



Fall River Public Schools Code of Conduct

2017–2018



Matthew H. Malone, Ph.D., Superintendent of Schools

May, 2017

FALL RIVER PUBLIC SCHOOLS

"The Scholarship City"

417 Rock Street, Fall River, MA 02720

Matthew H. Malone, Ph.D., Superintendent

May 8, 2017

Welcome to the Fall River Public Schools!

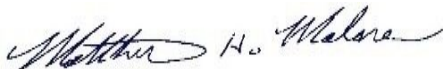
Our first and foremost goal is to ensure the safety, security and well-being of each and every one of our students. Our core values run deep in this school district, and we work very hard to model and implement a positive and caring learning environment across all our schools.

Our Code of Conduct is a model of collaboration initiated by union and management, with broad-based representation from stakeholders at every level of the school system. It is driven by our deep commitment to the well-being of our students. During the 2016-2017 School Year, a cross-functional team of educational professionals and community partners worked to refine and enhance the document contained herein.

The catalyst for this work was to ensure greater consistency, application, and enforcement of a clear set of norms and rules that drive student decorum in our schools. We feel that the improvements made in this document will better enable us to proactively and responsibly address violations of our Code of Conduct, keeping in mind the principles of restorative practices and justice.

We hope that you find this handbook to be user friendly and organized for accessibility. We encourage our educational professionals to employ alternative discipline consequences, not always using out-of-school suspension, as a first response. Remember, student discipline is about changing behaviors. Our hope for the future of our system - we use this tool as a living document, to refine it where we must – to always strive for improvements in student behavior.

Cordially,



Matthew H. Malone, Ph.D.
Superintendent of Schools



Rebecca Cusick
FREA President

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STANDARDS OF BEHAVIOR

The Fall River Public Schools is committed to ensuring that our schools are safe, secure and orderly environments in which teaching and learning take place each day. A safe and supportive school depends upon the efforts of all members of the school community—teachers, students, administrators, parents, counselors, social workers, safety personnel, related service providers, cafeteria, custodial and bus staff—to treat one another with mutual respect.

Included in this document is the Student Bill of Rights and Responsibilities that promotes responsible student behavior and an atmosphere of dignity and respect by establishing guidelines to help students as they strive to become productive citizens in a diverse society.

STANDARDS OF BEHAVIOR

All members of the school community— students, staff and parents—must know and understand the standards of behavior which all students are expected to live up to and the consequences if these standards are not met.

The Code of Conduct provides a description of conduct that does not meet the standards of behavior expected of students in the Fall River Public Schools. It includes a range of interventions and a range of permissible disciplinary and intervention measures which schools may use to address misbehavior. Also included is the Bill of Students Rights and Responsibilities.

The Discipline Code applies to all students.

PROMOTING POSITIVE STUDENT BEHAVIOR

CREATING SAFE, SUPPORTIVE, AND INCLUSIVE SCHOOLS

Each school is expected to promote a positive school culture and climate that provides students with a supportive environment in which to grow both socially and academically. Schools are expected to take a proactive role in nurturing students' pro-social behavior by providing them with a range of positive behavioral supports as well as meaningful opportunities for social emotional learning.

Student engagement is integral to creating a positive school culture and climate that fosters students' social/emotional growth and academic achievement. Providing students with multiple opportunities to participate in a wide range of pro-social activities and, at the same time, bond with caring, supportive adults can help prevent negative behaviors.

Examples can include: providing students with meaningful opportunities to share ideas and concerns and participate in school-wide initiatives; student leadership development; periodic recognition of students' achievements in a range of academic and co-curricular areas; using corrective feedback; and developing school-wide positive behavior systems. Such opportunities, coupled with a comprehensive guidance program of prevention and intervention, provide students with the experiences, strategies, skills, and support they need to thrive.

Establishing a school-wide tiered framework of behavioral supports and interventions guides the entire school community toward following the school's rules and expectations, as well as the delivery of consistent and appropriate consequences.

Effective social emotional learning helps students develop fundamental skills for life effectiveness, including: recognizing and managing emotions; developing caring and concern for others; establishing positive relationships; making responsible decisions; and handling challenging situations constructively and ethically. Such skills help prevent negative behaviors and the disciplinary consequences that result when students do not live up to behavioral standards.

School staff members are also responsible for addressing inappropriate

student behaviors which disrupt learning. Administrators, teachers, counselors and other school staff are expected to engage all students in intervention and prevention strategies that address a student's behavioral issues and discuss these strategies with the student and his/her parent(s).

Intervention and prevention approaches include but are not limited to support and services to address personal and family circumstances; social/emotional learning, such as conflict

resolution/mediation/negotiation, restorative consequences, anger management, stress management, and/or communication skills acquisition; the use of alternate instructional materials and/or methods; enrichment services; and/or development or review of functional behavioral assessments and behavioral intervention plans which should be developed and/or reviewed as an early intervention strategy.

Through the use of intervention and prevention strategies that engage students and give them a clear sense of purpose, school staff members facilitate students' academic and social-emotional growth and assist them in following school rules and policies.

PARENTS* AS PARTNERS

Students, parents and school personnel all have a role in making schools safe and must cooperate with one another to achieve this goal. School staff should keep parents informed of their child's behavior and enlist parents as partners in addressing areas of concern. Outreach to parents can include, but is not limited to, a phone call and/or a written communication. As role models, parents and school staff should exhibit the behaviors which they would like to see students emulate.

To ensure that parents become active and involved partners in promoting a safe and supportive school environment, they must be familiar with the Discipline Code. Educators are responsible for informing parents about their child's behavior and for nurturing the skills students need to succeed in school and in society.

Parents are encouraged to discuss with their child's teacher and/or other school staff issues that may affect student behavior and strategies that might be effective in working with the student. It is important that there is maximum consultation and communication between the school and the home.

Collaborative Problem Solving conferences attended by the principal or his/her designee, a student adjustment or guidance counselor, the student's parent(s) and one or more of the student's teachers are an effective means of encouraging parental input and should be held with students when appropriate.

Parents who want to discuss behavioral interventions in response to student behavior should contact their child's school or teacher.

PARENT NOTIFICATION

School officials are responsible for sharing the information in this document with students, parents, and staff. In the event a student engages in infractions/disruptive behavior and the student is assigned a consequence, the principal or principal's designee must report the behavior to the student's parent. When a student is believed to have committed a crime, the police must be summoned and the parent must be contacted.

Attendance

Attendance at school is vital to a student's academic progress and success. School personnel must ensure that appropriate outreach, intervention and support are provided for students who exhibit attendance problems that may manifest themselves as truancy or patterns of unexcused absence or educational neglect.

In cases of truancy, school personnel will make every effort to meet with the student and parent in order to determine needed supports and an appropriate course of action which may include, but is not limited to: parental contracts, referral for social service support, and/or referral to after-school programs.

The school's Social Emotional Learning Team should review cases of chronic absenteeism and/or truancy and should involve attendance officers, guidance counselors, teachers, student adjustment counselors, and administrators in facilitating a resolution.

** Whenever used in this document, the term “parent” means the student’s parent(s) or guardian(s) or any person(s) in a parental or custodial relationship to the student, or the student, if she/he is an emancipated minor or has reached 18 years of age.*

PROGRESSIVE DISCIPLINE

Understanding discipline as a “teachable moment” is fundamental to a positive approach to discipline. Progressive discipline uses incremental interventions to address inappropriate behavior with the ultimate goal of teaching pro-social behavior. Progressive discipline does not seek punishment. Instead, progressive discipline seeks concurrent accountability and behavioral change.

The goal is prevention of a recurrence of negative behavior by helping students learn from their mistakes. Essential to the implementation of progressive discipline is helping students who have engaged in unacceptable behavior to:

- Understand why the behavior is unacceptable and the harm it has caused
- Understand what they could have done differently in the same situation
- Take responsibility for their actions
- Be given the opportunity to learn pro-social strategies and skills to use in the future
- Understand the progression of more stringent consequences if the behavior reoccurs

Determining the Disciplinary Response

School officials must consult this document when determining which disciplinary measure to impose. In determining how to best address inappropriate conduct, it is necessary to evaluate the totality of the circumstances surrounding the conduct. The following facts should be considered prior to determining the appropriate disciplinary measures:

- The student's age and maturity;
- The student's disciplinary record (including the nature of any prior misconduct, the number of prior instances of misconduct, and the disciplinary and intervention measures applied for each);
- The nature, severity and scope of the behavior;
- The circumstances/context in which the conduct occurred;
- The frequency and duration of the behavior;
- The number of persons involved in the behavior;
- The student's IEP (Individualized Education Plan), BIP (Behavioral Intervention Plan) and 504 Accommodation Plan, if applicable.

Every reasonable effort should be made to correct student behavior through interventions and other school-based resources. Interventions are essential because inappropriate behavior or violations of the Discipline Code may be symptomatic of more serious problems that students are experiencing. It is, therefore, important that school personnel be sensitive to issues that may influence the behavior of students and respond in a manner that is most supportive of their needs.

Appropriate disciplinary responses should emphasize prevention and effective intervention, prevent disruption to students' education, and promote the development of a positive school culture.

INFRACTION LEVELS

The FRPS Code of Conduct holds students accountable for their behavior. Infractions are grouped into a total of five levels (3 levels of Elementary School, 5 levels for Middle School, and 3 levels for High School) based on the severity of the infraction. Whenever possible and appropriate, interventions should begin with the lowest level of disciplinary response.

Progressive Infraction Levels	
Level 1	Uncooperative/Noncompliant Behavior
Level 2	Disorderly Behavior
Level 3	Disruptive Behavior
Level 4	Aggressive or Injurious/Harmful Behavior
Level 5	Seriously Dangerous or Violent Behavior

Principals, teachers, school staff, students and parents need to know the disciplinary measures that can be taken when a student misbehaves or substantially disrupts a classroom. The Code

of Conduct is divided into three sections: Section E Grades K-5, Section M Grades 6-8, and Section H Grades 9-12 to ensure that the age and general maturity of the student are considered. Some infractions may not apply to students in grades K-3.

