



HOLYOKE PUBLIC SCHOOLS
JUNTOS PODEMOS | TOGETHER WE CAN

HOLYOKE PUBLIC SCHOOLS
Code of
Conduct
2023-2024

*Policies and other information contained in this Code of Conduct are subject to change.
Families are encouraged to consult with their childrens' school administrators for more information.*

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Forward

Our Vision

Holyoke Public Schools is a high-performing school system where students reach their full potential, educators inspire, families are partners, and the community thrives.

Our Mission

Through an equitable, high-quality education, and trusting relationships, all Holyoke students develop the skills and access the opportunities to graduate high school prepared for life, career, and college.

Core Beliefs

We believe

- Students are at the center of everything we do.
- Every child can and will learn.
- School is a joyful place of discovery, support, and belonging.
- Students and staff hold high expectations for themselves and each other.
- Trusting relationships lead to successful partnerships.
- Our equity commitments are enacted in our daily work.

Equity Commitments

- We intentionally build a community that is anti-racist, inclusive, and culturally responsive.
- We ensure that students, families, and staff get the support they need to be successful.
- We seek out and incorporate the voices of those impacted, with a commitment to include those who have been excluded in the past.
- We promote access and inclusion for all students, staff, and families.
- We respect, embrace and honor the diversity of our students, families, staff, and community.
- We reflect on our own behavior to minimize harm to others.
- We create a culture of acceptance and empathy so that everyone feels valued and is able to contribute to our community's success.

School Culture and Climate

Providing a School Culture and Climate in which all students feel safe and valued is one of Holyoke Public Schools top priorities. Ensuring that each of our schools creates a positive, supportive, safe, and civil climate for students, families and staff will require the consistent application and reinforcement of community norms, values, practices, and policies that work to support positive, equitable and inclusive organizational culture. The intended outcome of our Code of Conduct is a safe and civil school climate and culture that includes a spectrum of environmental and systemic supports and safeguards that improve learning conditions and behavioral outcomes for all students, address student's social/emotional and behavioral needs, enhance student engagement and help students develop the adaptive skills essential to lifelong health and self-actualization.

Nondiscrimination and Equal Educational Opportunity

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

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

This Student Code of Conduct is reviewed annually and revised as appropriate and/or necessary in order to bring into compliance with:

- M.G.L. Chapter 71
- M.G.L. Chapter 76
- M.G.L. Chapter 380, Acts of 1993
- M.G.L. Chapter 92, Acts of 2010
- M.G.L. Chapter 222, Acts of 2012
- P.L. 013-382 (Gun-Free Schools Act of 1994)
- Section 504 of the Rehabilitation Act of 1973
- Individuals with Disabilities Act (IDEA)

This Code of Conduct has been translated into the major languages spoken by parents or guardians of District students. If a parent's or student's primary language is not English, and the school has not already translated a student handbook or student code of conduct into their primary language, the school will translate a handbook and/or code of conduct into that language. The District will also make oral interpretation available for any parent or guardian with limited English skills, including parents or guardians who speak low-incidence languages. Title VI; EEOA 20 U.S.C. 1703(f); M. G. L. c. 76, section 5; 603 CMR 26.02(2); 603 CMR 26.03; 603 CMR 26.08

Guiding Principles

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

- Recognition and respect for the diverse population in the schools and community are paramount.
- All children must be assured that they can learn in a non-disruptive atmosphere and can be treated in a fair, consistent and nondiscriminatory manner.
- Creating safe, healthy, and supportive school environments with collaborative services is a necessary foundation for improving educational outcomes for all students, especially those with behavioral health challenges.
- Improving educational outcomes for students with behavioral health challenges requires that schools become environments that provide support at three levels of care and instruction:
 - Promotion: Schools foster the emotional well-being of *all* students through school-wide approaches to support positive behavioral health;
 - Prevention: Schools provide support to intervene early to minimize escalation of identified behavioral health symptoms through targeted collaborative supports; and
 - Intervention: Schools provide and participate in coordinated care for the small number of students demonstrating considerable need. These three levels should not be treated as silos; activities to address each level must take place throughout the whole school, in classrooms, in small groups, and with individual students and families.
- Schools can tailor local solutions to address the needs of their communities at these three levels through organization by the following six-part framework:
 - Leadership by school and district administrators to create supportive school environments and promote collaborative services that reliably address each of the three levels.
 - Professional development for school administrators, educators, and behavioral health providers through cross-disciplinary training(s).
 - Access to resources and services by identifying, coordinating, and creating school and community behavioral health services to improve the school-wide environment. The framework recognizes the need for resources that are clinically, linguistically, and culturally appropriate for students and families.
 - Academic and non-academic approaches that enable children to learn, including those with behavioral health needs, and that promote success in school.
 - School policies, procedures, and protocols that provide a foundation for schools to implement and support this work.
 - Collaboration with students and families where students, parents/guardians, and families are included in all aspects of their children's education.

