

**LAWRENCE PUBLIC SCHOOLS  
LAWRENCE, MASSACHUSETTS**

**AMENDED DISCIPLINE CODE**

**PREFACE**

This discipline code meets the intent of Massachusetts Laws and the State Board of Education Regulations which require each school and School Committee to adopt a set of rules and regulations designed to maintain order and discipline necessary for effective learning. The School Committee's primary concern is to provide all students with a safe and caring learning environment, which fosters academic, behavioral, and social-emotional development. The sole objective of this code is to ensure fair, equitable, and consistent handling of disciplinary problems and is intended to standardize procedures and equally guarantee the rights of every student in the Lawrence Public Schools. It also reflects expressed concern on the part of the community.

**RATIONALE**

Education cannot proceed without an atmosphere of order and discipline necessary for effective learning. Order and discipline are best thought of as being positive, not negative; of helping the student to learn acceptable conduct rather than to be punished for unacceptable conduct. Order and discipline are largely a matter of morale, classroom atmosphere, learned life skills, and positive personal relationships. As a working definition, order and discipline may be described as a safe and caring school climate with the absence of distractions, frictions and disturbances which interfere with the optimum functioning of the student, the class, and the school. It is also the presence of a friendly yet businesslike climate where students, school personnel, and parents work cooperatively. Since the goal of public schools is to educate young people, suspension and long-term suspension measures are reserved as a last resort for those instances described in this code and are to be applied in a fair and consistent manner. All attempts will be made to provide developmentally appropriate corrective discipline rather than purely punitive discipline. Alternative disciplinary measures should be considered as a positive approach to replace, or at least greatly lessen, the use of suspension and long-term suspension. Examples of alternative approaches include increased use of student-oriented counseling, including a student-to-student approach with referral for outside help where appropriate.

**BEHAVIORAL EXPECTATIONS**

It is the expectation of the Lawrence Public Schools that students come to school ready to learn and engage in educational activities. To this end, it is important that students understand that in addition to academic expectations, there are behavioral expectations that need to be met for them to be successful in school and in life. To address this issue, the Lawrence Public Schools has developed a set of behavioral expectations, differentiated by grade levels, based on the developmental levels of children and adolescents, so students are aware of the behavioral skills that they need to demonstrate to be successful. At the start of every school year, these expectations will be reviewed with all students, along with examples of specific behaviors that demonstrate that the behavioral expectation is being met. The following are the behavioral expectations, differentiated by grade levels, which the Lawrence Public Schools has for all its students:

**PRESCHOOL THROUGH GRADE 4**

1. Be respectful of self and others.
2. Take responsibility and be responsible for your actions.
3. Be on time and prepared for school and learning.
4. Care for self and others.
5. Represent yourself and your school well.

## MIDDLE SCHOOL/ GRADES 5 - 8

1. Be respectful of self and others.
2. Put forth the effort necessary to be successful every day.
3. Exhibit personal responsibility.
4. Work together to form a supportive and caring community
5. Represent yourself and your school well.

## HIGH SCHOOL/GRADES 9 - 12

1. Treat self and others with respect.
2. Put forth the effort necessary to be successful every day.
3. Exhibit personal responsibility.
4. Work together to form a supportive and caring community.

## POLICY

The Lawrence Public Schools enforces all local, state, and federal laws and ordinances regarding civil rights, criminal behaviors, substance use, and school/workplace safety. To this end, the Lawrence Public Schools does not tolerate any form of disruptive behavior, racial or sexual discrimination, threatening actions or statements, or illegal activities as these have no place in the educational environment. It is essential that students, staff, and parents understand that physical and verbal aggression are not legitimate means of resolving conflicts and that such behaviors will be cause for disciplinary action.

Every student has the right to learn and work in an environment free of sexual harassment from other students and/or adults. The Lawrence Public Schools will enforce the laws pertaining to sexual harassment under the provisions of Title IX of the Education Amendments of 1972 and Title VII of the Civil Rights Act. Any student complaint involving sexual harassment is to be reported to the Principal, who serves as the Title IX designee for the school site. Sexual Harassment is defined as any unwanted sexual advances, verbal, nonverbal, or physical, which create a hostile, intimidating environment and interfere with the student's ability to progress academically and emotionally. Sexual harassment can take many forms including the following:

- Verbal Harassment - Sexual innuendo or other suggestive comments, humor and jokes about sex or gender-specific traits, offensive written notes, sexual propositions, insults, threats, inquiries into one's sexual experiences, and discussion of one's sexual activities.
- Nonverbal Harassment - Whistling, making suggestive or insulting sounds and/or gestures, exhibiting suggestive photos or posters, or displaying suggestive reading materials.
- Physical Harassment - Touching the body (i.e.: kissing, brushing up against, patting, pinching, hugging against person's will) or involuntary sexual activity.

See Grievance Procedures for Harassment or Discrimination Complaints on Pages 23-28.

In order to ensure a safe and caring educational environment while maintaining a "zero tolerance" for harassment, substance use, and violence, the Lawrence Public Schools has created memorandums of understanding with the Lawrence Police Department, the Department of Children & Families, the Department of Youth Services, the Juvenile Probation Department, the District Attorney's Office, and Health & Education Services to facilitate communication between schools, law enforcement, and social service agencies. Any acts, behaviors, or events which jeopardize the safety or civil rights of any member of the school community and/or violate the criminal laws of the Commonwealth of Massachusetts will be cause for filing a mandatory incident report to the police for investigation and prosecution if appropriate. Upon receipt of a filed mandatory incident report, a summary of the incident will be immediately sent to the Lawrence School Committee for their information and review. Acts requiring mandatory incident reports, police involvement, and a summary of the incident to the Lawrence School Committee include:

- Any incident of assaultive behavior, provoked or unprovoked, resulting in an injury to a staff member or student
- Any inappropriate sexual behavior which includes indecent exposure, touching, fondling, and rape
- Incidents of civil rights violations
- Threats of bodily harm
- Arson, bomb threats, or false alarms
- Vandalism, destruction of property, or theft
- Possession of a dangerous weapon
- Violation of a restraining order
- Extortion
- Possession of alcohol or a suspected controlled substance, including but not limited to marijuana, cocaine, heroin, or prescription drugs without a valid prescription
- Sale or distribution of alcohol or a suspected controlled substance
- Gang activity and graffiti

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

### **APPLICATION OF THE CODE**

This policy and its provisions shall be applicable both during regularly scheduled school hours as well as such other times and places including, but not necessarily limited to: early arrival and dismissal times, school buses, designated school bus stops, school yards, direct route to and from school, and school-sponsored events (i.e.: dances, field trips, athletic functions, after school programs, and the like), where appropriate public school personnel have jurisdiction over students. It is the responsibility of every school administrator, staff member, student, and parent/guardian to enforce the Discipline Code and its Levels of Disciplinary Action described in the policy statement and published for posting in each school and classroom in the Lawrence Public Schools. This fully adopted code shall be the basis upon which school personnel meet with students, teachers, and parents to ensure a safe and caring learning environment in all schools and classrooms. Individual schools may establish particular rules and regulations in keeping with their school comprehensive educational plan, as long as these rules and regulations are consistent with the guidelines described in this policy. Any individual school rules or regulations must be made available to students and parents and posted throughout the school. Principals should involve students and parents in writing, revising, and administering school rules and disciplinary codes, dealing with problems that lead to disciplinary proceedings, and exploring alternatives suspension and long-term suspension for disciplinary sanctions.

### **1. GENERAL CONSIDERATIONS**

The appropriate reaction to a discipline problem is the least extreme action that reasonably holds promise of resolving the problem with all involved parties. The age, grade level, and maturity of the student will be considered in the application of this policy. Students shall not be subject to corporal punishment. Included among appropriate reactions are parent notification, parent conferences, counseling, psychoeducational groups, after school and/or Saturday detention, and in-school suspension. Parents must be notified in writing of all violations of the discipline code by their child. Such notification is the responsibility of the teacher for Level one (I) offenses and the Principal for Levels two (II) through six (VI) of the Levels of Disciplinary Action. In accordance with the Massachusetts Educational Reform Act, a confidential discipline record will be maintained on all students and forwarded to any school district to which a student may relocate or apply for admission. This record shall include, but not be limited to, any incidents involving suspension or violation of

criminal acts or any incident reports in which the student was charged with any suspended act. All students entering the Lawrence Public Schools shall be required to provide the district with a complete school record, including their discipline record.

## **2. POSTING OF EXPECTATIONS AND RULES GOVERNING STUDENT BEHAVIOR**

Behavioral expectations and rules governing student behavior shall be posted in each school and each classroom within the Lawrence Public Schools and shall be the basis for the administration of a safe and caring learning environment for students and staff. Any individual school rules governing student behavior shall be posted in conspicuous places within that school throughout the school year and shall be included in the school's handbook. Changes in the rules shall also be posted and distributed to all students and parents at the beginning of each school year or to new students as they enter during the year.

## **3. SEARCH AND SEIZURE**

Searches of a student's person, personal possessions including, but not limited to, gym bags, backpacks, and purses, and/or assigned locker or desk, which are considered school property, are permissible if the Administrator has a reasonable basis/suspicion for believing that the student has violated school rules and/or is concealing material, the possession of which is prohibited by federal, state, or local law, or the provisions of this policy. Periodic random searches shall be conducted at each school building and may include the use of hand held or stationary metal detectors. Any illegal or gang-related items found during searches shall be seized and turned over to the Lawrence Police. Any other items found during these searches, which violate school rules, shall be seized and turned over to a parent/guardian after a meeting with the Administrator. The Principal shall inform parents and students in writing at the beginning of each school year that such practice is permissible. The Principal is required to keep a record of all searches and seizures annually, detailing time, place, reasons, and witnesses.

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

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

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

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

## **6. EQUAL EDUCATIONAL OPPORTUNITY**

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

## **7. TEACHER/STAFF AND ADMINISTRATIVE INTERVENTION**

Classroom and school climate are the responsibility of all school personnel, but most specifically the domain of the teachers, school staff, and school administration working together with students and parents. It is the expectation that teachers or supervising staff members will address issues on their own at this first level of intervention. The following are the list of disciplinary actions that teachers or supervising staff members are expected to address:

### **PRESCHOOL THROUGH GRADE FOUR**

#### **LEVEL I**                      **TEACHER/STAFF INTERVENTION**

1. Violation of posted classroom, school, or bus rules
2. Failure to complete class work
3. Failure to complete homework without an acceptable excuse
4. Possession or use of electronic devices/toys, including but not limited to: cell phone, pagers, IPod's, Game Boys, MP3 players, etc. during regular school hours
5. Use of obscenities
6. Disruptive behavior in any school setting or at any school sponsored event
7. Defiance or disrespect towards peers or staff
8. Aggressiveness towards peers or staff
9. Cheating on classroom or homework assignments
10. Inappropriate attire/out of uniform

### **MIDDLE SCHOOL/ GRADES 5 – 8**

#### **LEVEL I**                      **TEACHER/STAFF INTERVENTION**

1. Violation of posted classroom, school, or bus rules
2. Lack of proper materials/not ready for daily assignments
3. Late for class/tardy
4. Failure to complete classroom work
5. Failure to complete homework (without an acceptable excuse or note from parent)
6. Possession or use of electronic devices/toys, including but not limited to: cell phone, pagers, IPod's, Game Boys, MP3 players, etc. during regular school hours
7. Use of obscenities
8. Verbally disruptive behavior in any school setting or at any school sponsored event
9. Defiance and/or disrespect towards peers or staff
10. Aggressiveness towards peers or staff
11. Cheating on classroom or homework assignments
12. Inappropriate attire/out of uniform

### **HIGH SCHOOL/ GRADES 9-12**

#### **LEVEL I**                      **TEACHER/STAFF INTERVENTION**

1. Violation of posted classroom, school, or bus rules
2. Lack of proper materials/not ready for daily assignments
3. Late for class/tardy
4. Failure to complete classroom work
5. Failure to complete homework (without an acceptable excuse or note from parent)
6. Possession or use of electronic devices/toys, including but not limited to: cell phone, pagers, IPod's, Game Boys, MP3 players, etc. during regular school hours

7. Use of obscenities
8. Verbally disruptive behavior in any school setting or at any school sponsored event
9. Defiance and/or disrespect towards peers or staff
10. Aggressiveness towards peers or staff
11. Cheating on classroom or homework assignments
12. Inappropriate attire/out of uniform
13. Failure to wear and/or show ID badge when requested

When teachers and supervising staff members have addressed the Level I issues at least 3 times, then the next level of interventions will be at the Support Services and Administrative Levels of Intervention. The following is a list of these Levels of Intervention:

### **PRESCHOOL THROUGH GRADE FOUR**

#### **LEVEL II**                    **SUPPORT SERVICES INTERVENTION**

1. Repeated violation of posted classroom, school or bus rules
2. Repeated failure to complete class work
3. Repeated failure to complete homework without an exceptional excuse
4. Repeated use of obscenities
5. Bullying classmates or other children
6. Threatening classmates or other children
7. Harassing classmates or other children

