

# HOLYOKE PUBLIC SCHOOLS

Code of Conduct

2018-2019

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**Receiver and Superintendent of Holyoke Public Schools**

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## FORWARD

The vision of the Holyoke Public Schools is a pathway for every student. Our students will:

- ✓ Graduate with an additional credential that provides for college and career options
- ✓ Think critically and communicate with purpose
- ✓ Value themselves, value others and value being part of the Holyoke community
- ✓ Lead with Growth Mindset and Self-Management

The Holyoke Public School system expects all students to conduct themselves in a socially responsible manner. An orderly, respectful learning environment is important for students and staff to feel secure and safe and, consequently, for all students to achieve and experience academic success.

All members of the school community are expected to set high standards of behavior, treating each other with courtesy and respect in order to ensure that all students can enjoy the advantages of a safe and tolerant learning environment where individual differences are respected. The development of responsible citizens can only succeed with the cooperation and support of administrators, teachers, other school staff, parents/guardians, and students working together.

In accordance with the United States Constitution and applicable federal and state laws and regulations, no student shall be suspended, excluded, or otherwise disciplined on account of race, color, national origin, ethnicity, religion, sex, sexual orientation, gender identity, disability, age, genetics, or active military status.

The schools have the responsibility and the authority to maintain a safe learning environment.<sup>1</sup> To maintain a safe learning environment, schools have rules and regulations which, when violated, have consequences that are fair, appropriate for the grade level, and consistent. It is the policy of the Holyoke Public Schools to resolve discipline problems by using all appropriate and meaningful interventions to address the misbehavior. The discipline code establishes clear behavior expectations that are fair and equitable.

**Revised 2014 to bring Code of Conduct into compliance with:**

- **M.G.L. Chapter 71, Acts of 1993**
- **M.G.L. Chapter 380, Acts of 1993**
- **M.G.L. Chapter 92, Acts of 2010**
- **M.G.L. Chapter 222, Acts of 2012**
- **P.L. 013-382 (Gun-Free Schools Act of 1994)**
- **Individuals with Disabilities Act (IDEA)**

*The following violations and potential consequences are provided as general guidelines and should not be construed as in any way limiting the authority of the principal to impose disciplinary consequences including, but not limited to, long-term exclusion from school for violations not referenced below or for violations determined to be egregious by the principal or designee.*

## GUIDING PRINCIPLES

THE FOLLOWING GUIDING PRINCIPLES lay the foundation for creating safe, healthy, and supportive learning environments that include the adoption of preventive and positive approaches to discipline that support students in building social and behavioral skills, resolving conflicts in a non-violent manner, and creating productive learning environments. These principles are essential beliefs that will guide public schools staff, students and families in the shared work of ensuring positive school environments and improved student outcomes. These principles must be discussed, understood and embraced across the city to ensure maximized learning and growth opportunities for all children:

- Recognition and respect for the diverse population in the schools and community are paramount.
- All children must be assured that they can learn in a non-disruptive atmosphere and can be treated in a fair, consistent and nondiscriminatory manner.
- Creating safe, healthy, and supportive school environments with collaborative services is a necessary foundation for improving educational outcomes for all students, especially those with behavioral health challenges.
- Improving educational outcomes for students with behavioral health challenges requires that schools become environments that provide support at three levels of care and instruction:
  1. Promotion: Schools foster the emotional well-being of *all* students through school-wide approaches to support positive behavioral health;
  2. Prevention: Schools provide support to intervene early to minimize escalation of identified behavioral health symptoms through targeted collaborative supports; and
  3. Intervention: Schools provide and participate in coordinated care for the small number of students demonstrating considerable need. These three levels should not be treated as silos; activities to address each level must take place throughout the whole school, in classrooms, in small groups, and with individual students and families.
- Schools can tailor local solutions to address the needs of their communities at these three levels through organization by the following six-part framework:
  1. Leadership by school and district administrators to create supportive school environments and promote collaborative services that reliably address each of the three levels.

2. Professional development for school administrators, educators, and behavioral health providers through cross-disciplinary trainings.
3. Access to resources and services by identifying, coordinating, and creating school and community behavioral health services to improve the school-wide environment. The framework recognizes the need for resources that are clinically, linguistically, and culturally appropriate for students and families.
4. Academic and non-academic approaches that enable children to learn, including those with behavioral health needs, and that promote success in school.
5. School policies, procedures, and protocols that provide a foundation for schools to implement and support this work.
6. Collaboration with students and families where students, parents/guardians, and families are included in all aspects of their children's education.

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## **WHAT IS THE CODE OF STUDENT CONDUCT AND WHY DO WE NEED IT?**

THE HPS CODE OF CONDUCT is based upon the laws, rules, regulations, and policies that seek to allow access to education for all while protecting the due process rights of the individual. Discipline, as defined by the Code, must have the qualities of understanding, fairness, flexibility and consistency. It is the responsibility of the school personnel, students, parents/guardians, and the community to contribute to a school atmosphere which promotes a safe, healthy, and supportive whole-school environment that is conducive to learning. Preventive and positive discipline is a shared responsibility for students, administrators, teachers, parents/guardians, and the community. The Code of Conduct is intended to be instructive, not punitive and is based on the principles of preventative and positive discipline (i.e. interventions, skill building and consequences) will be aimed at addressing the causes of misbehavior, resolving conflicts, meeting students' needs, and keeping students in school. In addition, the Code is intended to create clear expectations and graduated levels of support and intervention for all students with consequences for misbehavior that are individualized, consistent, reasonable, fair, age appropriate and that match the severity of the student's misbehavior. The Holyoke Public Schools recognizes the importance of individual student growth and development within a safe environment that supports and encourages learning. To help maintain that environment, the Code of Student Conduct will:

- Identify a multi-tiered system of support to insure safe and supportive whole school environments and individualized student interventions prior to exclusionary practices
- Describe the conduct that disruptive and/or a violation of the Code of Conduct
- Standardize procedures that the school will use in responding to conduct problems
- Define Due Process
- Specify the rights and responsibilities of students, parents and staff
- Suggest reintegration strategies for disciplined students

Each disciplinary case will be decided according to the facts accompanying it. Efforts will be made to discipline students while maintaining them in regular school programs. The Holyoke Public Schools encourages parent(s) and guardian(s) to be involved in the disciplinary process. Due process will be followed for all disciplinary actions. In accordance with the United States Constitution and applicable federal and state laws and regulations, no student shall be suspended, excluded, or otherwise disciplined on account of race, color, national origin, ethnicity, religion, sex, sexual orientation, gender identity, disability, age, genetics, or active military status.

The **Code of Student Conduct** is in force:

- During regular school hours
- Portal to portal including when students are being transported on a school bus
- At such times and places including, but not necessarily limited to, school sponsored events, field trips, athletic functions, and other activities where school administrators have jurisdiction over students.

Additionally, it is important to understand that Massachusetts General Law Chapter 71, Section 37H1/2 provides a principal with authority to suspend a student for conduct that occurs away from school if the student is charged with a felony or is the subject of a felony delinquency complaint and the principal determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school. This law also provides a principal with authority to expel a student who has been convicted, adjudicated, or has admitted to guilt with respect to a felony or felony delinquency, if the principal determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school.

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## **WHAT PREVENTIVE MEASURES ARE EMPHASIZED IN THE CODE OF CONDUCT?**

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Therefore, the measures emphasized in the Code of Conduct are incremental with the goal of using the least extreme measure that can resolve the discipline problem. In the past, disruptive students and the teachers involved in the incident were not given the opportunity to interact prior to a student's return to the classroom; in fact, teachers often did not know when a student would return from a suspension.

This code includes a multi-tiered system of interventions (Appendix A) aimed at preventing behavioral problems as well as bridging and reintegration strategies to decrease the reoccurrence of the offending behavior. Schools and parents/guardians may offer other bridging strategies that teach appropriate behavior. Teachers and administrators will continue to use and develop a variety of informal disciplinary and guidance strategies in teaching new behaviors before, during, and after disciplinary measures.

School administrators should conduct a thorough investigation into school related discipline matters, including student interviews, prior to recommending disciplinary action.