Why We Need a Code of Conduct

Holyoke Public Schools' Code of Conduct is based upon the laws, rules, regulations, and policies that seek to allow access to education and a safe and supportive school environment for all while protecting the due process rights of the individual. Discipline, as defined by the Code, must have the qualities of understanding, fairness, flexibility and consistency. It is the responsibility of the school personnel, students, parents/guardians, and the community to contribute to a school atmosphere which promotes a safe, healthy, and supportive whole-school environment that is conducive to learning. Preventive and positive discipline is a shared responsibility for students, administrators, teachers, parents/guardians, and the community.

The challenges presented by COVID-19 substantially disrupted the lives of all our students, families, and employees. For many in our school community, the disruption has been traumatic. It is our hope that this new Code of Conduct will support the healing process as we work together to re-establish a sense of predictability in the post-Covid era. We are committed to advocating for students and it is our mission to support the whole child, and their well-being in their experience in our HPS community.

The Code of Conduct is intended to be instructive, not punitive and is based on the principles of preventive and positive discipline (i.e., interventions, skill building and consequences) and will be aimed at addressing the causes of misbehavior, resolving conflicts, meeting students' needs, and keeping students in school and engaged in learning. In addition, the Code of Conduct is intended to create clear expectations and graduated levels of support and intervention for all students with consequences for misbehavior that are individualized, consistent, reasonable, fair, age appropriate and that match the severity of the student's misbehavior. The Holyoke Public Schools recognizes the importance of individual student growth and development within a safe environment that supports and encourages learning. To help maintain that environment, the Code of Student Conduct will:

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

Each disciplinary case will be decided according to the facts accompanying it. Efforts will be made to discipline students while maintaining them in regular school programs. The Holyoke Public Schools encourages parent(s) and guardian(s) to be involved in the disciplinary process. Due process will be followed for all disciplinary actions. In accordance with the United States Constitution and applicable federal and state laws and regulations, no student shall be suspended, excluded, or otherwise disciplined on account of race, color, national origin, ethnicity, religion, sex, sexual orientation, gender identity, disability, age, genetics, or active military status. M.G.L. c. 76, § 5.

The Code of Student Conduct is in force:

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

Additionally, it is important to understand that Massachusetts General Law Chapter 71, Section 37H1/2 provides a principal with authority to suspend a student for conduct that occurs away from school if the student is charged with a felony or is the subject of a felony delinquency complaint and the principal determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school. This law also provides a principal with authority to expel a student who has been convicted, adjudicated, or has admitted to guilt with respect to a felony or felony delinquency, if the principal determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school. In addition, bullying and/or discriminatory harassment which takes place off of school grounds and away from school sponsored activities may result in school-based disciplinary consequences to the extent that it is determined that the conduct resulted in the creation of a hostile school environment for the target of such conduct.

Preventive Measures Emphasized in the Code of Conduct

The vision of Holyoke Public Schools is a high-performing school system where students reach their full potential, educators inspire, families are partners, and the community thrives. Our students will:

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

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

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

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

Parent/Guardian, Student, and School Personnel Responsibilities

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

Parent/Guardian Responsibilities

All parents/guardians have the responsibility to:

- Treat all members of the school community with respect and dignity. Familiarize yourselves with the Code of Conduct and the Civil Rights and Safety Policy.
- Ensure that children attend school regularly and monitor that they arrive on time each day
- Keep in regular communication with the school concerning their child's behavior and achievement.
- Inform, instruct, and assist their children to behave in a reasonable manner consistent with established school community norms, values, practices, rules and regulations, respecting the rights and property of others, in conformity with this Code.
- Bring to the attention of school principal or designee any need for their child related to academic or behavioral support and collaborate with the school team in developing a positive and proactive solution.
- Attend and participate in any activity or conference arranged for the benefit of their child(ren).
- Consult the school principal/counselor/teacher when issues arise.