Each level of infractions contains possible interventions as well as a minimum to a maximum range of possible disciplinary responses that may be imposed by a teacher, school level administrator, Superintendent or Superintendent's designee.

The enumerated infractions are not all-inclusive.

Students who engage in misconduct which is not listed are subject to appropriate disciplinary measures by the teacher, school level administrator or other designee of the Superintendent based on violation of school rules. To ensure that staff, students and parents are aware of all expected standards of behavior, school rules must be in writing and distributed along with the Code of Conduct. The Discipline Code provides progressive accountability measures for students who engage in repeated misbehaviors despite prior interventions and/or prior imposition of appropriate disciplinary measures.

More severe accountability measures will be imposed on those students who engage in a pattern of persistent misconduct. Whenever possible and appropriate, prior to imposing such penalties, school officials should exhaust less severe disciplinary responses and use interventions.

In cases of vandalism, The FRPS reserves the right to seek restitution for damages to facility, equipment, or materials perpetrated by students of parents/guardians.

The infraction and the consequences contained within this handbook are not exhaustive nor are they meant to be; rather these are guidelines for addressing inappropriate conduct and suggested disciplinary consequences. A range of discipline is possible within these guidelines, and school administrators have the discretion to impose more severe consequences than contained within these guidelines depending on the individual circumstances presented. In some instances consequences may carry over from one year to the next. In serious cases involving possible criminal behaviors; FRPS referral to appropriate legal authorities will be

Where and When the Discipline Code Applies

The standards set forth in the Discipline Code apply to behavior:

- To and from school,
- In school during school hours,
- Before and after school, while on school property,
- While traveling on vehicles funded by the FRPS,
- At all school-sponsored events and
- Off of school property, when such behavior can be demonstrated to negatively affect the educational process or to endanger the health, safety, morals, or welfare of the school community.
- When misbehavior involves communication, gestures or expressive behavior, the infraction applies to oral, written or electronic communications, including but not limited to texting, e-mailing, and social networking.

made, separate from any school disciplinary action. Parents will be notified when such referral takes place.

*It is noted that chronic infractions of the Code of Conduct on one level, regardless of the grade stacking (elem, middle, high), may “bump” the student to the next level of violation within the Code of Conduct.

Note: *The Code of Conduct should be used in conjunction with other relevant FRPS policies and Massachusetts General Laws (MGL) and Commonwealth of Massachusetts Regulations (CMR). Included in the appendix are select MGL’s and CMR’s. It should be duly noted that some students, (ex. Special Education students, Ch71b) may be provided additional protections and may supported by additional Federal Law. Additionally, we need to ensure that we follow reporting functionality consistent with CMR (ex. Physical Restraint, CMR 46.00). For all FRPS policies, please refer to <http://www.fallriverschools.org/policiesprocedures.cfm>*

BEHAVIORAL INTERVENTIONS

To promote positive behavior schools provide a range of prevention and intervention strategies and support services for students during and/or after school hours throughout the school year. When a student engages in misconduct, the Discipline Code provides a non-exhaustive list of behavioral interventions that must be considered based on the type of behavior in which a student has engaged.

When used consistently and appropriately, interventions help improve student behavior, lower repeated misbehavior and contribute to a more positive school environment. Interventions are an integral part of a comprehensive response and schools are expected to provide support services at all stages of the disciplinary process, including during suspension. Support services may include any of the interventions or a combination of such services that best meet the needs of the individual students.

Types of Student Support Services	
Parent Outreach: School staff should keep parents informed of their child's behavior and enlist parents as partners in addressing areas of concern. Outreach to parents can include, but is not limited to, a phone call and/or written communication.	Development of Individual Behavior Contract: The student meets with teachers to create a written contract that includes objectives and the specific performance tasks that the student will accomplish to meet those objectives. The contract is signed by the student and teacher and, where appropriate, by the parent.
Collaborative Problem Solving Conference: Principals and teachers may request a conference with the student and, where appropriate, with the parent. The purpose of the conference is to review the behavior, find solutions to the problem and address academic, personal and social issues that might have caused or contributed to the behavior.	Referral to RTI (Response to Intervention Team): RTI Teams are school-based teams that utilize a multidisciplinary approach to encourage student success through prevention and intervention strategies and supports. A case manager is identified for each student referral so that an individualized plan can be created to help students overcome their academic and/or socio-emotional difficulties.
Individual/Group Counseling: Counseling provides students with an outlet to share issues in privacy that may be negatively impacting their attendance, behavior, and/or academic success. Students discuss and formulate goals, and learn problem solving strategies that will enable them to overcome a variety of personal challenges. Counselors will conference with parents on a regular basis to discuss the student's academic and personal progress.	Referral to Appropriate Substance Abuse Counseling Services: In the case where a student is presenting problems with substance abuse, including the use, possession or distribution of illegal drugs, drug paraphernalia, and/or alcohol, referrals should be made to counseling services that are either inside the school or through an outside community-based organization.

<p>Referral to a Community Based Organization (CBO): Students may be referred to a community-based organization for a wide range of services including after-school programming, individual or group counseling, leadership development, conflict resolution and tutoring.</p>	<p>Positive Youth Development (PYD) or Community Service (with Parental Consent): Students may be provided with PYD or community service opportunities so that they can feel connected to other youth in a positive way, gain a greater appreciation of their school neighborhoods and develop skills to become positive social change agents.</p>
<p>Mentoring/Advisory Program: A mentoring program matches a mentor or advisor who may be a counselor, teacher, and/or leader with a protégé. The object of this relationship is to help the protégé in his/her personal, academic and social development.</p>	<p>Re-entry Process: Assignment of a trained school staff member to provide transition support for a student returning from a long term suspension or from a prolonged absence.</p>
<p>Referral to Counseling Services for Bias-Based Bullying, Intimidation or Harassment: When a student or group of students engages in bias-based bullying, intimidation or harassment of another student or group of students, both the victim and the student who engages in this behavior should be referred to separate appropriate counseling, support and education services provided by school staff or a community- based agency. Neither mediation nor conflict resolution are, under any circumstances, appropriate interventions for bias-based bullying, intimidation or harassment.</p>	<p>Referral to Counseling Services for Youth Relationship Abuse or Sexual Violence: When one person uses a pattern of threatened or actual physical, sexual, and/or emotional abuse to control a dating partner, the school should refer both the victim and the student who engages in this behavior to separate appropriate school or community-based agencies for counseling, support, and education. Neither mediation nor conflict resolution are, under any circumstances, appropriate interventions for suspected relationship abuse.</p>

RESTORATIVE APPROACHES

A restorative approach can be used as both a prevention and intervention measure. Restorative processes can help schools build relationships and empower community members to take responsibility for the well- being of others; prevent or deal with conflict before it escalates; address underlying factors that lead youth to engage in inappropriate behavior and build resiliency; increase the pro-social skills of those who have harmed others; and provide wrong doers with the opportunity to be accountable to those they have harmed and enable them to repair the harm to the extent possible.

When used as an intervention measure, taking a restorative approach to discipline changes the fundamental questions that are asked when a behavioral incident occurs. Instead of asking who is to blame and how those engaged in the misbehavior will be punished, a restorative approach asks four key questions:

- What happened?
- Who was harmed or affected by the behavior?

- What needs to be done to make things right?
- How can people behave differently in the future?

TYPES OF RESTORATIVE APPROACHES

Morning Meeting/Advisory Program: These groups are effective as both a prevention and intervention strategy. They may be used as a regular practice in which a group of students (or faculty or students and faculty) participates. They can also be used in response to a particular issue that affects the school. The process enables a group to build relationships and establish understanding and trust create a sense of community, learn how to make decisions together, develop agreements for the mutual good, resolve difficult issues, etc.

Collaborative Negotiation: Using the collaborative negotiation process enables an individual to talk through an issue or conflict directly with the person with whom he/she disagrees to arrive at a mutually satisfactory resolution. Training in collaborative negotiation includes learning active listening and other conflict resolution communication skills.

Mediation: An impartial, third party mediator facilitates the negotiation process between conflicting parties so they can come to a mutually satisfactory resolution. Mediation recognizes that there is validity to conflicting points of view that disputants bring to the table and helps disputants work out a solution that meets both sets of needs. Disputants must choose to use mediation and must come to the process willingly. Mediation is not used where one individual has been victimized (for example, in cases of harassment or bullying) by another.

Formal Restorative Conference: A conference is facilitated by an individual who has received specific training in bringing together individuals who have acknowledged causing harm with those who have been harmed. Regardless of the circumstances, the mental, physical health, safety, and welfare of the individual who was harmed is of paramount importance when considering this option in a school setting. Both sides may bring supporters to the circle that have also been affected by the incident. The purpose of the conference is for the harm doer and the harmed to understand each other's perspective and come to a mutual agreement which will repair the harm as much as it is able to be repaired.