## **ROLES OF THE HOME, STUDENT AND SCHOOL PERSONNEL**

The Code of Conduct promotes a cooperative relationship among students, parents/guardians, and educators:

### **Parents/guardians are expected to:**

- Keep informed about their child's behavior and achievement at school
- Become familiar with the Code of Conduct and the Civil Rights and Safety Policy
- Instill respect for all school staff and children and property
- Support school rules
- Consult the school principal/counselor/teacher when issues arise
- Work with school personnel to implement appropriate consequences and/or interventions when a child violates the Code of Conduct
- Ensure that children attend school regularly and monitor that they arrive on time each day
- Communicate with school personnel about their child including attending school conferences



**School personnel are expected to:**

- Develop and implement a multi-tiered system of support to provide a safe and supportive school environment for each student
- Establish and support an orderly, educational environment
- Explain and model expectations and consequences to students
- Listen to and respect student/parent/guardian views on classroom issues
- Establish and support an environment encouraging mutual respect of individuals
- Be consistent in addressing disrespectful, inappropriate behavior
- De-escalate inappropriate behavior through management strategies
- Follow-up on inappropriate behavior with logical consequences
- Reach out to parent(s)/guardian(s) regularly to foster positive school/home communications
- Teach students to solve problems in a nonviolent, positive manner through modeling, role playing and practice
- Develop schedules that meet the needs of students
- Encourage an atmosphere of support and cooperation among all school personnel
- Report violations of the Code of Conduct and the Civil Rights and Safety Policy

**Students are expected to:**

- Abide by the rules and regulations established in the Code of Conduct
- Know their classroom and school rules
- Attend school daily and on time
- Actively participate in the learning experience
- Be respectful to students, school personnel, and property
- Complete all assignments in a timely manner
- Seek academic and/or counseling support when needed

## **DEFINITIONS**

***Behavior Intervention Plan:*** An individualized student plan that describes problematic behavior and provides a prescriptive menu of incentives and consequences based on the function of the behaviors to replace the problematic behavior with appropriate behavior.

***Safe and Supportive School Environments:*** Includes Positive Behavioral Interventions and Supports (PBIS) and Developmental Design.

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***Student Interventions:*** Disciplinary responses to violations in the Code of Conduct that do not involve removal from class or suspensions such as mediation, conflict resolution, restorative justice, behavioral contracts and positive behavioral interventions and supports (See Appendix A).

***Principal:*** The instructional leader or headmaster of a public school or his or her designee for purposes of school disciplinary matters.

***Parent:*** 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.

***Superintendent:*** The chief executive officer employed by the school committee or his or her designee appointed for purposes of conducting a student disciplinary appeal hearing.

***Temporary Removal from Class:*** Removal of the student from his/her assigned classroom to a comparable educational program within the school building for up to half (1/2) school day. Beyond half of a school day, removal constitutes an in-house suspension.

***In-House Suspension:*** Removal of the student from the regular classroom activities but not the school premises. In school suspensions of ten (10) or fewer school days consecutively or cumulatively is not considered a “short-term suspension.” In house suspensions of more than ten (10) consecutive or cumulative days in a school year will be considered a “long-term suspension” for due process purposes. Students must be able to make progress in school including doing work, taking tests/quizzes, receive information about long term assignments and other similar classroom activities during the in-house suspension period.

***Short Term Suspension:*** Removal of a student from the school premises and regular classroom activities. Short term suspensions resulting in more than ten (10) school days of suspension cumulatively for multiple disciplinary purposes in any school year will be considered a long term suspension for due process purposes.

*\*Written notification to the Superintendent or designee is required prior to an out of school suspension taking place for students PreK- Grade 3 explaining the reasons for the suspension.*

***Long Term Suspension:*** Removal of a student from the school premises and/or regular classroom activities for more than ten (10) cumulative or consecutive days in any school year.

***Emergency Removal:*** A student may be removed **for not more than two (2) school days** following a suspendable offense where the student’s continued presence in the school building poses a danger to persons or property or would materially and substantially disrupt the order of the school and, in the principal’s judgment, there is no alternative to alleviate the danger or disruption. In such cases, the principal must **immediately** notify the superintendent or designee in writing and

describe the danger presented by the student. A principal may not remove a student from school on an emergency basis for a disciplinary offense until adequate provisions have been made for the student's safety and transportation.

***Expulsion:*** Removal of the student from the school premises, regular classroom activities and school activities for more than ninety (90) school days, indefinitely or permanently as permitted under M.G.L. c. 71, §§ 37H and 37H1/2. Educational services must be provided to the student during this disciplinary period.

***School Wide Educational Service Plan:*** A document developed by the principal which includes a list of educational services available to students who are suspended from school for more than ten (10) consecutive days. Such a plan will detail the events and activities which represent the student's opportunity to continue to receive educational services and make progress while out on discipline.

## **DUE PROCESS**

### ➤ ***IN-HOUSE SUSPENSION OF TEN (10) OR LESS CONSECUTIVE OR CUMULATIVE SCHOOL DAYS***

**At a hearing at which an in-house suspension is to be imposed, the principal/designee must:**

- Advise the student of the disciplinary offense(s) charged and the basis for the charge.
- Provide the student with an opportunity to dispute the charge or explain the circumstances.
- If charges are substantiated, inform the student of the length of the in-house suspension.
- Make reasonable efforts to notify the parents orally on the same day the decision for an in-house suspension is imposed of the disciplinary offense, the reasons for concluding the student committed the infraction, and the length of the in-school suspension,
- Invite the parents to a meeting to discuss the student's academic performance and behavior as well as strategies for student engagement and responses to the behavior. The meeting shall be scheduled on the date of suspension if possible or soon thereafter. Two (2) attempts to contact the parents must be documented under such circumstances.
- Following the decision to impose an in-house suspension the principal/designee must send written notice to the parents and student and invite the parents to meet if the parents was

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unavailable for a meeting after oral notice. This notice must be delivered to the parents by hand-delivery, certified mail, first-class mail or email to an address provided by the parents on or the school day on which the in-house suspension is served.

- During in-house suspensions, the student must be able to make progress in school, is able to do his/her work, take tests, quizzes, receive information about assigned long term assignments and other similar classroom activities.

➤ ***OUT OF SCHOOL SUSPENSIONS (SHORT/LONG TERM)- M.G.L. c. 71, § 37H3/4***  
***Except for suspensions imposed in accordance with M.G.L. c. 71, §§ 37H or 37H1/2, prior to the suspension of a student, the principal or designee must:***

- Provide oral and written notice to the parent and student in plain language English and the primary language of the home that states:
  - (a) All charges;
  - (b) Basis for the charges;
  - (c) The reason for the potential exclusion; and
  - (d) Provides an opportunity for a hearing with the principal and the date, time and location of the meeting/hearing where parents and student are given the opportunity to discuss the student's conduct and offer information including mitigating circumstances.
  - (e) The right to interpreter services at the meeting, if relevant, and
  - (f) If long-term suspension is a possibility, then notice of the right to appeal to the superintendent any long-term suspension that is imposed.
  - (g) If long term suspension is a possibility, notice must also include the following:
    - Prior to the hearing, the student/parent is afforded the opportunity review the student record and documents on which the principal/designee may rely.
    - The student has the right to be represented by counsel or a lay person and his/her own expense.\*Students do not have the right to counsel at short-term suspension hearings nor to appeal a short-term suspension or in-house suspension.

- The student has the right to produce witnesses and to present the student’s explanation of the incident. Student witnesses / victims do not have to be summoned if the Principal/designee specifically rules, orally or in writing, at the hearing that identification of the student witness, or the presence of a known witness / victim at the hearing, would endanger his or her physical safety or cause intimidation. All witnesses must be voluntary and accompanied by a guardian if under 18 years of age.
- Student has the right to cross-examine witnesses presented by the school district. All witnesses must be voluntary and accompanied by a guardian if under 18 years of age.
- The student has the right to request that the hearing be recorded and to receive a copy of said audio recording.
- The principal shall make reasonable efforts to notify the parents of the opportunity to participate in the hearing. “Reasonable efforts” are made with written notice AND two (2) attempts to contact the parents by telephone. Written notice includes hand-delivery, certified mail, first class mail or email to an address provided by the parent.
- ***In all cases of out of school suspensions for PreK-Grade 3, the principal/designee must send a copy of the written determination to the Superintendent/Designee explain the reasons for an out of school suspension BEFORE the suspension takes place.***

➤ ***AFTER THE HEARING THE PRINCIPAL/ DESIGNEE SHALL:***

- Determine whether there is a preponderance of evidence to support a determination that the student committed the disciplinary offense.

If so, determine after considering mitigating circumstances and alternatives to suspension, the remedy or consequence to be imposed. In determining the consequence to be imposed, the principal shall exercise discretion in deciding the consequence for the offense; consider ways to re-engage the student in learning; and avoid using long-term suspension from school as a consequence until alternatives have been tried. Alternatives may include the use of evidence-based strategies and programs such as mediation, conflict resolution, restorative justice, and positive interventions and supports.

- Send the written determination to the student and parents by hand-delivery, certified mail, first-class mail, email to an address provided by the parent for school communications, or any other method of delivery agreed to by the principal/designees and the parents.

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- Prepare a written determination that:
  - Identifies the disciplinary offense, the date of and participants at the hearing
  - Sets out the key facts and conclusion reached by the principal/designee.
  - Identifies the length and effective date of the suspension, and the specific date of return to school.
  - In the case of a long term suspension, informs of the right to appeal the principal/designees' decision to the superintendent/designee, which shall be in plain language in English and the primary language of the home and contains the process for appealing the decision
  - Notifies the student and parents of the student's right to make academic progress and, where a suspension of expulsion is to exceed ten (10) consecutive school days, to receive educational services during the period of removal from school.

