



# **Students' Rights and Code of Conduct Handbook**

**School Year 2021-2022**

**Cynthia Paris  
Superintendent of Schools  
Lawrence Public Schools**

# LPS STUDENT RIGHTS AND CODE OF CONDUCT HANDBOOK

July, 2021

Dear LPS Community:

According to the General Laws of Massachusetts and Department of Education regulations, each school and school district is required to adopt a set of rules that ensures a safe school climate for effective learning. This handbook not only meets this requirement but also highlights our commitment to providing all students with a welcoming and supportive learning community, where our youth are encouraged and supported to develop their full potential – academically, socially and emotionally.

Our handbook expressly outlines the rights of students, the behavioral expectations for all school community members, and a code system for consequences when violations of policies do occur. Woven throughout is our district's commitment to restorative practices, in which all members of the learning community feel a sense of belonging, and to which all share a responsibility to ensure its well-being.

We know that learning goals are best met when students are present in school and when they feel welcome, safe and supported. To that end, consequences for violations of policy focus primarily on those that keep students in school. Examples range from verbal warnings and restorative conversations, to the creation of safety plans, detention, and in-house suspension. When behaviors jeopardize the safety of students or staff, exclusion from school may be possible, following due process guidelines that are also included in this handbook. New this year, and in line with these values, is a ban on PK and Kindergarten out of school suspensions.

The responsibility for creating a safe and caring learning community lies with all of us: LPS administrators, educators and staff, together with our students, parents and families. This Student Rights and Code of Conduct Handbook is our collective guide to ensuring a safe community and to providing an equitable, consistent and developmentally appropriate handling of disciplinary issues when they arise.

Please help us meet our shared goals by taking time to read this publication and to discuss it with your student(s). Parents and caregivers, please also complete the Release Forms at the back of this book and return them to your school. If you have questions, please do not hesitate to contact your school leader or to be in touch with my office.

Together we can ensure that all of our students experience a safe and caring learning community that fosters our students' academic, social and emotional development.

Sincerely,



Cynthia Paris  
Superintendent of Schools

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## **PREFACE**

The Lawrence Public Schools enforces all local, state, and federal laws and ordinances regarding civil rights, criminal behaviors, substance use, and school/workplace safety. To this end, the Lawrence Public Schools does not tolerate disruptive behavior, or any form of discrimination, threatening actions or statements, or illegal activities. It is essential that all members of our school community understand that physical and verbal aggression are not legitimate means of resolving conflicts and that such behaviors will be cause for disciplinary action.

State laws and corresponding regulations require public school districts to follow certain due process procedures to enforce school rules and implement discipline where appropriate. To that end, the LPS Code of Conduct has been developed in accordance with Massachusetts General Laws Chapter 71, Sections 37H, 37H ½, and 37H ¾, and related regulations, 603 CMR 53.00 et seq.. The LPS Code of Conduct also provides a critical framework for conditions necessary to provide all students with a safe and caring learning environment that fosters academic, behavioral, and social-emotional development.

The LPS Code of Conduct ensures appropriate, equitable and consistent handling of disciplinary challenges, standardizes procedures, including due process, making transparent for students, staff and families in the Lawrence Public Schools, the rules and procedures to which each member of the community must commit.

## **CONTEXT**

Education cannot proceed without a culture of community and a supportive atmosphere of order and discipline necessary for effective learning. Discipline is best thought of as being responsive to the violation and productive, rather than punitive; the results of which are focused on helping individuals learn to make choices that support the school community. As a working definition, order and discipline may be described as a safe and caring climate with the absence of disturbances that can interfere with the optimum functioning of the student, the class, and the school. Since the goal of public schools is to educate all students, short-term suspension and long-term suspension measures are reserved for matters that imminently impact student and/or school safety, or as a last resort for all other instances. Under this code, alternative disciplinary measures, including restorative justice practices, should be attempted as a positive approach to replace, or greatly lessen, the use of short-term suspension and long-term suspension.

Restorative justice is a philosophy that is focused on the school environment as a community. Restorative practices are value-based approaches that promote equity, accountability, and safety, while also increasing the social competencies of those who have harmed the community through their actions. When misconduct occurs, harm is done to the community, whether the community is a classroom, a cohort, or the entire school. Restorative justice looks at student misconduct as a harm to the school community that needs to be repaired in order to return the community to full strength. Its practices incorporate both the structures that work to prevent conflict by building a strong school community and the interventions necessary when misconduct results in harm to that community. Of importance is the critical role that all community members play in restoring their community, including the individual(s) accountable for the misconduct.

## **STUDENTS' RIGHTS**

### **1. EQUAL EDUCATIONAL OPPORTUNITY**

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

### **2. PROTECTIONS AGAINST DISCRIMINATION, INCLUDING HARASSMENT OR RETALIATION**

It is a violation of Lawrence Public School policy for any member of the school community to engage in any form of discrimination, including harassment or retaliation, or to violate any other civil rights of any member of the school community. As such, the Lawrence Public Schools does not tolerate discrimination by or against staff or students on the basis of race, color, gender, gender identity, age, religion, national origin, disability, sexual orientation, housing status, genetic information, or ancestry.