Kindergarten - Grade 5

LEVEL 1

Uncooperative, non-compliant behavior

INFRACTIONS	INTERVENTIONS	RANGE OF POSSIBLE DISCIPLINARY RESPONSES TO BE USED IN ADDITION TO INTERVENTIONS
<p>E01 Failing to wear the required school uniform (grades 4 and 5 only)</p> <p>E02 Bringing prohibited equipment or items to school without authorization</p> <p>E03 Failing to be in one's assigned place on school premises</p> <p>E04 Behaving in a manner which disrupts the educational process</p> <p>E05 Engaging in verbally rude or disrespectful behavior</p> <p>E06 Using school computers, fax machines, telephones or other electronic equipment or devices without appropriate permission</p> <p>E07 Refusal to complete classwork</p> <p>E08 Lying to, giving false information to, and/or misleading school personnel</p> <p>E09 Misusing property belonging to others</p> <p>E10 Engaging in or causing disruptive behavior on the school bus</p>	<ul style="list-style-type: none"> • Parent outreach • Intervention by counseling staff • Collaborative problem solving • Restorative approaches • Logical consequences • Individual/group counseling • Mediation • Mentoring program • Conflict resolution • Development of individual behavior contract • Short-term behavioral progress report • Referral to RTI • Community service • Referral to CBO • Functional behavioral assessment • Referral to Youth Court 	<ul style="list-style-type: none"> • Redirection by school staff • Student/teacher conference • Reprimand by appropriate supervisor • Parent conference • In-school disciplinary action (exclusion, removal, or in-school suspension) • Out of school detention

LEVEL 2

Disorderly and disruptive behavior

INFRACTIONS	INTERVENTIONS	RANGE OF POSSIBLE DISCIPLINARY RESPONSES TO BE USED IN ADDITION TO INTERVENTIONS
<p>E11 Smoking and/or use of electronic cigarettes or possession of matches or lighters</p> <p>E12 Leaving class or school premises without permission of supervising school personnel</p> <p>E13 Violating the Department's Internet Use Policy</p> <p>E14 Engaging in scholastic dishonesty which includes cheating and plagiarizing</p> <p>E15 Inappropriate use of electronic technology (unauthorized audio and video recording)</p> <p>E16 Shoving, pushing, or engaging in a minor altercation or similar physical confrontational behavior towards students or school personnel, or throwing an object, or spitting at another person</p> <p>E17 Tampering with, changing, or altering a record or document of a school by any method</p>	<ul style="list-style-type: none"> • Parent outreach • Intervention by counseling staff • Collaborative problem solving • Restorative approaches • Logical consequences • Individual/group counseling • Mediation • Mentoring program • Conflict resolution • Development of individual behavior contract • Short-term behavioral progress report • Referral to RTI • Community service • Referral to CBO • Functional behavioral assessment • Referral to Youth Court 	<ul style="list-style-type: none"> • Redirection by school staff • Student/teacher conference • Reprimand by appropriate supervisor • Parent conference • In-school disciplinary action (exclusion, removal, or in-school suspension) • Out of school detention • Suspension for 1-5 days

LEVEL 3

Aggressive or violent behavior

INFRACTIONS	INTERVENTIONS	RANGE OF POSSIBLE DISCIPLINARY RESPONSES TO BE USED IN ADDITION TO INTERVENTIONS
<p>E18 Defying or disobeying the lawful authority or directive of school personnel or school safety agents in a way that substantially disrupts the educational process</p> <p>E19 Using profane, obscene, vulgar or lewd language, gestures, or behavior</p> <p>E20 Using slurs based upon actual or perceived race, ethnicity, color, national origin, citizenship/immigration status, weight, religion, gender, gender identity, gender expression, sexual orientation, or disability</p> <p>E21 Bringing unauthorized persons to school or allowing unauthorized visitors to enter school in violation of written school rules</p> <p>E22 Attempting to take, taking or knowingly possessing property belonging to another without authorization and with or without force and/or intimidating behavior</p>	<ul style="list-style-type: none"> • Parent outreach • Intervention by counseling staff • Collaborative problem solving • Restorative approaches • Logical consequences • Individual/group counseling • Mediation • Mentoring program • Conflict resolution • Development of individual behavior contract • Short-term behavioral progress report • Referral to RTI • Community service • Referral to CBO • Functional behavioral assessment • Referral to Youth Court 	<ul style="list-style-type: none"> • Redirection by school staff • Student/teacher conference • Reprimand by appropriate supervisor • Parent conference • In-school disciplinary action (exclusion, removal, or in-school suspension) • Out of school detention • Suspension for 1-5 days • Suspension for 6-10 days

Level 3 Infractions continued

<p>E23 Engaging in inappropriate or unwanted physical contact or touching someone in a private part of the body</p> <p>E24 Engaging in gang-related behavior</p> <p>E25 Engaging in vandalism, graffiti, or other intentional damage to school property or property belonging to staff, students, or others</p> <p>E26 Posting or distributing, displaying, or sharing literature or material containing a threat of violence, injury or harm, or depicting violent actions against or obscene, vulgar or lewd pictures of students or staff</p>
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- E27 Engaging in physically aggressive behavior other than minor altercations which creates a substantial risk of or results in minor injury in school, on the school bus, or at school-sponsored events
- E28 Engaging in an act of coercion or threatening or instigating violence, injury or harm to another or others
- E29 Engaging in harassing, intimidating and/or bullying behavior, including cyber bullying, as per FRPS Bullying Policy and Intervention Plan
- E30 Making sexually suggestive comments, innuendoes, propositions or similar remarks, or engaging in nonverbal or physical conduct of a sexual nature (*See FRPS Sexual Harassment Policy*)
- E31 Possessing, using, or distributing controlled substances or prescription medications without appropriate authorization, illegal drugs, synthetic hallucinogens, drug paraphernalia, and/or alcohol
- E32 Falsely activating a fire alarm or other disaster alarm such as making a bomb threat
- E33 Starting a fire
- E34 Creating a substantial risk and/or causing a serious injury by recklessly engaging in behavior, and/or using an object that appears capable of causing physical injury
- E35 Inciting or causing a riot
- E36 Possessing, selling, or using a weapon to threaten, attempt to inflict, or inflict injury upon school personnel, students, or others
- E37 Using force against or inflicting or attempting to inflict serious injury against school personnel or safety agents
- E38 Planning, instigating, or participating with another or others in an incident of group violence, including gang violence
- E39 Engaging in physical sexual aggression/compelling or forcing another to engage in sexual activity

Grade 6 - Grade 8

LEVEL 1

Uncooperative, non-compliant behavior

INFRACTIONS	INTERVENTIONS	RANGE OF POSSIBLE DISCIPLINARY RESPONSES TO BE USED IN ADDITION TO INTERVENTIONS
<p>M01 Unexcused absence from school</p> <p>M02 Being late for school or class</p> <p>M03 Failing to wear the required school uniform and School ID. Wearing clothing, headgear (ex: caps or hats), or other items that are unsafe or disruptive to the educational process</p> <p>M04 Using school computers, telephones or other electronic equipment or devices without appropriate permission</p>	<ul style="list-style-type: none"> • Parent Outreach • Intervention by counseling staff • Truancy Officer 	<ul style="list-style-type: none"> • Student/teacher conference • Immediate communication to parent by student or staff • Reprimand by appropriate supervisor (e.g., assistant principal, principal) • Intervention Conference (Possible re-entry) • Parent conference • In-school disciplinary action (e.g., detention, lunch DT, exclusion from extracurricular activities, and dress down days, exclusion, removal, or in-school suspension)

LEVEL 2

Disorderly and disruptive behavior

INFRACTIONS	INTERVENTIONS	RANGE OF POSSIBLE DISCIPLINARY RESPONSES TO BE USED IN ADDITION TO INTERVENTIONS
<p>M05 Minor illegal activity (ex: smoking tobacco, use of electronic cigarettes, gambling) Inappropriate use of electronic technology student/student (e.g., minor unauthorized audio/video recording)</p> <p>M06 Using profane, obscene, vulgar, or lewd language, gestures, or behavior</p> <p>M07 Lying to, giving false information to, and/or misleading school personnel (misrepresenting self/intentions)</p> <p>M08 Engaging in or causing disruptive behavior on the school bus (1) *Bus company consequences/ Students may be excluded from the bus as per FRPS Policy Handbook</p> <p>M09 Cutting or Leaving class without permission of supervising school personnel</p>	<ul style="list-style-type: none"> • Parent outreach • Intervention by counseling staff • Collaborative Problem Solving conference(s) • Restorative Approaches/Logical Consequences • Individual/group counseling • Mediation • Mentoring program • Conflict resolution • Development of individual behavior contract/Short-term behavioral progress report • Referral to a Community Based Organization (CBO) • Referral to RTI (Response to Intervention Team) • Community service 	<ul style="list-style-type: none"> • Student/teacher conference • Immediate communication to parent by student or staff • Reprimand by appropriate supervisor (e.g., assistant principal, principal) • Intervention Conference (Possible re-entry) • Parent conference • In-school disciplinary action (e.g., detention, lunch DT, exclusion from extracurricular activities, sports teams and dress down days, exclusion, removal, or in-school suspension) • Saturday School

LEVEL 3

Aggressive or violent behavior

INFRACTIONS	INTERVENTIONS	RANGE OF POSSIBLE DISCIPLINARY RESPONSES TO BE USED IN ADDITION TO INTERVENTIONS
<p>M10 Disruption, defying or disobeying the lawful authority or directive of school personnel or school safety agents in a way that substantially disrupts the educational process.</p> <p>M11 Using profane, obscene, vulgar, or lewd language, gestures, or behavior towards school personnel.</p> <p>M12 Entering or attempting to enter a school building without authorization or through an unauthorized entrance. Bringing unauthorized persons to school or allowing unauthorized visitors to enter school in violation of written school rules.</p> <p>M13 Using slurs based upon actual or perceived race, ethnicity, color, national origin, citizenship/immigration status, weight, religion, gender, gender identity, gender expression, sexual orientation, or disability.</p> <p>M14 Shoving, pushing, or engaging in a minor altercation or similar physical confrontational behavior towards students (e.g., pushing past another person), or throwing an object (e.g., chalk).</p>	<ul style="list-style-type: none"> • Parent outreach • Intervention by counseling staff • Collaborative Problem Solving conference(s) • Restorative Approaches/Logical Consequences • Individual/group counseling • Mediation • Mentoring program • Conflict resolution • Development of individual behavior contract/Short-term behavioral progress report • Referral to a Community Based Organization (CBO) Youth Court • Referral to RTI (Response to Intervention Team) • Community service • Referral to the appropriate counseling services <ul style="list-style-type: none"> ○ substance abuse ○ sexual violence ○ youth relationship abuse bias-based, bullying, intimidation, or harassment • Functional Behavioral Assessment (FBA)/ Behavioral Intervention Plan (BIP) 	<ul style="list-style-type: none"> • Reprimand by appropriate supervisor (e.g., assistant principal, principal) • Intervention Conference (Possible re-entry) • Parent conference • In-school disciplinary action (e.g., detention, lunch DT, exclusion from extracurricular activities, sports teams and dress down days, exclusion, removal, or in-school suspension) • Saturday School • Refer to SRO • District Support Center or Suspension for 1 - 5 days • District Support Center or Suspension that results in continued suspension for a fixed period of 6-10 school days • Community Service

Level 3 Infractions continued

M15 Shoving, pushing, or engaging in a minor altercation or similar physical confrontational behavior toward school personnel.