Student Responsibilities

All students have the responsibility to:

- Treat all members of the school community with respect and dignity.
- Understand and adhere to this Code of Conduct and other reasonable rules and regulations established by the administration, school authorities, administrators and teachers.
- Respect the rights of fellow students, as well as teachers, administrators, other school personnel, and school guests.
- Respect the educational process and learning environment by refraining from tardiness, truancy, and unexcused absences, and by fully participating in the academic life of the school.
- Act in a responsible and reasonable manner, as established by school community norms, values, practices, rules and regulations, while in attendance at all school or school related functions held on or off school grounds.
- Come prepared for class, complete assignments and make-up work on time.
- Initiate communication and inquire with the appropriate teacher, as to when and how class work, including examinations missed during absences, can be completed.
- Seek academic and/or counseling support when needed.

School Administrator and Personnel Responsibilities

- Develop and implement a multi-tiered system of support to provide a safe and supportive school environment for each student
- Treat all members of the school community with respect and dignity.
- Understand state law, district policy, school rules and regulations set forth in the Code of Conduct.
- Ensure that students and parents are appropriately informed of district policy, school rules, regulations, and student, parent, and school personnel rights and responsibilities under the Code of Conduct.
- Model and maintain norms, values, practices and policies that address student's social/emotional and behavioral needs in a fair, consistent, positive, equitable and inclusive manner.
- Enact methods of student engagement and behavioral support that are positive, proactive, restorative and progressive.
- Address and resolve behaviors that are inconsistent with established school community norms, values, practices,

rules and regulations in a restorative, productive, non-punitive manner by every reasonable means short of exclusion from school.

- Invite and encourage family participation, collaboration and communication with the school.
- Engage the services of special personnel, guidance counselors, district support staff and/or community agencies to support student's physical, emotional, cognitive, and social development.
- Ensure all communication with families is translated into native languages.
- Ensure due process by completing all forms provided for the documentation of behavioral incidents that are inconsistent with established school community norms, values, practices, rules and regulations, as required by law and by the Holyoke Public School System
- Report violations of the Code of Conduct and the Civil Rights and Safety Policy.

Definitions

Behavior Intervention Plan: A behavior intervention plan (BIP) is a plan that is designed to reward and reinforce positive behaviors. Behavior intervention plans are customized to a specific student and toward specific behaviors.

Safe and Supportive School Environments: Is where teaching and learning are not distracted; disruptions are minimized; violence, drugs, bullying and fear are not present; students are not discriminated against; expectations for behavior are clearly communicated; and consequences for infractions are consistently and fairly applied. Includes Positive Behavioral Interventions and Supports (PBIS) and Developmental Design.

Student Interventions: A disciplinary response to violations in the Code of Conduct that do not involve removal from class or suspensions such as mediation, conflict resolution, restorative justice, behavioral contracts and positive behavioral interventions and supports (See Appendix A). There are strategies used to teach a new skill, build fluency in a skill, or encourage a child to apply an existing skill to new situations or settings.

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

Parent/Guardian: Means a student's father, mother, or legal guardian, or person or agency legally authorized to act on behalf of the student in place of or in conjunction with the father, mother, or legal guardian.

Superintendent: The chief executive officer employed by the school committee or a designees for purposes of conducting a student disciplinary appeal hearing.

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

In-School Suspension: Removal of a student from regular classroom activities, but not from the school premises, for no more than ten (10) consecutive school days, or no more than ten (10) school days cumulatively for multiple school rules violations during the school year. Removal solely from participation in extracurricular activities or school-sponsored events, or both, shall not count as removal in calculating school days. In-school suspension for ten (10) school days or less, consecutively or cumulatively during a school year, shall not be considered a short-term suspension under these regulations. If a student is placed in in-school suspension for more than ten (10) school days, consecutively or cumulatively during a school year, such suspension shall be deemed a long-term suspension for due process, appeal, and reporting purposes.

Short-Term Suspension: Means the removal of a student from the school premises and regular classroom activities for ten (10) consecutive school days or less or more than ten (10) cumulative school days in a school year for multiple school rules violations. A principal may, in their discretion, allow a student to serve a short-term suspension in school. Removal solely from participation in extracurricular activities or school-sponsored events, or both, shall not count as removal in calculating school days.

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

Long-Term Suspension: Removal of a student from the school premises and regular classroom activities for more than ten (10) consecutive school days, or for more than ten (10) school days cumulatively for multiple school rules violation in any school year.

Emergency Removal: A student may be removed **for not more than two (2) school days** following a suspendable violation of school rules where the student's continued presence in the school building poses a danger to persons or property or would materially and substantially disrupt the order of the school and, in the principal's judgment, there is no alternative to alleviate the danger or disruption. In such cases, the principal must **immediately** notify the superintendent or designee in writing and describe the danger presented by the student. A principal may not remove a student from school on an emergency basis for a disciplinary offense until adequate provisions have been made for the student's safety and transportation. Students charged with statutory offenses such as possession of a weapon, possession of a controlled substance, or assault of a school staff member, and students who have been charged with a felony/felony delinquency, may, following a preliminary hearing, be removed from school on an interim short-term basis of up to ten (10) school days pending a formal hearing where the circumstances of the alleged violation are determined by the principal to warrant the student's immediate removal from school.