➤ ***EMERGENCY REMOVALS***

A student may be removed from school for **not more than two (2) school days** following the date of the emergency removal if the student is charged with a disciplinary offense and, in the opinion of the principal, the continued presence of the student poses a danger to persons or property or materially and substantially disrupts the order of the school, and there is no alternative to alleviate the danger or disruption.

- Principal/designee must immediately notify the Superintendent/designee in writing and describe the danger presented by the student.
- During the two (2) day emergency removal the principal/designee must make reasonable efforts to orally notify the student and parents of the emergency suspension, the reason for the removal, and must also notify them of the process in oral and written form and in the primary language of the home if not English.
- The notice must include the type and duration of the suspension and the opportunity to make up work assignments or other school work as needed to make academic progress during the period of removal. This notice must be forwarded by hand-delivery, certified mail, first-class mail or email to an address provided by the parents.
- Provide the student with an opportunity for a hearing with the principal consistent with the hearing for a short/long term suspension by the conclusion of the 2<sup>nd</sup> school day following the emergency removal.

- Provide the parents an opportunity to attend the hearing before the expiration of the two (2) school days, unless an extension of time for hearing is otherwise agreed to by the principal/designees, student, and parent.
- Render a decision orally on the same day as the hearing, and in writing no later than the following schools day consistent with the decision issued for a short/long term suspension.

## **SUSPENSION/EXPULSION – M.G.L. c. 71, §§ 37H and 37H1/2**

For disciplinary offenses involving a) possession of a dangerous weapon; b) possession of a controlled substance; c) assault on a member of the educational staff; or d) a felony charge or felony delinquency complaint or conviction, the student will be given oral notice of the violation with which the student is charged and an opportunity to respond thereto, prior to the Principal’s imposition of an interim suspension of less ten (10) consecutive school days or less pending formal proceedings. Upon imposition of an interim suspension of ten (10) consecutive school days or less pending further disciplinary proceedings, the student and the parents will be provided with written notice of the suspension and the date and time of any formal disciplinary proceedings to consider the student’s long term suspension or expulsion.

At any hearing to consider a student’s long term suspension or expulsion for offenses involving a) possession of a dangerous weapon; b) possession of a controlled substance; c) assault on a member of the educational staff; or d) a felony charge or felony delinquency complaint or conviction, the student and the parents shall have the right to be represented by an attorney (at private expense) and to present oral testimony and documents in the student’s defense. A long term suspension or expulsion imposed by the principal following any such hearing may be appealed to the Superintendent.

## **APPEALS TO THE SUPERINTENDENT**

Except for long term suspensions or expulsions imposed in accordance with *M.G.L. c. 71, §§ 37H or 37H1/2*, long term suspensions (more than 10 consecutive or cumulative days) may be appealed to the Superintendent/designee upon the filing of a written appeal by the parent or student. In-house or short term suspensions imposed by the Principal/designee are not subject to appeal to the Superintendent.

The following appeals process must be followed:

- Student or parents must file a written notice with the Superintendent/designee within five (5) calendar days of the effective date of the long term suspension subject to an extension

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of the filing, upon agreement with the Superintendent/designee for up to a total of seven (7) calendar days.

- Long term suspension remains in effect unless and until the Superintendent/designee decides to reverse the principal.
- The Superintendent/designee must send written notice to the parent of the date, time and location of the hearing and must make a good faith effort to include the parent in the hearing process.
- Students shall have all the right afforded the student at the principal/designee's hearing for long-term suspension.
- Hearing shall be held within three (3) school days of the request subject to an extension, at the parents' or students' request, of up to seven (7) additional calendar days.
- A tape recording of the appeal at the Superintendent/designee level must be made and a copy must be provided to the student and parent upon request.
- The Superintendent/designee's written decision must be made within five (5) calendar days. If it is determined the offense was committed the decision must state the consequence, which may be the same or lesser than the principal/designee but shall not be greater than that that imposed by the principal/designee.
- The Superintendent's /designee's decision is final.

For long term suspensions imposed in accordance with M.G.L. c. 71, § 37H, the Student shall have the right to file a written appeal with the Superintendent within ten (10) calendar days of the effective date of the long-term suspension or expulsion. Upon receipt of any such appeal, the Superintendent shall schedule and conduct a hearing at which the student has the right to be represented by legal counsel (at private expense) and to present evidence and witnesses in support of the appeal. Pending the Superintendent's written decision on any such appeal, the terms and conditions of the long term suspension or expulsion imposed by the Principal or designee shall remain in effect.

For long term suspensions or expulsions imposed pursuant to M.G.L. c. 71, § 37H1/2, the Student shall have five (5) calendar days from the effective date of the long term suspension or expulsion to file a written appeal with the Superintendent. Within three (3) calendar days of receipt of any such appeal, the Superintendent will conduct a hearing at which the student has the right to be represented by an attorney (at private expense) and to present oral and written testimony in support of the appeal. The Superintendent shall render a decision on the appeal within five calendar days of the hearing.



**VIOLATIONS –  
Disciplinary Actions/Bridging Strategies/Reintegration**

**VIOLATIONS -  
GROUP I**

**General Disruptive Conduct:**

- Any behavior which disrupts the orderly educational process
- Possession of unauthorized electronic devices
- Possession and/or use of laser pointers

**Possession of Permanent Markers:** Possession of permanent markers not approved for school use

**Uniform Violations including offensive T-shirt messages:** Offensive, vulgar, lewd t-shirt messages that cause disruption or disorder within the school.

**Academic Honesty:**

- Violation of Copyright Law
- Plagiarism
- Cheating

**Assault:** Intentional verbal or physical threat of violence to someone other than a staff member by a student.

**Defiance of School Personnel's Authority:** Refusal to comply with a reasonable request from school personnel including refusing to identify self on reasonable request of staff/giving false information.

**Gambling:** Participation in games of chance for money and/or other items of value.

**Indecent Proposition:** An unsolicited sexual proposal.

**Information Others find Offensive:** Sending, using or possessing and/or distributing material including information accessed and distributed through cyberspace/social media that others find offensive including but not limited to sexting. Sending or using information that others find offensive that may be disruptive to the educational process.

**Petty Theft (not over \$250 in value):** Unauthorized possession and/or sale of the property of another without the consent of the owner.

**Use of Provocative Language:** Obscene language, profanity, threats and/or inflammatory statements.

**Use and/or Possession of Tobacco Products and/or Associated Paraphernalia:** Use or possession of any smoking or vaporizing materials or of any tobacco/nicotine products.

**Leaving School Grounds Without Permission**

**Excessive Cutting of Classes/Out of Bounds**

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DISCIPLINARY ACTIONS GROUP I	Bridging Strategies/ Reintegration
<p><b>Student Interventions/Tiered Systems of Support</b></p> <p><b>Temporary removal from class (up to 1/2 day)</b></p> <p><b>In-house suspension</b></p> <p><b>Short term suspension</b></p>	<p><b>Bridge / Reintegrate 1</b></p> <p>When appropriate: parent/teacher/administrator/student conference, mediation and/or conflict resolution or team meeting to review expectations and clarify roles and responsibilities.</p> <p>Development and implementation of a Behavior Intervention Plan when appropriate.</p> <p>Consider adopting a Social-Emotional Behavioral Curriculum such as 2<sup>nd</sup> Step, Peaceable Schools, Responsive Classroom, Assertive Discipline, Mediation and/or Conflict Resolution.</p> <p>Implementation of a Restorative Justice program.</p> <p>Participate in problem-solving session on the student’s specific problem behavior. Direct instruction of social skills or counseling services.</p> <p>Consider a referral to an outside agency or program for support where appropriate</p>

## VIOLATIONS GROUP II

**False Accusation:** The intentional making of false accusations that may jeopardize the professional reputation of any staff member.

**False Fire Alarm:** The intentional activation of a fire alarm, fire bell or other signaling device with intent to deceive, mislead or otherwise misinform a school/center/school function concerning the presence of a fire.

**Participation in Organizations not sanctioned by the Principal or School Authority:** Participation in clubs, fraternities, sororities or secret societies that are not sanctioned by the Principal.

**Possession of Aerosol/Chemical Weapon:** The possession of aerosol/chemical weapons such as tear gas, pepper gas, “stink bombs” or mace.

**Possession and/or Concealment of a Simulated Weapon:** The possession, concealment or display of a simulated weapon including but not limited to toy guns, water guns, cap guns or toy knives.

**Vandalism (not over \$250 in damage):** The willful or malicious damage and/or destruction of school property or the property of another including graffiti.