M16 Engaging in gang-related behavior (e.g., wearing or displaying gang apparel and/or accessories, writing graffiti**, making gestures or signs)

M17 **Engaging in vandalism, graffiti or other intentional damage to school property or property belonging to staff, students or others.

**If there is substantial damage to property requiring extensive repair, the superintendent may impose a suspension for 30-90 school days with a review for early reinstatement after 30 or 60 school day.

M18 Engaging in a pattern of persistent Level 1 & 2 behavior in the same school year, higher level disciplinary actions may be applied.

M19 Violating the Department's Internet Use Policy (e.g., use of the Department's System for non-educational purposes, security/privacy violations).

M20 Posting or distributing libelous material or literature (including posting such material on the Internet)

M21 *Engaging in scholastic dishonesty which includes but is not limited to:

A. Cheating (e.g., copying from another's test paper; using material during a test which is not authorized by the person giving the test; collaborating with another student during the test without authorization; knowingly using, buying, selling, stealing, transporting, or soliciting, in whole or part, the contents of an unadministered test; substituting for another student or permitting another student to substitute for one's self to take a test; bribing another person to obtain a test that is to be administered; or securing copies of the test or answers to the test in advance of the test).

B. Plagiarizing (appropriating another's work and using it as one's own for credit without the required citation and attribution, e.g., copying written work from the Internet, or any other source).

C. Colluding (engaging in fraudulent collaboration with another person in preparing written work for credit).

D. Tampering with, changing or altering a record or document of a school by any method, including, but not limited to, computer access or other electronic means.

** For particularly egregious situations (e.g., where numerous students are involved, where the behavior involves standardized tests, or where the behavior requires invalidation of a test), the Superintendent may impose a long-term suspension of 30-90 school days with a review for early reinstatement after 30 or 60 school days*

LEVEL 4

Aggressive or Injurious/Harmful Behavior

INFRACTIONS	INTERVENTIONS	RANGE OF POSSIBLE DISCIPLINARY RESPONSES TO BE USED IN ADDITION TO INTERVENTIONS
<p>M22 Engaging in sexual conduct on school premises or at school- related functions)</p> <p>M23 Making sexually suggestive comments, innuendoes,propositions or similar remarks, or engaging in nonverbal or physical conduct of a sexual nature (e.g., touching, patting, pinching, lewd or indecent public behavior, or sending or posting sexually suggestive messages or images)</p> <p>M24 Posting, distributing, displaying, or sharing literature or material containing a threat of violence, injury or harm, or depicting violent actions against or obscene, vulgar or lewd pictures of students or staff, including posting such material on the Internet</p> <p>M25 Engaging in physically aggressive behavior other than minor altercations as described under B14, which creates a substantial risk of or results in minor injury</p> <p>M26 Engaging in or causing disruptive behavior on the school bus which creates a substantial risk of or results in injury</p> <p>M27 Engaging in harassing, intimidating and/or bullying behavior, including using electronic communication to engage in such behavior (cyberbullying); such behavior includes, but is not limited to: physical violence; stalking; verbal, written, or physical conduct that threatens another with harm; seeking to coerce or compel a student or staff member to do something; hazing; taunting; exclusion from peer groups designed to humiliate or isolate; using derogatory language or making derogatory jokes or name calling to humiliate or harass.</p>	<ul style="list-style-type: none"> ● Parent outreach ● Intervention by substance abuse counseling staff ● Collaborative Problem Solving conference(s) ● Restorative Approaches/Logical Consequences ● Individual/group counseling ● Mediation ● Mentoring program ● Conflict resolution ● Development of individual behavior contract/Short-term behavioral progress report ● Referral to a Community Based Organization (CBO) Youth Court ● Referral to RTI (Response to Intervention Team) ● Community service ● Referral to the appropriate counseling services <ul style="list-style-type: none"> ○ sexual violence ○ youth relationship abuse ○ bias-based, bullying, intimidation, or harassment ● Functional Behavioral Assessment (FBA)/ Intervention Plan (BIP) 	<ul style="list-style-type: none"> ● Parent conference ● In-school disciplinary action (e.g., detention, lunch DT, removal from all extracurricular activities, sports teams and exclusion from dress down days or in school suspension) ● Saturday School ● Refer to SRO ● District Support Center or Suspension for 1 - 5 days ● District Support Center or Suspension that results in continued suspension for a fixed period of 6-10 school days ● Community Service ● District Support Center or Suspension that results in extended suspension for 30 to 90 school days ● School based - Youth Court

Level 4 Infractions continued

M28 Engaging in harassing, intimidating and/or bullying behavior, including using electronic communication to engage in such behavior (cyberbullying) based on an individual's actual or perceived race, weight, religion, religious practices, gender, gender identity, gender expression, sexual orientation, or disability; such behavior includes, but is not limited to:

- physical violence; stalking;
- verbal, written, or physical conduct that threatens another with harm;
- seeking to coerce or compel a student or staff member to do something; hazing; taunting; exclusion from peer groups designed to humiliate or isolate;
- using derogatory language or making derogatory jokes or name calling to humiliate or harass.

M29 Creating a substantial risk or causing a serious injury by either recklessly engaging in behavior, and/or using an object that appears capable of causing physical injury (e.g. lighter, belt buckle, umbrella, or laser pointer)

M30 Using controlled substances or prescription medication without appropriate authorization, or using illegal drugs, synthetic hallucinogens, and/or alcohol.

M31 Taking or attempting to take property belonging to another or belonging to the school without authorization, without using force or intimidating behavior.

LEVEL 5

Seriously Dangerous or Violent Behavior

INFRACTIONS	INTERVENTIONS	RANGE OF POSSIBLE DISCIPLINARY RESPONSES TO BE USED IN ADDITION TO INTERVENTIONS
M32 Serious Illegal Activity <ul style="list-style-type: none"> • Possessing or using controlled substances or prescription medications without appropriate authorization, or using illegal drugs, synthetic hallucinogens, and/or alcohol. • Falsely activating a fire alarm or other disaster alarm • Making a bomb threat • Inciting/causing a riot • **Possessing, using or selling a firearm or any weapon as defined in Category II • Engaging in an act of coercion or 	<ul style="list-style-type: none"> • Parent outreach • Intervention by counseling staff • Collaborative Problem Solving conference(s) • Restorative Approaches/Logical Consequences • Individual/group counseling • Mediation • Mentoring program • Conflict resolution • Development of individual behavior 	<ul style="list-style-type: none"> • District Support Center or Suspension for 1 - 5 days • District Support Center or Suspension that results in continued suspension for a fixed period of 6-10 school days • District Support Center or

<p>threatening or instigating violence, injury or harm to another or others</p> <ul style="list-style-type: none"> • Starting a fire • Threatening to use or using force to take or attempt to take property belonging to another • Using force against, or inflicting or attempting to inflict serious injury against school personnel or school safety agents (School will file charges against the child) • Using extreme force against or inflicting or attempting to inflict serious injury upon students or others • Planning, instigating, or participating with another or others, in an incident of group violence • *Engaging in threatening, dangerous or violent behavior that is gang-related • Engaging in physical sexual aggression/compelling or forcing another to engage in sexual activity • Selling or distributing illegal drugs or controlled substances and/or alcohol • Using any weapon, other than a firearm, to threaten or to attempt to inflict injury upon school personnel, students, or others <p>* For particularly egregious situations(e.g., where numerous students are involved, where the behavior involves standardized tests, or where the behavior requires invalidation of a test), the Superintendent may impose a long-term suspension of 30-90 school days with a review for early reinstatement after 30 or 60 school days</p> <p>** Before requesting a suspension for</p>	<p>contract/Short-term behavioral progress report</p> <ul style="list-style-type: none"> • Referral to a Community Based Organization (CBO) Youth Court • Referral to RTI (Response to Intervention Team) • Community service • Referral to the appropriate counseling services • substance abuse <ul style="list-style-type: none"> • sexual violence • youth relationship abuse • bias-based, bullying, intimidation, or harassment • Functional Behavioral Assessment (FBA)/ Behavioral Intervention Plan (BIP) <p><i>Supports for Students Transitioning From Suspension</i></p> <ul style="list-style-type: none"> ➤ Re-entry meeting with parent/guardian ➤ Schools are expected to provide support services to students returning from suspension to maximize their ability to meet social and academic standards within the school community. ➤ Support services may include any of the 	<p>Suspension that results in extended suspension for 30 to 90 school days</p> <ul style="list-style-type: none"> • Referral to Court
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possession of a weapon or an article listed in Category II for which a purpose other than infliction of physical harm exists, e.g., a nail file, the principal must consider whether there are mitigating factors present. In addition, the principal must consider whether an imitation gun is realistic looking by considering factors such as its color,size,shape, appearance and weight.	range of guidance interventions or a combination of services as best meets the needs of the individual student	
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Grade 9 - Grade 12