- Harassment may include, but is not limited to, any unwelcome, inappropriate, or illegal physical, written, verbal, graphic, or electronic conduct that relates to an individual's actual or perceived race, color, gender, gender identity, age, religion, national origin, disability, sexual orientation, housing status, genetic information, ancestry or any other category protected by state or federal law, and that has the purpose or effect of creating a hostile education or work environment by limiting the ability of an individual to participate in or benefit from the district's programs and activities or by unreasonably interfering with that individual's education or work environment.
  - Further, sexual harassment is defined as any sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
    - Submission to such is either explicitly or implicitly a term or condition of employment or academic status.
    - Submission to, or rejection of, such conduct is the basis for an employment decision or an academic decision affecting that person
    - Such conduct substantially interferes with a person's work or academic performance or creates an intimidating, hostile, or offensive working or learning environment.
  - Sexual harassment can take many forms, including, but not limited to:
    - Verbal Harassment - Sexual innuendo or other suggestive comments, humor and jokes about sex or gender-specific traits, offensive written notes, sexual propositions, insults, threats, inquiries into one's sexual experiences, and discussion of one's sexual activities.
    - Nonverbal Harassment - Whistling, making suggestive or insulting sounds and/or gestures, exhibiting suggestive photos or posters, or displaying suggestive reading materials.
    - Physical Harassment - Touching the body (i.e.: kissing, brushing up against, patting, pinching, hugging against a person's will) or involuntary sexual activity.

- Retaliation may include, but is not limited to, coercion, intimidation, interference, punishment, discrimination, or harassment, for reporting or filing a complaint of discrimination or harassment, cooperating in an investigation, aiding or encouraging another member of the school community to report such conduct or file a complaint, or for opposing any act or practice reasonably believed to be prohibited by LPS policy.

Students who believe they have been a victim of any form of discrimination, including harassment or retaliation, should report the conduct or file a complaint to any school staff or administrator.

The Lawrence Public Schools will enforce all laws pertaining to discrimination or harassment, including sexual harassment, and will, as such, promptly respond to and investigate all reports or complaints, formal and informal, written, oral, or otherwise given notice, of any discrimination, including harassment or retaliation, or other violation of civil rights. Any member of the school community who is found, after investigation, to have engaged in any form of discrimination, including harassment or retaliation, against another member of the school community will be subject to appropriate disciplinary and corrective action.

It is the policy of the Lawrence Public Schools (the "District") to maintain an environment that is free from all forms of discrimination and harassment, including all forms of sex-based harassment. The District does not discriminate on the basis of sex in any of its educational programs or activities. Title IX of the Education Amendments of 1972 and its regulations requires The District to not discriminate in such a manner. This requirement not to discriminate extends to admission and employment. Inquiries regarding Title IX and its regulations should be addressed to the District's Title IX Coordinator:

District Title IX Coordinator:  
Maricel Goris, Assistant Superintendent  
237 Essex Street, Lawrence, MA 01840  
[Maricel.Goris@lawrence.k12.ma.us](mailto:Maricel.Goris@lawrence.k12.ma.us)  
978-722-8262

Inquiries may also be made externally to:  
Office for Civil Rights (OCR), Boston Office  
U.S. Department of Education  
5 Post Office Square, 8th floor  
Boston, MA 02109-3921  
Telephone: (617)289-0111  
Facsimile: (617) 289-0150  
Email: [OCR.Boston@ed.gov](mailto:OCR.Boston@ed.gov)  
Web: <http://www.ed.gov/ocr>

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

Students shall have the right to distribute and possess any form of literature including, but not limited to newspapers, magazines, leaflets, and pamphlets, except that which the Principal may prohibit (i.e.: a specific issue of a publication or all issues of a specific publication) if in his/her judgment its possession or distribution will cause or is causing disruption of the educational

process. This right of distribution shall extend to school grounds and buildings; however, use of school equipment to develop, duplicate, or produce this material is not allowed.

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

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

#### **5. SEARCHES, INTERROGATIONS AND SEIZURES**

##### Searches by Staff

Under the Fourth and Fourteenth Amendments to the U.S. Constitution, students are protected from unreasonable searches and seizures conducted by public school staff. However, equipment assigned to students, such as lockers, desks and technology devices, belong to the Lawrence Public Schools, and school officials reserve the right to inspect such equipment at any time without notice. Students, and their person or personal property, including personal electronics, and backpacks located in desks and lockers, and vehicles on school property, may be searched by a public school official pursuant to the following procedure:

- There is reasonable suspicion to believe that a search will disclose evidence that the student has violated or is violating either the law or the rules of the school;
- “Reasonable Suspicion” for a student search may include, but is not limited to, for example, a school staff member’s personal observation that the student possesses contraband material on school premises, or the staff member’s receipt of a report to that effect by another school employee, a student, or some other reliable source. Even a report from an anonymous source may constitute reasonable grounds for a search, if all the circumstances persuade the school official that the report is reliable.
- When such reasonable suspicion exists, a search may be conducted under the explicit authorization of the Principal or his/her designee;
- The measures adopted are reasonably related to the objective of the search and are not excessively intrusive to the age and gender of the student and the nature of the infraction. The manner and method of the search must be tailored to the circumstances. The search should be limited to areas and objects that reasonably could be expected to obtain the contraband material or evidence being sought;
- Items, which might be used to disrupt or interfere with the educational process, such as weapons, will be removed from the student’s possession and may be turned over to law enforcement officials.