**Distribution or Sale of Non-Prescription Drugs:** any distribution or sale of prescription or legal nonprescription drugs which constitutes a danger to the students in the school (Principal can determine concept of “dangerous”)

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<b>DISCIPLINARY ACTIONS GROUP II</b>	<b>Bridging Strategies/ Reintegration</b>
<p><b>Student Interventions /Tiered Systems of Support</b></p> <p><b>Temporary removal from class (up to 1/2 day)</b></p> <p><b>In-house suspensions</b></p> <p><b>Short -term suspension</b></p> <p><b>Long- term suspension</b> in cases of egregious violations as determined by the Principal/designee.</p>	<p style="text-align: center;"><b>BRIDGE / REINTEGRATE 1</b></p> <p>When appropriate: parent/teacher/administrator/student conference, mediation and/or conflict resolution or team meeting to review expectations and clarify roles and responsibilities.</p> <p>Development and implementation of a Behavior Intervention Plan when appropriate.</p> <p>Participate in problem-solving session on the student’s specific problem behavior. Direct instruction of social skills or counseling services.</p> <p>Implementation of a Restorative Justice program</p> <p>Consider a referral to an outside agency or program for support where appropriate</p> <p>Consider adopting a Social-Emotional Behavioral Curriculum such as 2<sup>nd</sup> Step, Peaceable Schools, Responsive Classroom, Assertive Discipline, Green Chimneys, and the Boys Town Education Model, Green Chimneys, and the Boys Town Education Model.</p>

## VIOLATIONS GROUP III

**Fighting:** (Physical altercation between two people). When two or more persons participate in physical violence that may require physical intervention and/or restraint and /or results in injury.

**Bullying/Cyberbullying:** (See Bullying Policy)

**Harassment:** Severe or repeated hostile treatment or violence against a student, including continual invasion of “personal space” because of his/her gender, race, color, religion, ethnic or national origin, sexual orientation, gender identity, physical or mental disability and the use of vulgar, lewd or offensive tee shirt messages that promote such harassment.

**Sexual Harassment:** Unwelcome conduct of a sexual nature, sexual advances, request for sexual favors and other verbal or physical conduct of a sexual nature when such conduct substantially interferes with academic performance or creates an intimidating, hostile or offensive school environment.

**Violation of Civil Rights:** Discrimination based on race, national origin, religion, gender, gender identity, sexual orientation or disability.

**Hazing:** Any conduct or method of initiation into any student organization whether on public or private property which willfully or recklessly endangers the physical or mental health of any student or other person.

**Battery (Non-staff member):** An actual and intentional touching or striking of another person against his or her will or intentionally causing harm to an individual.

**Extortion:** Obtaining money, information or anything of value from another person by coercion or intimidation.

**Robbery:** The taking of money or other property from the person or custody of another *by force, violence, assault or placing in fear.*

**Grand Theft (over \$250 in value):** Unauthorized possession and/or sale of the property of another without the consent of the owner.

**Possession, Use, Distribution or Sale of Fireworks:** The possession, use or sale of fireworks which constitutes a danger to the students in the school. (Principal can determine concept of danger). The principal may determine that an explosive device or materials constitute a “dangerous weapon” for purposes of M.G.L. c. 71, §37H.

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**Use of Aerosol/Chemical Weapons with Intent to Harm:** The use with intent to harm of aerosol/chemical weapons such as tear gas, pepper gas or mace. The principal may determine that such aerosols/chemical weapons constitute a “dangerous weapon” for purposes of M.G.L. c. 71, §37H.

**Vandalism (over \$250 in damage):** The willful or malicious damage and/or destruction of school property or the property of another.

**Participation in Gang-Related Activity:** Participating in recruitment or wearing or possessing gang-related colors or logos and other such related activities on school grounds or school sponsored activities.

**Assault on a Staff Member:** Intentional verbal and/or physical threat to do/inflct violence to a staff member by a student.

**Hate Crime:** Crimes or criminal acts motivated by prejudice or hostility to the victim’s real or perceived race, religion, color, sexual orientation, gender identity, ethnicity, ancestry, national origin, etc.

**Possession and/or Concealment of Weapons:** Any carrying, concealing or displaying of knives, flammable agents, or any other items that may be used to cause bodily injury or death. (Principal will determine whether an item or material constitutes a dangerous weapon.)

**Possession, Use, Sale or Distribution of Mood Modifiers (including alcohol), Illegal Drugs, Prescription Drugs and Marijuana:** Possession, use, sale or distribution of any mood modifier (including inhalants), alcohol, a prescription drug not for its intended use or illegal drugs. The possession of an amount greater than that for personal use will be deemed to be for distribution/sale. (The possession, use, sale and distribution of controlled substances and/or alcohol are a violation of the law.)

**Sexual Misconduct:** Engaging in consensual sexual activity on school grounds or school-sponsored activities.

<b>DISCIPLINARY ACTIONS GROUP III</b>	<b>Bridging Strategies/ Reintegration</b>
<b>Student Interventions/ Tiered Systems of Support</b>  <b>Temporary removal from class (up to 1/2 day)</b>  <b>In-house suspension</b>  <b>Short term suspension</b>  <b>Long Term Suspension</b>  <b>Disciplinary Transfer to an Alternative Placement {Central Office involvement required}</b>  <b>Expulsion</b>	<p>When appropriate: parent/teacher/administrator/student conference, mediation and/or conflict resolution or team meeting to review expectations and clarify roles and responsibilities.</p> <p>Development and implementation of a Behavior Intervention Plan when appropriate.</p> <p>Consider adopting a Social-Emotional Behavioral Curriculum (SEB) such as 2<sup>nd</sup> Step, Peaceable Schools, Responsive Classroom, Assertive 2Mediation and/or Conflict Resolution.</p> <p>Implementation of a Restorative Justice Program</p> <p>Participate in problem-solving session on the student’s specific problem behavior. Direct instruction of social skills or counseling services.</p> <p>Consider a referral to an outside agency or program for support where appropriate.</p> <p>Conduct research on the topic of the student’s problem behavior.</p>

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## VIOLATIONS GROUP IV

**Causing Mayhem:** Acting in a malicious manner with a dangerous weapon, substance or chemical that results in disfiguring, crippling or inflicting serious or permanent physical injury upon another person or acting with the intent to disfigure, cripple or inflict serious or permanent injury upon another person.

**Battery on a Teacher or Other School. Personnel:** A battery or aggravated battery as defined above on any elected official or school district employee whether it is committed on school property or on school-sponsored transportation, at a school-sponsored activity or while the elected official or school employee is on official school business.

**Aggravated Assault:** An intentional verbal or physical threat of violence to someone by a student who possesses an apparent ability to do so while displaying a firearm, knife, other deadly weapon or simulated weapon.

**Aggravated Battery:** Intentionally or knowingly causing great bodily harm, permanent disability or permanent disfigurement or using a weapon or simulated weapon while committing a battery.

**Armed Robbery:** *Taking* of money or other property while using a weapon or simulated weapon.

**Arson:** *Any* willful or malicious igniting of a fire which causes damage or is intended to cause damage to school property, the property of another or a person.

**Homicide (Murder, Manslaughter):**

- **Murder-** the unlawful killing of a human being

**Manslaughter-** the killing of a human being by culpable neglect or another without lawful justification.

**Kidnapping or Abduction:** Forcibly, secretly or by threat, confining, abducting or imprisoning another person against that person's will and without lawful authority, with intent to:

- Hold for ransom or reward or as a shield or hostage
- Commit or facilitate commission of any felony
- Inflict bodily harm upon or to terrorize the victim or another person
- Interfere with the performance of any governmental or political function

**Making a Threat or False Report about a Destructive Device:** It is unlawful to threaten to throw, project, place or discharge any destructive device with intent to do bodily harm to any person or with intent to do damage to any property of any person. It is unlawful to make a false report, with intent to deceive, mislead or otherwise misinform any person concerning the placing or planting of any bomb, dynamite or any other deadly explosive.

**Explosive Device:** An explosive is any chemical compound or mixture that has the property of yielding readily to create an explosion, e.g., blasting caps, detonators.



1. *Possession, use, or sale of a firearm, illegal weapon, or explosive device*
2. *Possession and/or use of illegal drugs on school property*
3. *Assault and/or assault and battery on a staff member*

**Arson Possession, Use or Sale of any Firearm or Destructive Device:** Possession, use or sale of any firearm or destructive device on school property, school-sponsored transportation or during a school-sponsored activity. A firearm is any weapon (including a starter gun) which is designed or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon, e.g., any bullet; any firearm muffler or firearm silencer', any machine gun; or any destructive device. "Destructive device" means any bomb, grenade, mine, rocket, missile, pipe bomb or similar device containing an explosive, incendiary or poison gas and includes any fragile container filled with an explosive, incendiary, explosive gas, or expanding gas which is designed or so constructed as to explode by such filler and is capable of causing bodily harm or property damage; any combination of parts either designed or intended for use in converting any device into a destructive device and from which a destructive device may readily be assembled.

