s) of origin of students and parents or guardians.

At the beginning of each school year, the leadership team will provide the school community, including administrators, staff, students, and parents or guardians, with written notice of the policies for reporting acts of bullying and retaliation. A description of the reporting procedures and resources, including the name and contact information of the Principals, will be incorporated in student and staff handbooks, on the school website, and in information about the Plan that is made available to parents or guardians.

1. Reporting by Staff A staff member will report immediately to the Principal or Dean of Students when he/she witnesses or becomes aware of conduct that may be bullying or retaliation. The requirement to report does not limit the authority of the staff member to respond to behavioral or disciplinary incidents consistent with school policies and procedures for behavior management and discipline.
2. Reporting by Students, Parents or Guardians, and Others The school expects students, parents or guardians, and others who witness or become aware of an instance of bullying or retaliation involving a student to report it to the Principal or the Dean of Students. Reports may be made anonymously, but no disciplinary action will be taken against an alleged aggressor solely on the basis of an anonymous report. Students, parents or guardians, and others may request assistance from a staff member to complete a written report.

Students will be provided practical, safe, private and age-appropriate ways to report and discuss an incident of bullying with a staff member, or with the Principal or Dean of Students

B. Responding to a report of bullying or retaliation.

1. Safety Before fully investigating the allegations of bullying or retaliation, the

Principal or Dean of Students will take steps to assess the need to restore a sense of safety to the alleged target and/or to protect the alleged target from possible further incidents. Responses to promote safety may include, but not be limited to, creating a personal safety plan; pre-determining seating arrangements for the target and/or the aggressor in the classroom, at lunch, or on the bus; identifying a staff member who will act as a "safe person" for the target; and altering the aggressor's schedule and access to the target. The Principal or Dean of Students will take additional steps to promote safety during the course of and after the investigation, as necessary.

The Principal or Dean of Students will implement appropriate strategies for protecting a student who has reported bullying or retaliation, a student who has witnessed bullying or retaliation, a student who provides information during an investigation, or a student who has reliable information about a reported act of bullying or retaliation.

## 2. Obligations to Notify Others

- a. Notice to parents or guardians. Upon determining that bullying or retaliation has occurred, the Principal or Dean of Students will promptly notify the parents or guardians of the target and the aggressor of this, and of the procedures for responding to it. There may be circumstances in which the Principal contacts parents or guardians prior to any investigation. Notice will be consistent with state regulations at 603 CMR 49.00.
- b. Notice to Another School or District. If the reported incident involves students from more than one school district, charter school, non-public school, approved private special education day or residential school, or collaborative school, the Principal or other school official first informed of the incident will promptly notify by telephone the Principal or designee of the other school(s) of the incident so that each school may take appropriate action. All communications will be in accordance with state and federal privacy laws and regulations, and 603 CMR 49.00.
- c. Notice to Law Enforcement. At any point after receiving a report of bullying or retaliation, including after an investigation, if the Principal or Dean of Students has a reasonable basis to believe that criminal charges may be pursued against the aggressor, the Principal or Dean of Students

will notify the local law enforcement agency. Notice will be consistent with the requirements of 603 CMR 49.00 and locally established agreements with the local law enforcement agency. Also, if an incident occurs on school grounds and involves a former student under the age of 21 who is no longer enrolled in school, the Principal shall contact the local

law enforcement agency if he or she has a reasonable basis to believe that criminal charges may be pursued against the aggressor.

In making this determination, the Principal will, consistent with the Plan and with applicable school policies and procedures, consult with other members of the leadership team.

- C. Investigation. The Principal or Dean of Students will investigate promptly all reports of bullying or retaliation and, in doing so, will consider all available information known, including the nature of the allegation(s) and the ages of the students involved.

During the investigation the Principal or Dean of Students will, among other things, interview students, staff, witnesses, parents or guardians, and others as necessary. The Principal or Dean of Students will remind the alleged aggressor, target, and witnesses that retaliation is strictly prohibited and will result in disciplinary action.

Interviews may be conducted by the Principal or other staff members as determined by the Principal, and in consultation with the school counselor, as appropriate. To the extent practicable, and given his/her obligation to investigate and address the matter, the Principal will maintain confidentiality during the investigative process.

The Principal will maintain a written record of the investigation.

Procedures for investigating reports of bullying and retaliation will be consistent with school policies and procedures for investigations. If necessary, the Principal will consult with legal counsel about the investigation.

In the event the targeted student is a student who has a disability or receives IDEA FAPE services or Section 504 FAPE services, UP Academy will investigate whether there is evidence of a disability-based harassment violation and whether the bullying has impacted the student's receipt of IDEA FAPE services or Section 504 FAPE services. Evidence to consider in relation to a denial of FAPE services include a sudden decline in grades, an onset of emotional outbursts, an increase in the frequency or intensity of behavioral interruptions, or a rise in missed classes or sections of IEP/Section 504 services.

- D. Determinations. The Principal or Dean of Students will make a determination based upon all of the facts and circumstances. If, after investigation, bullying or retaliation

is substantiated, the Principal or Dean of Students will take steps reasonably calculated to prevent recurrence and to ensure that the target is not restricted in participating in school or in benefiting from school activities. The Principal or Dean of Students will: 1) determine what remedial action is required, if any, and 2) determine what responsive actions and/or disciplinary action is necessary.

Depending upon the circumstances, the Principal or Dean of Students may choose to consult with the students' teacher(s) and/or school counselor, and the target's or aggressor's parents or guardians, to identify any underlying social or emotional issue(s) that may have contributed to the bullying behavior and to assess the level of need for additional social skills development.

The Principal or Dean of Students will promptly notify the parents or guardians of the target and the aggressor about the results of the investigation and, if bullying or retaliation is found, what action is being taken to prevent further acts of bullying or retaliation. All notice to parents will comply with applicable state and federal privacy laws and regulations. Because of the legal requirements regarding the confidentiality of student records, the Principal or Dean of Students cannot report specific information to the target's parent or guardian about the disciplinary action taken unless it involves a "stay away" order or other directive that the target must be aware of in order to report violations.