### Interrogations, Arrests, and Searches by Police

- When law enforcement officials find it necessary to question students during the school day or periods of extracurricular activities, the school Principal or his/her designee will be present when possible. Except in exigent circumstances, the school Principal or his/her designee will attempt to contact the student's parent or guardian prior to the student's questioning by law enforcement.
- Where the police have obtained an arrest or search warrant authorizing a search of a student, his or her personal property, or school equipment assigned to such student, the school Principal or his/her designee will be present.
- If law enforcement officials must arrest or take into custody a student on school grounds during school hours or during a school event, the Principal and his/her designee will be notified before the student is arrested or taken into custody. Law enforcement officials will consult with school officials to determine the least disruptive way to take the student into custody.

### **6. Physical Contact**

Corporal punishment is prohibited by state law. Note that a teacher or other school personnel may use physical force against a student if that force is reasonable and necessary:

- To obtain possession of a weapon or other dangerous object; or
- To protect any person, provided there is a clear and present danger to that person; or in self-defense.

### **BEHAVIORAL EXPECTATIONS**

The Lawrence Public Schools has outlined below a list of behavioral expectations that support the development and maintenance of a safe, productive learning environment.

#### **LPS Student and Staff Expectations**

1. Be respectful of self and others.
2. Take responsibility and be responsible for your actions.
3. Work together to form a supportive and caring community.
4. Be on time and prepared for school and learning.
5. Put forth the effort necessary to be successful every day.

### **APPLICATION OF THE CODE OF CONDUCT**

The Code of Conduct and its provisions shall be applicable during regularly scheduled school hours as well as such other times and places including, but not necessarily limited to: early arrival and dismissal times, school buses, designated school bus stops, school yards, direct routes to and from school, and school-sponsored events (i.e.: dances, field trips, athletic functions, after school programs, and the like), where appropriate public school personnel have jurisdiction over students. It is the responsibility of every school administrator, staff member, student, and parent/guardian to abide by the Code of Conduct described in

the policy statement and published annually for home distribution, online publication, and posting in each school in the Lawrence Public Schools. This Code shall help ensure a safe and caring learning environment in all schools and classrooms. Individual schools may establish particular rules and regulations in keeping with their school comprehensive educational plan, as long as these rules and regulations are consistent with the law and the guidelines described in this Code. Any individual school rules or regulations must also be made available to students and parents, and posted throughout the school and on the school's webpage. Principals should involve students and parents in writing, revising, and administering individual school rules, addressing problems that lead to disciplinary proceedings, and exploring alternatives to suspension and long-term suspension for disciplinary sanctions.

### **RECORD KEEPING**

In accordance with the Massachusetts Educational Reform Act, a confidential discipline record will be maintained for all students and forwarded to any school district to which a student may relocate or apply for admission. This record shall include, but not be limited to, any incidents involving suspension or violation of criminal acts. All students entering the Lawrence Public Schools shall be required to provide the district with a complete school record, including their discipline record.

### **NOTIFICATION**

Parents must be notified of all violations by their child of the Code of Conduct. Such notification occurs consistent with the particular violation and related process and procedure.

### **MEMORANDUMS OF UNDERSTANDING**

In order to ensure a safe and caring educational environment, the Lawrence Public Schools has created Memorandums of Understanding with the Lawrence Police Department, the Department of Children & Families, the District Attorney's Office, and others to facilitate communication between schools, law enforcement, and social service agencies, as needed. Acts, behaviors, or events that jeopardize the immediate safety or civil rights of any member of the school community and/or violate the criminal laws of the Commonwealth of Massachusetts could be cause for filing a mandatory incident report. These could include:

- Any incident of assaultive behavior, provoked or unprovoked, resulting in an injury to a staff member or student
- Any inappropriate sexual behavior that includes indecent exposure (to include on social media), touching, fondling, and rape
- Incidents of civil rights violations
- Threats of bodily harm
- Arson, bomb threats, or false alarms
- Vandalism, destruction of property, or theft
- Possession of a dangerous weapon

- Violation of a restraining order
- Extortion
- Use or possession of alcohol or a suspected controlled substance, including but not limited to marijuana, cocaine, heroin, prescription drugs without a valid prescription, and any related paraphernalia
- Per section 36 of the Educational Reform Act of 1993, use or possession of tobacco products within the school building, school facilities, on school grounds or on school buses by any individual. E-cigarettes, Juuls, and Vaping devices are also prohibited.
- Sale or distribution of alcohol or a suspected controlled substance
- Gang activity

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

## **FUNDAMENTAL APPROACH**

The appropriate reaction to a discipline problem is the least extreme action that reasonably holds promise of resolving the problem with all involved parties. The age, grade level, and maturity of the student will be considered in the application of this policy. Students shall not be subject to corporal punishment. Included among appropriate reactions are parent notification, restorative justice practices, parent conferences, loss of privileges, counseling, after school and/or Saturday intervention, and in-school suspension. Out of school, short-term and long-term suspensions, and expulsions, while reserved for the most significant violations of the Code of Conduct, and/or when other remedies have failed, are also available tools, in accordance with the law.