LEVEL 1

Uncooperative, non-compliant behavior

INFRACTIONS	INTERVENTIONS	RANGE OF POSSIBLE DISCIPLINARY RESPONSES TO BE USED IN ADDITION TO INTERVENTIONS
<p>H01 Unexcused absence from school</p> <p>H02 Cutting classes (reporting to school and failing to attend one or more programmed classes)</p> <p>H03 Being late for school or class</p> <p>H04 Failing to be in one's assigned place on school premises</p> <p>H05 Behaving in a manner which disrupts the educational process (e.g., making excessive noise in a classroom, library or hallway)</p> <p>H06 Engaging in verbally rude or disrespectful behavior</p> <p>H07 Wearing clothing, headgear (e.g., caps or hats), or other items that are unsafe or disruptive to the educational process</p> <p>H08 Posting or distributing material on school premises without administrative permission</p> <p>H09 Failing to wear proper identification</p> <p>H10 Smoking tobacco and /or use of electronic cigarettes and/or possession of matches or lighters</p> <p>H11 Gambling</p>	<ul style="list-style-type: none"> • Parent outreach • Intervention by counseling staff • Collaborative Problem Solving conference(s) • Restorative Approaches • Individual/group counseling • Mediation • Mentoring program • Conflict resolution • Logical Consequences • Development of individual behavior contract • Short-term behavioral progress reports • Referral to RTI (Response to Intervention Team) • Community service (with parental consent) • Referral to a Community Based Organization (CBO) • Functional Behavioral Assessment (FBA)/ Behavioral Intervention Plan (BIP) 	<ul style="list-style-type: none"> • Student/teacher conference • Reprimand by appropriate supervisor (e.g., assistant principal, principal) • Parent conference • In-school disciplinary action (e.g., detention, exclusion from extracurricular activities, or communal lunchtime) • Removal from class

Level 1 Infractions Continued

H12 Using profane, obscene, vulgar, or lewd language, gestures, or behavior
H13 Lying to, giving false information to, and/or misleading school personnel
H14 Misusing property belonging to others
H15 Engaging in or causing disruptive behavior on the school bus
H16 Inappropriate use of electronic technology (e.g., unauthorized audio/video recording)
H17 Leaving class or school premises without permission of supervising school personnel

LEVEL 2

Disorderly and disruptive behavior

INFRACTIONS	INTERVENTIONS	RANGE OF POSSIBLE DISCIPLINARY RESPONSES TO BE USED IN ADDITION TO INTERVENTIONS
<p>H18 Defying or disobeying the lawful authority or directive of school personnel or school safety agents in a way that substantially disrupts the educational process, Using profane, obscene, vulgar, or lewd language, gestures, or behavior towards school personnel</p> <p>H19 Entering or attempting to enter a school building without authorization or through an unauthorized entrance</p> <p>H20 Using slurs based upon actual or perceived race, ethnicity, color, national origin, citizenship/immigration status, weight, religion, gender, gender identity, gender expression, sexual orientation, or disability</p> <p>H21 Shoving, pushing, or engaging in a minor altercation or similar physical</p>	<ul style="list-style-type: none"> • Parent outreach • Intervention by counseling staff • Collaborative Problem Solving conference(s) • Restorative Approaches • Individual/group counseling • Mediation • Mentoring program • Conflict resolution • Logical Consequences • Development of individual behavior contract • Referral to RTI (Response to Intervention Team) • Community service (with parental consent) 	<ul style="list-style-type: none"> • Parent conference • In-school disciplinary action (e.g., detention, exclusion from extracurricular activities, or communal lunchtime) • Removal from class • Suspension for 1-5 days • Suspension That results in continued suspension for a fixed period of 6-10 school days <p>Range of Possible Disciplinary Responses to Be Used in Addition To Interventions</p>
	<ul style="list-style-type: none"> • Referral to a 	(See above)

<p>confrontational behavior towards students or school personnel (e.g., pushing past another person)</p> <p>H22 Bringing unauthorized persons to school or allowing unauthorized visitors to enter school in violation of written school rules</p> <p>H23 Engaging in gang-related behavior (e.g., wearing or displaying gang apparel and/or accessories, writing graffiti, making gestures or signs)</p> <p>H24 Tampering with, changing or altering a record or document of a school by any method, including, but not limited to, computer access or other electronic means</p> <p>H25 Engaging in vandalism, graffiti or other intentional damage to school property or property belonging to staff, students or others</p> <p>H26 Violating the Department's Internet Use Policy (e.g., use of the Department's system for non-educational purposes, security/privacy violations)</p> <p>H27 Engaging in scholastic dishonesty which includes but is not limited to:</p> <p style="padding-left: 40px;">A. Cheating (e.g., copying from another's test paper; using material during a test which is not authorized by the person giving the test; collaborating with another student during the test without authorization; knowingly using, buying, selling, stealing, transporting, or soliciting, in whole or part, the contents of an unadministered test; substituting for another student or permitting another student to substitute for</p>	<p>Community Based Organization (CBO)</p> <ul style="list-style-type: none"> ● Referral to appropriate substance abuse counseling services ● Referral to counseling services for youth relationship abuse or sexual violence ● Referral to counseling services for bias-based bullying, intimidation, or harassment ● Functional Behavioral Assessment (FBA)/Behavioral Intervention Plan (BIP) <p style="text-align: center;">(See Above)</p>	<p style="text-align: center;">(See Above)</p>
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<p>one's self to take a test;bribing another person to obtain a test that is to be administered;or securing copies of the test or answers to the test in advance of the test)</p> <p>B. Plagiarizing (appropriating another's work and using it as one's own for credit without the required citation and attribution, e.g., copying written work from the Internet, or any other source)</p> <p>C. Colluding (engaging in fraudulent collaboration with another person in preparing written work for credit)</p> <p>H28 Posting or distributing libelous material or literature (including posting such material on the Internet)</p> <p>H29 Engaging in a pattern of persistent Level 1 behavior in the same school year (Whenever possible and appropriate, prior to imposing a Level 2 disciplinary response, school officials should have exhausted the disciplinary responses and intervention in Level 1. Infractions are limited to Level 2 disciplinary responses.)</p>		
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LEVEL 3

Aggressive or violent behavior

INFRACTIONS	INTERVENTIONS	RANGE OF POSSIBLE DISCIPLINARY RESPONSES TO BE USED IN ADDITION TO INTERVENTIONS
<p>H30 Lying to, giving false information to, and/or misleading school personnel</p> <p>H31 Engaging in sexual conduct on school premises or at school - related functions)</p> <p>H32 Making sexually suggestive comments, innuendoes, propositions or similar remarks, or engaging in nonverbal or physical conduct of a sexual nature (e.g., touching, patting, pinching, lewd or indecent public behavior, or sending or posting sexually suggestive messages or images)</p> <p>H33 Posting, distributing, displaying, or sharing literature or material containing a threat of violence, injury or harm, or depicting violent actions against or obscene, vulgar or lewd pictures of students or staff, including posting such material on the Internet</p> <p>H34 Engaging in an act of coercion or threatening or instigating violence, injury or harm to another or others</p> <p>H35 Engaging in or causing disruptive behavior on the school bus which creates a substantial risk of or results in injury</p>	<ul style="list-style-type: none"> • Parent outreach • Intervention by counseling staff • Collaborative Problem Solving conference(s) • Restorative Approaches • Individual/group counseling • Mediation • Mentoring program • Conflict resolution • Logical Consequences • Development of individual behavior contract • Referral to RTI (Response to Intervention Team) • Community service(with parental consent) • Referral to a Community Based Organization (CBO) • Referral to appropriate substance abuse counseling services • Referral to counseling services for youth relationship abuse or sexual violence • Referral to counseling services for bias-based bullying, intimidation, or harassment 	<ul style="list-style-type: none"> • Parent conference • In-school disciplinary action (e.g., detention, exclusion from extracurricular activities, or communal lunchtime) • Removal from class • Suspension for 1-5 days • Suspension That results in continued suspension for a fixed period of 6-10 school days <p>Range of Possible Disciplinary Responses to Be Used in Addition To Interventions</p> <p>Functional Behavioral Assessment (FBA)/ Behavioral Intervention Plan(BIP)</p>

Level 3 Infractions Continued

H36 Engaging in harassing, intimidating and/or bullying behavior, including using electronic communication to engage in such behavior (cyber - bullying); such behavior includes, but is not limited to: physical violence; stalking; verbal, written, or physical conduct that threatens another with harm; seeking to coerce or compel a student or staff member to do something; hazing; taunting; exclusion from peer groups designed to humiliate or isolate; using derogatory language or making derogatory jokes or name calling to humiliate or harass.

H37 Engaging in harassing, intimidating and/or bullying behavior, including using electronic communication to engage in such behavior (cyber - bullying) based on an individual's actual or perceived race, weight, religion, religious practices, gender, gender identity, gender expression, sexual orientation, or disability; such behavior includes, but is not limited to: physical violence; stalking; verbal, written, or physical conduct that threatens another with harm; seeking to coerce or compel a student or staff member to do something; hazing; taunting; exclusion from peer groups designed to humiliate or isolate; using derogatory language or making derogatory jokes or name calling to humiliate or harass.

H38 Possessing controlled substances or prescription medications without appropriate authorization, illegal drugs, synthetic hallucinogens, drug paraphernalia, and/or alcohol

H39 Falsely activating a fire alarm or other disaster alarm

H40 Making a bomb threat

H41 Taking or attempting to take property belonging to another or belonging to the school without authorization, without using force or intimidating behavior.

H42 Creating a substantial risk of serious injury by either recklessly engaging in behavior, and/or using an object that appears capable of causing physical injury (e.g., lighter, belt buckle, umbrella, or laser pointer)

H43 Causing a serious injury by either recklessly engaging in behavior, and/or using an object that appears capable of causing physical injury (e.g., lighter, belt buckle, umbrella, or laser pointer)

H44 Inciting/causing a riot

H45 **Possessing or selling any weapon as defined in Category II

H46 Using controlled substances or prescription medication without appropriate authorization, or using illegal drugs, synthetic hallucinogens, and/or alcohol

H47 Starting a fire

H48 Threatening to use or using force to take or attempt

to take property belonging to another

H49 Using force against, or inflicting or attempting to inflict serious injury against school personnel or school safety agents

H50 Using extreme force against or inflicting or attempting to inflict serious injury upon students or others

H51 Planning instigating, or participating with another or others, in an incident of group violence

H52 Engaging in threatening, dangerous or violent behavior that is gang-related

H53 Engaging in physical sexual aggression/compelling or forcing another to engage in sexual activity

H54 Selling or distributing illegal drugs or controlled substances and/or alcohol

H55 Using any weapon, other than a firearm , to threaten or to attempt to inflict injury upon school personnel, students, or others

H56 Possessing or using a firearm

***Note:** In serious cases involving possible criminal behaviors; FRPS referral to appropriate legal authorities will be made, separate from any school disciplinary action. Parents will be notified when such referral takes place.