**Sexual Battery:** Intentional sexual contact, especially sexual intercourse with a person who has not given consent.

**Felony Behavior:** Any behavior that results in a felony charge.

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<b>DISCIPLINARY ACTIONS GROUP IV</b>	<b>Bridging Strategies/ Reintegration</b>
<p><b>Short term suspension</b></p> <p><b>Long Term Suspension</b></p> <p><b>Indefinite Suspension</b></p> <p><b>Disciplinary Transfer to an Alternative Placement {Central Office involvement required}</b></p> <p><b>Expulsion</b></p>	<p>When appropriate: parent/teacher/administrator/student conference, mediation and/or conflict resolution or team meeting to review expectations and clarify roles and responsibilities.</p> <p>Development and implementation of a Behavior Intervention Plan when appropriate.</p> <p>Implementation of a Restorative Justice Program.</p> <p>Consider adopting a Social-Emotional Behavioral Curriculum such as 2nd Step, Peaceable Schools, Responsive Classroom, Assertive 2Mediation and/or Conflict Resolution.</p> <p>Participate in problem-solving session on the student’s specific problem behavior. Direct instruction of social skills or counseling services.</p> <p>Consider a referral to an outside agency or program for support where appropriate</p>

# APPENDIX A

## STUDENT INTERVENTIONS AND TIERED SYSTEMS OF SUPPORT

Holyoke Public Schools (HPS) supports a multi-tiered approach to help struggling learners. Guided by student outcome data, a multi-tiered approach is used to make decisions to improve student achievement and behavior by assisting in the creation of well-integrated and seamless system of instruction and intervention.

HPS supports the Massachusetts model of tiered systems of support (MTSS). MTSS is a blueprint outlining a single system of supports that is responsive to the academic and nonacademic needs of all students. This blueprint provides a framework for school improvement that focuses on system level change across the classroom, school, and district to meet the academic and non-academic needs of all students, including students with disabilities, English language learners, and students who are academically advanced. It guides both the provision of high quality core educational experiences in a safe and supportive learning environment for all students and academic and/or non-academic targeted interventions/supports for students who experience difficulties and for students who have already demonstrated mastery of the concept and skills being taught.

### DEFINITIONS

**Tier I:** Core Instruction/Universal Behavior Supports - All students in Tier I receive high quality, scientifically based instruction, differentiated to meet their needs, and are assessed on a periodic basis to identify struggling learners who need additional support.

**Tier II:** Supplemental and Core-Instruction: Students not making adequate progress in the core curriculum are provided with increasingly intensive instruction matched to their needs on the basis of levels of performance and rates of progress.

**Tier III:** Intense and Core Instruction-At this level, students receive individualized, intensive interventions that target the students' skill deficits for the remediation of existing problems and the prevention of more severe problems.

*Note: District Resources outlined in this document may not be currently available at all schools.*

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<p><b>TIER 1:</b></p> <p><b>CORE</b></p> <p><b>INSTRUCTIONAL / UNIVERSAL</b></p> <p><b>BEHAVIOR SUPPORTS</b></p>	<p><b>TIER 2:</b></p> <p><b>SUPPLEMENTAL AND CORE</b></p>	<p><b>TIER 3:</b></p> <p><b>INTENSE AND CORE</b></p>
<p><b>ACADEMICS</b></p>		
<p>Research-based instruction</p> <p>Core Classroom Curriculum for All Students</p> <p>Variety of Grouping Formats</p> <p>Differentiation</p> <p>On-going assessments – formative and summative</p> <p>Enhanced access to technology</p> <p>Health and Wellness Education</p> <p>Attendance Policy</p> <p>Wraparound Services</p> <p>Parent / Teacher Conference</p> <p>Medical Emergency Plan</p>	<p>Small Group Research-based Intervention</p> <p>Supplemental Instruction</p> <p>Differentiation</p> <p>Student Support Teams (SST)</p> <p>Extended Day / Extended Year Tutoring</p> <p>Wraparound Services</p> <p>Parent / Teacher Conference</p> <p>Student Support Plans</p> <p>Diagnostic Testing</p> <p>Medical Emergency Plan</p>	<p>Small Group Researched Intervention</p> <p>Supplemental Instruction</p> <p>Differentiation</p> <p>Section 504</p> <p>Special Education and/or Related Services</p> <p>Extended Day / Extended Year Tutoring</p> <p>Wraparound Services</p> <p>Parent / Teacher Conference</p> <p>Student Support Plans</p> <p>Diagnostic Testing</p> <p>Medical Emergency Plan</p>

<p style="text-align: center;"><b>TIER 1:</b></p> <p style="text-align: center;"><b>CORE</b></p> <p style="text-align: center;"><b>INSTRUCTIONAL / UNIVERSAL</b></p> <p style="text-align: center;"><b>BEHAVIOR SUPPORTS</b></p>	<p style="text-align: center;"><b>TIER 2:</b></p> <p style="text-align: center;"><b>SUPPLEMENTAL AND CORE</b></p>	<p style="text-align: center;"><b>TIER 3:</b></p> <p style="text-align: center;"><b>INTENSE AND CORE</b></p>
<b>BEHAVIORAL</b>		
<p>Positive School Climate and Cultural Framework / PBIS</p> <p style="text-align: center;">Bullying Policy</p> <p style="text-align: center;">District Wide Behavior Specialist</p> <p style="text-align: center;">Social Skills Lessons</p> <p style="text-align: center;">District and School Student Handbook</p> <p style="text-align: center;">Transition Support System</p> <p style="text-align: center;">Wraparound Services</p> <p style="text-align: center;">Parent / Teacher Conference</p> <p style="text-align: center;">Medical Emergency Plan</p>	<p>Positive School Climate and Cultural Framework / PBIS - Check in/Check out</p> <p>Behavior Education Program/ Check &amp; Connect</p> <p style="text-align: center;">Behavior Contracting</p> <p style="text-align: center;">Social Skills</p> <p style="text-align: center;">Restorative Justice</p> <p style="text-align: center;">Collaborative Problem Solving</p> <p style="text-align: center;">Reflection Centers</p> <p style="text-align: center;">Classroom Reinforcement System</p> <p style="text-align: center;">Student Support Teams (SST)</p> <p style="text-align: center;">District Wide Behavior Specialist</p> <p style="text-align: center;">Transition Support System</p> <p style="text-align: center;">Conflict Resolution Group</p> <p>Wraparound Services</p> <p style="text-align: center;">Student Support Plans</p> <p style="text-align: center;">Medical Emergency Plan</p>	<p>FBA/BIP</p> <p style="text-align: center;">Section 504</p> <p>Special Education and/or Related Services</p> <p style="text-align: center;">Wraparound Services</p> <p style="text-align: center;">Parent / Teacher Conference</p> <p style="text-align: center;">Trained Crisis Teams</p> <p style="text-align: center;">Student Support Plans</p> <p style="text-align: center;">Medical Emergency Plan</p> <p style="text-align: center;">Safety Plans</p> <p style="text-align: center;">Clinical/Therapeutic Services</p>

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<p style="text-align: center;"><b>TIER 1:</b></p> <p style="text-align: center;"><b>CORE</b></p> <p style="text-align: center;"><b>INSTRUCTIONAL / UNIVERSAL</b></p> <p style="text-align: center;"><b>BEHAVIOR SUPPORTS</b></p>	<p style="text-align: center;"><b>TIER 2:</b></p> <p style="text-align: center;"><b>SUPPLEMENTAL AND CORE</b></p>	<p style="text-align: center;"><b>TIER 3:</b></p> <p style="text-align: center;"><b>INTENSE AND CORE</b></p>
<b>COUNSELING</b>		
<p>Comprehensive School Counseling Programs</p> <p>Parent / Teacher Conference</p> <p>Medical Emergency Plan</p>	<p>Small group sessions on discipline, attendance, mediation, conflict resolution and retention issues.</p> <p>Daily report cards with reinforcement for increasing behavioral success</p> <p>Mentoring programs (one on one regularly occurring sessions with an identified staff person who befriends and supports)</p> <p>Check in- check out systems (Student meets with a staff person to review target behavior and receive encouragement and self-monitoring data sheet in a.m., and reviews results in p.m.)</p> <p>Self-monitoring systems (Student records success/failure in specific time intervals in classes.</p> <p>Behavior contracting (Student, staff, family agree on specific outcomes for specific behaviors.)</p> <p>Groups on social skills instruction (Student participates in ongoing school wide classroom sessions.)</p> <p>Restorative Justice Program</p> <p>Student Support Team (SST)</p> <p>Medical Emergency Plan</p>	<p>FBA/BIP</p> <p>Family therapy</p> <p>Multi-systemic wrap around services (Implemented when the severity warrants this service.)</p> <p>Substance and addiction, Foster Care,</p> <p>Juvenile Justice System,</p> <p>Mental Health</p> <p>Special Education and/or Related Services</p> <p>Section 504</p> <p>Medical Emergency Plan</p>