## **DISCIPLINE GUIDELINES AND CODES**

In accordance with the student's right to due process (see, "Due Process"), the Lawrence Public Schools may discipline a student according to the following guidelines and discipline codes.

- **C code violations** are classroom level violations and discipline is at the discretion of the educator, or in accordance with any schoolwide plan communicated with families, and facilitated by the educator for which consequences do not include suspension. However, repeated, chronic or escalated C code violations may be elevated to the principal/designee for possible reclassification to a D code violation, which may result in suspension.
- **M and D code violations** are either mandatory (M) or discretionary (D) and discipline is facilitated by the school principal or designee.
- **Grade levels** - Unless otherwise noted, the code designations apply grades PK through 12.

**C code offenses** are violations of LPS policies and may require consequences to include verbal warning, verbal apology, letter of apology, parent notification, student and/or parent conference, loss of privileges, detention, or another solution that supports restorative practices.

C1	Violation of posted classroom, school, or bus rules
C2	Failure to complete class work
C3	Failure to complete homework (without an acceptable excuse or note from parent)
C4	Lack of proper materials/not ready for daily assignments
C5	Cheating on classroom tests or homework assignments
C6	Inappropriate attire/out of uniform
C7	Disruptive behavior or use of obscenities in the classroom or in any school setting or at any school sponsored event
C8	Defiance or disrespect towards peers or staff

C9	Possession or use of electronic devices/toys, including but not limited to: cell phones and other hand-held devices during regular school hours
C10	Late for class/tardy without parent/guardian notification (middle school and high school)
C11	Teasing of classmates or other children
C12	Threatening classmates or other children (PK, elementary)
C13	Verbal or physical aggressiveness towards peers or staff (PK-5); Verbal aggressiveness toward peers or staff (6-12)
C14	Destruction of classroom or school property

**D code offenses** are violations of LPS policy and/or state regulations and may require disciplinary consequences, including restorative practices, conferences, possible denial of participation in school related activities, including graduation exercises, in-school or out of school suspension, in accordance to M.G.L. c. 71, §37H ¾:

D1	Violation of any Lawrence Public Schools policy, including, but not limited to, the Policy on Bullying in Schools, Drug-Free Schools Policy, Safe Schools Policy, Tobacco-Free Schools Policy, and the Student Technology and Online Acceptable Use Policy and Guidelines
D2	Discrimination against or harassment of another student or school personnel on the basis of, but not limited to race, color, sex, gender identity, homelessness, national origin, religion, disability or sexual orientation (possible police notification).
D3	Stealing and/or willful destruction of school or personal property (possible police notification).
D4	Possession of a dangerous weapon, or use of, or threatened use of any object as a weapon (grades K-5) (mandatory police notification).
D5	Cheating on state assessments, plagiarism or forgery, including impersonating another person either verbally or in written form.
D6	Fighting or any physical or sexual assault or act of violence committed against another student or school personnel (grades K-8) (possible police notification).
D7	Unauthorized sounding of a fire alarm or tampering with defibrillators (grades K-5).

D8	Intimidation (causing fear or harm) or extortion, or threat of intimidation, extortion, or hazing directed toward another student or school personnel (grades K-5) (possible police notification).
D9	Hazing directed toward another student (grades K-5) (possible police notification).
D10	Being present in the company of a person the student knows is using or selling illicit drugs or alcohol, or is otherwise violating an item on the Code of Conduct and who fails to remove themselves from the situation (possible police notification).
D11	Bullying that is unresponsive to classroom interventions, or for which the scope is larger than the classroom, or retaliation related to a bullying incident, reporting, or investigation (grades K-5) (possible police notification).
D12	Aiding, abetting or encouraging bullying, fighting, or any act of violence, or making a false allegation of bullying or retaliation or any act of violence.
D13	Possession and/or use of tobacco products or related paraphernalia of any type including Electronic Nicotine Delivery Systems (ENDS) regardless of whether they contain nicotine in any school facility, school bus, or on school grounds.
D14	Creating a video or audio recording of another person in school or at a school-sponsored event, without obtaining the consent of the person whose image or voice was recorded.
D15	Targeted use of obscene, abusive or profane language or gestures, or rude or defiant behavior, any of which disrupts the educational process or school activity.
D16	Failure to identify one's self truthfully upon request of any school personnel.
D17	A pattern of defiant behavior towards any school personnel or policy.
D18	Behavior that endangers persons or property or substantially disrupts the educational process or school activity (possible police notification).
D19	Giving off a strong odor of alcohol or marijuana (possible police notification).
D20	Presence in unauthorized areas.
D21	Persistent or excessive truancy and/or tardiness to class and class cutting, when other documented remedies have failed.