Expulsion: Removal of a student from the school premises, regular classroom activities, and school activities for more than ninety (90) school days, indefinitely, or permanently, as permitted under M.G.L. c. 71, § 37H or 37H½ for: (a) possession of a dangerous weapon; (b) possession of a controlled substance; (c) assault on a member of the educational staff; or (d) a felony charge or felony delinquency complaint or conviction, or adjudication or admission of guilt with respect to such felony, if a principal determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school, as provided in M.G.L. c. 71, § 37H or 37H½.

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

Due Process

The due process procedures set forth below, and in applicable Massachusetts statutes and regulations, shall not apply to exclusions or restrictions imposed relative to a student's participation in school- related extracurricular events and activities.

In-School Suspension (10) or less consecutive or cumulative school days

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

- Advise the student of the disciplinary offense(s) charged and the basis for the charge.
- Provide the student with an opportunity to dispute the charge or explain the circumstances.
- If charges are substantiated, inform the student of the length of the in-school suspension.
- Make reasonable efforts to notify the parents orally on the same day the decision for an in-school suspension is imposed of the disciplinary offense, the reasons for concluding the student committed the infraction, and the length of the in-school suspension,
- Invite the parents to a meeting to discuss the student's academic performance and behavior as well as strategies for student engagement and responses to the behavior. The meeting shall be scheduled on the date of suspension if possible or soon thereafter. Two (2) attempts to contact the parents must be documented under such circumstances.
- Following the decision to impose an in-school suspension the principal/designee must send written notice to the parents and student and invite the parents to meet if the parents were unavailable for a meeting after oral notice. This notice must be delivered to the parents by hand-delivery, certified mail, first-class mail or email to an address provided by the parents on the school day on which the in-school suspension is served.
- During in-school suspensions, the student will be provided the opportunity to make continued academic progress, complete their school work, to take tests, quizzes, and receive information about long term assignments and other similar classroom activities.

Out of School Suspension (Short/Long-term) M.G.L. c. 71, § 37H3/4 Except for suspensions imposed in accordance with M.G.L. c. 71, §§ 37H or 37H1/2, prior to the suspension of a student, the principal or designee must:

- Provide oral and written notice to the parent/guardian and student in English and the primary language of the home that states:
 - (a) The violation(s) of which the student is accused;
 - (b) The basis for the charge(s);
 - (c) The reason for the potential exclusion; and
 - (d) Notice of the opportunity for the parent/guardian and student to participate in the hearing and to present evidence, including mitigating facts, in the student's defense; * The principal shall make reasonable efforts to notify the parents of the opportunity to participate in the hearing. "Reasonable efforts" are made with written notice and two (2) attempts to contact the parents by telephone. Written notice includes hand-delivery, certified mail, first class mail or email to an address provided by the parent.
 - (e) Notice of the right to interpreter services at the meeting, if necessary for the parent's/guardian and/or student's participation in the hearing; and

(f) If long term suspension is a possibility, notice must also include the following:

- Prior to the hearing, the student/parent is afforded the opportunity to review the student record and documents on which the principal/designee may rely.
- Notice of the student's The student's right to be represented by an attorney or a lay person and the student's own expense.*Students do not have the right to legal representation at short-term suspension hearings nor to appeal a short-term suspension or in-school suspension.
- The right to produce witnesses and to present the student's explanation of the incident. Student witnesses / victims do not have to be summoned if the Principal/designee specifically rules, orally or in writing, at the hearing that identification of the student witness, or the presence of a known witness / victim at the hearing, would endanger his or her physical safety or cause intimidation. All witnesses must be voluntary and accompanied by a guardian if under 18 years of age.
- The right to cross-examine witnesses presented by the school district. All witnesses must be voluntary and accompanied by a guardian if under 18 years of age.
- The student has the right to request that the hearing be recorded and to receive a copy of said audio recording.

In all cases of out of school suspensions for PreK-Grade 3, the principal/designee must send a copy of the written determination to the Superintendent/Designee explaining the reasons for an out of school suspension BEFORE the suspension takes place.

