

# **UP ACADEMY CODE OF CONDUCT**

***SCHOOL YEAR 2023-2024***

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## **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>1</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.

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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>2</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.

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

Middle School 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 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

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<sup>2</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.

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):

- **(elementary) Dojo Points and (middle) 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 or Community Leader Forms(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. In elementary schools, students may receive recognition for outstanding positive behavior through rewards such as being named Tiger of the Day or Tiger of the week.

Additionally, scholars will decrease scores on values reports or DOJO totals when they fail to meet expectations. Specifically, points 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 success on any chosen path for their future, scholars must maximize the learning time they have in school and learn excellent academic habits. Low-level misbehaviors can take away from instructional time. When needed, a teacher will issue a demerit/point loss 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. Point losses are used in elementary 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/point loss:

- 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/point loss, the scholar will be notified by the issuing teacher.

In addition to a demerit/point loss, 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, which is 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. This is a practice that may take place in middle school, but does not at elementary school.

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

- 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 changes. Schools will ensure families have received this notification before keeping a student for detention.

Students who fail to meet homework expectations may be asked to stay after school for Homework Club (HWC). If a scholar is required to serve detention and (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

At the middle school level, scholars who have earned a low weekly cumulative report score could miss Friday Enrichment<sup>3</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.

### **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)
- Community meetings/morning motivation
- Weekly or daily rewards associated with points or merits earned

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<sup>3</sup> Friday Enrichment is an opportunity for students to participate in elective courses and clubs, such as Student Government, drumming, etc.



- Community leader forms to recognize students who are going above and beyond expectations
- Direct SEL instruction at least weekly
- Advisory (middle school) or morning and closing meeting (elementary 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 these practices, 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.

UP Academy does not issue short term suspensions for more than three consecutive days.

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 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 <sup>3/4</sup>.<sup>4</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*

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*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.*

All references to “Principal” in the following sections related to suspension and expulsion mean the Principal of the school or his/her designee (often the Dean of Students or Lead Culture Coordinator).

Further, procedures governing disciplining scholars 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 scholars or teachers and does not keep other scholars from exercising their own civil right to learning.
- Exclusion has been used before for the scholar for a particular behavior and has not led to a change in behavior.
- The logical consequence to a behavior is easily defined.
- Excluding the scholar from school presents a substantial risk to that scholar’s health or safety.

Examples of Alternative Consequences used in UP Academy schools include:

- If a scholar destroys property within the school or writes graffiti on school property...
  - ✓ An agreement can be reached with the parent or guardian for the scholar to stay after school and repair the damage or repaint a wall.
- If a scholar uses profanity targeted at a teacher ...
  - ✓ The scholar can be required to 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 will inform the scholar of the disciplinary issue and the potential for the behavior to result in an In-School Suspension.

For scholars 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 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 a suspension of any length, the scholar will be sent to the Dean of Students' office. The Principal will provide oral and written notice to the parent/guardian in English and the primarily language of the home:

- If the hearing is for a Short-Term Suspension, the notice will inform the scholar and family of the inappropriate behavior, the basis for the charge, the potential consequences, right to a hearing (including a date and time), 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 to those provided to scholars facing Short-Term Suspension. Those rights are: 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 scholar's choice, at the scholar'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.

The Principal will hold the hearing:

- For behaviors that may result in a Short-Term Out-of-School Suspension, the Principal 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 Principal will ensure the scholar has or has had their additional 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 scholar's choice, at the scholar'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 scholar or parent upon request. The school will make an audio recording of the hearing after informing all parties that the recording will be made.

At or after a disciplinary hearing, the Principal 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 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 scholar for more than 10 consecutive school days, the school will continue to provide educational services to the scholar 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 receive educational services. The school will provide a list of the specific education services that are available to the scholar and contact information for the Director of Operations to arrange services.

#### Part A.4: Emergency Removal

The Principal may authorize removal of a scholar on an emergency basis before holding a hearing. Such emergency removal may occur when the Principal has charged a scholar 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 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.

For emergency removals, the Principal will:

- Make immediate and reasonable efforts to inform the scholar and parent/guardian orally and in writing of the emergency removal
- Ensure adequate provisions will be made for the scholar's safety and transportation.
- The notice to the parent/guardian will include: the reason for the need for the emergency removal, the disciplinary issue, the potential consequences, including the potential length of the scholar's suspension, and the opportunity for the scholar to have a disciplinary hearing (including a time for a hearing the following day, unless the parent requests a postponement of one day) concerning the removal and whether additional suspension days are warranted, among other rights to which the scholar is entitled.

The rights of the scholar at the hearing, and the description of those rights in the notice, will follow those of the Short-Term or Long-Term Out-of-School Suspension procedures.

Emergency removals should be as short as possible, but may last for up to a maximum of three days, including the day of removal. The situation that led to an emergency removal must be present in order for the emergency removal to continue into the second day after 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, 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 scholar under this section shall continue to provide educational services to the scholar during the period of expulsion. If an expulsion is imposed, the scholar 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 scholar to make academic progress, a list of the specific education services that are available to the scholar, and contact information for the Director of Operations to arrange services. If the scholar moves to another district during the period of expulsion, the new district of residence shall either admit the scholar to its schools or provide educational services to the scholar 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 scholars 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 “scholars with a disability” throughout this Code of Conduct include this additional group of scholars.

Before a scholar 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 scholar'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 scholar'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 scholar'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 scholars 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 scholar 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.

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.

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. 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.

- [BPS OOE Documents and Protocols](#)
- [Child Abuse and Neglect Policy](#)
- [Physical Restraint Prevention and Behavior Support Policy](#)
- [Bullying Prevention and Intervention Plan](#)