D22	Violation of any criminal law of the Commonwealth of Massachusetts, including, but not limited to, gambling or stalking, not already covered by these rules (possible police notification).
D23	Unauthorized use of school materials, equipment or property.
D24	Reselling of food, refreshments or other items without permission of a school sanctioned, sponsoring group.
D25	Opening or propping open a school's exterior doors to let people in, to include but not limited to, late arrivals, visitors and deliveries.
D26	Exiting school without permission.
D27	Gang related activity.
D28	Refusal to serve an in-school suspension.

**M code offenses** are violations of LPS policy and possibly state or federal laws and must be addressed utilizing either a disciplinary consequence previously outlined, or options for suspension or expulsion, according to M.G.L. c. 71, §37H, §37H½ and §37H¾. Some violations may include possible police involvement as indicated below. Police notification should be carefully considered when there is a “real and substantial harm or threat of harm” to persons or property pursuant to the MOU.

M1	Possession of firearms (mandatory police notification).
M2	Striking a teacher or other school personnel (grades 6-12) (possible police notification).
M3	Possession, sale, distribution, intent to distribute, use or manufacture of controlled substances or alcohol (mandatory police notification).
M4	Possession of a dangerous weapon, or use of, or threatened use of any object as a weapon (grades 6-12) (mandatory police notification).
M5	Use of, or threatened use of a knife, including a pocket knife, as a weapon (mandatory police notification).
M6	Fighting or any physical and/or sexual assault or act of violence committed against another student or any school personnel (grades 9-12) (possible police notification).

M7	Unauthorized sounding of a fire alarm or tampering with defibrillators (grades 6-12).
M8	Setting fires (mandatory police and fire department notification).
M9	Intimidation (causing fear or harm) or extortion, or threat of intimidation, or extortion directed toward another student or school personnel (grades 6-12) (possible police notification).
M10	Hazing directed toward another student (grades 6-12) (possible police notification).
M11	Bullying or retaliation related to a bullying incident, reporting, or investigation (grades 6-12) (possible police notification).
M12	Being under the influence of controlled substances or alcoholic beverages, or suspicion of use of controlled substances, or in possession of any drug paraphernalia (mandatory police notification for possession of drug paraphernalia).
M13	Possession, distribution or intent to distribute, and/or the manufacture of sexually explicit images and/or video (possible police notification).

The term "dangerous weapon" shall include, but not be limited to, any type of firearm, knife or martial arts equipment, explosive devices (including fireworks), or a facsimile of a dangerous weapon. Any dangerous weapon in the possession of a student shall be removed from the student's custody, and any illegal weapon shall be turned over to the Lawrence Police Department. All other weapons shall be returned to the student or parent/guardian at the discretion of the principal or his/her designee. There shall be notification of the possession of a weapon to parents or guardians before the weapon is returned.

The term "controlled substances" shall include all controlled substances as defined in G.L. c.94C, including, but not limited to: amphetamines, barbiturates, hallucinogens, marijuana, narcotics, or prescription drugs for which the student does not have a valid prescription.

The possession, distribution or intent to distribute, and/or manufacture sexually explicit images and/or video of individuals under the age of 18 can be considered by law enforcement as child pornography and may be an arrestable offense.

## **TYPES OF SUSPENSION**

A suspension is a removal from regular classroom activities. The principal/designee has the sole responsibility for determining who is suspended.

- **In-School Suspension (ISS)**: At the discretion of the principal/designee, in-school suspension may also be imposed for violation of the student code of conduct. In-school suspension means the student is removed from regular classroom activities, but not from the school premises.
- **Short-term suspension (STS)**: is the removal of a student from the school premises and regular classroom activities for 10 consecutive days or less.
- **Long-term suspension (LTS)**: means the removal of a student from the school premises and regular classroom activities for more than 10 consecutive days.

A student serving an out of school suspension is restricted from entering the school buildings, or coming onto school grounds; and a suspended student may not participate in any school-sponsored activities or functions during the suspension period.

## **SUPERINTENDENT'S DIRECTIVE ON SUSPENSIONS:**

Starting SY21-22, LPS has banned PK and Kindergarten out of school suspensions. Additionally, the Superintendent must be contacted prior to conducting a hearing for any of the following:

- Short term or long term suspensions of a student in grade 1 through grade 3 (required by state law-M.G.L. c. 71 Section 37H  $\frac{3}{4}$ ).
- Long term suspensions (10-90 days) of a student grades 4-12, pursuant to M.G.L. c. 71 Section 37H  $\frac{3}{4}$ .
- Any suspension or expulsion pursuant to M.G.L. c. 71 Section 37H (drugs, dangerous weapons, assault on staff).
- Any suspension or expulsion pursuant to M.G.L. c. 71 Section 37H  $\frac{1}{2}$  (felony)

Emergency Removal of a student in any grade (state law regulations require a written explanation to the Superintendent of the reason for the removal *before* the student is sent home).