After the Hearing the Principal/Designee Shall:

- Determine whether there is a preponderance of evidence to support a determination that the student committed the disciplinary offense.
 - If so, determine after considering mitigating circumstances and alternatives to suspension, the remedy or consequence to be imposed. In determining the consequence to be imposed, the principal shall exercise discretion in deciding the consequence for the offense; consider ways to re-engage the student in learning; and shall not impose a suspension from school as a consequence until alternative remedies have been tried, except:
 - (1) where the principal or designee documents specific reasons why alternative remedies are unsuitable or counterproductive; or
 - (2) where the principal or designee determines that the student's continued presence in school would pose a specific, documented concern about the infliction of serious bodily injury or other serious harm to another person while in school.
- * Alternative remedies may include, but are not limited to, the use of evidence-based strategies and programs such as mediation, conflict resolution, restorative justice, and collaborative problem solving.
- Send the principal's or designee's written determination to the student and parents/guardians by hand-delivery, certified mail, first-class mail, email to an address provided by the parent for school communications, or any other method of delivery agreed to by the principal/designees and the parents.
 - The principal's/designee's written determination shall:
 - Identify the disciplinary offense,
 - Identify the date of, and participants at, the hearing
 - Sets out the key facts and conclusion reached by the principal/designee.

- Identifies the length and effective date of the suspension, and the specific date of return to school.
- In the case of a long term suspension, informs of the right to appeal the principal/designees' decision to the superintendent/designee, which shall be in plain language in English and the primary language of the home and contains the process for appealing the decision
- Notifies the student and parents/guardians of the student's right to make academic progress and, where a suspension is to exceed ten (10) consecutive school days, to receive educational services during the period of removal from school.

Emergency Removals:

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

- Principal/designee must immediately notify the Superintendent/designee in writing and describe the danger presented by the student.
- During the two (2) day emergency removal the principal/designee must make reasonable efforts to orally notify the student and parents/guardians of the emergency suspension, the reason for the removal, and must also notify them of the process in oral and written form and in the primary language of the home if not English.
- The notice must include the type and duration of the emergency removal and the opportunity to make up work assignments or other schoolwork as needed to make academic progress during the period of removal. This notice must be forwarded by hand-delivery, certified mail, first-class mail or email to an address provided by the parents.
- Provide the student with an opportunity for a hearing with the principal/designee consistent with the hearing for a short/long term suspension by the conclusion of the 2nd school day following the emergency removal.
- Provide the parents/guardians an opportunity to attend the hearing before the expiration of the two (2) school days following the emergency removal, unless an extension of time for hearing is otherwise agreed to by the principal/designee, student, and parent.
- Render a decision orally on the same day as the hearing, and in writing no later than the following school day consistent with the decision issued for a short/long term suspension.
- To the extent that a long-term suspension is imposed, the principal/designee shall notify the student and parents/guardians of the right to appeal to the Superintendent or the Superintendent's designee.

*Students charged with statutory offenses such as possession of a weapon, possession of a controlled substance, or assault of a school staff member, and students who have been charged with a felony/felony delinquency, may, following a preliminary hearing, be removed from school on an interim short-term basis of up to ten (10) school pending a formal hearing where the circumstances of the alleged violation are determined by the principal to warrant the student's immediate removal from school.

Long-Term Suspensions for School Rules Violations - Appeals to the Superintendent

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

The following appeals process must be followed:

- Student or parents must file a written notice with the Superintendent/designee within five (5) calendar days of the effective date of the long term suspension subject to an extension of the filing, upon agreement with the Superintendent/designee for up to a total of seven (7) calendar days.
- The long-term suspension remains in effect unless and until the Superintendent/designee decides to reverse the principal.

- The Superintendent/designee must send written notice to the parent/guardian of the date, time and location of the hearing and must make a good faith effort to include the parents/guardians in the appeal hearing process.
- At the appeal hearing, the student and parents/guardians shall have all of the rights afforded the student at the principal/designee's hearing for long-term suspension.
- The appeal hearing shall be held within three (3) school days of the request subject to an extension, at the parents' or students' request, of up to seven (7) additional calendar days.
- A tape recording of the appeal at the Superintendent/designee level must be made and a copy must be provided to the student and parent/guardian upon request.
- In considering said the student's appeal and the sanctions for the conduct found to have occurred, the Superintendent/designee shall not impose/uphold a suspension from school as a consequence until alternative remedies have been tried, except:
 - (1) where the Superintendent or designee documents specific reasons why alternative remedies are unsuitable or counterproductive; or
 - (2) where the Superintendent or designee determines that the student's continued presence in school would pose a specific, documented concern about the infliction of serious bodily injury or other serious harm to another person while in school.

* Alternative remedies may include, but are not limited to, the use of evidence-based strategies and programs such as mediation, conflict resolution, restorative justice, and collaborative problem solving.