Supports for Students Transitioning From Suspension

Schools are expected to provide support services to students returning from suspension to maximize their ability to meet social and academic standards within the school community. Support services may include any of the range of guidance interventions or a combination of services as best meets the needs of the individual student. This includes “distance learning” or other online learning programs.

Alternative Education Options: FRPS will place students in alternative schools such as Resiliency Preparatory Academy or other placement options currently under development, if said placement is in the best interest of the student and/or the school system to ensure a safe, orderly school environment conducive to learning and individual student learning/competency progress towards a high school diploma. This could also include home tutoring or distance learning among other options.

*In addition to the Code of Conduct, each school also has school-based rules specific to each school in their student handbooks. The Code of Conduct is subordinate to state law (MGL) and FRPS follows MGL in all disciplinary processes.

Appendix

Education Laws and Regulations

Chapter 71 Section 37H: Policies relative to conduct of teachers or students; student handbooks

Section 37H. The superintendent of every school district shall publish the district's policies pertaining to the conduct of teachers and students. Said policies shall prohibit the use of any tobacco products within the school buildings, the school facilities or on the school grounds or on school buses by any individual, including school personnel. Said policies shall further restrict operators of school buses and personal motor vehicles, including students, faculty, staff and visitors, from idling such vehicles on school grounds, consistent with section 16B of chapter 90 and regulations adopted pursuant thereto and by the department. The policies shall also prohibit bullying as defined in section 37O and shall include the student-related sections of the bullying prevention and intervention plan required by said section 37O. Copies of these policies shall be provided to any person upon request and without cost by the principal of every school within the district.

Each school district's policies pertaining to the conduct of students shall include the following: disciplinary proceedings, including procedures assuring due process; standards and procedures for suspension and expulsion of students; procedures pertaining to discipline of students with special needs; standards and procedures to assure school building security and safety of students and school personnel; and the disciplinary measures to be taken in cases involving the possession or use of illegal substances or weapons, the use of force, vandalism, or violation of a student's civil rights. Codes of discipline, as well as procedures used to develop such codes shall be filed with the department of education for informational purposes only.

In each school building containing the grades nine to twelve, inclusive, the principal, in consultation with the school council, shall prepare and distribute to each student a student handbook setting forth the rules pertaining to the conduct of students. The student handbook shall include an age-appropriate summary of the student-related sections of the bullying prevention and intervention plan required by section 37O. The school council shall review the student handbook each spring to consider changes in disciplinary policy to take effect in September of the following school year, but may consider policy changes at any time. The annual review shall cover all areas of student conduct, including but not limited to those outlined in this section.

Notwithstanding any general or special law to the contrary, all student handbooks shall contain the following provisions:

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

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

(c) Any student who is charged with a violation of either paragraph (a) or (b) shall be notified in writing of an opportunity for a hearing; provided, however, that the student may have representation, along with the opportunity to present evidence and witnesses at said hearing before the principal.

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

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

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

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

(g) Under the regulations promulgated by the department, for each school that suspends or expels a significant number of students for more than 10 cumulative days in a school year, the commissioner shall investigate and, as appropriate, shall recommend models

that incorporate intermediary steps prior to the use of suspension or expulsion. The results of the analysis shall be publicly reported at the school district level.

Chapter 71 Section 37H1/2: Felony complaint or conviction of student; suspension; expulsion; right to appeal

Section 37H1/2. Notwithstanding the provisions of section eighty-four and sections sixteen and seventeen of chapter seventy-six:

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

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

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

The student shall have the right to appeal the expulsion to the superintendent. The student shall notify the superintendent, in writing, of his request for an appeal no later than five calendar days following the effective date of the expulsion. The superintendent shall hold a hearing with the

student and the student's parent or guardian within three calendar days of the expulsion. At the hearing, the student shall have the right to present oral and written testimony on his behalf, and shall have the right to counsel. The superintendent shall have the authority to overturn or alter the decision of the principal or headmaster, including recommending an alternate educational program for the student. The superintendent shall render a decision on the appeal within five calendar days of the hearing. Such decision shall be the final decision of the city, town or regional school district with regard to the expulsion.

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

Chapter 71 Section 37H3/4: Suspension or expulsion on grounds other than those set forth in Secs. 37H or 37H1/2

Section 37H3/4. (a) This section shall govern the suspension and expulsion of students enrolled in a public school in the commonwealth who are not charged with a violation of subsections (a) or (b) of section 37H or with a felony under section 37H1/2.

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

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

(d) If a decision is made to suspend or expel the student after the meeting, the principal or headmaster, or a designee, shall update the notification for the suspension or expulsion to

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

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

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

Chapter 222, MGL

AN ACT RELATIVE TO STUDENT ACCESS TO EDUCATIONAL SERVICES AND EXCLUSION FROM SCHOOL.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. [Section 37H of chapter 71 of the General Laws](#), as appearing in the 2010 Official Edition, is hereby amended by striking out subsection (e) and inserting in place thereof the following 3 subsections:-

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

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

(g) Under the regulations promulgated by the department, for each school that suspends or expels a significant number of students for more than 10 cumulative days in a school year, the commissioner shall investigate and, as appropriate, shall recommend models that incorporate intermediary steps prior to the use of suspension or expulsion. The results of the analysis shall be publicly reported at the school district level.

SECTION 2. [Section 37H½ of said chapter 71](#), as so appearing, is hereby amended by striking out the last paragraph and inserting in place thereof the following paragraph:-

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

educational services to the student under an education service plan, under [section 21 of chapter 76](#).

SECTION 3. Said [chapter 71](#) is hereby further amended by inserting after section 37H½ the following section:-

Section 37H¾. (a) This section shall govern the suspension and expulsion of students enrolled in a public school in the commonwealth who are not charged with a violation of subsections (a) or (b) of section 37H or with a felony under section 37H½.

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

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

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

(e) A student who has been suspended or expelled from school for more than 10 school days for a single infraction or for more than 10 school days cumulatively for multiple infractions in any school year shall have the right to appeal the suspension or expulsion to the superintendent.

The student or a parent or guardian of the student shall notify the superintendent in writing of a request for an appeal not later than 5 calendar days following the effective date of the suspension or expulsion; provided, that a student and a parent or guardian of the student may request, and if so requested, shall be granted an extension of up to 7 calendar days. The superintendent or a designee shall hold a hearing with the student and the parent or guardian of the student within 3 school days of the student's request for an appeal; provided that a student or a parent or guardian of the student may request and, if so requested, shall be granted an extension of up to 7 calendar days; provided further, that the superintendent, or a designee, may proceed with a hearing without a parent or guardian of the student if the superintendent, or a designee, makes a good faith effort to include the parent or guardian. At the hearing, the student shall have the right to present oral and written testimony, cross-examine witnesses and shall have the right to counsel. The superintendent shall render a decision on the appeal in writing within 5 calendar days of the hearing. That decision shall be the final decision of the school district with regard to the suspension or expulsion.

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

SECTION 4. [Section 1 of chapter 76 of the General Laws](#), as appearing in the 2010 Official Edition, is hereby amended by striking out, in lines 2 to 13, inclusive, the words “, except a child between fourteen and sixteen who meets the requirements for the completion of the sixth grade of the public school as established by said board and who holds a permit for employment in private domestic service or service on a farm, under section eighty-six of chapter one hundred and forty-nine, and is regularly employed thereunder for at least six hours per day, or a child between fourteen and sixteen who meets said requirements and has the written permission of the superintendent of schools of the town where he resides to engage in non-wage-earning employment at home, or a child over fourteen who holds a permit for employment in a cooperating employment, as provided in said section eighty-six,”.

SECTION 5. Said [section 1 of said chapter 76](#), as so appearing, is hereby further amended by striking out, in line 14, the words “said town” and inserting in place thereof the following words:- the town the student resides.

SECTION 6. Said [section 1 of said chapter 76](#), as so appearing, is hereby further amended by striking out the fourth paragraph.

SECTION 7. Said [chapter 76](#) is hereby further amended by inserting after section 1A the following section:-

Section 1B. The school committee of each city, town or regional school district shall have a pupil absence notification program in each of its schools. The program shall be designed to ensure that each school notifies a parent or guardian of the child's absence if the school has not received notification of the absence from the parent or guardian within 3 days of the absence.

Each school committee shall have a policy of notifying the parent or guardian of a student who has at least 5 days in which the student has missed 2 or more periods unexcused in a school year or who has missed 5 or more school days unexcused in a school year. The notification policy shall require that the school principal or headmaster, or a designee, make a reasonable effort to meet with the parent or guardian of a student who has 5 or more unexcused absences to develop action steps for student attendance. The action steps shall be developed jointly and agreed upon by the school principal or headmaster, or a designee, the student and the student's parent or guardian and with input from other relevant school personnel and officials from relevant public safety, health and human service, housing and nonprofit agencies.

SECTION 8. [Section 18 of said chapter 76](#), as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following 3 paragraphs:-

No student who has not graduated from high school shall be considered to have permanently left public school unless an administrator of the school which the student last attended has sent notice within a period of 5 days from the student's tenth consecutive absence to the student and the parent or guardian of that student in both the primary language of the parent or guardian, to the extent practicable, and English. The notice shall initially offer at least 2 dates and times for an exit interview between the superintendent, or a designee, and the student and the parent or guardian of the student to occur prior to the student permanently leaving school and shall include contact information for scheduling the exit interview. The notice shall indicate that the parties shall agree upon a date and time for the exit interview, and that interview shall occur within 10 days after the sending of the notice. The time for the exit interview may be extended at the request of the parent or guardian and no extension shall be for longer than 14 days. The superintendent, or a designee, may proceed with any such interview without a parent or guardian if the superintendent, or a designee, makes a good faith effort to include the parent or guardian. The exit interview shall be for the purpose of discussing the reasons for the student permanently leaving school and to consider alternative education or other placements.