If the investigation reveals that the bullying was a disability-based harassment violation, UP Academy will take prompt and effective steps reasonably calculated to end the bullying, eliminate the hostile environment, prevent it from recurring, and, as appropriate, remedy its effects. If the investigation reveals any evidence of a loss of IDEA FAPE or Section 504 FAPE services, such as a sudden decline in grades, an onset of emotional outbursts, an increase in the frequency or intensity of behavioral interruptions, or a rise in missed classes of sections of IEP/Section 504 services, UP Academy will convene the IEP team or Section 504 team to determine whether, and to what extent: (1) the student's educational needs have changed; (2) the bullying impacted the student's receipt of IDEA FAPE services or Section 504 FAPE services; and (3) additional or different services, if any, are needed, and to ensure any needed changes are made promptly.

The Principal or Dean of Students shall inform the parent or guardian of the target about the Department of Elementary and Secondary Education's problem resolution system and the process for accessing that system, regardless of the outcome of the bullying determination.

Any parent wishing to file a claim/concern or seeking assistance outside of the district may do so with the Department of Elementary and Secondary Education Program Resolution System (PRS). That information can be found at: <http://www.doe.mass.edu/pqa>, emails can be sent to [compliance@doe.mass.edu](mailto:compliance@doe.mass.edu) or individuals can call 781-338-3700. Hard copies of this information are also

available at the Superintendent's office.

E. Responses to Bullying.

1. Teaching Appropriate Behavior Through Skills-building. Upon the Principal or Dean of Students determining that bullying or retaliation has occurred, and in



accordance with M.G.L. c. 71, § 37O(d)(v), the school will use a range of responses that balance the need for accountability with the need to teach appropriate behavior. Skill-building approaches that the Principal may consider include:

- offering individualized skill-building sessions based on the school's/district's anti-bullying curricula;
- providing relevant educational activities for individual students or groups of students, in consultation with guidance counselors and other appropriate school personnel;
- implementing a range of academic and nonacademic positive behavioral supports to help students understand pro-social ways to achieve their goals;
- meeting with parents and guardians to engage parental support and to reinforce the anti-bullying curricula and social skills building activities at home;
- adopting behavioral plans to include a focus on developing specific social skills; and
- making a referral for evaluation.

2. Taking Disciplinary Action If the Principal or Dean of Students decides that disciplinary action is appropriate, the disciplinary action will be determined on the basis of facts found by the Principal or Dean of Students, including the nature of the conduct, the age of the student(s) involved, and the need to balance accountability with the teaching of appropriate behavior. Discipline will be consistent with the Plan and with the school's Code of Conduct.

Discipline procedures for students with disabilities are governed by the federal Individuals with Disabilities Education Improvement Act (IDEA), which should be read in cooperation with state laws regarding student discipline.

If the Principal or Dean of Students determines that a student knowingly made a false allegation of bullying or retaliation, that student may be subject to disciplinary action.

3. Promoting Safety for the Target and Others. The Principal or Dean of Students will consider what adjustments, if any, are needed in the school environment

to enhance the target's sense of safety and that of others as well. One strategy that may be used is to increase adult supervision at transition times and in locations where bullying is known to have occurred or is likely to occur. Other strategies include teaching a lesson on empathy and how to be an upstander, or creating a solution team.

Within a reasonable period of time following the determination and the ordering of remedial and/or disciplinary action, the Principal or Dean of

Students will contact the target to determine whether there has been a recurrence of the prohibited conduct and whether additional supportive measures are needed. If so, the Principal or Dean of Students will work with appropriate school staff to implement them immediately.

#### **VI. COLLABORATION WITH FAMILIES**

*UP Academy strives to engage and collaborate with students' families in order to increase the capacity of the school to prevent and respond to bullying. Resources for families and communication with them are essential aspects of effective collaboration. The law requires the district or school Plan to include provisions for informing parents or guardians about the bullying prevention and intervention curricula used by the school district or school including:*

- A. Parent education and resources. The school will offer education programs for parents and guardians that are focused on the parental components of the anti-bullying curricula and any social competency curricula used by the school. Topics will include, but are not limited to, the following: (i) how parents and guardians can reinforce the curricula at home and support the school plan; (ii) the dynamics of bullying; and (iii) online safety and cyber bullying. The programs will be offered in collaboration with the Parent Committee.
  
- B. Notification requirements. Each year UP Academy will inform parents or guardians of enrolled students about the anti-bullying curricula that are being used. This notice will include information about the dynamics of bullying, including cyber bullying and online safety. The school will send parents written notice each year about the student-related sections of the Plan and the school's Internet safety policy. All notices and information made available to parents or guardians will be in hard copy and electronic formats, and will be available in the language(s) most prevalent among parents or guardians. UP Academy will post the Plan and related information on its website.

#### **VII. PROHIBITION AGAINST BULLYING AND RETALIATION**

Acts of bullying, which include cyber bullying, are prohibited:

- (i) on school grounds and property immediately adjacent to school grounds, at a school-sponsored or school-related activity, function, or program whether

on or off school grounds, at a school bus stop, on a school bus or other vehicle owned, leased, or used by a school district or school; or through the use of technology or an electronic device owned, leased, or used by a school district or school, and

- (ii) at a location, activity, function, or program that is not school-related through the use of technology or an electronic device that is not owned, leased, or

used by a school district or school, if the acts create a hostile environment at school for the target or witnesses, infringe on their rights at school, or materially and substantially disrupt the education process or the orderly operation of a school.

Retaliation against a person who reports bullying, provides information during an investigation of bullying, or witnesses or has reliable information about bullying is also prohibited.