## **DUE PROCESS**

The legal term "due process" comes from the Fifth and Fourteenth Amendments to the United States Constitution. The Fifth Amendment provides in part: "...nor shall any person be . . . Deprived of life, liberty, or property without due process of law." The Fourteenth Amendment reads as follows:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law, which shall abridge the privileges or immunities of citizens of the United States, nor shall any state deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

In January 1975, the United States Supreme Court ruled that public school students facing suspension are protected by the Due Process Clause of the Fourteenth Amendment. Because state statutes require school districts to maintain schools and require students to attend them, the Court stated that public education is a property interest. Deprivation of education (through suspension) without minimum procedural protections is thus a violation of the property interest protection of the Due Process Clause of the Fourteenth Amendment.

In the Lawrence Public Schools, due process is implemented in accordance with M.G.L. c. 71, §37H and M.G.L. c. 71, §37H ½ and 37H ¾. In administering discipline, school officials will be careful to observe the right to due process under the law for each student. The nature of the violation determines the due process that school officials follow.

### **In-School suspensions (ISS):**

Under Section 37H ¾, school leaders may opt for in-school suspension (ISS) in response to relevant violations. School leaders must implement the following procedures:

- Investigate the situation
- Verbally inform the student of the infraction
- Provide the student with the opportunity to dispute the charges and explain the circumstances surrounding the alleged incident.
- If the principal/designee determines that the student committed the disciplinary offense,
  - Inform student of the length of the ISS (number of days at the discretion of the school leader but not to exceed 10 days, cumulatively or consecutively, in a school year). If an in-school suspension does exceed 10 days, a long-term out-of-school suspension hearing must occur prior to the in-school suspension exceeding 10 days.
- In-school suspension does not require prior notification to the parent/guardian. In-School Suspension can start immediately.
- On the same day as the decision - make reasonable efforts (defined as two attempts by phone on that day) to notify parents/guardians and invite them to a meeting to discuss the behavior.
  - If parent/guardian cannot be reached for meeting that day, offer a second meeting time and date in writing
- Send written notice about the ISS to include length and reason on the day of the suspension via email/mail/by hand and offer a meeting to discuss behavior.

Students serving ISS will have the opportunity to make up tests/assignments.

### Appeal process:

There is no opportunity for appeal of the principal's decision to in-school suspend a student.

### **Short-Term, Out of School Suspensions (STS):**

Under Section 37H  $\frac{3}{4}$ , school leaders may utilize short-term suspensions (1-10 days) (STS) in response to relevant violations. Following an investigation, the principal or designee:

- Determines that a violation of the handbook may have occurred and is anticipating there may be a serious disciplinary consequence.
- Provides written notice of charges and invites parent/guardian and student to a hearing with him/her, giving them the opportunity to hear charges and the results of investigation, as well as provide mitigating information. Parent/guardian has the right to request an interpreter.
  - A Short-Term Suspension may not be imposed without first providing the Student and Parent/Guardian oral and written notice, and an opportunity to participate in a hearing with the principal.
- Principal holds a hearing prior to determining discipline, at which time Student and Parent/Guardian have the right to provide information and mitigating circumstances.

Students will continue to attend school until after their hearing and a decision has been made.

Students will be able to make up any academic work missed during the suspension and be provided with assignments during the suspension.

#### Appeal process:

There is no opportunity for appeal of the principal's decision to short-term suspend a student.

### **Long-Term, Out of School Suspension (LTS):**

Under Section 37H  $\frac{3}{4}$ , school leaders may utilize long-term suspensions (11-90 days) (LTS) in response to relevant and significant violations. Additionally, school leaders must utilize the LTS process if the student has or will accrue 10 or more days from earlier ISS and/or ST suspensions in the same school year. A long term suspension shall not extend beyond the end of the school year in which the suspension is imposed.

Principal or designee will provide written notice of charges and invite parent/guardian and student to a hearing with him/her, giving them the opportunity to hear charges and the results of the investigation, as well as provide mitigating information. Parent/guardian has the right to request an interpreter.

In addition to these rights, a student and parent/guardian at a LTS hearing also have the right to:

- Invite to the hearing legal counsel or an advocate, at their expense
- Review the student record, including all documents concerning the investigation, prior to the hearing
- Call witnesses at the hearing, present their own side of the story, cross examine witnesses from the school, and provide mitigating information to be considered
- Request the meeting to be recorded by LPS and receive a copy (all participants must be notified)

Students will continue to attend school until after their hearing and a decision has been made.

Students serving LTS will be provided the opportunity to make academic progress based on the selection made from the options listed on the School-wide Educational Services Plan provided to the student and parent/guardian. There must be a minimum of two options provided to student and parent/guardian.

#### Appeal process for LTS

Under Section 37H ¾, student and Parent/guardian have five (5) calendar days following the effective date of the LTS to submit a written request for appeal to the Superintendent. Student and Parent/guardian may be granted an extension of up to seven (7) additional calendar days to submit a written request for appeal, provided the request for extension takes place within the five (5) calendar days. If the appeal is not timely filed, the Superintendent may deny the appeal, or may allow the appeal in his or her discretion, for good cause.