The superintendent or a designee shall convene a team of school personnel, such as the principal, guidance counselor, teachers, attendance officer and other relevant school staff, to participate in the exit interview with the student and the parent or guardian of the student. During the exit interview, the student shall be given information about the detrimental effects of early withdrawal from school, the benefits of earning a high school diploma and the alternative education programs and services available to the student.

The department of elementary and secondary education shall: (i) publish a model protocol for conducting exit interviews with students; and (ii) compile and maintain a list of research and information relative to the consequences of dropping out, the benefits of earning a high school diploma and a list of alternative education resources and programs available to the student, in addition to those that the district may provide, that schools shall present at the exit interview.

SECTION 9. Said [chapter 76](#) is hereby further amended by inserting after section 20 the following section:-

Section 21. Principals and headmasters shall ensure that students who are suspended from school for 10 or fewer consecutive days, whether in or out of school, shall have an opportunity

to make academic progress during the period of suspension, to make up assignments and earn credits missed including, but not limited to, homework, quizzes, exams, papers and projects missed. Principals shall develop a school-wide education service plan for all students who are expelled or suspended from school for more than 10 consecutive school days, whether in or out of school. Principals shall ensure these students have an opportunity to make academic progress during the period of suspension or expulsion, to make up assignments and earn credits missed, including, but not limited to, homework, quizzes, exams, papers and projects missed. Education service plans may include, but are not limited to, tutoring, alternative placement, Saturday school, and online or distance learning. In developing the education service plan, principals may seek the cooperation or input of relevant health and human service, housing and nonprofit agencies education collaboratives, and other service providers. Any school or school district that expels a student or suspends a student for more than 10 consecutive school days shall provide the student and the parent or guardian of the student with a list of alternative educational services. Upon selection of an alternative educational service by the student and the student's parent or guardian, the school or school district shall facilitate and verify enrollment in the service. Students exempt from attending school under section 1 of chapter 76 shall not be subject to this section.

Instructional costs associated with providing alternative educational services under this section shall be eligible for reimbursement under section 5A of chapter 71B, subject to appropriation. The reimbursements shall be in addition to amounts distributed under chapter 70 and shall not be included in the calculation of base aid, as defined in section 2 of said chapter 70, for any subsequent fiscal year. Instructional costs eligible for reimbursement shall include only those costs directly attributable to providing alternative educational services under this section, such as salary of educational personnel, salary of related services personnel, costs for specialized books, materials or equipment, tuition costs, if the student is receiving services from other than the local public school, consultant costs if directly attributable to the student's instructional program and instructional costs of extended day or year services if such services are a part of the education service plan. Such costs shall be prorated as appropriate to reflect group activities or costs for part-time services. Instructional costs shall not include transportation costs, administrative or overhead costs, the costs of adapting classrooms or materials that are used by more than 1 student, the costs of fringe benefits of personnel employed by the school district, nor the costs associated with the development of the education service plan or service coordination for the student. Instructional costs associated with an education service plan shall be reported to and approved by the department and shall be reimbursed according to the formula and procedures in said [section 5A of said chapter 71B](#).

SECTION 10. The department of elementary and secondary education shall submit an annual report to the chairs of the joint committee on education on the cost of providing reimbursement for instructional costs associated with providing alternative educational services under [section 21 of chapter 76 of the General Laws](#) that would not otherwise be reimbursed under [section 5A of chapter 71B of the General Laws](#).

SECTION 11. The department of elementary and secondary education shall issue a report on the costs of implementation of this act not later than November 30, 2013. The department of elementary and secondary education shall file a report with the clerks of the senate and house of representatives, who shall forward the report to the chairs of the joint committee on education and the senate and house committees on ways and means.

SECTION 12. Sections 1 to 10, inclusive, shall take effect on July 1, 2014.

Chapter 71 Section 37O: School bullying prohibited; bullying prevention and intervention plans; reporting of bullying incident date

Section 37O. (a) As used in this section the following words shall, unless the context clearly requires otherwise, have the following meaning:-

"Approved private day or residential school", a school that accepts, through agreement with a school committee, a child requiring special education pursuant to section 10 of chapter 71B.

"Bullying", the repeated use by one or more students or by a member of a school staff including, but not limited to, an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional of a written, verbal or electronic expression or a physical act or gesture or any combination thereof, directed at a victim that: (i) causes physical or emotional harm to the victim or damage to the victim's property; (ii) places the victim in reasonable fear of harm to himself or of damage to his property; (iii) creates a hostile environment at school for the victim; (iv) infringes on the rights of the victim at school; or (v) materially and substantially disrupts the education process or the orderly operation of a school. For the purposes of this section, bullying shall include cyber-bullying.

"Charter school", commonwealth charter schools and Horace Mann charter schools established pursuant to section 89 of chapter 71.

"Cyber-bullying", bullying through the use of technology or any electronic communication, which shall include, but shall not be limited to, any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo electronic or photo optical system, including, but not limited to, electronic mail, internet communications, instant messages or facsimile communications. Cyber-bullying shall also include (i) the creation of a web page or blog in which the creator assumes the identity of another person or (ii) the knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in clauses (i) to (v), inclusive, of the definition of bullying. Cyber-bullying shall also include the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons, if the distribution or posting creates any of the conditions enumerated in clauses (i) to (v), inclusive, of the definition of bullying.

"Collaborative school", a school operated by an educational collaborative established pursuant to section 4E of chapter 40. "Department", the department of elementary and secondary education. "Hostile environment", a situation in which bullying causes the school environment to be permeated with intimidation, ridicule or insult that is sufficiently severe or pervasive to alter the conditions of the student's education. "Plan", a bullying prevention and intervention plan established pursuant to subsection (d). "Perpetrator", a student or a member of a school staff including, but not limited to, an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional who engages in bullying or retaliation. "School district", the school department of a city or town, a regional school district or a county agricultural school. "School grounds", property on which a school building or facility is located or property that is owned, leased or used by a school district, charter school, non-public school, approved private day or residential school, or collaborative school for a school-sponsored activity, function, program, instruction or training. "Victim", a student against whom bullying or retaliation has been perpetrated.

(b) Bullying shall be prohibited: (i) on school grounds, property immediately adjacent to school grounds, at a school-sponsored or school-related activity, function or program whether on or off school grounds, at a school bus stop, on a school bus or other vehicle owned, leased or used by a school district or school, or through the use of technology or an electronic device owned, leased or used by a school district or school and (ii) at a location, activity, function or program that is not school-related, or through the use of technology or an electronic device that is not owned, leased or used by a school district or school, if the bullying creates a hostile environment at school for the victim, infringes on the rights of the victim at school or materially and substantially disrupts the education process or the orderly operation of a school. Nothing contained herein shall require schools to staff any non-school related activities, functions, or programs. Retaliation against a person who reports bullying, provides information during an investigation of bullying, or witnesses or has reliable information about bullying shall be prohibited.

(c) Each school district, charter school, approved private day or residential school and collaborative school shall provide age-appropriate instruction on bullying prevention in each grade that is incorporated into the curriculum of the school district or school. The curriculum shall be evidence-based.

(d)(1) Each school district, charter school, non-public school, approved private day or residential school and collaborative school shall develop, adhere to and update a plan to address bullying prevention and intervention in consultation with teachers, school staff, professional support personnel, school volunteers, administrators, community representatives, local law enforcement agencies, students, parents and guardians. The plan shall apply to students and members of a school staff, including, but not limited to, educators, administrators, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to an extracurricular activity and paraprofessionals. The consultation shall include, but not be limited to, notice and a public comment period; provided, however, that a non-public school shall only be required to give

notice to and provide a comment period for families that have a child attending the school. The plan shall be updated at least biennially.

(2) Each plan shall include, but not be limited to: (i) descriptions of and statements prohibiting bullying, cyber-bullying and retaliation, including procedures for collecting, maintaining and reporting bullying incident data required under subsection (k); (ii) clear procedures for students, staff, parents, guardians and others to report bullying or retaliation; (iii) a provision that reports of bullying or retaliation may be made anonymously; provided, however, that no disciplinary action shall be taken against a student solely on the basis of an anonymous report; (iv) clear procedures for promptly responding to and investigating reports of bullying or retaliation; (v) the range of disciplinary actions that may be taken against a perpetrator for bullying or retaliation; provided, however, that the disciplinary actions shall balance the need for accountability with the need to teach appropriate behavior; (vi) clear procedures for restoring a sense of safety for a victim and assessing that victim's needs for protection; (vii) strategies for protecting from bullying or retaliation a person who reports bullying, provides information during an investigation of bullying or witnesses or has reliable information about an act of bullying; (viii) procedures consistent with state and federal law for promptly notifying the parents or guardians of a victim and a perpetrator; provided, that the parents or guardians of a victim shall also be notified of the action taken to prevent any further acts of bullying or retaliation; and provided, further, that the procedures shall provide for immediate notification pursuant to regulations promulgated under this subsection by the principal or person who holds a comparable role to the local law enforcement agency when criminal charges may be pursued against the perpetrator; (ix) a provision that a student who knowingly makes a false accusation of bullying or retaliation shall be subject to disciplinary action; and (x) a strategy for providing counseling or referral to appropriate services for perpetrators and victims and for appropriate family members of said students. The plan shall afford all students the same protection regardless of their status under the law.

(3) Each plan shall recognize that certain students may be more vulnerable to becoming a target of bullying or harassment based on actual or perceived differentiating characteristics, including race, color, religion, ancestry, national origin, sex, socioeconomic status, homelessness, academic status, gender identity or expression, physical appearance, pregnant or parenting status, sexual orientation, mental, physical, developmental or sensory disability or by association with a person who has or is perceived to have 1 or more of these characteristics. The plan shall include the specific steps that each school district, charter school, non-public school, approved private day or residential school and collaborative school shall take to support vulnerable students and to provide all students with the skills, knowledge and strategies needed to prevent or respond to bullying or harassment. A school district, charter school, non-public school, approved private day or residential school or collaborative school may establish separate discrimination or harassment policies that include additional categories of students. Nothing in this section shall alter the obligations of a school district, charter school, non-public school, approved private day or residential school or collaborative school to remediate any

discrimination or harassment based on a person's membership in a legally protected category under local, state or federal law.