- The Superintendent/designee's written decision must be issued within five (5) calendar days of the appeal hearing. If it is determined the offense was committed the decision must state the consequence, which may be the same or lesser than the principal/designee but shall not be greater than that imposed by the principal/designee.

Suspension/Expulsion - M.G.L. c. 71, §§ 37H and 37H1/2 - Statutory Offenses

The following due process procedures shall apply to all offenses involving: a) possession of a dangerous weapon; b) possession of a controlled substance; c) assault on a member of the educational staff; or d) a felony charge or felony delinquency complaint or conviction. Such violations are referred to as "statutory offenses." Hearings conducted in accordance with M.G.L. c. 71, § 37H and/or 37H1/2 shall be conducted by a principal and may not be delegated to a designee. Appeal hearings conducted in accordance with M.G.L. c. 71, § 37H and/or 37H1/2 shall be conducted by the Superintendent and may not be delegated to a designee.

- **Interim Short Term Disciplinary Removal:** In limited situations where a student is charged with a violation of M.G.L. c. 71, § 37H or is subject to suspension or expulsion in accordance with M.G.L. c. 71, § 37H1/2, and is determined by the principal to present an immediate threat to persons, property, or the orderly educational environment of the school, the student may be or less pending a formal hearing to consider the student's long-term suspension or expulsion. Prior to the imposition of any disciplinary sanction that might result in a student's interim suspension from school for ten (10) consecutive school days or less pending a long-term suspension/expulsion hearing, the student will be given oral notice of the offense with which he/she is charged and an opportunity to respond. In the event that the Principal determines that the student will be suspended from school on an interim, short-term basis pending a formal hearing to consider the student's possible long-term suspension or expulsion, the student and the student's parent(s)/guardian(s) will be notified by telephone and in writing. Such interim, short-term removals shall not be subject to appeal.
- **Formal Hearings:** Prior to the imposition of any disciplinary sanction that might result in the student's suspension or expulsion from school for possession of a dangerous weapon, possession of a controlled substance, or assault on school staff and/or due to a felony charge for more than ten (10) consecutive school days or expulsion, the student and the parents/guardians will be given written notice in English and in the primary language of the student's home of a principal's hearing at which the student and parent/guardian have the right to be represented by an attorney (at private expense), to examine the evidence against the student, and to present witnesses and documentary evidence in the student's defense. Following the hearing, a written decision will be issued. The student and the parent(s)/guardian(s) will have the right to appeal any decision imposing a long term suspension or expulsion from school to the Superintendent.

Appeals of Suspension or Expulsion Imposed Pursuant to M.G.L. c. 71, § 37H and 37H1/2

For long term suspensions or expulsions imposed in accordance with M.G.L. c. 71, § 37H, the student shall have the right to file a written appeal with the Superintendent within ten (10) calendar days of the effective date of the long-term suspension or expulsion. Upon receipt of any such appeal, the Superintendent shall schedule and conduct a hearing at which the student has the right to be represented by an attorney (at private expense) and to present evidence and witnesses in support of the appeal. The subject matter of the appeal shall not, however, be limited solely to a factual determination of whether the student committed the violation of which they are accused. Pending the Superintendent's written decision on any such appeal, the terms and conditions of the long term suspension or expulsion imposed by the Principal or designee shall remain in effect.

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

Violations

Disciplinary Actions/Bridging Strategies/Reintegration

VIOLATIONS GROUP I
General Disruptive Conduct: <ul style="list-style-type: none">Any behavior which disrupts the orderly educational processPossession of unauthorized electronic devices
Assault: Intentional verbal or physical threat of violence to someone other than a staff member by a student.
Defiance of School Personnel's Authority: Refusal to comply with a reasonable request from school personnel including refusing to identify self on reasonable request of staff/giving false information.
Gambling: Participation in games of chance for money and/or other items of value.
Indecent Proposition: An unsolicited sexual proposal.
Information Others find Offensive: Sending, using or possessing and/or distributing material including information accessed and distributed through cyberspace/social media that others find offensive including but not limited to sexting. Sending or using information that others find offensive that may be disruptive to the educational process.
Petty Theft (not over \$250 in value): Unauthorized possession and/or sale of the property of another without the consent of the owner.
Use of Provocative Language: Obscene language, profanity, threats and/or inflammatory statements.
Use and/or Possession of Tobacco Products and/or Associated Paraphernalia: Use or possession of any smoking or vaporizing materials or of any tobacco/nicotine products.
Leaving School Grounds without permission, excessive cutting of classes/out of bounds