As stated in M.G.L. c. 71, § 37O, nothing in this Plan requires the district or school to staff any non-school related activities, functions, or programs.

#### **VIII. DEFINITIONS**

Aggressor means perpetrator of bullying or retaliation as defined in M.G.L. c. 71, §37O.

Bullying is the repeated use by one or more students or by a member of a school staff including, but not limited to, an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional of a written, verbal or electronic expression or a physical act or gesture or any combination thereof, directed at a victim that:

- (i) causes physical or emotional harm to the victim or damage to the victim's property;
- (ii) places the victim in reasonable fear of harm to himself or of damage to his property;
- (iii) creates a hostile environment at school for the victim;
- (iv) infringes on the rights of the victim at school; or
- (v) materially and substantially disrupts the education process or the orderly operation of a school. For the purposes of this section, bullying shall include cyber-bullying.

Cyber-bullying, is bullying through the use of technology or electronic devices such as telephones, cell phones, computers, and the Internet. It includes, but is not limited to, email, instant messages, text messages, and Internet postings. See M.G.L. c. 71, § 37O for the legal definition of cyber-bullying.

Hostile environment, as defined in M.G.L. c. 71, § 37O, is a situation in which bullying causes the school environment to be permeated with intimidation, ridicule, or insult

that is sufficiently severe or pervasive to alter the conditions of a student's education.

Retaliation is any form of intimidation, reprisal, or harassment directed against a student who reports bullying, provides information during an investigation of bullying, or witnesses or has reliable information about bullying.

Staff includes, but is not limited to, educators, administrators, counselors, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities, support staff, or paraprofessionals.

Target is a student against whom bullying, cyber-bullying, or retaliation has been perpetrated.

#### **IX. RELATIONSHIP TO OTHER LAWS**

Consistent with state and federal laws, and the policies of the school, no person shall be discriminated against in admission to a public school of any town or in obtaining the advantages, privilege and courses of study of such public school on account of race, color, sex, religion, national origin, housing status, or sexual orientation. Nothing in the Plan prevents the school from taking action to remediate discrimination or harassment based on a person's membership in a legally protected category under local, state, or federal law, or school policies.

In addition, nothing in the Plan is designed or intended to limit the authority of the school to take disciplinary action or other action under M.G.L. c. 71, §§ 37H or 37H½, other applicable laws, or school policies in response to violent, harmful, or disruptive behavior, regardless of whether the Plan covers the behavior.

# Appendices

## APPENDIX A: Bullying Incident Form

### BULLYING INCIDENT REPORT FORM

1. **Name of Reporter/Person Filing the Report:** \_\_\_\_\_

(Note: Reports may be made anonymously, but no disciplinary action will be taken against an alleged aggressor solely on the basis of an anonymous report.)

2. Check whether you are the:    \_\_\_Target of the behavior    \_\_\_Reporter (not the target)

3. Check whether you are a(n):    \_\_\_Student    \_\_\_Staff member (specify role)  
   \_\_\_Parent    \_\_\_Administrator    \_\_\_Other (specify)

Your contact information/telephone number: \_\_\_\_\_

4. If student, state your class: \_\_\_\_\_ Grade: \_\_\_\_\_

5. If staff member, state your position: \_\_\_\_\_

6. Information about the Incident:

**Name of Target (of behavior):** \_\_\_\_\_

**Name of Aggressor** (Person who engaged in the behavior) \_\_\_\_\_

**Date(s) of Incident(s):** \_\_\_\_\_

**Time When Incident(s) Occurred:** \_\_\_\_\_

**Location of Incident(s)** (Be as specific as possible): \_\_\_\_\_

7. **Witnesses** (List people who saw the incident or have information about it):

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

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

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



• Student • Staff • Other

• Student • Staff • Other

• Student • Staff • Other

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**8. Describe the details of the incident (including names of people involved, what occurred, and what each person did and said, including specific words used). Please use additional space on back if necessary.**

## **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:

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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.

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 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;
- 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
-

3 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.

4 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).

5 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.



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
- 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 Dean of Students 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 Board of Trustees has designated the Dean of Students as the decision-maker for overseeing matters involving disciplinary offenses that may result in suspension for any period of time. In such cases, the Dean of Students will exercise discretion in deciding the consequence, consider ways to re-engage the student in learning, and avoid using suspension 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*

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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 close of this Appendix.

(collectively, "Expellable Offenses"). For procedures governing Expellable Offenses, see Part Two below.

## 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.

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 of Students' office, or another designated school location. The Dean of Students 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 Dean of Students 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 Dean of Students 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 Dean of Students 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 Dean of Students 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 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 student will:

- Not be permitted to attend class, and must report to the Dean of Students 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 an 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 of Students' office, or another designated school location. The Dean of Students will provide oral and written notice to the student and parent before the suspension takes effect, which 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.

The Dean of Students 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 right 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 Dean of Students 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 Principal. 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 Principal 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 Dean of Students 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 Dean of Students 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 Dean of Students 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 Dean of Student 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 by the principal.

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.

Prior to an expulsion, the following procedures will apply:

- After the behavioral infraction has occurred, and prior to the hearing, the student may be referred to the Boston Public Schools Counseling and Intervention Center for a length of time as mutually determined by the Principal and Boston Public Schools
- The student shall receive written notice of the following:
  - Charge(s);
  - Date, time and place of a hearing;
  - 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 school 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 state and federal law.

All expulsion decisions made by the Principal will be in writing.

An explanation of appeal rights for expulsions is outlined in the statutes in the Appendix.

Expulsion for all offenses except for those listed in M.G.L. c. 71, §37H and §37H1/2, must involve the Board. Upon receipt of the recommendation by the Principal or her/his designee, the Board will conduct a hearing to consider the expulsion of a student as provided for in M.G. L. c. 76, §16 and § 17.