<p style="text-align: center;"><b>TIER 1:</b></p> <p style="text-align: center;"><b>CORE</b></p> <p style="text-align: center;"><b>INSTRUCTIONAL / UNIVERSAL</b></p> <p style="text-align: center;"><b>BEHAVIOR SUPPORTS</b></p>	<p style="text-align: center;"><b>TIER 2:</b></p> <p style="text-align: center;"><b>SUPPLEMENTAL AND CORE</b></p>	<p style="text-align: center;"><b>TIER 3:</b></p> <p style="text-align: center;"><b>INTENSE AND CORE</b></p>
<b>FAMILY / COMMUNITY ENGAGEMENT</b>		
<p>Parent Power Academy</p> <p>Parent Volunteers</p> <p>Attendance Officer</p> <p>Home / School Compact</p> <p>Family Access and Engagement Coordinator</p> <p>School/Family Promoter</p> <p>Wraparound Services</p> <p>Medical Emergency Plan</p>	<p>Parent Facilitator</p> <p>Home / School Compact</p> <p>Attendance Officer</p> <p>Wraparound Services</p> <p>Medical Emergency Plan</p>	<p>McKinney Vento</p> <p>Home / School Compact</p> <p>Family Access and Engagement Coordinator</p> <p>Wraparound Services</p> <p>Medical Emergency Plan</p>

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## APPENDIX B

### DISCIPLINE RELATED INFORMATION FOR STUDENTS WITH DISABILITIES

The Individuals with Disabilities Education Act authorizes school personnel to move a student with disabilities to an interim alternative educational setting (IAES) for up to forty-five (45) school days, if that student is in possession of a dangerous weapon at school or a school function or on school property, possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance while at school or a school function or on school property, or inflicts serious bodily injury on a person at school, on school grounds or at a school function. The appropriate interim alternative educational setting shall be determined by the IEP Team.

The IDEA and M.G.L. c. 71B also allow school personnel the option of asking a Bureau of Special Education Appeals hearing officer or a court to authorize the removal of a student with a disability to an interim alternative educational setting for up to forty-five (45) school days, if they are substantially likely to injure themselves or others in their current placement.

Students with disabilities shall be entitled to heightened due process protections when subject to disciplinary removal or exclusion. These requirements shall apply to the following groups of students:

1. Students who have been determined to be eligible for special education in accordance with the Individuals with Disabilities Education Act and/or M.G.L. c. 71B;
2. Students currently undergoing an evaluation of eligibility for special education in accordance with the Individuals with Disabilities Education Act and/or M.G.L. c. 71B;
3. Students who have been found eligible for the protections set forth in Section 504 of the Rehabilitation Act of 1973
4. Students whom the District has reason to know may be eligible for special education services:
  - The [parent](#) of the child expressed concern in writing to supervisory or administrative personnel of the District or to a teacher of the child, that the child is in need of special education and related services;
  - The [parent](#) of the child requested an [evaluation](#) of the child's eligibility for special education services which has not yet been completed; or
  - The teacher of the child, or other District personnel, have expressed specific concerns about a pattern of behavior demonstrated by the child directly to the director of special education of the agency or to other supervisory personnel of the agency.



When an eligible student with a disability has been suspended for more than ten (10) consecutive or has been subjected to a pattern of disciplinary removals exceeding ten (10) cumulative days in a school year, such that a substantial change in placement is occurring or will occur, the building administrators and relevant members of the Student's IEP or Section 504TEAM ("Manifestation Team") will meet to conduct a manifestation determination. In considering whether the conduct for which the student is subject to disciplinary removal that will result in a disciplinary change in placement was a manifestation of the student's disability, the Team will consider the following:

1. Was the misconduct for which the student is subject disciplinary exclusion caused by, or directly and substantially related to the student's disability?
2. Was the misconduct for which the student is subject disciplinary exclusion the direct result of a failure to implement the Student's IEP or Section 504 Plan?

A summary of the manifestation determination review will be written and a copy provided to the Parent(s)/guardian(s) as soon as possible after the review, but no later than five (5) school days after the review.

If, based upon its review and consideration of all relevant documentation and information, the Manifestation Team finds that the misconduct was not a manifestation of the student's disability, then the student may be disciplined according to the Code of Conduct. The student will receive educational services that are determined by the Student's IEP Team to be reasonably calculated to provide the student with a free appropriate public education during this period of suspension or exclusion. Where appropriate, the Team may also recommend that a functional behavioral assessment (FBA) of the student will be conducted by the District.

If the TEAM finds that the misconduct was a manifestation of the student's disability, the student may not be subjected to further disciplinary consequences for that act of misconduct. Where the misconduct involved possession of a dangerous weapon, possession or sale of a controlled substance, or the causing of substantial bodily injury to another, however, the student may be unilaterally removed to an interim alternative educational setting for up to forty-five (45) school days. If the District does not elect to exercise its authority to impose a unilateral change of placement for forty-five (45) school days, or where the student has committed an offense not involving the possession of a dangerous weapon, possession or sale of a controlled substance, or causing substantial bodily injury to another, the student shall be returned to his/her current placement unless an alternative placement is agreed to by the parents or authorized by a hearing officer or judge. The Team will also arrange for a functional behavioral assessment (if one has not been conducted on the student) and the development or modification of a behavior intervention plan. The Principal (or designee) will notify the Special Education/Pupil Services Office of all in-house and/or out-of-school suspensions of special needs students and a record will be kept of such notices.

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## APPENDIX C

### MASSACHUSETTS GENERAL LAWS RELATED TO SCHOOL DISCIPLINE

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

- (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) 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.

***M.G.L. 71, Chapter 37H1/2***

(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

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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.

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 under an education service plan.

***M.G.L. Chapter 71, Section 37H3/4***

(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.

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

The school committee of each city, town or regional school district shall inform teachers, administrators, and other professional staff of reporting requirements for child abuse and neglect under section 51A of chapter 119 and the reporting requirements for fires under section 2A of chapter 148.

In addition, any school department personnel shall report in writing to their immediate supervisor an incident involving a student's possession or use of a dangerous weapon on school premises at any time.

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Supervisors who receive such a weapon report shall file it with the superintendent of said school, who shall file copies of said weapon report with the local chief of police, the department of children and families, the office of student services or its equivalent in any school district, and the local school committee. Said superintendent, police chief, and representative from the department of children and families, together with a representative from the office of student services or its equivalent, shall arrange an assessment of the student involved in said weapon report. Said student shall be referred to a counseling program; provided, however, that said counseling shall be in accordance with acceptable standards as set forth by the board of education. Upon completion of a counseling session, a follow-up assessment shall be made of said student by those involved in the initial assessment.

A student transferring into a local system must provide the new school system with a complete school record of the entering student. Said record shall include, but not be limited to, any incidents involving suspension or violation of criminal acts or any incident reports in which such student was charged with any suspended act.

## APPENDIX D

### RELATED POLICIES AND PROCEDURES

*Memorandum of Understanding* between the Holyoke Public Schools, Holyoke Police Department and Hampden County District Attorney's Office. This document recognizes the formal working relationships agreed upon by participating agencies for the purpose of providing a safe and violence-free educational setting.

#### ***Bullying Policy***

Bullying is prohibited by the Holyoke Public Schools. In addition, retaliation against a person or reporting bullying or who has cooperated in an investigation of a complaint under this policy is prohibited and will not be tolerated by the Holyoke Public Schools.

Bullying is prohibited on school grounds, property immediately adjacent to school grounds, at school sponsored or school-related activities, functions or programs whether on or off school grounds, at school bus stops, on school buses or other vehicles owned, leased or used by Holyoke Public Schools, or through the use of technology or an electronic device owned, leased or used by Holyoke Public Schools.

Bullying is also prohibited at a location, activity, function or program that is not school related if the bullying creates a hostile environment at school for the victim, infringes on the rights of the victim at school or materially and substantially disrupts the education process or the orderly operation of a school. Bullying is also prohibited through the use of technology or an electronic device that is not owned, leased or used by the district, if the bullying creates a hostile environment at school for the victim, infringes on the rights of the victim at school or materially and substantially disrupts the education process or the orderly operation of a school.

Retaliation against a person who reports bullying, who provides information during an investigation of bullying, or who is a witness to or has reliable information about bullying is prohibited. Retaliation includes, but is not limited to, any form of intimidation, reprisal or

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harassment in connection with filing a complaint or assisting with an investigation under this policy.

For additional information regarding the District's Bullying Prevention and Intervention Plan or regarding the filing of a bullying complaint, please see the school handbook, the District website, or contact the office of the principal.