DISCIPLINARY ACTIONS GROUP I	Bridging Strategies/ Reintegration BRIDGE / REINTEGRATE I
Student Interventions/Tiered Systems of Support	<i>When appropriate:</i>
Temporary removal from class (up to 1/2 day)	<ul style="list-style-type: none"> ● Parent/teacher/administrator/student conference, ● Mediation and/or conflict resolution ● Team meeting to review expectations and clarify roles and responsibilities.
In-school suspension	<ul style="list-style-type: none"> ● Development and implementation of a Behavior Intervention Plan when appropriate.
Short term suspension	<ul style="list-style-type: none"> ● Completion of Mediation and/or Conflict Resolution.
	<ul style="list-style-type: none"> ● Implementation of Restorative Practices ● Participate in a problem-solving session on the student's specific problem behavior. Direct instruction of social skills or counseling services. ● Consider a referral to an outside agency or program for support where appropriate.

* The school administration reserves its authority to impose more severe sanctions, including long- term suspension, for a Group 1 offense that is determined to be particularly severe or egregious.

VIOLATIONS GROUP II
<p>False Accusation: The intentional making of false accusations that may jeopardize the professional reputation of any staff member.</p>
<p>False Fire Alarm: The intentional activation of a fire alarm, fire bell or other signaling device with intent to deceive, mislead or otherwise misinform a school/center/school function concerning the presence of a fire.</p>
<p>Participation in Organizations not sanctioned by the Principal or School Authority: Participation in clubs, fraternities, sororities or secret societies that are not sanctioned by the Principal.</p>
<p>Possession and/or Concealment of a Simulated Weapon: The possession, concealment or display of a simulated weapon including but not limited to toy guns, water guns, cap guns or toy knives</p>
<p>Vandalism: The willful or malicious damage and/or destruction of school property or the property of another including graffiti.</p>
<p>Distribution or Sale of Non-Prescription Drugs: any distribution or sale of prescription or legal nonprescription drugs which constitutes a danger to the students in the school (Principal can determine concept of "dangerous")</p>

DISCIPLINARY ACTIONS GROUP II		Bridging Strategies/ Reintegration BRIDGE / REINTEGRATE II
Student Interventions /Tiered Systems of Support		<i>When appropriate:</i> <ul style="list-style-type: none">● parent/teacher/administrator/student conference, mediation and/or conflict resolution or team meeting to review expectations and clarify roles and responsibilities.● Development and implementation of a Behavior Intervention Plan when appropriate.● Participate in a problem-solving session on the student’s specific problem behavior. Direct instruction of social skills or counseling services.● Implementation of Restorative Practices● Consider a referral to an outside agency or program for support where appropriate● Completion of Mediation and/or Conflict Resolution.
Temporary removal from class (up to 1/2 day)		
In-School suspensions		
Short term suspension		
Long- term suspension in cases of egregious violations as determined by the Principal/designee.		

* The school administration reserves its authority to impose more severe sanctions, including long- term suspension, for a Group 1 offense that is determined to be particularly severe or egregious and in cases of offenses constituting a violation of M.G.L. c. 71, § 37H.

VIOLATIONS GROUP III
<p>Fighting: (Physical altercation between two or more people). When two or more persons participate in physical violence that may require physical intervention and/or restraint and /or results in injury.</p>
<p>Bullying/Cyberbullying: (See Bullying Policy)</p>
<p>Harassment: Severe or repeated hostile treatment or violence against a student, including continual invasion of "personal space" because of his/her gender, race, color, religion, ethnic or national origin, sexual orientation, gender identity, physical or mental disability and the use of vulgar, lewd or offensive expression and/or messages that promote such harassment.</p>
<p>Sexual Harassment: Unwelcome conduct of a sexual nature, sexual advances, request for sexual favors and other verbal or physical conduct of a sexual nature when such conduct substantially interferes with academic performance or creates an intimidating, hostile or offensive school environment (see harrasment policy).</p>
<p>Violation of Civil Rights: Discrimination based on race, national origin, religion, gender, gender identity, sexual orientation or disability.</p>
<p>Hazing: Any conduct or method of initiation into any student organization whether on public or private property which willfully or recklessly endangers the physical or mental health of any student or other person.</p>
<p>Battery (Non-staff member): An actual and intentional touching or striking of another person against his or her will or intentionally causing harm to an individual.</p>