#### **LEVEL III**                    **ADMINISTRATIVE INTERVENTION**

1. Leaving classroom, school property, or field trip without permission
2. Use of inappropriate sexual, racial, or ethnic comments
3. Use of inappropriate sexual gestures or physical contact
4. Repeated disruptive behavior in any school setting, on a school bus, or at any school sponsored event
5. Repeated defiance and/or disrespect towards peers or staff
6. Repeated aggressiveness towards peers or staff
7. Destruction of classroom or school property
8. Fighting (1<sup>st</sup> incident)
9. Cheating on standardized tests
10. Repeated inappropriate attire/out of uniform
11. Use of school technology for unauthorized or inappropriate activities which violate the Acceptable Use Policy
12. Failure to follow fire drill instructions

### **MIDDLE SCHOOL/ GRADES 5 – 8**

#### **LEVEL II**                    **ADMINISTRATIVE INTERVENTION**

1. Repeated violation of posted classroom, school or bus rules
2. Repeated tardiness
3. Absent from class without permission or out of class without a pass
4. Truancy
5. Cheating on standardized tests
6. Repeated use of obscenities
7. Use of ethnic, racial, or sexual comments

8. Bullying classmates or other children
9. Threatening classmates or other children
10. Harassing classmates or other children
11. Repeated defiance and/or disrespect towards peers or staff
12. Repeated aggressiveness towards peers or staff
13. Repeated incidents of inappropriate attire/out of uniform
14. Destruction of classroom or school property
15. Failure to wear and/or show ID badge when requested

### **HIGH SCHOOL/ GRADES 9-12**

#### **LEVEL II      ADMINISTRATIVE INTERVENTION**

1. Repeated violation of posted classroom, school or bus rules
2. Repeated tardiness
3. Absent from class without permission or out of class without a pass
4. Truancy
5. Cheating on standardized tests
6. Repeated use of obscenities
7. Use of ethnic, racial, or sexual comments
8. Bullying classmates or other children
9. Threatening classmates or other children
10. Harassing classmates or other children
11. Repeated defiance and/or disrespect towards peers or staff
12. Repeated aggressiveness towards peers or staff
13. Repeated incidents of inappropriate attire/out of uniform
14. Destruction of classroom or school property
15. Repeated failure to wear ID badge and/or to show ID badge when requested

#### **8. SUSPENSION**

8.1 Suspension results in the removal of the student from the educational classroom setting for a specified period of time (a half day up to ten cumulative school days); therefore, where appropriate, other interventions must be tried to correct the inappropriate behavior(s) before imposing a suspension. There are three types of suspension:

**IN-SCHOOL SUSPENSION:** Students are suspended from all school activities for a determined number of days as assigned by the Principal. While attending in-school suspension, the student will receive educational services so he/she continues to make academic progress and be given the opportunity to change unacceptable behaviors into acceptable behaviors.

**OUT OF SCHOOL SUSPENSION:** The student is sent home into the custody of his/her parent(s) for a specified number of days, not to exceed ten consecutive school days nor ten cumulative days for the school year. The school administration recommends that the student be confined to home or otherwise supervised during the time of suspension. During the period of suspension, the student will be provided with educational services as outlined in the school's school-wide educational services plan. Upon return to school, the student will be allowed to make up any assignments, homework, quizzes, exams, papers, and projects in order to earn credits missed. A suspended student who enters or loiters around any public school during the time of his/her suspension shall be considered a trespasser and will be treated accordingly by school officials. Suspended students shall not be allowed within two hundred fifty (250) feet of any public school building during the school day (here defined to include thirty minutes before and after school hours), nor shall such student be allowed to attend any school related activities during the period of his/her suspension.

**DISCRETIONARY SUSPENSION/EXPULSION:** In accordance with Massachusetts General Laws Chapter 71, Section 37H 1/2, upon issuance of a criminal complaint charging a student with a felony (or issuance of a felony delinquency complaint against a student), a Principal is permitted to immediately suspend said student 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. Prior to this type of suspension taking effect, the Principal must give the student and his/her parent or guardian written notification of the charges and the reasons for the suspension. If this is the case, the Principal shall commence the notice and hearing procedure provided in 9.1 through 9.5. The notice shall be written in the primary language of the student and parent or guardian. Following the hearing, if the recommendation is to impose the suspension, then the student and his/her parent or guardian has the right to appeal this suspension to the Superintendent in accordance with the following procedure:

- a. Within five (5) calendar days of the suspension taking effect, the student and his/her parent or guardian must notify the Superintendent in writing of his/her request for an appeal. The timeline may be extended by another seven (7) days upon a request from the student or parent.
- b. The Superintendent or his/her designee shall hold a hearing with the student and his/her parent or guardian within three (3) school days of receipt of the written request for a hearing. At this hearing, the student shall have the right to present oral and written testimony on his/her behalf and to be represented by counsel. A translator shall be present, to the extent possible, at the hearing.
- c. The Superintendent or his/her designee shall render a decision on the appeal within five (5) calendar days of the hearing. This decision shall be the final decision of the school district with regard to the suspension.

If a student is convicted of a felony or if it is adjudicated in a court of law or if a student admits his/her guilt in a court of law with respect to such a felony or felony delinquency, Massachusetts General Laws, Chapter 71, Section 37H 1/2 provides that the Principal may expel such student if the Principal determines that the student's continued presence in the school would have a substantial detrimental effect on the general welfare of the school. The student and his/her parent or guardian shall receive written notice of the charges and reasons for such expulsion, in their primary language, prior to such expulsion taking effect. If this is the case, the Principal shall commence the notice and hearing procedure provided in 9.1 through 9.5. Following the hearing, if the recommendation is to expel the student, then the student and his/her parent or guardian shall have the right to appeal this expulsion to the Superintendent in accordance with the procedures outlined above.

During the period of long-term suspension or expulsion, the Principal must ensure that the student has the opportunity to access educational services in order to continue to make academic progress. This opportunity includes the ability to make up assignments, homework, quizzes, exams, papers, and projects in order to earn credits missed. The options for the provision of educational services will be outlined in the school-wide education service plan. The Principal will provide the student and the parent or guardian with a list of alternative education services offered by the school district. Once the student and the student's parent or guardian selects an alternative education program from the list, the school is then required to facilitate and verify enrollment in the educational service.

8.2 A student may be suspended by the building Principal where allowed by statute if he/she has reason to believe that: the physical safety of the student or of others is substantially endangered and will continue to be endangered; the student is causing, and will continue to cause, substantial interference with classroom instruction; and/or a violation of the following Levels of Disciplinary Action for In-School or Out-of-School Suspension has occurred.

## **PRESCHOOL THROUGH GRADE FOUR**

### **LEVEL IV SUSPENSION (IN-SCHOOL OR OUT-OF-SCHOOL)**

1. Chronic leaving the classroom/school property without permission
2. Chronic disruptive behavior in all school settings
3. Fighting (repeated incidents)
4. Chronic use of inappropriate sexual, racial, or ethnic comments
5. Chronic use of inappropriate sexual gestures or physical contact
6. Chronic defiance and/or disrespect toward peers or staff
7. Chronic aggressiveness toward peers or staff
8. Chronic bullying of classmates or other children
9. Chronic threatening of classmates or other children
10. Chronic harassing of classmates or other children
11. Theft or destruction/vandalism of school or personal property
12. Serious disruptive and/or destructive behavior which violates posted rules
13. Found to be in possession of alcohol, tobacco, or over the counter or prescription drugs
14. Indecent exposure
15. Threatening a staff member or fellow student with no means to carry it out

## **MIDDLE SCHOOL/ GRADES 5 – 8**

### **LEVEL III**      **IN-SCHOOL SUSPENSION**

1. Chronic tardiness, truancy, or absences from class without permission
2. Chronic violation of posted classroom, school, or bus rules
3. Chronic bullying of classmates or other children
4. Chronic threatening of classmates or other children
5. Chronic harassing of classmates or other children
6. Fighting – first incident
7. Use and/or display of inappropriate sexual, racial, or ethnic materials
8. Obscenity toward staff
9. Refusal to give name or giving false name to a staff member
10. Failure to report to office or attend detention when sent or disruption of detention
11. Failure to follow fire drill instructions
12. Leaving school building or field trip without permission
13. Found to be in possession of alcohol, tobacco, or over the counter or prescription drugs
14. Gambling
15. Plagiarism or Forgery
16. Use of school technology for unauthorized or inappropriate activities which violate the Acceptable Use Policy

### **LEVEL IV**      **OUT- OF- SCHOOL SUSPENSION**

1. Fighting – repeat incidents
2. Threatening a staff member or a fellow student with no means to carry it out
3. Theft, destruction, or vandalism of school or personal property (restitution and/or community service required)
4. Tampering with fire safety equipment
5. Possession and/or use of fireworks or firecrackers
6. Trespassing
7. Assisting intruders to enter the building (i.e.: setting door)

8. "Gang" related activity or dress
9. Chronic use and/or display of inappropriate sexual, racial, or ethnic materials or gestures
10. Physical or verbal outbursts which pose a threat to other students or staff
11. Indecent exposure
12. Found to be smoking or under the influence of alcohol or over the counter or prescription drugs

### **HIGH SCHOOL/ GRADES 9-12**

#### **LEVEL III**            **IN-SCHOOL SUSPENSION**

1. Chronic tardiness, truancy, or absences from class without permission
2. Chronic violation of posted classroom, school, and/or bus rules
3. Chronic bullying of classmates or other students
4. Chronic threatening of classmates or other students
5. Chronic harassing of classmates or other students
6. Use and/or display of inappropriate sexual, racial, or ethnic materials
7. Obscenity toward staff
8. Giving false name to a staff member
9. Failure to report to office or attend detention when sent or disruption of detention
10. Failure to follow fire drill instructions
11. Leaving school building or field trip without permission
12. Found to be in possession of alcohol, tobacco, or over the counter or prescription drugs
13. Gambling
14. Plagiarism or Forgery
15. Use of school technology for unauthorized or inappropriate activities which violate the Acceptable Use Policy

#### **LEVEL IV**            **OUT- OF- SCHOOL SUSPENSION**

1. Fighting
2. Threatening a staff member or a fellow student with no means to carry it out
3. Theft, destruction, or vandalism of school or personal property (restitution and/or community service required)
4. Tampering with fire safety equipment
5. Possession or use of fireworks or firecrackers
6. Trespassing
7. Assisting intruders to enter the building (i.e.: setting door)
8. "Gang" related activity or dress
9. Chronic use and/or display of inappropriate sexual, racial, or ethnic materials or gestures
10. Physical or verbal outbursts which pose a threat to other students or staff
11. Indecent exposure
12. Possession or sharing of pornographic material
13. Found to be smoking or under the influence of alcohol or over the counter or prescription drugs

8.3 In accordance with Massachusetts General Laws Chapter 71, Section 37H 3/4, prior to the imposition of a suspension (in-school or out-of-school), except where allowed under Sections 37H and 37H 1/2, a Principal must provide the student and parent with oral and written notice, and provide the student an opportunity for a hearing on the charge and the parent the opportunity to participate in such hearing. The notice shall be provided in English and the primary language of the home and include:

- a. the discipline offense;
- b. the basis for the charge;
- c. the potential consequences, including the potential length of the student's suspension;

- d. the opportunity for a hearing with the Principal as noted above, including the date, time, and location of the hearing; and
- e. the right to have interpreter services at the hearing, if needed.

The Principal shall make reasonable efforts to orally notify the parent of the opportunity to attend the hearing. Written notice to the parent may be made by hand delivery, first class mail, certified mail, or email to an address provided by the parent for school communication, or any other method of delivery agreed up by the Principal and parent. To conduct the hearing without the parent present, the Principal must be able to document reasonable effort to include the parent. The Principal is presumed to have made reasonable efforts if a written notice was sent and at least two (2) attempts to contact the parent in the manner specified by the parent for emergency notification were made. A copy of the hearing notice should also be sent to the Special Learning Services Department designee (if the child is a special needs student).

8.4 In accordance with the law and regulations, a Principal may remove a student from school temporarily when a student has committed a disciplinary offense and their continued presence in school poses a danger to self or others or would have a substantial detrimental effect on the general welfare of the school and in the Principal's judgment, there is no alternative available to alleviate the danger or detrimental impact. The Principal must immediately notify the Superintendent or his/her designee in writing of the removal and the reason for it and describe the danger or detrimental effect presented by the student. The temporary removal shall not exceed two (2) school days following the day of the emergency removal, during which time, the Principal will:

- a. make immediate and reasonable efforts to orally notify the student and student's parent of the emergency removal and the reason for the need for the removal;
- b. provide written notice to the student and parent as noted in Section 8.3 above;
- c. provide the student and parent the opportunity for a hearing with the principal as outlined in Section 8.3, with this hearing taking place during the two (2) school days of temporary removal, unless an extension of time for the hearing is agreed upon by the Principal, student, and parent; and
- d. render a decision orally on the same day as the hearing and in writing the following school day.

A Principal may not remove a student from school on an emergency basis for disciplinary reasons until parent or guardian has been notified and provisions made for the student to be picked up. At the high school level, the student may be released with parent or guardian consent.

8.5 The purpose of the hearing with the Principal is to hear and consider information regarding the alleged incident for which the student may be suspended, provide the student an opportunity to dispute the charges and explain the circumstances surrounding the alleged incident, determine if the student committed the disciplinary offense, and if so, the consequences for the infraction.