### ***Civil Rights and Safety Policies***

The nondiscrimination policy of the Holyoke Public Schools is consistent with M.G.L. c. 76, § 5 and provides for a safe, secure learning environment for all students by affirming the district's non-tolerance for harassment based on race, color, national origin, sex, religion, gender identity, sexual orientation, or disability or discrimination on those same bases. Discrimination, sexual and bias-motivated harassment, and violations of civil rights disrupt the educational process and will not be tolerated. It shall be a violation of this policy for any pupil, teacher, administrator or other school personnel to engage in sexual or bias related harassment (referred to as "wrongful harassment") or to violate the civil rights of any pupil, teacher, administrator, or other school personnel. Conduct amounting to hate crime is a particularly serious infraction that will result in referral to law enforcement agencies. Schools will act to investigate all complaints, formal or informal, verbal or written, of sexual or bias-related harassment or violation of civil rights and will take appropriate action against any pupil, teacher, administrator, or other school personnel found to have violated this policy.

**Commitment to Prevention:** The Holyoke Public Schools are committed to prevention, remediation, and accurate reporting of bias incidents and civil rights violations, to the end that all students can enjoy the advantages of a safe and tolerant learning environment where individual differences are respected.

### ***Identification and Definitions of Prohibited Conduct***

**Bias Incident** means any act, including conduct of speech, directed at or which occurs to a person or property because of actual or perceived race, color, ethnicity, national origin, disability, sex, religion, gender identity, or sexual orientation. Bias incidents may or may not be criminal acts.

**Bias Indicators** are objective facts and circumstances, which suggest that an action was motivated in whole or in part by a particular type of bias.

**Bias Motives** recognized in Massachusetts law as causing hate crimes include prejudice based on race, religion, ethnicity, disability, gender, gender identity, and/or sexual orientation.

**Civil Rights Violations** involve interfering—by threats, intimidation, or coercion—with someone's enjoyment of constitutional or statutory rights. Rights protected against interference include nondiscrimination in access to advantages and privileges of a public school education.



The term “civil rights violation” also covers bias-related and sexual harassment crimes; the term is applied generically to civil or criminal law infractions.

Discrimination consists of actions taken against others, that treat others unequally because race, religion, national origin, disability, gender identity, sexual orientation, or disability.

Harassment consists of unwelcome verbal, written or physical conduct targeting specific person(s), which is sufficiently severe, persistent, or pervasive to create an intimidating, hostile, humiliating, or offensive school environment, or substantially interfere with the progress of a student’s education or a student’s rights or services within the school.

Sexual Harassment covers physical or verbal conduct of sexual nature, including but not limited to sexual advances that foster a hostile educational environment for the victim.

Hate Crimes include any criminal acts in which recognized types of bias motives are an evident contributing factor. Criminal bias-motivated conduct entails, at a minimum, threats. Criminal conduct includes acts putting someone in fear of immediate physical harm (assaults), and actual physical violence (assault and battery), and grows most serious if a victim suffers any bodily injury. Repeated threatening or menacing actions like following someone can amount to the crime of stalking.

Hostile Environment exists when a student has been or is subjected to threats, intimidation, or coercion by another (or others) or is reasonably in fear for his or her safety. Whether a school environment has become hostile must be evaluated based on the totality of the circumstances. Repeated instances of bias-related and sexual harassment may create a hostile environment for the victim. A single act of harassment can also create a hostile or intimidating environment if sufficiently severe. A hostile environment does not necessarily entail that a student exhibits quantifiable harm, such as a drop in grades.

Stalking, a felony, consists of intentional conduct involving:

- two or more acts directed at a specific person,
- which would cause an average person substantial distress,
- where the perpetrator has made threats that cause fear of death or injury.

### ***Procedures for Responding to/Investigating Incidents***

Whenever a staff person witnesses or a third party reports a possible civil rights violation, the school’s principal or designee must be notified as the building grievance coordinator, who in turn, may contact the District-wide grievance coordinator. The principal or designee, in conjunction with school safety personnel, should immediately begin an investigation. In an emergency, 911 must be called. If the incident involves administration, the Director of Human Resources or the Superintendent is to be notified. A student coming forward to report a civil rights violation she/he

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has experienced or observed should be directed to the school's principal or designated civil rights administrator, once any emergency needs are attended. Consideration should be given to whether immediate or interim steps are needed to ensure the safety of and avert retaliation against the complainant. The investigation must determine whether a civil rights violation has in fact occurred. An immediate aim of the investigation should be preserving and gathering evidence from the scene of an incident. Bias related graffiti should be photographed, and then removed. The investigator should seek to interview all victims and witnesses at the scene, or as soon thereafter as possible, and interview others who may have relevant knowledge. The investigation may consist of any methods and documents deemed relevant and useful. All circumstances as found should be carefully evaluated for the presence of bias indicators that would characterize the matter as a civil rights violation. The investigation should make a finding as to whether any civil rights infraction or violation of this policy has occurred, based on the definitions of wrongful conduct.

### ***Consequences for Civil Rights Violations and Failures to Act as Required***

**Non-Disciplinary Corrective Actions:** Potential civil rights violations can be addressed with steps that are not punitive in character, without the necessity of disciplinary proceedings. These steps generally lie within the ordinary discretion of principals and school officials; examples of non-disciplinary actions appropriate in some instances may include counseling, assignment to participate in diversity awareness training, separating offender and victim, parent conferences, and/or special work assignments such as research and a report on a civil rights-related subject.

**Disciplinary Proceedings:** After a hearing, found violations of the civil rights of a student or school employee warrant the imposition of sanctions up to and including long-term suspension (students), and suspension or termination (employees). Disciplinary actions will be taken toward the goals of eliminating the offending conduct, preventing reoccurrence, and reestablishing a school environment conducive to the victim's learning.

The school may consider completion of a youth diversion program—either alone or in conjunction with other disciplinary actions—as an appropriate sanction for student violators of others' civil rights.

**Failure to Act by Administrators and Teachers:** Upon completion of policy dissemination, administrators and teachers have a duty to act to stop witnessed sexual or bias harassment and hate crimes, as safely as can be done, and to report occurrences to the civil rights administrators and, as appropriate, the police. A clear failure to act as this policy directs should, in the first instance, entail that the individual undergo further training in hate crimes, diversity issues, and the requirements of school policy. The school administration will develop further sanctions and actions to address repeated failures to act in accordance with this policy.

### ***Sexual Harassment***

Sexual harassment is defined as unwanted sexual attention (verbal or physical) from anyone with whom the student may interact in the course of receiving an education in school or at school-

sponsored activities. If you believe that you have been the victim of sexual harassment by another student, or if you have any questions about this issue, seek the help of an adult whom you trust, such as a teacher, counselor, your parent or guardian, or one of the building administrators. Every report of sexual harassment will be investigated by an administrator and a written record of the investigation will be filed with the principal. If it is determined that a student has sexually harassed another person, the consequences to the offending student shall include one or more of the following: parent conference; suspension; referral to legal authorities; or expulsion from school. Reprisals, threats, or intimidation of the victim will be treated as serious offenses that could result in long term suspension of up to ninety (90) school days. In all cases, a high degree of confidentiality will be maintained.

### ***Searches***

School lockers, desks, computers, etc., although provided for student use, are the property of the Holyoke School Department. Students do not have a reasonable expectation of privacy in the contents of their lockers or desks and must be aware that lockers and desks are subject to search by school administrators. Students' personal belongings such as backpacks, jackets, clothing, cellular phones and electronic devices are also subject to search by school administrators where there is reasonable suspicion that the personal item(s) to be searched contain prohibited items or materials or evidence of violations of school rules or applicable laws. Strip searches of students are generally prohibited, except in conformity with due process standards and after prior approval of the Superintendent or designee

Students can expect the ongoing use of locker searches, computer searches, desk searches, x-ray machines, metal detectors, backpack searches to ensure the safety of staff and students. Students are expected to cooperate with authorities during such searches; failure to cooperate is grounds for suspension.

The School Department reserves the right to monitor or review all information contained on computers made available by the School Department.

Strip searches of students are generally prohibited, except in conformity with due process standards and after prior approval of the Superintendent or designee.

### ***Crisis Intervention Teams***

In emergency situations, where a student's behavior presents a threat to the safety of themselves or others, every school is required to have a crisis intervention team, whose training is consistent with state physical restraint regulations.

### ***Graffiti***

Graffiti as a public nuisance and specifies penalties and other enforcement tools to protect public and private property from graffiti vandalism. Persons applying graffiti are responsible for removing or paying for the removal of graffiti and for restitution for damages. Additionally, fines

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shall be imposed, and the parents/guardians of minors are also responsible for the payment of fines. Personal property (i.e., vehicles) used in acts of graffiti vandalism will be forfeited. Community services may also be required.