Whenever an expulsion hearing is recommended by the Principal, the following procedural safeguards will be in effect:

- The student shall receive written notice of the hearing including:
  - The charge(s);
  - Date, time and place of a hearing;
  - 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 school 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 Board 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 right 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.

\*NOTE: For the purposes of Chapter 71, Section 37H at Horace Mann Charter School, the Chairperson of the UP Academy Board of Trustees should be considered as the Superintendent.

**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.

\*NOTE: For the purposes of Chapter 71, Section 37H ½ at Horace Mann Charter School, the Principal.

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

(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.*

*\*NOTE: For the purposes of Chapter 71, Section 37H 3/4 at Horace Mann Charter School, the Chairperson of the UP Academy Board of Trustees should be considered as the Superintendent.*

## **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 or DOO. If the Principal or DOO 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
- Deans of Students: Elena Milius and Jason Smith
- Deans of Curriculum and Instruction: Adriana Escamilla, Laule'a Gorden, and Christine Menard

### *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 Board of Trustees by writing to the Board Chair:

**Beth Clymer**  
**Board Chair, UP Academy Charter School of Boston**

The Board of Trustees 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 Charter School's final disposition on a complaint filed through UP Academy Charter School, 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.

**Complaint Procedures**

Both the school and the Board work in conjunction with one another to hear and resolve any complaints. If a problem arises, both the school and the Board 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 Board encourages the complainant to contact the Board Chair who will arrange to have the complaint heard at the next possible meeting of the Board of Trustees.

Any individual who believes that UP Academy has violated any of the provisions of the Massachusetts charter school law and/or associated regulations may file a complaint with the school's Board of Trustees. Said complaint should be mailed to:

UP Academy Charter School of Boston  
Attention: Board of Trustees Chairperson  
215 Dorchester Street  
Boston, MA 02127

If a complaint is filed with the Board, the Board will conduct an investigation into the complainant's concerns within 30 days. (The Board shall, pursuant to a complaint received under 603 CMR 1.10, or on its own initiative, conduct reviews to ensure compliance with M.G.L. c. 71, § 89, and 603 CMR 1.00.) Further, the Board shall respond no later than 30 days from receipt of the complaint in writing to the complaining party.

If the Board fails to respond within the required timelines, or if the complainant believes the issues involved in the complaint have not been adequately addressed by the Board, the complainant may submit the complaint in writing to the Commissioner of Elementary and Secondary Education, who will investigate and make a written response.

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: Sample ASPIRE Report



ASPIRE Report  
UP Academy Boston

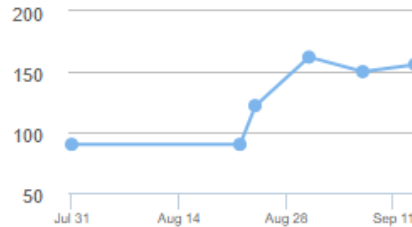
Elsiomarlis Estevez  
7th Grade

Week of 9/8/2017 - 9/14/2017 (9/8/2017 - 9/14/2017)

Homeroom: Middlebury

### This Week

Starting Points: 90  
Points Earned/Lost due to Attendance: 0  
Points Earned/Lost due to Homework: 0  
Points Earned/Lost due to Behavior: 66  
This Week's Total: **156**



### Total Points

Last Week's Saved Balance: 614  
Points Earned/Lost This Week: 156  
Points Spent This Week: 0  
**Total Saved Points: 770**

Weekly Average

128.3

### Daily Summary

	Friday	Monday	Tuesday	Wednesday	Thursday	Total
Check Ins	0	0	0	0	0	0
Merits	2	16	6	18	6	48
Tracking	0	0	0	0	0	0
Perfect Day	10	10	10	0	0	30
LII - Automatic Detention	0	0	0	0	0	0
Super Merits	0	0	0	0	0	0
Demerits	0	0	0	-6	-6	-12
List Generated Detention	0	0	0	0	0	0
Extended Referral	0	0	0	0	0	0
LV - Suspension	0	0	0	0	0	0
Referral	0	0	0	0	0	0
<b>Total</b>	<b>12</b>	<b>26</b>	<b>16</b>	<b>12</b>	<b>0</b>	<b>66</b>

### Homework, Attendance & Grades

	Friday	Monday	Tuesday	Wednesday	Thursday	Grade
Attendance	Present	Present	Present	Present	Present	
Middlebury (ELA)	Complete	Complete	Complete	Complete	Complete	B (86.20)
Middlebury (Math)		Complete	Complete	Complete	Complete	A (92.40)
Middlebury (SS/ History)	Complete	Complete	Complete	Complete	Complete	
Sanchez Advisory		Complete				
Latin Dance (Room 019)						

### Notes:

Please Sign and Return:

**STUDENT  
NAME**





***APPENDIX G: Sample Report Card***

**Homeroom / Clase:** Duke  
**Advisor / Consejero:** Adams Advisory (S2)  
**Grade / Grado:** 6th Grade  
**School year / Año escolar:** 2016-2017  
**Term / Trimestre:** Quarter 4

Report Card / Calificaciones						
Subject / Materia	Percentage / Porcentaje					
	Q1	Q2	Q3	Q4	Final	Overall
Duke (Math) / Duke (Math)	98	97	96	99	100	98
Duke (Science) / Duke (Ciencia)	96	93			89	93
Duke (ELA) / Duke (ELA)	96	91	94	95	94	94
Duke (SS/History) / Duke (SS/Estudios sociales)			97	95	94	96
Duke (Art) / Duke (Arte)			83	83		83
Duke (PE) / Duke (PE)	90	86	86	90		88
Duke (Music) / Duke (Musica)	90	97				93
Chorus/Finale (music room) / Chorus/Finale (music room)						

Behavior and attendance / Comportamiento y asistencia					
Category / Categoría	Q1	Q2	Q3	Q4	Overall
Number of referrals / Numero de referidos	0	0	0	0	0
Average PRIDE points / Promedio de puntos de PRIDE:	168.6	167.5	163.4	160.2	164.5
Unexcused Absences / Ausencias Sin Excuso	3	4	1	3	11
Tardies / Tardanzas	0	1	2	0	3
% Homework Complete	86%	80%	84%	96%	87%

**Grade scale / Escala de calificaciones:**

<b>A</b>	> 90%
<b>B</b>	80-89%
<b>C</b>	70-79%
<b>F</b>	< 69%

## **APPENDIX H: Required Forms**

Please refer to forms mailed in the beginning of the year. For an additional copy of forms, please visit us at 215 Dorchester Street.