(4) The plan for a school district, charter school, approved private day or residential school and collaborative school shall include a provision for ongoing professional development to build the skills of all staff members, including, but not limited to, educators, administrators, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities and paraprofessionals, to prevent, identify and respond to bullying. The content of such professional development shall include, but not be limited to: (i) developmentally appropriate strategies to prevent bullying incidents; (ii) developmentally appropriate strategies for immediate, effective interventions to stop bullying incidents; (iii) information regarding the complex interaction and power differential that can take place between and among a perpetrator, victim and witnesses to the bullying; (iv) research findings on bullying, including information about students who have been shown to be particularly at risk for bullying in the school environment; (v) information on the incidence and nature of cyber-bullying; and (vi) internet safety issues as they relate to cyber-bullying. The department shall identify and offer information on alternative methods for fulfilling the professional development requirements of this section, at least 1 of these alternative methods shall be available at no cost to school districts, charter schools, approved private day or residential schools and collaborative schools.

(5) The plan shall include provisions for informing parents and guardians about the bullying prevention curriculum of the school district or school and shall include, but not be limited to: (i) how parents and guardians can reinforce the curriculum at home and support the school district or school plan; (ii) the dynamics of bullying; and (iii) online safety and cyber-bullying.

(6) The department shall promulgate rules and regulations on the requirements related to a principal's duties under clause (viii) of the second paragraph of this subsection; provided, however, that school districts, charter schools, approved private day or residential schools and collaborative schools shall be subject to the regulations. A non-public school shall develop procedures for immediate notification by the principal or person who holds a comparable role to the local law enforcement agency when criminal charges may be pursued against the perpetrator.

(e)(1) Each school district, charter school, non-public school, approved private day or residential school and collaborative school shall provide to students and parents or guardians, in age-appropriate terms and in the languages which are most prevalent among the students, parents or guardians, annual written notice of the relevant student-related sections of the plan.

(2) Each school district, charter school, non-public school, approved private day or residential school and collaborative school shall provide to all school staff annual written notice of the plan. The faculty and staff at each school shall be trained annually on the plan applicable to the school. Relevant sections of the plan relating to the duties of faculty and staff shall be included in a school district or school employee handbook.

(3) The plan shall be posted on the website of each school district, charter school, non-public school, approved private day or residential school and collaborative school.

(f) Each school principal or the person who holds a comparable position shall be responsible for the implementation and oversight of the plan at his school.

(g) A member of a school staff, including, but not limited to, an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional, shall immediately report any instance of bullying or retaliation the staff member has witnessed or become aware of to the principal or to the school official identified in the plan as responsible for receiving such reports or both. Upon receipt of such a report, the school principal or a designee shall promptly conduct an investigation. If the school principal or a designee determines that bullying or retaliation has occurred, the school principal or designee shall (i) notify the local law enforcement agency if the school principal or designee believes that criminal charges may be pursued against a perpetrator; (ii) take appropriate disciplinary action; (iii) notify the parents or guardians of a perpetrator; (iv) notify the parents or guardians of the victim, and to the extent consistent with state and federal law, notify them of the action taken to prevent any further acts of bullying or retaliation; and (v) inform the parents or guardians of the victim about the department's problem resolution system and the process for seeking assistance or filing a claim through the problem resolution system.

(h) If an incident of bullying or retaliation involves students from more than one school district, charter school, non-public school, approved private day or residential school or collaborative school, the school district or school first informed of the bullying or retaliation shall, consistent with state and federal law, promptly notify the appropriate administrator of the other school district or school so that both may take appropriate action. If an incident of bullying or retaliation occurs on school grounds and involves a former student under the age of 21 who is no longer enrolled in a local school district, charter school, non-public school, approved private day or residential school or collaborative school, the school district or school informed of the bullying or retaliation shall contact law enforcement consistent with the provisions of clause (viii) of the second paragraph of subsection (d).

(i) Nothing in this section shall supersede or replace existing rights or remedies under any other general or special law, nor shall this section create a private right of action.

(j) The department, after consultation with the department of public health, the department of mental health, the attorney general, the Massachusetts District Attorneys Association and experts on bullying shall: (i) publish a model plan for school districts and schools to consider when creating their plans; and (ii) compile a list of bullying prevention and intervention resources, evidence-based curricula, best practices and academic-based research that shall be made available to schools. The model plan shall be consistent with the behavioral health and public schools framework developed by the department in accordance with section 19 of chapter 321 of the acts of 2008. The resources may include, but shall not be limited to, print, audio, video or digital media; subscription based online services; and on-site or technology-enabled professional development and training sessions. The department shall biennially update the model plan and the list of the resources, curricula, best practices and research and shall post them on its website.

(k) Each school district, charter school, approved private day or residential school and collaborative school shall annually report bullying incident data to the department. The data

shall include, but not be limited to: (i) the number of reported allegations of bullying or retaliation; (ii) the number and nature of substantiated incidents of bullying or retaliation; (iii) the number of students disciplined for engaging in bullying or retaliation; and (iv) any other information required by the department. Said incident data shall be reported in the form and manner established by the department, in consultation with the attorney general; provided, that the department shall minimize the costs and resources needed to comply with said reporting requirements; and provided further, that the department may use existing data collection and reporting mechanisms to collect the information from school districts. The department shall analyze the bullying incident data and shall publish an annual report containing aggregate statewide information on the frequency and nature of bullying in schools. The department shall file the annual report with the attorney general and with the clerks of the senate and the house of representatives who shall forward the same to the chairs of the joint committee on education, the joint committee on the judiciary and the house and senate committees on ways and means. (l) The department shall develop a student survey to assess school climate and the prevalence, nature and severity of bullying in schools. The survey shall be administered by each school district, charter school, approved private day or residential school and collaborative school at least once every 4 years. The survey shall be designed to protect student privacy and allow for anonymous participation by students.

The school official identified in the plan as responsible for receiving reports of bullying or retaliation shall verify the completion of the student surveys. All completed surveys shall be forwarded to the department. The department shall use the survey results to help assess the effectiveness of bullying prevention curricula and instruction developed and administered under subsection (c). The department shall collect and analyze the student survey data in order to: compare the survey results with the bullying incident data reported under subsection (k); identify long-term trends and areas of improvement; and monitor bullying prevention efforts in schools over time. The department shall make its findings available to the school official.

(m) Each school district, charter school, approved private day or residential school or collaborative school may adopt an anti-bullying seal to represent the district or school's commitment to bullying prevention and intervention.

(n) The department may investigate certain alleged incidents of bullying. If, upon completion of investigation by the department, a school district, charter school, approved private day or residential school or collaborative school is found to not have properly implemented its prevention plan as outlined in subsection (d), the department may require that school district, charter school, approved private day or residential school or collaborative school to properly implement the plan or take other actions to address the findings of the investigation.

Special Education Students Discipline:

All students are expected to meet the requirements for behavior as set forth in this Code of Conduct. In addition to those due process protections afforded to all students, the Individuals with Disabilities Education Act ("IDEA") and related regulations as well as state special education law, require that additional provisions be made for students who have been found eligible for special education services or who the school district knows or has reason to know might be eligible for such services. Students who have been found to have a disability that substantially limits a major life activity, as defined under § 504 of the Rehabilitation Act are generally also entitled to increased procedural protections. The protections are as follows:

(1) Students with disabilities may be excluded from their programs for up to ten (10) school days to the extent that such sanctions would be applied to all students. Before a student with a disability can be excluded from his/her program for more than ten (10) consecutive school days in a given school year or subjected to a pattern of removal constituting a "disciplinary change of placement", building administrators, the parent(s)/guardian(s) and relevant members of the student's IEP or 504 Team will meet to determine whether the conduct for which the student is subject to discipline was caused by or directly and substantially related to the student's disability or was the direct result of a failure to implement the student's IEP or 504 Plan ("Manifestation Determination"). During days of disciplinary exclusions exceeding ten (10) school days, students on IEPs have the right to receive the services which will allow them to participate in the general education curriculum and to progress toward meeting the goals set out in the child's IEP. Under Section 504, student do not have the right to services during the period of exclusion, except for the services available to all students in accordance with M.G.L. c., 76, §21.

(2) If building administrators, the parent(s)/guardian(s) and relevant members of the student's IEP or 504 Team determine that the student's conduct was not a manifestation of the student's disability, the school may discipline the student in accordance with the procedures and penalties applicable to all students but will continue to provide a free appropriate public education to those students with IEPs. The student's IEP Team will identify the services necessary to provide a free appropriate public education during the period of exclusion, review any existing behavior intervention plan and, where appropriate, conduct a functional behavioral assessment.

(3) If building administrators, the parent(s)/guardian(s) and relevant members of the student's IEP or 504 Team determine that the conduct giving rise to disciplinary change in placement was a manifestation of the student's disability, the student will not be subjected to further disciplinary removal or exclusion from the student's current educational program based on that conduct (except for conduct involving weapons, drugs, or resulting in serious bodily injury to others) until the IEP or 504 Team develops, and the parent(s)/guardian(s) consent to, a new placement or unless the District obtains an order from a court or from the Bureau of Special Education Appeals (BSEA) authorizing a change in the student's placement. The student's Team shall

also review, and modify as appropriate, any existing behavior intervention plan or arrange for a functional behavioral assessment.

(4) If a student with a disability possesses or uses illegal drugs, sells or solicits a controlled substance, possesses a weapon, or causes serious bodily injury to another on school grounds or at a school function, the District may place the student in an interim alternative educational setting (IAES) for up to forty-five (45) school days. A court or BSEA Hearing Officer may also order the placement of a student who presents a substantial likelihood of injury to self or others in an appropriate interim setting for up to forty-five (45) school days.

For a copy of the Massachusetts Department of Elementary and Secondary Education brochure on Special Education Parents' Rights available in many languages visit <http://www.doe.mass.edu/sped/prb/>