- a. At a minimum the Principal shall discuss the disciplinary offense, the basis for the charge, and any other pertinent information.
- b. The student shall also have the opportunity to present information, including mitigating facts, that the Principal should consider in determining whether other remedies and consequences may be appropriate.
- c. The Principal shall provide the parent, if present, an opportunity to discuss the student's conduct and offer information, including mitigating circumstances, that the Principal should consider in determining consequences for the student.
- d. Based on all of the available information presented at the hearing, the Principal shall determine whether the student committed the disciplinary offense and, if so, what remedy or consequences will be imposed.

8.6 If after the hearing, the decision is made to suspend the student, the Principal must update the written notification to memorialize the meeting with the student and the parent or guardian. This update will include the length of the suspension, which shall be for a determined number of days and in no case shall it last beyond ten (10) full school days. The notice must also indicate the educational services that will be provided during the suspension period, to ensure that the student has the opportunity to continue to make academic progress. This also includes the ability to make up assignments, homework, quizzes, exams, papers, and projects in order to earn credits missed.

8.7 For students in Preschool through third grade who have received an out-of-school suspension, the principal must, prior to the suspension taking effect, notify the Superintendent or his/her designee of the suspension in writing and include: 1) a description of the student's alleged misconduct; and 2) the reasons for suspending the student out-of-school.

8.8 A student who is suspended in-school or out of school for ten (10) cumulative school days, in one school year, may be taken to a long-term suspension hearing if the Principal feels that this is in the best interest of providing a safe and orderly school environment. If this is the case, the Principal shall commence the notice and hearing procedure provided in 9.1 through 9.5. No information about a suspension shall be communicated to any person not directly involved in the disciplinary proceedings, with the exception of agency personnel who are or will be involved with the student or his/her family. Prior to moving for a long-term suspension hearing, this student should also be referred to the school counselor for evaluation and possible referral for additional services via school or community supports.

## **9. LONG-TERM SUSPENSION**

9.1 The Principal may recommend a long-term suspension, which shall be defined as exclusion from regular classroom instruction and related school activities for any period exceeding ten (10) school days when the student violates Level Five (V) of the Levels of Disciplinary Action of this code in such a manner that his/her removal is necessary to protect the physical safety of others or to prevent substantial interference with the right of others to pursue an education. In accordance with Massachusetts General Laws Chapter 71, Section 37H 3/4, prior to the imposition of such suspension, except where allowed under Sections 37H and 37H 1/2, a Principal must provide the student and parent oral and written notice, and provide the student an opportunity for a hearing on the charge and the parent the opportunity participate in such hearing. Notification of intent to suspend a student for a period exceeding ten (10) school days must be provided as outlined in Section 8.3 above with the hearing to be held before the District's Hearing Officer.

### **PRESCHOOL THROUGH GRADE FOUR**

#### **LEVEL V**                      **LONG TERM SUSPENSION**

1. Possession of a weapon or facsimile of one
2. Assault or attack on another student or staff member
3. Threat to injure a staff member or fellow student with means to carry it out

### **MIDDLE SCHOOL/ GRADES 5 – 8**

#### **LEVEL V**                      **LONG-TERM SUSPENSION**

1. Assault or attack on a fellow student
2. Repeated vandalism or damage to school property or personal property of school staff (restitution and/or community service required)
3. Arson, bomb threat, or false alarm
4. Threat to injure a staff member or fellow student with means to carry it out

5. Extortion
6. Sale or distribution of alcohol, tobacco, or over the counter or prescription drugs
7. Chapter 37 H ½ issuance of a criminal complaint charging student with a felony or issuance of a felony delinquency complaint against student

**HIGH SCHOOL/ GRADES 9-12**

**LEVEL V**                      **LONG-TERM SUSPENSION**

1. Assault or attack on a fellow student
2. Repeated vandalism/damage to school property or personal property of school staff (restitution and/or community service required)
3. Arson, bomb threat, or false alarm
4. Threat to injure a staff member or fellow student with means to carry it out
5. Extortion
6. Hazing
7. Sale or distribution of alcohol, tobacco, or over the counter or prescription drugs
8. Chapter 37 H ½ issuance of a criminal complaint charging student with a felony or issuance of a felony delinquency complaint against student

9.2 If the Principal recommends a long-term suspension, he/she shall orally explain his/her intentions to the student and his/her parent or guardian and shall send within twenty-four (24) hours of the alleged act(s) upon which the recommendation is based, or within twenty-four (24) hours of the time he/she learns of such alleged act(s), a written notice to the student and to his/her parent or guardian with a copy to the Hearing Officer, Office of the Assistant Superintendent for Administration, Reporting, and Compliance, and the Special Learning Services Department designee (if the child is a special needs child). Such notice shall contain:

- a. A statement that the Principal is recommending a long-term suspension of the student.
- b. A description of the school regulation(s) allegedly violated by the student.
- c. A statement of the facts leading to the recommendation for long-term suspension.
- d. A list of witnesses to the offense(s) and the nature of their testimony.
- e. A statement of the right to review the student's record and the documents upon which the Principal may rely in making a determination to suspend the student or not.
- f. The time and place of a hearing to be held during the two (2) school days of temporary removal, unless an extension of time for the hearing is agreed upon by the Hearing Officer, Principal, student, and parent.
- g. Specific reference to the student's right to have a hearing, to have an attorney represent him/her at the hearing, to present witnesses, to cross-examine adverse witnesses, and to have a verbatim transcript or tape recording of the hearing provided by the School Committee at no cost to the student.
- h. Such notice shall be in the primary language of the student and parent or guardian.
- i. Written notice to the parent may be made by hand delivery, first class mail, certified mail, or email to an address provided by the parent for school communication, or any other method of delivery agreed up by the Principal and parent.

9.3 The Hearing shall conform to these guidelines:

- a. (i) A Hearing Officer, an employee of the School Department, shall be appointed by the Superintendent or his designee to conduct the hearing.
- (ii) The Student must be present at the hearing and shall be present during the presentation of

evidence. If witnesses against the student testify at the hearing, the student, his/her attorney, or his/her parent or guardian shall be allowed to question such witnesses. If written statements of witnesses against the student are submitted as evidence, the witnesses shall be identified by name, and the student, his/her attorney, his/her parent or guardian shall be allowed to submit evidence in his/her own defense including presentation of witnesses.

- (iii) The hearing shall be private.
- (iv) A tape recording shall be made and a written record may be completed.
- (v) Interpreter services shall be provided, if needed.
- b. To impose a long-term suspension, the Hearing Officer must find that the Principal's recommendation for long-term suspension is warranted based on the evidence presented and any mitigating factors that:
  - (i) The student violated Level Five (V) of the Levels of Disciplinary Action; or
  - (ii) The student has committed one or two extreme offenses that have been judged by the Principal as warranting a long-term suspension; or
  - (iii) The continued presence of the student in the school would endanger the physical safety of others or cause substantial interference with the right of others to pursue an education.
- c. Within twenty-four (24) hours of the hearing, the Hearing Officer shall determine, based solely on the evidence presented at the hearing, whether there is evidence that the student violated a specific written regulation of the School Committee. If the Hearing Officer determines that a violation has occurred, he/she shall support the recommendation of the Principal for a long-term suspension or another remedy or consequence. This finding shall be orally communicated to the Principal, student, and parent that day.
- d. The Hearing Officer shall fully record his/her findings of fact within 24 hours of the hearing decision and send, one copy of the findings to the student and his/her parent/guardian, one copy to his/her attorney, if any, one copy to the Principal, one copy to the Assistant Superintendent for Administration, Reporting, and Compliance, and one copy to the Special Learning Services Department (if the child is a special needs child). The written finding to the parent may be made by hand delivery, first class mail, certified mail, or email to an address provided by the parent for school communication, or any other method of delivery agreed up by the Principal, Hearing Officer, and parent. The notice of finding shall:
  - (i) Identify the disciplinary offense, the date the hearing took place, and the participants at the hearing;
  - (ii) Set out the key facts and conclusions reached by the Hearing Officer and Principal;
  - (iii) Identify the length and effective date of the suspension and date of return to school;
  - (iv) Include notice of the student's opportunity to receive educational services in order to make academic progress during the period of suspension; and
  - (v) Inform the student and parent of the right to appeal the decision to the Superintendent or his/her designee, along with the process and timeline for appealing the decision as outlined in Section 9.6 below.
- e. If the Hearing Officer determines no violation has occurred, the student shall be immediately reinstated in school.
- f. In the case of reinstatement, the Principal who initiated the action for long-term suspension has the right within five (5) days to request a second hearing before the Superintendent or his/her designee. This hearing shall be held within ten (10) school days of the date such request is made or at a time which is mutually agreed to by both parties. During the pendency of this appeal, the Principal must arrange for educational/tutoring services for the student.

9.4 No long-term suspension shall extend beyond the end of the school year during which the acts leading directly to the long-term suspension occurred except in those cases covered under Level Five (V); then, long-term suspension will be for the remainder of the school year or for up to forty-five (45) school days, whichever is greater.

9.5 At the conclusion of a long-term suspension hearing, based on the testimony and evidence presented, the Principal may, in his/her discretion, decide to recommend a short-term suspension rather than long-term suspension for a student who has violated level five (V) of the Levels of Disciplinary Action of this code. Such a suspension may not exceed ten (10) consecutive days.

9.6 In any case where the Hearing Officer supports the long-term suspension, the student and his/her parent or guardian shall have the right, within five (5) calendar days, to submit a written request for an appeal hearing before the Superintendent or his designee, provided that within the five (5) calendar days, the student or parent may request and receive from the Superintendent or his/her designee an extension of time for filing the written notice for up to seven (7) additional calendar days. This hearing shall be held within three (3) school days of the date such request is received or at a time mutually agreed to by both parties. Pending the appeal hearing and decision, the student shall remain on suspension and continue to receive the educational services arranged by the Principal.

9.7 When an appeal is requested, the Superintendent or his/her designee shall make a good faith effort to include the parent in the hearing by making efforts to identify a date, time, and location that would allow for participation. The Superintendent or his/her designee shall send written notice to the parent of the date, time, and location of the hearing.

9.8 The Superintendent or his/her designee conducting the hearing shall specifically determine if there was sufficient evidence to find that the alleged violation(s) occurred and if the penalty imposed was appropriate for the violation(s). This hearing shall conform to the guidelines set forth in Section 9.3 above and be conducted as follows:

- a. The Superintendent or his/her designee shall review all written documents in the case, and if requested, review the entire recording or transcript of the hearing, or those portions thereof designated by the student, his/her attorney, parent or guardian, or the Principal who is appealing.
- b. The student, his/her attorney, parent or guardian, or the Principal who is appealing, may address the Superintendent or his/her designee on the evidence at the hearing and the appropriateness of the penalty.
- c. The Superintendent or his/her designee shall issue a written decision within five (5) calendar days of the hearing. The written finding to the student and parent may be made by hand delivery, first class mail, certified mail, or email to an address provided by the parent for school communication, or any other method of delivery agreed up by the Superintendent or his/her designee and parent. The notice of finding shall:
  - (i) Identify the disciplinary offense, the date the hearing took place, and the participants at the hearing;
  - (ii) Set out the key facts and conclusions reached by the Superintendent or his/her designee;
  - (iii) Identify the outcome of the hearing: the suspension imposed remains in effect, the suspension imposed has been modified, or the suspension imposed has been changed to alternate consequences and the date of return to school; and
  - (iv) The decision of the Superintendent of his/her designee shall be the final decision of the school district with regard to the suspension.

9.9 Pending a hearing, the student may be referred, with appropriate documentation, to the Special Learning Services Department for consideration of an emergency evaluation as provided for in the regulations for the implementation of Massachusetts General Law Chapter 71B.

9.10 The Hearing Officer after consultation with school principals may reassign a student to another school upon completion of his/her term of long-term suspension if he/she believes that such reassignment will assist the student in successfully completing his/her education free of further discipline problems. The issue of

reassignment will be discussed at the long-term suspension hearing and the decision made only at the completion of the long-term suspension as determined by the Hearing Officer.

## **10. EDUCATION FOR STUDENTS ON LONG-TERM SUSPENSION**

During the period of long-term suspension or expulsion, the Principal must ensure that the student has the opportunity to access educational services in order to continue to make academic progress. This opportunity includes the ability to make up assignments, homework, quizzes, exams, papers, and projects in order to earn credits missed. The options for the provision of educational services will be outlined in the school-wide education service plan. The Principal will provide the student and the parent or guardian with a list of alternative education services offered by the school or district. The district default option for long-term suspension is a blended independent study and tutoring program tailored to the individual student's needs, as outlined here:

10.1 Any student who receives a long-term suspension from regular classroom instruction will be provided with the use of his/her textbooks and five hours of tutoring per week during the suspension period in order to complete their academic assignments for all of their core academic classes. The access to school assignments will be provided within one (1) school day following the recommendation of a long-term suspension. Every Principal will designate a point of contact at their school, who will monitor the progress of any student who is on a long-term suspension to ensure assignments are being provided in all core content areas and that the assigned tutor(s) receives all assignments on a weekly basis to support instruction for the student during tutoring sessions and has independent work. The contact person will also check in with the student at least once a week throughout the suspension period to support him/her in the transition back to school.