*APPENDIX I: Code of Conduct*

**SCHOOL YEAR 2020-2021**

- **Section I: Rationale and Guiding Principles**
- **Section II: Common Rewards and Consequences**
- **Section III: Practices to make exclusions a last resort**
- **Section IV: Suspension and Expulsion**
- **Section V: Application of the Code of Conduct in Specific Circumstances**
- **Section VI: Other Relevant Policies and Relevant Documentation**

## **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>7</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.<sup>8</sup> Overall, this Code of Conduct is substantially similar to the Boston Public Schools Code of Conduct but has been tailored to the unique autonomies of the UP Academy Model.

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; and

- During all other school-related events.

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

<sup>8</sup> The School Site Council for UP Academy Boston will have an opportunity to review the Code of Conduct on an annual basis and provide school leadership and UP Education Network leadership with feedback on the Code of Conduct and on the school's approach to discipline and behavior management.



## **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 School Values Reports (ex: ASPIRE, Tigers, etc.)

Merits and School Values Reports: UP Academy has developed school values report systems to provide scholars, families, and teachers with a frequent, comprehensive report of scholar performance. Depending on the school, the value reports will be identified as an ASPIRE Report, a Tiger Report, or some other name relevant to the UP Academy your scholar attends.

A scholar's weekly report total is impacted by their fulfillment of behavioral, homework, and attendance expectations. Year-to-date attendance and academic data is also included in the report. The report week runs Friday through Thursday (for logistical reasons). All scholars receive reports every Friday. Each scholar starts the report week with 90 Points.

Scholars may increase their ability to receive positive incentives through this programming by earning the following (relevant to the school-specific protocols):

- **(K1-4) Dojo Points and (5th-8th) Merits:** recognize and reward students for making positive choices, modeling the school values, and showing exemplary behavior, e.g., meeting an expectation with impressive urgency. For Elementary school students, merits may come in the form of Class DOJO points.
- **Act Worthy of Public Recognition (a.k.a Super Merits):** recognize and reward students for going above and beyond, e.g. offering to tutor another student.

Students with high scores on any values reports may be eligible for additional school privileges and rewards.

Additionally, scholars will decrease scores on values reports when they fail to meet expectations. Specifically, reports could be 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 or late)
- Scholars do not complete homework assignments;
- Scholars are referred out of class; and
- Scholars misbehave in homework club or detention.

Weekly reports may be sent home to be reviewed and signed by parents or 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 points for examples of very good or very poor behavior.

## Part B: Demerits/Dojo Point Deductions

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 take away from instructional time. When needed, a teacher will issue a demerit to a scholar, as feedback for scholars. This feedback helps them 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 middle school grades.

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. In addition, we place a large emphasis on relationship building. 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., continuous call outs)
- 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: 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 Students Office to process and reflect on high-level misbehavior, prepare to restore with any necessary parties and return to class. Behaviors which warrant a referral include, but are not limited to:

- Extreme disruption
- Physical aggression
- Extreme disrespect
- Leaving supervision

The goal during a referral is for reflection, not to miss instructional time. At the earliest time possible, a student will be sent back to class to continue learning. However, there may be

instances when a short referral does not allow the scholar to reset and return to class without further reflection. In these cases, an extended referral may be required. When a scholar has earned an extended referral, they will spend more time in the Dean of Students Office.

Part D: 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 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 another student)
- Disruptions (e.g., low level curse words)
- 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 in the block before detention. If a student is required to stay for detention, the school will do its best to contact the family by an auto call at 2:40 pm, or by manual phone through 3:00 pm. 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. Schools will ensure families have received this notification before keeping a student for Detention.

UP Academy also requires students who failed to meet homework expectations may be asked to stay after school for Homework Club (HWC) when relevant. If a scholar is required to serve detention and Homework Club (HWC) during the same day, he/she will be required to serve the detention and will use part of that time to complete missed homework assignments.

Other than for medical emergencies, family 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 at 3:00 pm. Absences from detention can only be excused by the Principal or Dean of Students.

Part E: Friday Extension

Scholars who have earned a weekly low cumulative report score could miss Friday Enrichment<sup>9</sup> activities and potentially serve detention instead. In the event that an academic week does not end on a Friday, detention will still be served at the discretion of the School Leadership Team. Scholars will receive notice of extension with their weekly reports on Friday.

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◦ Friday Enrichment is an opportunity for students to participate in elective courses and clubs, such as Student Government, drumming, etc.

### **Section III: Practices to Make Exclusions a Last Resort**

All schools within UP Education Network approach suspension as a last resort. There are a plethora of things in place that promote, teach and reward pro-social skills. Across all grades, the following practices, systems and structures are in place and serve as a baseline expectation for all UP schools:

- Clear, positively-framed rules and expectations for all spaces
- Recognition and feedback for positive choices aligned with the rules and student values (usually in the form of points or merits)
- Weekly or daily rewards associated with points or merits earned
- Community leader forms to recognize students who are going above and beyond
- Direct SEL instruction at least weekly
- Advisory (middle school) or morning and closing meeting (elementary school)
- Community circle in elementary school and Valor circle in Middle School
- Restorative conversations with teachers and peers when conflict occurs
- Reflection forms in class to help a student think through choices before they become more severe
- Self regulation spaces in classrooms that students can select into (elementary school)
- Group counseling
- Individual counseling
- Community service
- Family meetings
- Peer mediations

In addition, all schools provide training to staff on the aforementioned, to ensure that staff are equipped with the appropriate and necessary skills and knowledge.