The Superintendent will hold a hearing with the student and the parent(s)/guardian(s) within three (3) school days of the student's request for an appeal. The time may be extended up to seven (7) additional calendar days if requested by the parent(s)/guardian(s). The Superintendent's hearing may proceed without the parent(s)/guardian(s) if a good faith effort was made to include parent(s)/guardian(s). The Superintendent shall be presumed to have made a good faith effort if he or she has made efforts to find a day and time for the hearing that would allow the parent and Superintendent to participate. The Superintendent shall send written notice to the parent of the date, time, and location of the hearing.

At the hearing, the Superintendent shall determine whether the student committed the disciplinary offense of which the student is accused, and if so, what the consequence shall be. Students shall have all of the rights afforded to students at the Principal/designee's hearing for long-term suspensions. The Superintendent will issue a written decision within five (5) calendar days of the hearing. If the Superintendent determines that the student committed the disciplinary offense, the Superintendent may impose the same or a lesser consequence than the principal/designee, but shall not impose a suspension greater than that imposed by the principal/designee decision. Pending the outcome of any such appeal, the disciplinary sanction imposed shall remain in effect. Superintendent's decision is the final decision of the district.

#### **Expulsion or Suspension under Section 37H:**

Under Section 37H, the principal may expel (or has discretion to suspend instead) students in grades 9-12 for:

- Possession of a dangerous weapon
- Possession of a controlled substance (including marijuana)
- Assault on a member of educational staff
  - Physical assault; or a threat of physical assault; with means to carry it out, and the staff member is in reasonable fear of immediate danger

Note: Section 37H does not apply to grades K-8; students in these grades may not be expelled from school.

The school must notify student and parent/guardian in writing of a hearing with the Principal. At that hearing the student may have representation, along with the opportunity to present evidence and

witnesses. Student remains in school until the date and time of the hearing. Parent/guardian has the right to request an interpreter.

During a Section 37H suspension that is less than 10 days, a student will be able to make up any academic work missed during the suspension and be provided with assignments during the suspension.

During a Section 37H expulsion or a suspension that is more than 10 days, students will be provided the opportunity to make academic progress based on the selection made from the options listed on the School-wide Educational Services Plan provided to the student and parent/guardian. There must always be a minimum of two options provided to student and parent/guardian.

#### Appeal Process:

The student and parent/guardian have the right to request an appeal to the Superintendent for an expulsion under Section 37H. If a school leader decides to suspend, rather than expel, that action is not appealable. The appeal for a Section 37H expulsion must be requested within 10 days from the date of the expulsion. The student will serve suspension while the appeal is pending.

#### **Expulsion or Suspension under Section 37H ½:**

If a student is charged with a felony, s/he may be suspended from school if the principal determines that the student's continued presence 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 suspension prior to such suspension taking effect, and a hearing is held by the principal. Parent/guardian has the right to request an interpreter.
- The length of the suspension may run during the pendency of the felony charge. If convicted (or the student admits to sufficient facts) of a felony, the student may be expelled via a hearing, utilizing the same determination regarding "substantial detriment."

#### Appeal Process:

Unlike Section 37H, a student and parent/guardian have the right to appeal the suspension or expulsion to the Superintendent. The appeal for a Section 37H ½ suspension or expulsion must be requested within five (5) days from the date of the decision. The student will serve the suspension while the appeal is pending.

#### **Manifestation Determination Review:**

Before a long term suspension (more than 10 days consecutively or cumulatively) or expulsion hearing can be initiated for a student on an IEP, on a 504, or currently undergoing testing, the student's Team must conduct a "**manifest determination.**" Student and the parent/guardian are invited to this **meeting**

where it must be determined whether the conduct in question by the student was caused by or had a direct and substantial relationship to the student's disability, or if the conduct in question was the direct result of the school's failure to implement the current, signed IEP.

The Manifestation Determination Review (MDR) should be conducted immediately prior to the Disciplinary Hearing. The principal, or designee for the discipline hearing, should not be present for the MDR. If the team decides the conduct is a manifestation of the student's disability, the discipline hearing is canceled and replaced with a Team Meeting.

Manifestation determinations involve a discussion that includes the parents/guardians and the team members. However, the final determination is made by the school, informed by the parent/guardian.

There is not a District level appeal to the MDR, the appeal is to the Bureau of Special Education Appeals and parents will be informed of those rights at the MDR.

If a student has more than 10 days of suspension, a MDR must be held for every disciplinary event thereafter.

#### **Emergency Removal under 603 CMR 53.07:**

A school leader may remove a student temporarily, for up to two days maximum, if s/he finds that the student's continued presence is a:

- Threat, or disruption due to the intensity and severity of the behavior, and
- There is no alternative available to alleviate danger or disruption.

Under these conditions:

- A school leader must notify the superintendent in writing prior to removal, and include the reason the student is considered "a danger to person or property" or "materially disrupts the smooth functioning of the school."
- The school leader must also orally notify the student and parent/guardian that same day. S/he may not remove a student under the age of 18 without prior notification.
- The school must also identify that student, if under 18, is accompanied home by parent or designee.
- Principal will give the student and parent/guardian an invitation to attend a Hearing within two (2) days of the emergency removal and follow the ST or LT Suspension procedures outlined above.
- The up to two days maximum emergency removal are to be included in the total number of days suspended.