10.2 In the event that some of the assignments provided require access to a computer or access to the internet at their home and the student and parent indicate that they do not have such access, alternate arrangements will be made for the suspended student to participate in the on-line educational program at a site within the community where computer and internet access are available (i.e. the public library, the school after regular school hours, a day care setting, etc.). Student attendance will be monitored daily by reviewing whether or not the student completed the assigned work or participate in the tutoring sessions being provided. This attendance will be recorded in the attendance system and count toward the student's overall attendance for the school year. Transportation for students on long-term suspension will not be provided by the Lawrence Public Schools; therefore, the parent or guardian is responsible for transportation to and from the location where the student may need to go to complete any on-line work, if the student is not able to access the work at home.

10.3 During the period of long-term suspension, the student will be monitored through weekly check ins with the school contact person and counselor to address any issues with the academic work being completed and to discuss the behaviors that resulted in the long-term suspension and plans for the student's reintegration into school. If the student has not already had a counseling evaluation, one will be conducted during the long-term suspension period to identify the issues which led to the long-term suspension. A plan will be developed and implemented by the school counselor and long-term suspension program staff with recommendations for the student's reentry to his/her sending school. If the student receives counseling services, these services will continue during the period of long-term suspension.

## **11. EXPULSION**

11.1 In accordance with provisions of the Massachusetts Educational Reform Act, a Principal may recommend expulsion for a middle or high school student, which shall be defined as the permanent removal of a student from the school district and all educational services, when the student violates Level Six (VI) of the Levels of Disciplinary Action of this code.

## MIDDLE SCHOOL AND HIGH SCHOOL (GRADES 5 – 12)

### LEVEL VI                      EXPULSION

1. Possession of a dangerous weapon, including but not limited to a gun or a knife, while on school grounds or at a school sponsored or school related event, including athletic games.
2. Possession, sale, or distribution of a controlled substance, including but not limited to: marijuana, cocaine, and/or heroin, while on school grounds or at a school sponsored or school related event, including athletic games.
3. Assault on any school staff member.
4. Chapter 37 H ½ conviction for a felony or adjudication in a court of law or student admitted his/her guilt in a court of law with respect to such felony or felony delinquency.

Violations of Level Six (VI) will also be reported to the Lawrence Police for possible legal action. Principals must file a weapon report with the Office of the Assistant Superintendent for Administration, Reporting, and Compliance for any incident involving the possession or use of a dangerous weapon on school grounds or at a school sponsored or school related event. Pursuant to Massachusetts General Laws, Chapter 71, Section 37L, this report will then be shared with the Superintendent, Chief of Police, Department of Children & Families, and the School Committee.

11.2 Any student who is charged with a Level Six (VI) violation shall be notified in writing of an opportunity for a hearing as described in Section 9.3 (a), (c), and (d) of this code. Such notice will be sent to the student and his/her parent or guardian in their primary language and a translator shall be provided at the hearing to the extent possible. The student may have representation at this hearing along with the opportunity to present evidence and witnesses. After such a hearing, based on the testimony and evidence presented, the Principal, at his/her discretion, may decide to recommend suspension or long-term suspension of the student rather than expulsion. If suspension or long-term suspension is recommended, the student must participate in the alternative education program provided and may be required to participate in a psychoeducational group around the issue that led him/her to disciplinary action prior to being allowed to return to school.

11.3 Any grade 5-12 student who has been recommended for expulsion pursuant to these provisions shall have the right to appeal to the Superintendent in accordance with the following procedure:

- a. Within ten (10) calendar days, to submit a written request an appeal hearing before the Superintendent or his designee, provided that within the ten (10) calendar days, the student or parent may request and receive from the Superintendent or his/her designee and extension of time for filing the written notice for up to seven (7) additional calendar days. This hearing shall be held within three (3) school days of the date such request is received or at a time mutually agreed to by both parties. Pending the appeal hearing and decision, the student shall remain on suspension and continue to receive the educational services arranged by the Principal.
- b. When an appeal is requested, the Superintendent or his/her designee shall make a good faith effort to include the parent in the hearing by making efforts to identify a date, time, and location that would allow for participation. The Superintendent or his/her designee shall send written notice to the parent of the date, time, and location of the hearing.
- c. The subject matter of the appeal shall not be limited solely to a factual determination of whether the student has violated any provisions of M.G.L. c. 71, § 37H, but allow for inclusion of other relevant information to assist the Superintendent or his/her designee, who is conducting the hearing, to specifically determine if there was sufficient evidence to find that the alleged violation(s) occurred and if the penalty imposed was appropriate for the violation(s). This hearing shall conform to the guidelines set forth in Section 9.3 above and be conducted as follows:
  - (i) The Superintendent or his/her designee shall review all written documents in the case, and if requested, review the entire recording or transcript of the hearing, or those portions thereof designated by the student, his/her attorney, parent or guardian,

- or the Principal who is appealing.
- (ii) The student, his/her attorney, parent or guardian, or the Principal who is appealing, may address the Superintendent or his/her designee on the evidence at the hearing and the appropriateness of the penalty.
  - (iii) The Superintendent or his/her designee shall issue a written decision within five (5) calendar days of the hearing. The written finding to the student and parent may be made by hand delivery, first class mail, certified mail, or email to an address provided by the parent for school communication, or any other method of delivery agreed up by the Superintendent or his/her designee and parent. The notice of finding shall:
    - a. Identify the disciplinary offense, the date the hearing took place, and the participants at the hearing;
    - b. Set out the key facts and conclusions reached by the Superintendent or his/her designee;
    - c. Identify the outcome of the hearing: the recommended expulsion is upheld, the recommended expulsion has been modified to a long-term suspension, or the recommended expulsion has been changed to alternate consequences and the date of return to school;
    - d. The decision of the Superintendent or his/her designee shall be the final decision of the school district with regard to the expulsion.

11.4 If no appeal hearing is sought, the Principal's recommendation for expulsion will be upheld and the student will be removed from the school for a period of no more than 90 school days, beginning the first day the student was removed from the assigned school.

11.5 When a student is expelled under the provisions of this section and applies for admission to another school district, the Superintendent of the sending school shall notify the Superintendent of the receiving school of the reasons for the student's expulsion.

During the period of expulsion, the Principal must ensure that the student has the opportunity to access educational services in order to continue to make academic progress. This opportunity includes the ability to make up assignments, homework, quizzes, exams, papers, and projects in order to earn credits missed. The options for the provision of educational services will be outlined in the school-wide education service plan. The Principal will provide the student and the parent or guardian with a list of alternative education services offered by the school district. Once the student and the student's parent or guardian selects an alternative education program from the list, the school is then required to facilitate and verify enrollment in the educational service.

## **12. GUN FREE SCHOOLS ACT OF 1994**

School districts are required to expel from school for a period of not less than one year any student who is determined to have brought a firearm to school. Such an expulsion may be modified on a case-by-case basis by the Superintendent or his/her designee. Under this Act, a firearm is defined as: (a) any weapon which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (b) the frame or receiver of any such weapon; (c) any firearm muffler or silencer; (d) any destructive device: bomb, grenade, rocket, missile, mine, or any explosive or incendiary device; (e) any weapon which will, or which may be readily converted to expel a projectile by the action of an explosive or other propellant, and which has a barrel with a bore of more than one-half inch in diameter; or (f) any combination of parts either designed or intended for use in converting any device into any destructive device described in the two immediately preceding examples, and from which a destructive device may be readily assembled. Expulsions under this Act will be handled in accordance with Section 11 of this code.

### **13. DISCIPLINE GUIDELINES FOR SPECIAL EDUCATION STUDENTS**

Under IDEA 34 CFR 300.530, School personnel may remove a child with a disability who violates the Discipline Code from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than 10 consecutive school days (to the extent those alternatives are applied to children without disabilities), and for additional removals of not more than 10 cumulative school days in that same school year for separate incidents of misconduct (as long as those removals do not constitute a change of placement. School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the other requirements of this section, is appropriate for a child with a disability who violates a code of student conduct.

After a child with a disability has been removed from his or her current placement for 10 school days in the same school year, if the current removal is for not more than 10 consecutive school days and is not a change of placement, school personnel, in consultation with at least one of the child's teachers, determine the extent to which services are needed, so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP.

Under IDEA, 34 CFR 300.356, a change of placement for s child with a disability occurs if:

- 1) The removal is for more than 10 consecutive school days; or
- 2) The child has been subjected to a series of removals that constitute a pattern--
  - i. Because the series of removals total more than 10 school days in a school year;
  - ii. Because the child's behavior is substantially similar to the child's behavior in previous incidents that resulted in the series of removals; and
  - iii. Because of such additional factors as the length of each removal, the total amount of time the child has been removed, and the proximity of the removals to one another.

It is the role of the school district to determine, on a case-by-case basis, whether a pattern of removals constitutes a change of placement. This determination is subject to review through due process and judicial proceedings.

If the removal is a change of placement, in that it would exceed 10 consecutive school days, the child's IEP Team determines appropriate services and completes a Manifestation Determination as outlined below:

1) Within 10 school days of any decision to change the placement of a child with a disability because of a violation of the Discipline Code, the school ETF, the parent, and relevant members of the child's IEP Team (as determined by the parent and school leader) must review all relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents to determine:

- (i) If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or
- (ii) If the conduct in question was the direct result of the school's failure to fully implement the IEP.

If the school, the parent, and relevant members of the IEP Team make the determination that the conduct was a manifestation of the child's disability, the IEP Team must:

- 1) Either:
  - i. Conduct a functional behavioral assessment, unless a functional behavioral assessment was conducted before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan for the child; or
  - ii. Review the behavioral intervention plan, if a behavioral intervention plan already has been developed, and modify it, as necessary, to address the behavior; and

2) Except, under special circumstances noted below, return the child to the placement from which the child was removed, unless the parent and the district agree to a change of placement as part of the modification of the behavioral intervention plan.

3) The school must take immediate action to remedy any IEP deficiencies that were identified during the Manifestation Determination meeting.

For disciplinary changes in placement that would exceed 10 consecutive school days, if the behavior that gave rise to the violation of the school code is determined not to be a manifestation of the child's disability, school personnel may apply the relevant disciplinary procedures to children with disabilities in the same manner and for the same duration as the procedures would be applied to children without disabilities, except:

- 1) The student must continue to receive educational services, so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP; and
- 2) Student must receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.
- 3) The educational services required may be provided in an interim alternative educational setting.

Under special circumstances, school personnel may remove a student to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the child's disability. The child's IEP Team determines the interim alternative educational setting for services. Special circumstances apply if the child—

- 1) Carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function under the jurisdiction of the school district;
- 2) Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of the school district; or
- 3) Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the school district.

On the date on which the decision is made to make a removal that constitutes a change of placement of a child with a disability because of a violation of a code of student conduct, the school must notify the parents of that decision, and provide the parents the procedural safeguards notice. Whenever a proposed suspension will result in long-term suspension of a student with a disability from school for more than ten (10) consecutive school days, the Principal must ensure compliance with procedures required by Goss vs. Lopez, the Individuals with Disabilities Education Act, Massachusetts General Laws Chapter 71B, and the Lawrence Public Schools Discipline Code.

If the parent/guardian requests a due process hearing during this forty five (45) day period, then the interim alternative educational setting becomes the "stay put" placement during the pendency of the due process hearing or the expiration of the forty five (45) day period, whichever is earlier, unless a Department of Education Hearing Officer extends the forty five (45) day time period. If the school wishes to seek a longer alternative placement, the guidelines listed above for suspensions of more than ten (10) consecutive school days must be followed. The school shall provide an Interim Alternative Education Plan for the delivery of special education services to the student during the period of suspension. The failure or refusal of the parent to consent to the provision of the services under the Interim Alternative Education Plan shall not prevent implementation of the suspension.

#### **14. DISCIPLINE GUIDELINES FOR STUDENTS COVERED UNDER SECTION 504 OF THE REHABILITATION ACT OF 1973**

Disabled or handicapped students identified under Section 504 of the Rehabilitation Act of 1973 may not be suspended for more than ten (10) cumulative school days. Any suspension of an identified 504 student for more than ten (10) cumulative days is considered a significant change in placement and requires utilization of the following procedure:

1. The Principal or his/her designee must convene a meeting to determine whether or not the student's behavior is a manifestation of his/her disability. Participants in this meeting shall include the student's teacher, any service providers, and an administrator from the school. The meeting participants shall decide whether or not a reevaluation is necessary in order to make such a determination. A record of this meeting and the actions taken or to be taken must be maintained in accordance with school department procedures.
2. If the behavior is determined to be a manifestation of the student's disability, the student may not be suspended and a reevaluation must be undertaken to assure that the student's needs are being appropriately addressed.
3. If the behavior is found not to be a manifestation of the student's disability, the student may be suspended from school in the same manner as a non-handicapped student.

When the placement of a 504 student is changed for disciplinary reasons, the child and his/her parent or guardian are entitled to the procedural protections required by Section 504. These include: appropriate notice to parent or guardian of the disciplinary action and the results of the determination meeting; an opportunity for the parent or guardian to review school records; an impartial hearing to review determination; and the right to legal counsel at such a hearing.

#### **15. DISCIPLINE GUIDELINES FOR GENERAL EDUCATION STUDENTS**

To ensure that all students are in their classroom settings to participate in academic activities for the greatest number of days possible, the district has adopted guidelines that bring the suspension of general education students in line with those for special education students; thereby, promoting a more fair and equitable process for all students.