### ***Hazing—Penalties***

A law prohibiting hazing, Massachusetts General Law, Chapter 269, Sections 17-19, was enacted in 1985 and amended in 1988 by the General Court. The law requires that each student be informed of its content and intent. (Chapter 269, Sections 17-19) The term "hazing" as used in Sections 17-19 shall mean any conduct or method of initiation into any student organization, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person. Such conduct shall include whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug, or other substance, or any other brutal treatment or forced physical activity likely to affect adversely the physical health or safety of any student or other person, or which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation. Notwithstanding any other provisions of this section to the contrary, consent shall not be available as a defense to any prosecution under this action.

Section 17: Whoever is a principal organizer or participant in the crime of hazing, as defined herein, shall be punished by a fine of not more than \$3,000 or by imprisonment in a house of correction for not more than one year, or by both such fine and imprisonment.

Section 18: Whoever knows that another person is the victim of hazing as defined above and is at the scene of such a crime shall, to the extent that such a person can do so without danger or peril to himself or others, report such crime to an appropriate law enforcement official as soon as reasonably practicable. Whoever fails to report such crime shall be punished by a fine of not more than \$1,000.00.

Section 19: Each institution of secondary education and each public and private institution of postsecondary education shall issue to every student group, student team, or student organization which is part of such institution or is recognized by the institution or permitted by the institution to use its name or facilities or is known by the institution to exist as an unaffiliated student group, student team or student organization, a copy of this section and Sections 17 and 18; provided, however, that an institution's compliance with this section's requirements shall not constitute evidence of the institution's recognition or endorsement of said unaffiliated student groups, teams, or organizations. Each such group, team or organization shall distribute a copy of this section and Sections 17 and 18 to each of its members, plebes, pledges, or applicants for membership. It shall be the duty of each such group, team, or organization, acting through its designated officer, to deliver annually to the institutions an attested acknowledgment of receipt of a copy of this section and said Sections 17 and 18, and that such group, team or organization understands and agrees to comply with these provisions. Each institution of secondary education and each public or private institution of post-secondary education shall, at least annually, before or at the start of enrollment, deliver to each person who enrolls as a full time student in such institution a copy of this section

and Sections 17 and 18, and shall file, at least annually, a report with the Regents of Higher Education and, in the case of secondary institutions, the Board of Education, certifying that such institution has complied with its responsibility to inform student groups, teams, and organizations and to notify each full time student enrolled by it of the provisions of this Section and Sections 17 and 18 and also certifying that said institution has adopted a disciplinary policy with regard to the organizers and participants of hazing, and that such policy has been set forth with appropriate emphasis in the student handbook or similar means of communicating the institution's policies to its students. The Board of Regents and, in the case of secondary institutions, the Board of Education shall promulgate regulations governing the content and frequency of such reports, and shall report to the Attorney General any such institution which fails to make such report.

### ***Gun-Free School Act***

Any student who is determined to have brought a firearm to school or to a school-related function shall be excluded from the Holyoke Public Schools for a period of not less than one year, except as determined by the Superintendent on a case-by-case basis. The definition of "firearm" for purposes of this section includes, but is not limited to, guns (including a starter gun), bombs, grenades, rockets, missiles, mines, and similar devices.

### ***Student Freedom of Expression***

Pursuant to Massachusetts General Laws, Chapter 71, Section 82, "the right of students to freedom of expression in the public schools of the Commonwealth shall not be abridged, provided that such right shall not cause any disruption or disorder within the school. Forms of expression shall include, without limitation, the rights and responsibilities of students, collectively and individually, (a) to express their views through speech and symbols, (b) to write, publish and disseminate their views, and (c) to assemble peaceably on school property for the purpose of expressing their opinions."

Any assembly planned by students during regularly scheduled school hours shall be held only at a time and place approved in advance by the School Principal or his/her designee. The Holyoke Public Schools may regulate student speech and assembly based upon legitimate educational needs, including, but not limited to, the time, place, manner of student speech and assembly, and reasonable methods to insure non-interference with the learning process.

### ***Laws Re: Drugs, Alcohol, Firearms, Gang-Related Activities***

In addition to school disciplinary measures regarding drugs, alcohol and gang-related activities, the following state laws are currently in effect:

***Use of Fake I.D. to Purchase Alcohol*** — six (6) months to one (1) year loss of license. Use of a fake I.D. to purchase alcohol or providing false information to obtain a liquor I.D. or duplicate license from the Registry of Motor Vehicles will result in the loss of driver's license for six (6) months to a year. Also, fines and a jail sentence may be imposed by the courts.

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***Any Drug Conviction, Including Possession***—up to five (5) years loss of license. Conviction for a drug offense, including possession of even a small amount of an illegal drug, will result in the loss of driver's license for up to 5 years in addition to court ordered penalties. If younger than 18, the issuance of driver's license may be delayed until age 21.

***Dealing Drugs Near Schools***—Mandatory two (2)-year jail sentence. A conviction for selling drugs within 1000 feet of school property in Massachusetts will result in a minimum mandatory two (2) year jail sentence plus a fine of up to \$10,000.

***Carrying a Firearm***—Whoever, not being a law enforcement officer, and notwithstanding any license obtained by him under the provisions of Chapter 140, carries on his person a firearm as hereinafter defined, loaded, or other dangerous weapon in any building or on the grounds of any elementary or secondary school ... without the written authorization of the board or officer in charge of such elementary or secondary school ... shall be punished by a fine of not more than \$1,000.00 or by imprisonment for not more than one year, or both. "Firearm" shall mean any pistol, revolver, rifle, or smoothbore arm from which a shot, bullet, or pellet can be discharged by whatever means. Any officer in charge of an elementary or secondary school ... or any faculty member or administrative officer ... failing to report violations of this paragraph shall be guilty of a misdemeanor and punished by a fine of not more than \$500.00.

***"Other dangerous weapons"***—Those mentioned in Massachusetts General Laws Chapter 269, Section 12 and other weapons as defined using the "reasonable person" standard.

***Gang-Related Activity***—Whoever commits an assault and battery on a child under the age of 18 for the purpose of causing or coercing such child to join or participate in a criminal conspiracy in violation of Massachusetts General Law, Chapter 274, Section 7 including but not limited to a criminal street gang or other organization of three or more persons which has a common name, identifying sign or symbol and whose members individually or collectively engage in criminal activity, shall, for the first offense, be punished by imprisonment in the state prison for not less than three nor more than five years or by imprisonment in the house of corrections for not more than two and one half (2 ½) years, and for a second subsequent offense by imprisonment in the state prison for not less than five nor more than ten years.

## EXAMPLE OF A HOME/SCHOOL COMPACT

### Parent Agreement

(Any person who is interested in helping this student may sign in lieu of the parent) I want to see my child achieve. Therefore, I will encourage him/her by doing the following:

- See that my child is punctual and attends school regularly and arrives on time.
- Familiarize myself with the Code of Conduct and the Civil Rights and Safety Policy.
- Instill within my child a respect for teachers, other students and school property.
- Support the school in its efforts to maintain proper discipline.
- Establish a time for homework and review it regularly.
- Provide a quiet well- lighted place for study.
- Encourage my child's efforts and be available for questions.
- Consult with my child's teacher/counselor/school principal when issues arise.
- Stay aware of what my child is learning.
- Encourage my child to be attentive and give a 100% effort.

### Student Agreement

It is important that I work to the best of my ability. Therefore, I will do the following:

- Attend school regularly.
- Be attentive in class and give a 100% effort.
- Complete and return homework assignments.
- Observe regular study hours.
- Conform to the Code of Conduct and the requirements set forth in the Student Civil Rights and Safety Policy.
- Treat teachers, other students and school property with respect.

### Teacher Agreement

It is important that students achieve. Therefore, I will do the following:

- Provide homework assignments for students.
- Teach students about rules and consequences.
- Encourage students and parents by providing information about student progress.
- Use special activities in the classroom to make learning enjoyable.
- Implement the Massachusetts Curriculum Frameworks and Standards in daily lessons.
- Report all complaints formal or informal, verbal or written, of unlawful harassment or a violation of the Civil Rights and Safety Policy to school administration or a designated civil rights administrator.

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## **Principal Agreement**

I support this form of parent involvement. Therefore, I will do the following:

- Provide an environment that allows for positive communication between the teacher, parent, and student.
- Encourage teachers to provide differentiated instruction as part of the classroom instruction.
- Investigate all complaints, either formal or informal, verbal or written, of sexual or bias-related harassment or violation of civil rights and take appropriate action against any student, teacher, administrator, or other school personnel found to have violated the Civil Rights and Safety Policy.
- Prevent, remediate, and accurately report all bias incidents and civil rights violations, to the end that all students can enjoy the advantages of a safe and tolerant learning environment where individual differences are respected.