#### **OPPORTUNITY TO MAKE ACADEMIC PROGRESS**

Any student who is suspended shall have the opportunity to earn credits, make up assignments, tests, papers, and other school work as needed to make academic progress during the period of his or her removal from the classroom or school.

Any student who is expelled or suspended out of school for more than 10 consecutive days, shall have an opportunity to receive education services and make academic progress toward meeting state and local requirements, based on the selection made from the options listed on the School-wide Educational Services Plan provided to the student and parent/guardian. There must be a minimum of two options provided to the student and parent/guardian.

The Principal/Designee shall inform the student and parent/guardian of this opportunity in writing, in English and in the primary language of the home, when such suspension or expulsion is imposed. The notice shall include a list of the specific education services pursuant to the School-wide Educational Services Plan available for the student to choose from, as well as contact information for a school staff member who can provide more detailed information.

Education services shall be based on, and be provided in a manner consistent with, the academic standards and curriculum frameworks established for all students under the law.

### **OTHER DISCIPLINARY CONSEQUENCES**

Extracurricular/School-Based Activities: The Principal/Designee may, as a disciplinary measure, remove a student from privileges, such as extracurricular activities and attendance at school-sponsored events, based on the student's misconduct. Such a removal is not subject to the due process protections under the law and/or this Policy.

Bus Privileges: A student's bus privileges may be revoked if the Code of Conduct violation occurs on a school bus or while waiting to board, boarding, or exiting said school bus. Such a removal is not subject to the due process protection under the law and/or this Policy unless the student has transportation as part of their current IEP.

Involuntary Transfer: The Superintendent, or his/her designee, at his or her discretion, as a disciplinary consequence, may transfer a student from one school assignment area to another within the Lawrence Public Schools. This may include the revocation of a student's assignment variance.

### **DATA COLLECTION AND REPORTING**

For each student expelled or suspended from school for more than 10 consecutive days, whether in-school or out-of-school, the school district shall document the student's enrollment in education services. For data reporting purposes, the school shall track and report attendance, academic progress, and such other data as directed by the Department of Elementary and Secondary Education.

The school district shall collect and annually report data to the DESE regarding in-school suspensions, short- and long-term suspensions, expulsions, emergency removals, access to education services, and such other information as may be required by the DESE.

The Principal/Designee of each school shall periodically review discipline data by selected student populations, including but not limited to race and ethnicity, gender, socioeconomic status, English language learner status, and student with a disability status in accordance with law and regulation.

## **LPS POLICY REFERENCES**

All of the policies listed here can be found on the LPS website, [www.lawrencepublicschools.org](http://www.lawrencepublicschools.org).

- AC Non-Discrimination
- ACA Title IX Sexual Harrassment
- ACE Non-Discrimination on Basis of Disability
- ADB Drug-Free Schools
- ADC Tobacco-Free Schools
- ADD Safe Schools
- IJNDB Acceptable Use Policy, including Wireless Access addendum
- JEA Attendance, Pre-K through Grade 8
- JEC Attendance, High School
- JIC Student Discipline
- JICFB Bullying in Schools
- JKAA Physical Restraint

## **DEFINITION OF TERMS**

**Aggressiveness:** Characterized by or tending toward unprovoked offensives, attacks, invasions, or the like; militantly forward or menacing

**Assault:** Physical assault; or a threat of physical assault; with means to carry it out, and the staff member is in reasonable fear of immediate danger

**Bullying:** Repeated, unwanted behaviors committed by one or more individuals against another, to include internet or social media activity. These acts may be physical or verbal in nature, such as: hitting, taunting, manipulating friendships, or purposely excluding other children from activities.

**Chronic Behavior:** A behavior which has developed into a pattern and is demonstrated more often than not.

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

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

**Defiance:** Refusal to follow school or classroom rules; refusal to follow directions; challenging a staff's authority; talking back to staff.

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

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

**Electronic Devices:** Non-instructional items which are battery operated or electrically charged, including but not limited to: cell phones and other hand-held devices, tablets, laser pointers, etc.

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

**Felony:** A serious crime punishable, by statute, by a term of imprisonment in a state prison.

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

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

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

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

**Harassment:** To torment someone through verbal, written (including online), or physical attacks.

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

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

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

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

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

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

**Repeated Behavior:** A behavior which occurs more than once in a short time period.

**Tardiness:** Being late for school without good cause as determined by the school principal.

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

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

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

**Truancy:** Being absent from school without notification to the school by a parent/guardian or the student, if 18 years or older.

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

## Releases and Acknowledgements

*These pages should be signed, dated and returned to your school.*

### **DISCIPLINE CODE ACKNOWLEDGMENT STATEMENT**

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

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

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

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

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

### **DETENTION AUTHORIZATION**

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

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

**REQUEST TO WITHHOLD STUDENT DIRECTORY INFORMATION**

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

\_\_\_ All directory information                      \_\_\_ Only directory information to military recruiters

\_\_\_ The following portions of the directory information: \_\_\_\_\_

\_\_\_\_\_

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

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

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

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

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

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

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

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

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