At UP education network, part of our vision is to ensure that students are cultivating their sharp minds and sharing their kind hearts. We take this vision extremely seriously and the positive practices we have put in place to ensure that sharing can be realized. This code of conduct outlines methods in which we can promote this vision.

### **Section IV: Suspension and Expulsion**

Before executing on these policies, please reference Section V to ensure that all direction has

been taken with regards to students with disabilities.

### Due Process

All students have due process rights whenever they are subject to a potential suspension or other form of exclusion. Due process is a requirement to protect the legal rights of individuals in order to



safeguard against unfair or unequal treatment. . In the context of school discipline, that means that a student must be provided with, among other things, the right to notice and a fair hearing prior to the administration of a suspension or expulsion. UP Academy makes efforts to ensure that due process steps are followed at all stages of the disciplinary process and before issuing a disciplinary decision.

### Suspension Limitations

UP Academy does not suspend students in grades pre-K through 2. For grades 3-5, suspensions are only allowed for the following serious incidents:

- Possession of dangerous weapons (including but not limited to a gun or a knife);
- Possession of controlled substances on school premises or at school-related events;
- Assault of students or educational staff on school premises or at school-sponsored events, where the principal has specific, articulable facts to conclude that the child would cause serious physical harm to a classmate or member of educational staff if the child remained in school;
- Sexual misconduct;
- Certain civil rights violation; and/or
- Repeated bullying.

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 disciplinary 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. Again though, suspension is a last resort and there are a number of preventative measures in place to ensure its use is minimized (see Section III).

Part A governs non-expulsion disciplinary misbehaviors and consequences, including in-school suspensions, short- and long-term suspensions, and emergency removals. Part B governs behaviors that may result in expulsion.

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 a suspension or expulsion is imposed.

Scholars who are expelled or suspended for more than ten consecutive school days, whether in-school or out-of-school, have an opportunity to receive educational services and make

academic progress toward 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 through its education service plan.

In addition, all suspensions under Section 37H3/4 of chapter 71 of the Massachusetts General Laws. will only last up to the end of a current school year and not into the following school year.

#### Part A: Procedures Governing Disciplinary Issues That May Result in Suspension

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>10</sup> For such misbehaviors under this section, no scholar may be suspended from school for ninety (90) school days or more.

*Note: In most cases, this Part A 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 conviction of a felony, or adjudication or admission of guilt in court with respect to a felony or felony delinquency (collectively, "Expellable Offenses.") because those actions may result in expulsion under G.L. c. 71, §37H and G.L. c. 71, §37H ½. For procedures governing Expellable Offenses and expulsion procedures, see Part B below. However, at the discretion of the Principal, Expellable Offenses may be considered for Short- or Long-Term Suspension instead of expulsion. In those cases, this Part A would apply.*

Further, procedures governing disciplining students with disabilities are set forth in this Code of Conduct in Section V.

#### 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

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<sup>10</sup> A copy of G.L. c. 71, §37H <sup>3</sup>/<sub>4</sub>, is included in Appendix A immediately following this Code of Conduct.

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 restore with the teacher and provide an hour of service to the teacher.

#### 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 (Part A.3 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 and offensive 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: Physically touching another student or staff member
- 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., stealing)

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 may 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 potential for the behavior to result in an In-School Suspension. For students for whom an In-School

Suspension is being considered or an action or actions that would specifically exclude them from class or instruction for more than 90 minutes, a hearing process will be followed as described in Part A.3. The Principal or designee will provide the scholar an opportunity to dispute the consequence and explain the circumstances surrounding the alleged incident.

In the event that a student is in need of extra support from school staff for safety purposes beyond 90 minutes for actions or situations that may not warrant an in school suspension consequence, the school will take necessary steps to ensure that safety and communicate those steps proactively with the parent or guardian.

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

Definitions for this section:

Superintendent means the Chairperson of the school committee for the Board of Trustees.

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 **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 alarm), verbal confrontation with adult

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

- Using or possessing tobacco products or alcohol

- Upon the issuance of a criminal complaint charging a student with a felony or upon the issuance of a felony delinquency complaint



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 of a hearing to the scholar and parent/guardian before any decision to suspend is made. The notice will include but not be limited to informing the scholar of the inappropriate behavior, the basis for the charge, the potential consequences, and right to a hearing, including the right to dispute the charges, the opportunity for the parent or guardian to participate in the hearing, and the right to have an interpreter at the meeting if needed. When the behavior may result in a Long-Term Suspension, the notice will also include additional rights. The oral and written notice will be provided in English and the primary language spoken in the scholar's home.

For behaviors that may result in a Short-Term Out-of-School Suspension, the hearing will be held with the Principal or designee (most often a designee such as the Dean of Students or Lead Culture Coordinator). The Principal or designee will determine at or after the hearing, based on the available information, including mitigating circumstances, whether the scholar engaged in the alleged behavior, and if so, what remedy or consequence will follow.

For behaviors that may result in a Long-Term Out-of-School Suspension, the scholar has additional rights prior to and at the disciplinary hearing with the Principal or designee (most often a designee such as the Dean of Students or Lead Culture Coordinator). In addition to the rights provided to scholars facing Short-Term Suspension, the scholar has the rights to (a) review his or her record, including the documents that will be used in making a determination on whether to suspend; (b) be represented by counsel or a lay person of the student's choice, at the student's/parent's expense; (c) produce and cross-examine witnesses (with some exceptions); and (d) request that the hearing be recorded by the principal, and to receive a copy of the audio recording provided to the student or parent upon request.