The temporary in-school or out-of-school suspension of a general education student generally shall not exceed TEN (10) cumulative full school days during a school year. General education students may only be suspended out-of-school for more than ten (10) cumulative school days, if the following procedure is followed:

1. Prior to the seventh day of suspension, the Principal or his/her designee must convene a Family Support/Student Success Team meeting to assess the nature of the student's behavior, antecedents, and reinforcers. Participants in this meeting should include the student, parent/guardian, the student's teacher(s), school counselor or psychologist, and an administrator from the school. The meeting participants shall decide what course of action or intervention needs to be implemented to modify the student's behavior. A record of this meeting and the actions taken or to be taken must be maintained in accordance with school department procedures and a Behavior Intervention Plan must be developed and implemented as designed for at least one month prior to any further suspensions.
2. The procedures outlined in Sections 8 and 9 of this code, as they relate to Massachusetts General Law Chapter 71, Section 37H 3/4, have been followed.
3. Students who violate Level V or Level VI of the Discipline Code may be suspended for more than ten (10) days if that is the outcome of the Hearing.

#### **16. SUBSTANCE ABUSE PREVENTION POLICY**

The overall goal of the Lawrence Public Schools Substance Use Prevention Policy is to increase

awareness of substance abuse within the community and enhance communication between youth, parents, educators and residents utilizing evidenced based data in order to promote education, encourage prevention and provide access to resources. Specific goals are:

1. Increase students' understanding of the legal, social, and health consequences of alcohol and substance use to prevent use and abuse among students.
2. Provide parents and guardians with educational opportunities regarding the warning signs of substance use/abuse and referral resources.
3. Teach student's self-management, social, negotiation, and refusal skills that will empower them to make healthy decisions and avoid alcohol and substance use.

The policy strives to develop the ability of our students to make good choices, utilizing effective techniques for resisting peer pressure regarding use of illicit drugs and alcohol as well as to understand the personal, social and economic problems caused by drug/substance use.

The Lawrence Public Schools recognize that the use of alcohol, tobacco, and other drugs and the problems associated with it are becoming increasingly common place in our society and among youth. The Lawrence Public Schools also recognize that the use of alcohol, tobacco, and other drugs may also lead to problems in daily living. When students are identified as using any of these substances, prompt and appropriate intervention steps will be taken to assist these individuals to address the issues of alcohol, tobacco, and other drug use. The Lawrence Public Schools recognize that students need education, assistance and support for their own or someone else's substance use or substance related problems and that many will require support to remain alcohol, tobacco, or drug-free.

The school system is committed to providing comprehensive PK-12 prevention education to all students and specialized intervention to any students displaying signs of harmful involvement with alcohol, tobacco, and other drugs. The Lawrence Public Schools also recognize that a person's use of alcohol, tobacco, and other drugs can lead to the illness of chemical dependency. Recovery is possible if such dependency is identified early and treated appropriately. The Lawrence Public Schools regard alcoholism, nicotine addiction, drug addiction and dependency as it does any other chronic illness. Our primary purpose is to eradicate any moral judgment or blame that would only continue to stigmatize those with such problems and make their recovery difficult or impossible. The Lawrence Public School believes that it is in the best interest of the community for it to take steps to promote, enhance and maintain a substance free school system and student body and that, along with parents and other segments of the community, it has a role to play in helping students to remain substance free.

Pursuant to Massachusetts General Laws, Chapter 71, Sec. 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 controlled substance as defined in Chapter 94C, including but not limited to marijuana, cocaine, and heroin, may be subject to expulsion from the school or school district by the principal.

The possession, use, sale or transfer of alcohol, tobacco, and other drugs while in school, on school property, or at school sponsored or school related events is expressly forbidden. This policy is intended to address the use of alcohol, tobacco, and drugs during regular school hours, on school grounds and at school sponsored or school related events. It has been formulated to identify and address concerns around appropriate administrative action and, at the same time, offer a practical approach toward assisting individual students and families identified as experiencing difficulties with alcohol, tobacco, and other drugs. The work of community experts, school administrators, police officers, teachers, students, and concerned citizens formulated procedures which strive for a fair and just response to the problem at hand. The purpose of this policy is to protect the welfare and academic integrity of all students and provide a consistent response to alcohol, tobacco, and other drug situations in the Lawrence Public Schools.

Any administrative action taken in the application of this policy will be documented in the student's confidential health record. Disclosure of this information must be with the consent of the individual student and/or his/her parent or guardian, if the student is under the age sixteen. Students under the age of sixteen will require parental consent to receive any treatment from community based agencies for use/abuse of any substance. Residential treatment programs will require parental consent for any minor under age eighteen. Any services rendered through the School Health Services program or community agencies will be under regulation of the Federal Confidentiality guidelines. Every effort will be made to protect the identity of any individual (student, staff, or parent), who reports violations of this policy. Documentation of all reported incidents will be kept on file by program specialists, i.e. school nurses, guidance counselors, or substance abuse specialist. In the event that disciplinary action is necessary in resolving an issue involving alcohol, tobacco, or other drugs, the information placed in the Discipline Record should be limited to essential facts in order to protect the medical confidentiality of the student.

### **APPLICATION PROCEDURES**

There are five possible routes by which a student may seek or be directed to get assistance in dealing with issues related to alcohol, tobacco, and other drug use. These routes and responses are as follow:

I) Voluntary disclosure by student: Any student who voluntarily discloses their involvement with alcohol, tobacco, and/or other drugs should be referred as soon as possible to the appropriate school specialist: school nurse, guidance counselor, or substance abuse specialist. It is the responsibility of these specialists to: a) assess the need for intervention services; b) encourage dialogue with parents and/or guardians and involve them in the intervention process as appropriate; c) provide information and referrals as necessary; and d) discuss student rights and responsibilities regarding confidentiality.

II) Student exhibits behavior(s) that may indicate being under the influence of alcohol and/or other drugs or nicotine dependence: An appropriate investigation of the incident will be made. On reasonable suspicion, a personal property search may be conducted to substantiate findings. If no objective evidence is found, the student shall be strongly encouraged to seek help from appropriate school or community based services. If objective evidence is found, it will be determined whether the student is exhibiting behavior that may indicate being under the influence of or in possession of alcohol and/or other drugs. Upon such determination, the student will be dealt with in accordance with the next provision of this policy and in accordance to the Discipline Code.

III) Student displays behavior consistent with or admits to being under the influence of alcohol and/or other drugs or nicotine dependence but no contraband is found: Parent or guardian will be notified to come to school immediately to take student home. No student will be sent home unattended. School nurse will assess the student and refer, if necessary, for further medical evaluation.

- a. First Offense: A family conference will be held including the appropriate school administrator(s) and counselor(s), at which time referral may be made to appropriate school or community based services. Appropriate disciplinary action in accordance with the Discipline Code.
- b. Second Offense: A family conference will be held including the appropriate school administrator(s) and counselor(s), at which time referral will be made to an appropriate mandatory school or community based program. Child Requiring Assistance (CRA) petition may be filed with the Department of Children & Families if noncompliance is encountered. Appropriate disciplinary action in accordance with the Discipline Code.
- c. Any Subsequent Offense: Appropriate disciplinary action in accordance with the Discipline Code. A conference will be held with the student and family, at which time the Principal must be assured by both the student and his/her parents or guardians through adequate means that positive steps have been taken to find appropriate solutions to the alcohol, tobacco, or drug related problems. These steps must include participation in an appropriate alcohol, tobacco, or drug

treatment program. Before the student returns to school, he/she must present certified medical evidence to the principal verifying that he/she is alcohol or drug free, or commit to a defined schedule of blood/urine tests until they show the student to be alcohol or drug free. The consequence for failing to abide by these steps will be refusal of readmittance to the school.

IV) Student found to be in possession of alcohol, tobacco, and/or other drugs in school or at any school sponsored or school related event: Parent or guardian will be notified to come to school immediately to take student home. No student will be sent home unattended. School nurse will assess the student and refer, if necessary, for further medical evaluation. A personal property search will be conducted and the Lawrence Police will be contacted as outlined in the Memorandum of Understanding.

- a. First Offense: Appropriate disciplinary action in accordance with the Discipline Code. A family conference will be held including the appropriate school administrator(s) and counselor(s), student, and his/her parents or guardians, at which time a referral will be made to an appropriate substance abuse counseling program.
- b. Second and Subsequent Offense(s): Appropriate disciplinary action in accordance with the Discipline Code. An assessment will be made by appropriate school staff (nurse, counselor, or substance abuse specialist) with a referral for treatment in an approved alcohol, tobacco, or drug treatment program or participation in an alternative educational program. The disciplinary action (suspension) will remain in effect until the student, his/her parent or guardian, school authorities, and Lawrence Police representatives meet to review and approve this referral. While in treatment, the student will be required to sign a behavioral contract with the school which stipulates that he/she will complete the treatment, submit to random testing for alcohol or drug use, and comply with all school rules and regulations. Failure on the part of the student or family to agree to and/or follow through on the behavioral contract and/or referral would be cause for the Principal to consider excluding the student from school.

V) Student found in possession of, selling, or distributing a controlled substance in school or at a school sponsored or school related event: A personal property search will be conducted and the Lawrence Police will be contacted immediately as outlined in the Memorandum of Understanding. Parents will be notified to come to school immediately to meet with school administrator(s) and police. The student will also be disciplined according to the Lawrence Public Schools Discipline Code.

## **17. Grievance Procedures for Harassment or Discrimination Complaints**

The following grievance procedure is established in accordance with Title VI, Title VII, Title IX, and Section 504 of the Rehabilitation Act of 1973 to consider employee and student complaints regarding harassment or discrimination based on race, ethnicity, sex, and disability. Any allegation of harassment or discrimination shall be promptly addressed in as confidential a manner as possible so as to protect the privacy of all parties involved. All information or documentation will be treated as confidential. Such information will be shared with others on a need-to-know basis only.

The district will not allow anyone to retaliate against any person because he/she complains of harassment or discrimination or assists in an investigation of harassment or discrimination. Intimidation, coercion or any other attempt to interfere with an investigation will not be tolerated.

### **Preliminary Inquiry Stage**

Any student who feels he/she has been harassed or discriminated against or has knowledge or belief of conduct that has occurred that might be harassment or discrimination should speak to or send a note to any school employee he/she trusts (i.e. teacher, nurse, counselor, principal), or he/she should tell his/her parents/guardians, who then should notify the school principal. The school employee must document the incident in written form and give it to the Grievance Coordinator within two (2) working or school days of the

time of receipt. The Grievance Coordinator in each building is the Principal; names and telephone numbers of Grievance Coordinators are listed at the end of this document. Upon receipt of an allegation of harassment or discrimination, the Principal will take immediate steps to investigate and halt or prevent any behavior that is determined to be harassment or discrimination.

Any employee who feels he/she has been harassed or discriminated against or has knowledge or belief of conduct that has occurred that might be harassment or discrimination must file a grievance within 90 days of the occurrence of the alleged Title VI, Title VII, Title IX, and/or Section 504 violation. The Grievance Coordinator may take administrative action in instances where there is no substantial dispute as to the facts of the matter. Otherwise, within five (5) working days of notice of discrimination or harassment, the Grievance Coordinator will make an initial inquiry and gather information to determine probable cause and, if so, determine the appropriate remedy or disciplinary action. At this stage, the Grievance Coordinator may refer cases to informal resolution. The Grievance Coordinator may take any steps reasonable and necessary to protect parties during the pendency of the investigation and resolution of the complaint.

### **Informal Resolution of Reported Harassment/Discrimination**

It may be possible to resolve an offensive situation informally without an extensive and involved investigation; however, any involved parties may request a formal investigation at any time within 90 days of the incident. Based on the nature of the charge, the Grievance Coordinator may decide that a formal investigation or an alternate procedure is most appropriate to address the issues. Additionally, the informal procedure may be inappropriate for subsequent allegations of similar conduct by the same individual. The informal procedure may include interviews, mediation meetings and/or discussions between the Grievance Coordinator and the grievant and/or the respondent.

Barring extenuating circumstances, the informal procedure will be completed within five (5) working or school days. The Grievance Coordinator will notify all involved parties of the results of the informal process. The Grievance Coordinator will document the steps taken under this informal procedure and a Summary Report will be made available to the parties. If it is found that this policy has been violated, the results may include, but are not limited to: an apology, a requirement of participation in relevant seminars and/or counseling and other disciplinary actions as outlined in the Lawrence Public Schools Discipline Code. Resolution of the situation satisfactory to all parties may or may not occur as a result of the informal process. If the parties involved in this informal process feel that a resolution has been achieved, no further action will be taken. If any of the parties feel that resolution has not been achieved, participants may request a formal investigation by filing with the Grievance Coordinator a request to initiate the formal procedure. This request must be presented to the Grievance Coordinator within five (5) working or school days of receipt of the Grievance Coordinator's summary report of the results of the informal process.

### **Formal Resolution of Reported Harassment**

A formal investigation is initiated if:

- a. Any of the parties involved requests the formal procedure.
- b. The Grievance Coordinator requests the formal procedure due to the nature of the allegation(s) or repeated behavior.
- c. Any one of the parties involved in the informal process feels that the outcome of informal process was either inadequate or unsuccessful.

Requests are to be made in writing to the Grievance Coordinator within five (5) working or school days of the notice of the complaint. The first step in the formal process will be notification of the parties. Grievance Coordinator will meet with the complainant, review the complaint, listen to the account of the incident, and discuss the process for investigating and resolving the complaint. The complainant may choose to bring a friend or support person to this interview with the Grievance Coordinator. If the complainant alleges that a

criminal assault or hate crime has occurred, the Grievance Coordinator will inform the complainant of his/her right to file criminal charges with public authorities and will urge her or him to do so. If the complainant decides not to file charges, the Grievance Coordinator will ask the complainant to sign a statement acknowledging that he/she has been advised to file criminal charges but has chosen not to do so. The decision of the complainant to file criminal charges is independent of the decision to pursue redress through the District.

After a preliminary investigation of the allegation(s), a determination will be made by the Grievance Coordinator as to the proper forum for the resolution of the complaint. Where it is appropriate, the Grievance Coordinator may submit a written decision after review of the steps taken during the informal investigation. If the Grievance Coordinator initiates further investigation, the Grievance Coordinator will:

1. Conduct an investigation of the complaint and prepare a written report. This report must contain the following information:
  - a. An analysis of all relevant facts and circumstances
  - b. Verification of parent/guardian notification if a student under 18 years of age is involved (in accordance with school policy and state law)
  - c. A summary of the investigation of all allegations that will include summaries of interviews with all individuals reasonably believed to have relevant information: the complainant, the respondent, (if either is under the age of 18, their parents/guardians if appropriate), witnesses, and anyone else who may have been the victim of similar conduct.
  - d. A statement of any actions taken and/or proposed by the Grievance Coordinator
2. The Grievance Coordinator may determine that discipline should be imposed, including, but not limited to, a warning, in-school suspension, out-of-school suspension or exclusion. All discipline will be imposed in compliance with the Lawrence Public Schools Discipline Code.

Barring extenuating circumstances, the formal investigation will be completed within fifteen (15) working or school days. A summary of the Grievance Coordinator's decision will be forwarded to the parties within five (5) working or school days of completion of the investigation. All documentation will be kept on file with the District Grievance Coordinator for a period of not less than three years.

### **Appeal**

A party may appeal the Grievance Coordinator's decision in writing to the Superintendent or his/her designee within ten (10) school days of receipt of the Grievance Coordinator's findings. The Grievance Coordinator's decision will be reviewed to ensure adequacy of the investigation and conclusions. Parties will be given an opportunity to submit additional relevant information. The Superintendent or his/her designee will provide his/her conclusions in writing to the parties within thirty (30) school days.

### **Grievance Procedure**

Conduct alleged to be discrimination or harassment will be evaluated by considering the totality of the particular circumstances, including the nature, frequency, intensity, location, context, and duration of the questioned behavior. Although repeated incidents generally create a stronger claim of discrimination or harassment, a serious incident, even if isolated, can be sufficient.

The District has established the following Grievance Procedure to provide employees and students with the opportunity to seek internal resolution without fear of reprisal or recrimination. The Grievance Procedure may be used for allegations of any violation of the District's Discrimination and Harassment Policies. A complaint of discrimination or harassment may be based upon the action(s) of specific individual(s) or may be based upon policies or procedures practiced by the District. All complaints will be investigated on a case-by-case basis. An attorney may represent parties in these proceedings.

## **Investigation, Review and Hearing**

### **1. Responsibilities of Grievant and Charged Party**

Step 1. A statement of grievance must be documented by the grievant with the Grievance Coordinator or Coordinator at the conclusion of the informal resolution period, which shall be no more than ten (10) working days from referral to informal resolution. Upon receipt of the statement of grievance, the Grievance Coordinator will meet with the grievant to review the procedures outlined below and to answer the grievant's questions. The grievant will then be asked to sign a statement of understanding of the terms and conditions of the discrimination and harassment grievance procedure.

The grievant may, at any time prior to or during the commencement of the Grievance Coordinator's investigation as set forth in Section B, below, submit to the Grievance Coordinator the names of individuals believed to have knowledge relevant to the grievance.

Step 2. The Grievance Coordinator shall notify the charged party within two (2) working days of the formal complaint and arrange to meet with him/her to discuss the matter and review the procedures outlined in this stage. If a student under the age of 18 is involved his/her parents/guardians will be notified and asked to attend the meeting. The Grievance Coordinator will provide the charged party with a copy of the statement of grievance. The charged party will then have ten (10) working days from the date of this meeting to submit a written response to the Grievance Coordinator. The Grievance Coordinator will provide the grievant with a copy of the charged party's written response immediately upon its receipt and shall commence investigation of the formal complaint. The Grievance Coordinator will answer any questions posed by the charged party about subsequent steps to be taken during this ten-day period. The charged party will then be asked to sign a statement of understanding of the terms and conditions of the Discrimination and Harassment Grievance Procedure.

The charged party may, at any time prior to the commencement of the Grievance

Coordinator's investigations as set forth in Section 2 below, submit to the Grievance Coordinator the names of individuals believed to have knowledge relevant to the grievance.

Even if the charged party fails to submit a written response to the Grievance Coordinator within the designated ten (10) day period, the Grievance Coordinator shall proceed to complete the investigation and, if warranted, recommend the implementation of corrective action(s) and/or disciplinary sanction(s) against the charged party. However, upon a written request from the charged party, the Grievance Coordinator may extend the time period for submitting a written response if the reasons presented by the charged party are not unduly prejudicial to the grievant.

### **2. Investigation of Formal Grievance**

Step 1. The Grievance Coordinator's investigation shall include a review of materials and documents relevant to the grievance and interview(s) with individuals who are believed to have knowledge of information or facts relevant to the grievance. The Grievance Coordinator reserves the right to determine the individuals to be interviewed and the number of interviews necessary to make a final determination. The Grievance Coordinator may also use knowledge of the prior behavior of the involved parties to assist in determining whether by a preponderance of the evidence discrimination or harassment has occurred. The Grievance Coordinator normally concludes an investigation within fifteen (15) working days from the date of receipt of the Statement of Grievance, but the Grievance Coordinator may extend this time frame under extenuating circumstances. The Grievance Coordinator may appoint a Grievance Representative to assist in the investigation.

Step 2. The Grievance Coordinator is expressly authorized to disclose any relevant confidential information gathered during his/her investigation to the appropriate senior administrative official, if he/she believes that a possible violation of other District policies, rules or regulations has occurred.

Step 3. If the Grievance Coordinator determines that there is a preponderance of evidence to support the allegation, such determination shall be reduced to writing and include a summary of the evidence as determined by the Grievance Coordinator, the positions of the parties, the corrective action and/or disciplinary sanctions recommended by the Grievance Coordinator and such other matters as the Grievance Coordinator deems relevant. The Grievance Coordinator shall within the thirty (30) days of the start of the investigation, transmit a decision to each of the parties. Either party may appeal the Grievance Coordinator's decision. Appeals must be made in writing within five (5) working days of receipt of the Grievance Coordinator's decision. Within ten (10) working days of requesting an appeal, the appealing party must submit in writing reasons for requesting appeal and additional evidence that may not have been considered.

Step 4. If neither party appeals, the Grievance Coordinator shall within three (3) workdays transmit the Summary Report to the Superintendent or his/her designee for implementation of the recommended corrective action(s) or disciplinary sanction(s).

3. Formal Hearing Procedure

a. Type of Hearing

The hearing is a confidential proceeding and will be closed to the public. All documents and materials relevant to the hearing are confidential and shall be delivered to the Superintendent or his/her designee within five (5) working days from the date of request for hearing. The hearing shall convene within fifteen (15) working days of request for hearing. The Superintendent or his/her designee is not to be bound by the formal rules of evidence, but procedural fairness shall be accorded to all parties. The Superintendent or his/her designee may question the Grievant, the Charged Party, the Charged Party's Supervisor (if any), and any witnesses the Superintendent or his/her designee determines are necessary to clarify or enhance his/her understanding of the grievance. Witnesses shall be present only when their testimony is given unless the Superintendent or his/her designee deems otherwise. Under no circumstances shall witnesses have access to any materials or documents presented to or prepared by the Superintendent or his/her designee or be privy to any testimony given at the hearing.

b. Final Determination

The finding(s) of the Superintendent or his/her designee must be made in writing to the Grievance Coordinator within ten (10) working days following final adjournment of the hearing. The Grievance Coordinator will review the findings and, within ten (10) working days, will implement the action determined by the Superintendent or his/her designee. In cases where the Grievance Coordinator and the Superintendent or his/her designee agree that there was no discrimination or harassment, all documents pertaining to the allegation(s) and resolution(s) will be retained in a confidential file in the Grievance Coordinator's office. No individual, other than the Grievance Coordinator, may be granted access to that file except as provided by law. However, if within a two-year period, subsequent allegations of discrimination or harassment involving the charged party are reported to the Grievance Coordinator as outlined in the Informal Stage of this Procedure, the file may then be activated at Section B of the Formal Stage and used by the Grievance Coordinator to determine reasonable, credible evidence.

## **Prohibition of Harassment**

No person shall be subject to discharge, suspension, discipline, harassment, or any form of discrimination solely for having utilized or having assisted others in the utilization of the grievance process.

## **Role of the Grievance Coordinators**

It is the primary responsibility of the Grievance Coordinator to ensure the effective installation, maintenance, processing, record keeping, and notification required by the grievance procedure.

### **Title VI/ Title VII/ and Title IX Coordinators**

#### **School Principals or Assistant Principals**

**Director of Human Resources, Staff, (978) 975-5905, Ext. 25635**

**Director of Community, Family & Student Engagement, Student, (978) 975-5905, Ext. 25724**

### **Section 504 Coordinators**

#### **School Principals or Assistant Principals**

**Director of Human Resources, Staff, (978) 975-5905, Ext. 25635**

**Director of Pupil Personnel Services, Student, (978) 975-5905, Ext. 25700**

## **18. THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)**

Under the Family Educational Rights and Privacy Act (FERPA), the school system is allowed to release directory information on students at various times during the school year without the consent of the parent/guardian or eligible student. In addition, two federal laws require that school systems receiving federal funds under the Elementary and Secondary Education Act to provide military recruiters, upon request, with three pieces of directory information – student names, addresses, and telephone numbers – unless the parent/guardian has advised the school system that they do not want this information disclosed without prior written consent.

Prior to the release of such information, parents/guardians must be given the opportunity to withhold the release of this information for their child. To assist you in making a determination as to whether or not you want your child's information released, we are providing you with the definition of "directory information". In Lawrence, the definition of directory information follows the Department of Education's categories and includes the following items: student's name, address, telephone listing, date and place of birth, major field of study, dates of attendance, weight and height of athletic team members, class, participation in officially recognized activities and sports, degrees, honors and awards, and post high school plans.

By law, you are required to submit a request to withhold directory information each year. We are required to maintain a record of such requests each year; however, these requests are not carried over from year to year. Thus, if you do not want directory information released, you must notify your child's school each school year. The deadline for such notification is October 1<sup>st</sup> of each school year. If it is your desire to withhold this information, please complete and return the form at the bottom at the end of this booklet specifying which information you do not want released as you may opt to withhold all or portions of the directory information. Please note, if we do not hear from you by October 1<sup>st</sup>, the school will assume that you are allowing the release of directory information for your child.

The Family Educational Rights and Privacy Act (FERPA) affords parents and students over 18 years of age ("eligible students") certain rights with respect to the student's education records. These rights are:

- (1) The right to inspect and review the student's education records within 45 days of the day the School receives a request for access. Parents or eligible students should submit to the Assistant Superintendent for Administration, Reporting, and Compliance, as Keeper of the Records, a written

request that identifies the record(s) they wish to inspect. The Assistant Superintendent will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

- (2) The right to request the amendment of the student's education records, which the parent or eligible student believes are inaccurate. Parents or eligible students may ask the School to amend a record that they believe is inaccurate. They should write the Assistant Superintendent for Administration, Reporting, and Compliance, as Keeper of the Records, clearly identify the part of the record they want changed, and specify why it is inaccurate. If the School decides not to amend the record as requested by the parent or eligible student, the School will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.
- (3) The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent. One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the School as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the School Board; a person or company with whom the School has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility. Upon request, the School discloses education records without consent to officials of another school district in which a student seeks or intends to enroll
- (4) The right to file a complaint with the U.S. Department of Education concerning alleged failures by the Lawrence Public Schools to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-5901

## **19. THE PROTECTION OF PUPIL RIGHTS AMENDMENT (PPRA)**

The Protection of Pupil Rights Amendment (PPRA) affords parents certain rights regarding our conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. These include the right to:

- Consent before students are required to submit to a survey that concerns one or more of the following protected areas (“protected information survey”) if the survey is funded in whole or in part by a program of the U.S. Department of Education:
  1. Political affiliations or beliefs of the student or student's parent;
  2. Mental or psychological problems of the student or student's family;
  3. Sex behavior or attitudes;
  4. Illegal, anti-social, self-incriminating, or demeaning behavior;
  5. Critical appraisals of others with whom respondents have close family relationships;
  6. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
  7. Religious practices, affiliations, or beliefs of the student or parents; or
  8. Income, other than as required by law to determine program eligibility.
- Receive notice and an opportunity to opt a student out of:

1. Any other protected information survey, regardless of funding;
  2. Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under State law; and
  3. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.
- Inspect, upon request and before administration or use –
    1. Protected information surveys of students;
    2. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
    3. Instructional material used as part of the educational curriculum.