At or after a disciplinary hearing, the Principal or designee will determine, based on the available information, including mitigating circumstances, whether the scholar engaged in the alleged behavior, and if so, what remedy or consequence will take place. The Principal or designee will notify the scholar and the parent/guardian in writing, in English and the primary language of the home, 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. The letter will also notify the scholar and family of the right to appeal the decision.

The Superintendent or his/her designee will serve as the hearing officer for the appeal. The suspension will remain in effect unless and until it is overturned at an appeal hearing.

If the school suspends a student for more than 10 consecutive school days, the school must continue to provide educational services to the student during the period of removal that will enable the scholar to make academic progress while he/she is not in school. In those cases, the scholar and parent/guardian will be provided with written notice in English and in the primary

language of the home of the right to right receive educational services. The school will provide a list of the specific education services that are available to the student and contact information for the Director of Operations to arrange services.

#### Part A.4: Emergency Removal

The school may authorize removal of a scholar on an emergency basis before holding a hearing. Such emergency removal may occur when the Principal or designee has charged a 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 and 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 and in writing 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 disciplinary hearing with the Principal or designee within two days after the emergency removal concerning the removal and whether additional suspension days are warranted, among other rights to which the scholar is entitled.

Emergency removals should be as short as possible, but may last for up to a maximum of three days, including the day of removal.

#### Part B: Expulsion Policy

##### Part B.1 Definition of Expulsion

For purposes of this Part B of the Code of Conduct, the following definitions apply:

Expulsion means the removal of a student from the school premises, regular classroom activities, and school activities for more than ninety (90) school days, indefinitely, or permanently, as permitted under G.L. c. 71, §§37H or 37H<sup>1/2</sup>.

Parent means a student's father, mother, or legal guardian, or person or agency legally authorized to act on behalf of the student in place of or in conjunction with the father, mother,

or legal guardian.

Principal means the instructional leader of the school or his/her designee for purposes of school disciplinary matters, which may include the Dean of Students or the Director of Operations.

Superintendent means the Chairperson of the Board of Trustees or his/her designee.

### Part B.2 Expellable Offenses

The Principal may expel a student pursuant to G.L. c. 71, §37H (together, "37H offenses") if the student:

- 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.
- 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 G.L. c.94C, including, but not limited to, marijuana, cocaine, and heroin.
- 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.

Upon a student being convicted of a felony or upon an adjudication or admission in court of guilt with respect to a felony or felony delinquency, ("37H<sup>1/2</sup> Offense"), the Principal may expel the student if the Principal determines the student's continued presence would have a substantial detriment on the general welfare of the school.

### Part B.3 Procedures Governing Expulsion

When a student commits an expellable offense pursuant to G.L. c. 71, §§37H or 37H<sup>1/2</sup> that does not fall within the parameters of the emergency removal provisions, the Principal must provide notice and conduct a hearing before excluding the student from school.

#### B.3a Notification

The student and parent shall receive written notice of the right to a hearing with the Principal before the expulsion takes effect. That notice must be in English and the primary language of the home and must include:

- Charge(s);
- Reasons and evidence for possible expulsion;
- Date, time, and place of a hearing;
- The right to access the student's school records prior to the hearing;
- Notice of the rights at the hearing to:
  - Be represented by legal or other representative (at the student's / parent's own expense);

- Present evidence;
- Confront and cross-examine witnesses;
- Have an interpreter present at the hearing, if needed; and
- Have a parent present at the hearing.

### B.3b The Expulsion Hearing: Procedures

A formal hearing with the Principal shall be conducted.

The Principal shall exercise discretion in addressing the behaviors leading to consideration of expulsion, 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 documented and employed, as appropriate on a case-by-case basis.

The decision to suspend rather than expel may depend on whether the Principal determines that the student's continued presence would have a substantial detrimental effect on the general welfare of the school.

The school will make an audio recording of the hearing, and make a copy of the recording available to the student and/or parent upon request.

### B. 3c Issuance of Findings and Notification of Student and Parent

The Principal will communicate his/her decision in writing in English and in the primary language of the home, or other means of communication as appropriate.

If the Principal determines expulsion is appropriate, the letter shall include:

- The disciplinary offense;
- The date on which the hearing took place and the participants at the hearing;
- The key facts and conclusions of the Principal;
- The participants of his/her right to appeal decision to the Superintendent; provided, however, that the expulsion shall remain in effect prior to any appeal;
- The process for appealing the expulsion (as described below);
- The opportunity to receive educational services;
- A list of the specific education services that are available to the student and contact information for the Director of Operations to arrange services; and
- A list of legal services offices and other advocacy groups.

### B. 3d Appeal

Whenever a Principal makes a determination to expel a student, the student or parent has the right to appeal the decision to the Superintendent according to this appeal process. The

expulsion shall remain in effect prior to the appeal decision.

1. The student or parent of the student shall notify the Superintendent in writing of the request for an appeal
  - a. For 37H Offenses, notification must be within 10 days of the notice of expulsion



- b. For 37H½ Offenses, notification must be within five (5) days of the notice of expulsion.
  - c. Parents may request one extension of the appeal hearing of up to seven (7) calendar days.
2. The Superintendent shall hold a hearing with the student and parent within three (3) calendar days of the appeal request.
3. At the hearing, the student shall have the rights to present oral and written testimony on his/her behalf, have counsel present, confront and cross examine witnesses presented by the school, and have an interpreter present if needed.
4. The Superintendent shall have the authority to overturn or alter the decision of the Principal, including recommending an alternate educational program for the student.
5. The subject matter of an appeal of an expulsion imposed for 37H Offense shall not be limited solely to a factual determination of whether the student has violated any provisions of §37H.
6. Superintendent shall render a written decision on the appeal within five calendar days (5) of the hearing.
7. The decision of the Superintendent shall be final.

#### Part B.4 Alternative Education and the Expulsion Period

Any school district that expels a student under this section shall continue to provide educational services to the student during the period of expulsion. If an expulsion is imposed, the student and parent 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, a list of the specific education services that are available to the student, and contact information for the Director of Operations to arrange services. 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 under its education service plan.

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

##### Part A: Special Consideration for Scholars with Disabilities

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

Scholars with disabilities, including scholars who have an IEP or 504 Plan are entitled to special protections in some disciplinary situations, as determined by the Individuals with Disabilities Education Act (IDEA). In some circumstances, these same protections apply to scholars who

have not yet been determined eligible for an IEP or 504 Plan. If, at the time the behavior occurred, the school had knowledge that the scholar had a disability or was thought to have a disability, these protections apply. This includes scholars who have been referred for evaluation and students for whom parents have submitted paperwork or other indicators that a child has a disability. All uses of the phrase "scholars with a disability" or "students with a disability" throughout this Code of Conduct include this additional group of scholars.

Before a student with a disability may be suspended for more than 10 days (consecutively or cumulatively over the course of the school year), or expelled, his/her IEP or 504 Plan team must convene for a meeting called a manifestation determination review. At this meeting, the student's IEP or 504 Plan team will determine whether the scholar's actions were (1) caused by or had a substantial relationship to the scholar's disability and/or (2) a direct result of the school's failure to implement the student's IEP. (a manifestation). If the action is determined 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. The school will also seek parental consent for and conduct a functional behavior assessment and create or modify a behavior intervention plan. If the IEP or 504 Plan team determines the behavior is not a manifestation of the student's disability, then the Principal, Dean of Students, or their designee will decide and implement the consequence in accordance with the Code of Conduct in the same way as for students without disabilities. However, the scholar will continue to receive special education and related services on his/her IEP, albeit in a different environment, and to make progress towards meeting the goals set out in the scholar's IEP and/or 504 Plan.

The school will attempt to schedule a meeting to conduct the manifestation determination meeting on the same day as the discipline hearing. In any case, the manifestation determination meeting will be held prior to the student serving a suspension. If the parent/guardian misses the meeting, the school team will reschedule. If the parent misses two scheduled meetings, the team will make a third attempt and conduct the meeting regardless of the presence of the parent/guardian.

In accordance with state and federal law, schools may choose to remove a student with a disability 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 C: 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 D: Behavior To and From School

The UP Academy Code of Conduct applies on school buses, public transportation, in the community, and all other means of access during general transit to and from the school.  
Students

who walk, take the school bus, or travel via public transport are expected to act responsibly and respectfully at all times. All school rules apply during transit to and from the school.

On the bus certain additional rules may apply; for example, students may be given assigned seats. An administrator or other staff member will generally meet the bus every morning to greet students and students will be required to remain on the bus until an administrator or staff member checks with the driver as to the students' behavior. Failing to adhere to bus directives or expectations (i.e., engaging in unsafe behaviors on the bus, using profane language, not obeying the bus driver) are all considered inappropriate behaviors, as well other behaviors listed in this Code of Conduct. The bus driver 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 (e.g., 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. Before suspending a student from school-provided transportation, please reference Section V to ensure that all direction has been taken with regards to students with disabilities.

Regarding public transit, any action deemed inappropriate by public transit or school officials will be investigated and treated in the same manner as if the conduct or incident occurred on school grounds. Families are strongly encouraged to reinforce the importance of proper and respectful behavior during transit to and from the school and the potential consequences for inappropriate behavior.

Consequences for misconduct by students riding on transportation provided by their Individualized Education Plan will be handled in adherence with all applicable laws and regulations.

During arrival and dismissal times, staff will be stationed in all areas considered to be "school grounds" to ensure an efficient and productive transition.

#### Part E: Field Trips/End-of-Year Events

The school's curriculum may sometimes require outside learning experiences or special school events. During these activities, it is important for all scholars to be responsible for their behavior since the site of the activity or event is a temporary extension of the school grounds.

A permission slip will be sent home at the beginning of the school year and must be signed by a parent or guardian to allow the scholar to attend all school-sponsored field trips and events. The

school will attempt to notify all parents and guardians before each school-sponsored trip. For trips that are not school-sponsored (e.g., voluntary trips), a permission slip may be sent home prior to the trip/event, and must be signed by a parent or guardian.

A scholar may be considered ineligible for a trip for reasons including, but not limited to: a low report score average, not returning the school-sponsored trip permission form, involvement in a disciplinary incident on a prior trip, poor school attendance, and misbehavior in school in the days prior to the trip. Scholars who are considered ineligible for attending a trip will be required to attend school that day.

If parents or other volunteers assist with such trips or events, scholars must afford these chaperones the same respect they would provide to teachers. Appropriate behavior must be maintained when attending school-sponsored events, and riding on school- provided transportation. Past inappropriate behavior may result in loss of privileges in attending or participating in class trips and events, end-of-year or otherwise.

#### Part F: Cheating, Plagiarism, and Copying Others' 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 others' work may result in in-class reflection, suspension, loss of academic credit, and/or other consequences.

#### Part G: Academic Credit for Homework / Missed Assignments

Any scholar who is serving an in-school 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. Work will be available in a folder for pick-up by a family member at the school daily. 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). Any student who is expelled or suspended from school for more than ten consecutive days, whether in school or out of school, shall have an opportunity to receive education services and to make academic progress.

### **Section VI: Other Relevant Policies and documentation**

UP will maintain a [centralized location](#) that includes copies and examples of relevant laws, scripts, notification and determination letters, list of alternative education options and any other resources that would help schools implement this code of conduct.

Please consult the following policies for important information relevant to UP Academy operations.

- [Non-Discrimination Policy](#)
- [Child Abuse and Neglect Policy](#)



- [Physical Restraint Prevention and Behavior Support Policy](#)
- [Sexual Misconduct Policy](#)
- [Bullying Prevention and Intervention Plan](#)