These rights transfer to from the parents to a student who is 18 years old or an emancipated minor under State law.

The Lawrence Public Schools has developed and adopted policies regarding these rights, as well as arrangements to protect student privacy in the administration of protected information surveys and the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes. The Lawrence Public Schools will directly notify parents of these policies at least annually at the start of each school year and after any substantive changes. The Lawrence Public Schools will also directly notify parents of students who are scheduled to participate in the specific activities or surveys noted below and will provide an opportunity for the parent to opt his or her child out of participation of the specific activity or survey. Following is a list of the specific activities and surveys covered under this requirement:

- Collection, disclosure, or use of personal information for marketing, sales or other distribution.
- Administration of any protected information survey not funded in whole or in part by ED.
- Any non-emergency, invasive physical examination or screening as described above.

Parents who believe their rights have been violated may file a complaint with:

Family Policy Compliance Office  
 U.S. Department of Education  
 400 Maryland Avenue, SW  
 Washington, D.C. 20202-5901

## **20. RELEASE OF DIRECTORY INFORMATION**

A school may release the following directory information: a student's name, address, telephone listing, date and place of birth, major field of study, dates of attendance, weight and height of members of athletic teams, class, participation in officially recognized activities and sports, degrees, honors and awards, and post-high school plans without the consent of the eligible student or parent; provided that the school gives public notice of the types of information it may release under 603 CMR 23.07 and allows eligible students and parents a reasonable time after such notice to request that this information not be released without the prior consent of the eligible student or parent.

The request to withhold the release of directory information for a student is on the last page of this booklet.

## **PROVISIONS FOR REVIEW OF THE DISCIPLINE POLICY**

The School Committee hereby encourages all schools to review this discipline policy on an annual basis and suggests the following procedure:

1. Each school shall have a standing discipline committee, consisting of parents, teachers, support personnel, administrators, and students (if appropriate), to review discipline incidents at that school and make suggestions for ways to address issues as they arise. This committee will also participate in an annual review process of the entire Discipline Code in order to make suggestions for changes that should be considered in revising the code for the next school year.
2. Each school must bring the recommendations from the standing discipline committee to its School Leadership Team for review and action.
3. The recommendations from each school's standing discipline committee and School Leadership Team must be put in writing and forwarded to the Office of the Assistant Superintendent for Administration, Reporting, and Compliance by May 1<sup>st</sup> of each school year.
4. The results of each school's review process will be compiled, reviewed for legal compliance, and presented to the Superintendent for review and submission to the School Committee.
5. The School Committee shall then consider these recommendations for modification to the existing Discipline Code.

## APPENDIX

### School Laws of Massachusetts and the Federal Government and Supreme Court Rulings:

1. Massachusetts State Law
  - a. Chapter 71, Sections 2A, 32 J-N, 37H, 37H1/2, 37H 3/4, 37L, 37O, 82-85, 96
  - b. Chapter 71B, Section 9
  - c. Chapter 76, Sections 3, 16 – 18, and 21
  - d. Chapter 94C
  - e. Chapter 119, Section 51A
  - f. Chapter 151B
  - g. Chapter 222 of the Acts of 2012
  - h. The Education Reform Act of 1993
  
2. Federal Law
  - a. No Child Left Behind Act – Elementary and Secondary Education Act (ESEA)
  - b. Individuals with Disabilities Education Act of 2008
  - c. Section 504 of the Act of 1973
  - d. Title II of the Americans with Disabilities Act
  - e. Title VI of the Civil Rights Act of 1964
  - f. Title IX of the Education Amendments of 1972
  - g. The Family Educational Rights and Privacy Act (FERPA)
  - h. The Protection of Pupil Rights Amendment (PPRA)
  - i. The Gun Free Schools Act of 1994
  
3. Supreme Court Rulings
  - a. Tinker vs. Des Moines Independent School District - 1970
  - b. Goss vs. Lopez - 1975
  - c. Wood vs. Strickland - 1975
  
4. Lawrence City Ordinance - Article V - Sections 14 - 36

ADOPTED:	9.27.76
ADOPTED AS REVISED:	2.11.80; 10.27.86;
ADOPTED AS REVISED:	8.13.92; 8.11.94
ADOPTED AS REVISED:	11.9.00; 9.30.04; 9.20.06; 9.25.08
ADOPTED AS REVISED:	8.11.14
ADOPTED AS REVISED:	7.28.15
ADOPTED AS REVISED:	7.20.16
ADOPTED AS REVISED:	8.7.17
ADOPTED AS REVISED:	4.10.18 for implementation in the 2018-2019 school year
AMENDED	11.16.18 compliance language changes only

**BEHAVIORAL EXPECTATIONS AND DISCIPLINARY ACTION GUIDELINES**  
**PRESCHOOL THROUGH GRADE FOUR**

**Behavioral Expectations**

1. Be respectful of self and others.
2. Take responsibility and be responsible for your actions.
3. Be on time and prepared for school and learning.
4. Care for self and others.
5. Represent yourself and your school well.

**LEVEL I      TEACHER /STAFF INTERVENTION**

1. Violation of posted classroom, school, or bus rules
2. Failure to complete class work
3. Failure to complete homework without an acceptable excuse
4. Possession or use of electronic devices/toys, including but not limited to: cell phone, pagers, iPod's, Game Boys, MP3 players, etc. during regular school hours
5. Use of obscenities
6. Disruptive behavior in any school setting or at any school sponsored event
7. Defiance or disrespect towards peers or staff
8. Aggressiveness towards peers or staff
9. Cheating on classroom or homework assignments
10. Inappropriate attire/out of uniform

**LEVEL II      SUPPORT SERVICES INTERVENTION**

1. Repeated violation of posted classroom, school or bus rules
2. Repeated failure to complete class work
3. Repeated failure to complete homework without an exceptional excuse
4. Repeated use of obscenities
5. Bullying classmates or other children
6. Threatening classmates or other children
7. Harassing classmates or other children

**LEVEL III      ADMINISTRATIVE INTERVENTION**

1. Leaving classroom, school property, or field trip without permission
2. Use of inappropriate sexual, racial, or ethnic comments
3. Use of inappropriate sexual gestures or physical contact
4. Repeated disruptive behavior in any school setting, on a school bus, or at any school sponsored event
5. Repeated defiance and/or disrespect towards peers or staff
6. Repeated aggressiveness towards peers or staff
7. Destruction of classroom or school property
8. Fighting (1<sup>st</sup> incident)
9. Cheating on standardized tests
10. Repeated inappropriate attire/out of uniform
11. Use of school technology for unauthorized or inappropriate activities which violate the Acceptable Use Policy
12. Failure to follow fire drill instructions

#### **LEVEL IV      SUSPENSION (IN-SCHOOL OR OUT-OF-SCHOOL)**

1. Chronic leaving the classroom/school property without permission
2. Chronic disruptive behavior in all school settings
3. Fighting (repeated incidents)
4. Chronic use of inappropriate sexual, racial, or ethnic comments
5. Chronic use of inappropriate sexual gestures or physical contact
6. Chronic defiance and/or disrespect toward peers or staff
7. Chronic aggressiveness toward peers or staff
8. Chronic bullying of classmates or other children
9. Chronic threatening of classmates or other children
10. Chronic harassing of classmates or other children
11. Theft or destruction/vandalism of school or personal property
12. Serious disruptive and/or destructive behavior which violates posted rules
13. Found to be in possession of alcohol, tobacco, or over the counter or prescription drugs
14. Indecent exposure
15. Threatening a staff member or fellow student with no means to carry it out

#### **LEVEL V      LONG TERM SUSPENSION**

1. Possession of a weapon or facsimile of one
2. Assault/attack on another student or staff member
3. Threatening to injure a staff member or fellow student with means to carry it out

**Preventive Measures:** Verbal Praise; Stickers; Certificates and/or positive communication with parent/guardian and child; Incentives; Environmental controls through student and staff placement; Positive Behavioral Support (i.e.: point systems or privilege earning); Behavior Intervention Plans, etc.

#### **Recommended Consequences:**

**Teacher Intervention:** Verbal warning; Time out (appropriate to developmental/age level: 2-5 minutes at PK/K up to 45 minutes in Gr. 4); Communication with parent/guardian (telephone/note); Loss of privilege (class party, etc.); Time out in a different classroom, etc.

**Support Services Intervention:** Counselor intervention/skills group (such as: anger management or social skills); Meeting with parent/guardian; Letter of apology to victim and/or letter explaining the incident to parent; Completion of class work or homework during a non-academic school period; etc.

**Administrative Intervention and Suspension:** Administrative intervention, such as community service, loss of privileges, etc.; Administrative meeting with parent/guardian and teacher; Detention in-school or after school (depending upon situation and if age appropriate); In school suspension (if an appropriate grouping is available); etc.

**Long Term Suspension:** Out of school suspension or Hearing (depending upon seriousness of weapon and/or assault/attack)

**BEHAVIORAL EXPECTATIONS AND DISCIPLINARY ACTION GUIDELINES**  
**MIDDLE SCHOOL/ GRADES 5 – 8**

**Behavioral Expectations**

1. Be respectful of self and others.
2. Put forth the effort necessary to be successful every day.
3. Exhibit personal responsibility.
4. Work together to form a supportive and caring community.
5. Represent yourself and your school well.

**LEVEL I      TEACHER/STAFF INTERVENTION**

1. Violation of posted classroom, school, or bus rules
2. Lack of proper materials/not ready for daily assignments
3. Late for class/tardy
4. Failure to complete classroom work
5. Failure to complete homework (without an acceptable excuse or note from parent)
6. Possession or use of electronic devices/toys, including but not limited to: cell phone, pagers, iPod's, Game Boys, MP3 players, etc. during regular school hours
7. Use of obscenities
8. Verbally disruptive behavior in any school setting or at any school sponsored event
9. Defiance and/or disrespect towards peers or staff
10. Aggressiveness towards peers or staff
11. Cheating on classroom or homework assignments
12. Inappropriate attire/out of uniform

**LEVEL II      ADMINISTRATIVE INTERVENTION**

1. Repeated violation of posted classroom, school or bus rules
2. Repeated tardiness
3. Absent from class without permission or out of class without a pass
4. Truancy
5. Cheating on standardized tests
6. Repeated use of obscenities
7. Use of ethnic, racial, or sexual comments
8. Bullying classmates or other children
9. Threatening classmates or other children
10. Harassing classmates or other children
11. Repeated defiance and/or disrespect towards peers or staff
12. Repeated aggressiveness towards peers or staff
13. Repeated incidents of inappropriate attire/out of uniform
14. Destruction of classroom or school property
15. Failure to wear and/or show ID badge when requested

**LEVEL III      IN-SCHOOL SUSPENSION**

1. Chronic tardiness, truancy, or absences from class without permission
2. Chronic violation of posted classroom, school, or bus rules
3. Chronic bullying of classmates or other children
4. Chronic threatening of classmates or other children
5. Chronic harassing of classmates or other children
6. Fighting – first incident
7. Use and/or display of inappropriate sexual, racial, or ethnic materials

8. Obscenity toward staff
9. Refusal to give name or giving false name to a staff member
10. Failure to report to office or attend detention when sent or disruption of detention
11. Failure to follow fire drill instructions
12. Leaving school building or field trip without permission
13. Found to be in possession of alcohol, tobacco, or over the counter or prescription drugs
14. Gambling
15. Plagiarism or Forgery
16. Use of school technology for unauthorized or inappropriate activities which violate the Acceptable Use Policy

**LEVEL IV      OUT- OF- SCHOOL SUSPENSION**

1. Fighting – repeat incidents
2. Threatening a staff member or a fellow student with no means to carry it out
3. Theft, destruction, or vandalism of school or personal property (restitution and/or community service required)
4. Tampering with fire safety equipment
5. Possession and/or use of fireworks or firecrackers
6. Trespassing
7. Assisting intruders to enter the building (i.e.: setting door)
8. "Gang" related activity or dress
9. Chronic use and/or display of inappropriate sexual, racial, or ethnic materials or gestures
10. Physical or verbal outbursts which pose a threat to other students or staff
11. Indecent exposure
12. Found to be smoking or under the influence of alcohol or over the counter or prescription drugs

**LEVEL V      LONG-TERM SUSPENSION**

1. Assault or attack on a fellow student
2. Repeated vandalism or damage to school property or personal property of school staff (restitution and/or community service required)
3. Arson, bomb threat, or false alarm
4. Threat to injure a staff member or fellow student with means to carry it out
5. Extortion
6. Sale or distribution of alcohol, tobacco, or over the counter or prescription drugs
7. Chapter 37 H ½ issuance of a criminal complaint charging student with a felony or issuance of a felony delinquency complaint against student

**LEVEL VI      EXPULSION**

1. Possession of a dangerous weapon, including but not limited to a gun or a knife, while on school grounds or at a school sponsored or school related event, including athletic games.
2. Possession, sale, or distribution of a controlled substance, including but not limited to marijuana, cocaine, and/or heroin, while on school grounds or at a school sponsored or school related event, including athletic games.
3. Assault on any school staff member.
4. Chapter 37 H ½ conviction for a felony or adjudication in a court of law or student admitted his/her guilt in a court of law with respect to such felony or felony delinquency.

**Preventive Measures:** Environmental controls through student and staff placement; Positive Behavioral Support (i.e.: point systems or privilege earning); Certificates and/or positive communication with

parent/guardian and child, Incentives, Behavior Intervention Plans, etc.

**Recommended Consequences:**

The following is a list of recommended consequences for infractions at each level of the code. The list is neither sequential nor all inclusive – consequences should be based upon the type of infraction, age and developmental level of the student, and interventions used previously to address similar concerns.

**Teacher Intervention:** Verbal warning; Verbal cues and redirection; Communication with parent/ guardian (telephone/note); Loss of privilege (class party, etc.); Time out in a different classroom (not to exceed more than 1 period); Parent Conference; Teacher-Parent-Counselor Conference; Teacher-Parent-Student-Counselor Conference; Confiscation of electronic devices/toys with return to parent only; Teacher detention; Letter of apology to victim and/or letter explaining the incident to parent; Teacher-Student Behavioral Contract; Behavior Modification Program; Extra work to complete at home as a make up for time lost due to tardiness or for incomplete work; Family Support Team referral as appropriate for Support Services, such as Counselor intervention/skills group (such as: anger management or social skills); etc.

**Administrative Intervention:** After School Detention; Individual Behavioral Contract with clear expectations and outcomes that is signed off on by the student and parent; Administrator-Parent-Teacher Conference; Administrator-Parent-Student-Teacher Conference; Community Service; Saturday Detention; Parent required to bring in appropriate attire for the student to change into at school; Referral for agency support for student and/or family; Mandatory school counseling support (individual or group) related to behavioral issue that is occurring; Family Support Team referral as appropriate; Loss of school privileges (i.e.: participating in intramurals, attending dances or parties); etc.

**In-School Suspension:** In-School Suspension (half day to 3 days); Police involvement when appropriate - based on offense; Referral for agency support for student and/or family; Required participation in a time limited psycho-educational group (school or agency-based) relative to behavior leading to offense (e.g. social skills, conflict resolution, anger management, etc.); Family Support Team referral as appropriate; etc.

**NOTE:** Administrator may impose any combination of consequences from previous levels when appropriate based on individual student situation, age, and developmental level.

**Out-of-School Suspension:** Out-of-School Suspension (1 - 5 days); Police involvement when appropriate - based on offense; Community service performed by the student before or after school hours in the school - based on offense; Restitution for theft or destruction/vandalism by student and/or parent; Referral for agency support for student and/or family; Required participation in a time limited psycho-educational group (school or agency-based) relative to behavior leading to offense (e.g. social skills, conflict resolution, anger management, etc.); Required participation in a smoking cessation, alcohol treatment, or drug treatment program; Family Support Team referral as appropriate, etc.

**NOTE:** Administrator may impose any combination of consequences from previous levels when appropriate based on individual student situation, age, and developmental level.

**Long-Term Suspension:** Consequences are determined at a hearing level as any long-term suspension action requires that due process be followed.

**NOTE:** Administrator may impose any combination of consequences from previous levels when appropriate based on individual student situation, age, and developmental level.

**Expulsion:** Offenses in this category are dictated by the Massachusetts Educational Reform Act and require that all due process procedures be applied; therefore, expulsion may only be imposed after a hearing is conducted.

**NOTE:** Administrator may impose any combination of consequences from previous levels when appropriate based on individual student situation, age, and developmental level.

**BEHAVIORAL EXPECTATIONS AND DISCIPLINARY ACTION GUIDELINES**  
**HIGH SCHOOL/ GRADES 9-12**

**Behavioral Expectations**

1. Treat self and others with respect.
2. Put forth the effort necessary to be successful every day.
3. Exhibit personal responsibility.
4. Work together to form a supportive and caring community.

**LEVEL I      TEACHER/STAFF INTERVENTION**

1. Violation of posted classroom, school, or bus rules
2. Lack of proper materials/not ready for daily assignments
3. Late for class/tardy
4. Failure to complete classroom work
5. Failure to complete homework (without an acceptable excuse or note from parent)
6. Possession or use of electronic devices/toys, including but not limited to: cell phone, pagers, iPod's, Game Boys, MP3 players, etc. during regular school hours
7. Use of obscenities
8. Verbally disruptive behavior in any school setting or at any school sponsored event
9. Defiance and/or disrespect towards peers or staff
10. Aggressiveness towards peers or staff
11. Cheating on classroom or homework assignments
12. Inappropriate attire/out of uniform
13. Failure to wear and/or show ID badge when requested

**LEVEL II      ADMINISTRATIVE INTERVENTION**

1. Repeated violation of posted classroom, school or bus rules
2. Repeated tardiness
3. Absent from class without permission or out of class without a pass
4. Truancy
5. Cheating on standardized tests
6. Repeated use of obscenities
7. Use of ethnic, racial, or sexual comments
8. Bullying classmates or other children
9. Threatening classmates or other children
10. Harassing classmates or other children
11. Repeated defiance and/or disrespect towards peers or staff
12. Repeated aggressiveness towards peers or staff
13. Repeated incidents of inappropriate attire/out of uniform
14. Destruction of classroom or school property
15. Repeated failure to wear ID badge and/or to show ID badge when requested

**LEVEL III      IN-SCHOOL SUSPENSION**

1. Chronic tardiness, truancy, or absences from class without permission
2. Chronic violation of posted classroom, school, and/or bus rules
3. Chronic bullying of classmates or other students
4. Chronic threatening of classmates or other students
5. Chronic harassing of classmates or other students
6. Use and/or display of inappropriate sexual, racial, or ethnic materials
7. Obscenity toward staff

8. Giving false name to a staff member
9. Failure to report to office or attend detention when sent or disruption of detention
10. Failure to follow fire drill instructions
11. Leaving school building or field trip without permission
12. Found to be in possession of alcohol, tobacco, or over the counter or prescription drugs
13. Gambling
14. Plagiarism or Forgery
15. Use of school technology for unauthorized or inappropriate activities which violate the Acceptable Use Policy

**LEVEL IV      OUT- OF- SCHOOL SUSPENSION**

1. Fighting
2. Threatening a staff member or a fellow student with no means to carry it out
3. Theft, destruction, or vandalism of school or personal property (restitution and/or community service required)
4. Tampering with fire safety equipment
5. Possession or use of fireworks or firecrackers
6. Trespassing
7. Assisting intruders to enter the building (i.e.: setting door)
8. "Gang" related activity or dress
9. Chronic use and/or display of inappropriate sexual, racial, or ethnic materials or gestures
10. Physical or verbal outbursts which pose a threat to other students or staff
11. Indecent exposure
12. Possession or sharing of pornographic material
13. Found to be smoking or under the influence of alcohol or over the counter or prescription drugs

**LEVEL V      LONG-TERM SUSPENSION**

1. Assault or attack on a fellow student
2. Repeated vandalism/damage to school property or personal property of school staff (restitution and/or community service required)
3. Arson, bomb threat, or false alarm
4. Threat to injure a staff member or fellow student with means to carry it out
5. Extortion
6. Hazing
7. Sale or distribution of alcohol, tobacco, or over the counter or prescription drugs
8. Chapter 37 H ½ issuance of a criminal complaint charging student with a felony or issuance of a felony delinquency complaint against student

**LEVEL VI      EXPULSION**

1. Possession of a dangerous weapon, including but not limited to a gun or a knife, while on school grounds or at a school sponsored or school related event, including athletic games.
2. Possession, sale, or distribution of a controlled substance, including but not limited to: marijuana, cocaine, and/or heroin, while on school grounds or at a school sponsored or school related event, including athletic games.
3. Assault on any school staff member
4. Chapter 37 H ½ conviction for a felony or adjudication in a court of law or student admitted his/her guilt in a court of law with respect to such felony or felony delinquency.

**Preventive Measures:** Environmental controls through student and staff placement; Positive Behavioral

Support (i.e.: point systems or privilege earning); Certificates and/or positive communication with parent/guardian and child, Incentives, Behavior Intervention Plans, etc.

**Recommended Consequences:**

The following is a list of recommended consequences for infractions at each level of the code. The list is neither sequential nor all inclusive – consequences should be based upon the type of infraction, age and developmental level of the student, and interventions used previously to address similar concerns.

**Teacher Intervention:** Verbal warning; Verbal cues and redirection; Communication with parent/guardian (telephone/note); Loss of privilege (class party, etc.); Time out in a different classroom (not to exceed more than 1 period); Parent Conference; Teacher-Parent-Counselor Conference; Teacher-Parent-Student-Counselor Conference; Confiscation of electronic devices/toys with return to parent only; Teacher detention; Letter of apology to victim and/or letter explaining the incident to parent; Teacher-Student Behavioral Contract; Behavior Modification Program; Extra work to complete at home as a make up for time lost due to tardiness or for incomplete work; Student Support Team referral as appropriate for Support Services, such as Counselor intervention/skills group (such as: anger management or social skills); etc.

**Administrative Intervention:** Peer Mediation; After School Detention; Individual Behavioral Contract with clear expectations and outcomes that is signed off on by the student and parent; Administrator-Parent-Teacher Conference; Administrator-Parent-Student-Teacher Conference; Community Service; Saturday Detention; Parent required to bring in appropriate attire for the student to change into at school; Referral for agency support for student and/or family; Mandatory school counseling support (individual or group) related to behavioral issue that is occurring; Student Support Team referral as appropriate; Loss of school privileges (i.e.: participating in intramurals, attending dances or parties); etc.

**In-School Suspension:** In-School Suspension (half day to 3 days); Police involvement when appropriate - based on offense; Referral for agency support for student and/or family; Required participation in a time limited psycho-educational group (school or agency-based) relative to behavior leading to offense (e.g. social skills, conflict resolution, anger management, etc.); Student Support Team referral as appropriate; etc.

**NOTE:** Administrator may impose any combination of consequences from previous levels when appropriate based on individual student situation, age, and developmental level.

**Out-of-School Suspension:** Out-of-School Suspension (1 - 5 days); Police involvement when appropriate - based on offense; Community service performed by the student before or after school hours in the school - based on offense; Restitution for theft or destruction/vandalism by student and/or parent; Referral for agency support for student and/or family; Required participation in a time limited psycho-educational group (school or agency-based) relative to behavior leading to offense (e.g. social skills, conflict resolution, anger management, etc.); Required participation in a smoking cessation, alcohol treatment, or drug treatment program; Student Support Team referral as appropriate, etc.

**NOTE:** Administrator may impose any combination of consequences from previous levels when appropriate based on individual student situation, age, and developmental level.

**Long-Term Suspension:** Consequences are determined at a hearing level as any long-term suspension action requires that due process be followed.

**NOTE:** Administrator may impose any combination of consequences from previous levels when appropriate based on individual student situation, age, and developmental level.

**Expulsion:** Offenses in this category are dictated by the Massachusetts Educational Reform Act and require that all due process procedures be applied; therefore, expulsion may only be imposed after a hearing is conducted.

**NOTE:** Administrator may impose any combination of consequences from previous levels when appropriate based on individual student situation, age, and developmental level.

## Definition of Terms

**Aggressiveness:** Attempting to dominate or control a situation; causing bodily harm; intentionally invading someone's personal space.

**Assault:** An attempt to physically harm another person in such a manner that the person feels immediately threatened. Actual physical contact is not necessary; threatening gestures with the apparent means to carry out the threat can constitute an assault.

**Attack:** To use force against another person in order to cause harm.

**Bullying:** Repeated, negative acts committed by one or more children against another, including: internet or cyber activity. These acts may be physical or verbal in nature, such as: hitting, teasing, taunting, manipulating friendships, or purposely excluding other children from activities.

**Chronic Behavior:** A behavior which has developed into a pattern and is demonstrated more often than not (i.e.: behavior is seen three out of five days in a week).

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

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

**Defiance:** Refusal to do as requested by staff; refusal to follow directions; challenging a staff's authority; talking back to staff.

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

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

**Electronic Devices:** Non-instructional items which are battery operated or electrically charged, including but not limited to: cell phone, pagers, iPod's, Game Boys, MP3 players, Walkman, laser pointers, etc.

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

**Felony:** A serious crime punishable by a prison term in a state prison (i.e.: firearm possession, extortion, murder, etc.).

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

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

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

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

**Harassment:** To torment someone through constant verbal, written, or physical attacks.

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

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

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

**Insolence:** Blatant disrespect toward an authority figure.

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

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

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

**Repeated Behavior:** A behavior which occurs more than once in a short time period (i.e.: one week).

**Tardiness:** Being late for school without good cause as determined by Building Principal.

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

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

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

**Truancy:** Being absent from school without notification to school for an excusable reason (illness, bereavement, religious observance, or legal/court appointment).

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

**DISCIPLINE CODE ACKNOWLEDGMENT STATEMENT**

Student's Name: \_\_\_\_\_ Grade: \_\_\_\_\_

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

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

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

Student Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**DETENTION AUTHORIZATION**

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

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

**REQUEST TO WITHHOLD STUDENT DIRECTORY INFORMATION**

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

- All directory information
- Only directory information to military recruiters
- The following portions of the directory information: \_\_\_\_\_

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

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

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

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

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

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

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

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

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