Extortion: Obtaining money, information or anything of value from another person by coercion or intimidation.
Robbery: The taking of money or other property from the person or custody of another <i>by force, violence, assault or placing in fear</i> .
Grand Theft (over \$250 in value): Unauthorized possession and/or sale of the property of another without the consent of the owner.
Possession, Use, Distribution or Sale of Fireworks: The possession, use or sale of fireworks which constitutes a danger to the students in the school. (Principal can determine the concept of danger). The principal may determine that an explosive device or materials constitute a “dangerous weapon” for purposes of M.G.L. c. 71, §37H.
Possession and/or Use of Aerosol/Chemical Weapons: The possession and/or use of aerosol/chemical weapons such as tear gas, pepper gas or mace. The principal may determine such aerosols/chemical weapons constitute a “dangerous weapon” for purposes of M.G.L. c. 71, §37H.
Vandalism: The willful or malicious damage and/or destruction of school property or the property of another.
Participation in Gang-Related Activity: Participating in recruitment or wearing or possessing gang-related colors or logos and other such related activities on school grounds or school sponsored activities.
Assault on a Staff Member: Intentional verbal and/or physical threat to do/inflict violence to a staff member by a student.
Hate Crime: Crimes or criminal acts motivated by prejudice or hostility to the victim’s real or perceived race, religion, color, sexual orientation, gender identity, ethnicity, ancestry, national origin, etc.
Possession and/or Concealment of Weapons: Any carrying, concealing or displaying of weapons in school including but not limited to firearms, knives, flammable agents, or any other items, implements or devices that may be used to cause bodily injury or death. (The final determination as to whether an item or material constitutes a weapon shall be within the sole discretion of the principal.)
Possession, Use, Sale or Distribution of Mood Modifiers (including alcohol), Controlled Substances (including Marijuana), Illegal Drugs, and/or Prescription Drugs: Possession, use, sale, or distribution of any mood modifier (including inhalants), alcohol, controlled substance, a prescription drug at school or an school sponsored events or activities. The possession of an amount greater than that for personal use will be deemed to be for distribution/sale. (The possession, use, sale and distribution of controlled substances and/or alcohol are violations of the Massachusetts law.)
Sexual Misconduct: Engaging in consensual sexual activity on school grounds or school- sponsored activities.

DISCIPLINARY ACTIONS GROUP III	Bridging Strategies/ Reintegration BRIDGE / REINTEGRATE III
Student Interventions /Tiered Systems of Support	<p>When appropriate:</p> <ul style="list-style-type: none"> parent/teacher/administrator/student conference, mediation and/or conflict resolution or team meeting to review expectations and clarify roles and responsibilities. Development and implementation of a Behavior Intervention Plan when appropriate. Completion of Mediation and/or Conflict Resolution.. Implementation of a Restorative Practices Participate in a problem-solving session on the student's specific problem behavior. Direct instruction of social skills or counseling services. Consider a referral to an outside agency or program for support where appropriate. Conduct research on the topic of the student's problem behavior.
Temporary removal from class (up to 1/2 day)	
In-school suspensions	
Short term suspension	
Long- term suspension in cases of egregious violations as determined by the Principal/designee.	
Disciplinary Transfer to an Alternative Placement {Central Office involvement required}	
Expulsion	

VIOLATIONS GROUP IV
<p>Causing Mayhem: Acting in a malicious manner with a dangerous weapon, substance or chemical that results in disfiguring, crippling or inflicting serious or permanent physical injury upon another person or acting with the intent to disfigure, cripple or inflict serious or permanent injury upon another person.</p>
<p>Battery on a Teacher or Other School Personnel: A battery or aggravated battery as defined above on any elected official or school district employee whether it is committed on school property or on school-sponsored transportation, at a school-sponsored activity or while the elected official or school employee is on official school business.</p>
<p>Aggravated Assault: An intentional verbal or physical threat of violence to someone by a student who possesses an apparent ability to do so while displaying a firearm, knife, other deadly weapon or simulated weapon.</p>
<p>Aggravated Battery: Intentionally or knowingly causing great bodily harm, permanent disability or permanent disfigurement or using a weapon or simulated weapon while committing a battery.</p>
<p>Armed Robbery: <i>Taking</i> of money or other property while using a weapon or simulated weapon.</p>
<p>Arson: <i>Any</i> willful or malicious igniting of a fire which causes damage or is intended to cause damage to school property, the property of another or a person.</p>
<p>Making a Threat or False Report about a Destructive Device: It is unlawful to threaten to throw, project, place</p>

or discharge any destructive device with intent to do bodily harm to any person or with intent to do damage to any property of any person. It is unlawful to make a false report, with intent to deceive, mislead or otherwise misinform any person concerning the placing or planting of any bomb, dynamite or any other deadly explosive.

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

- ***Possession, use, or sale of a firearm, illegal weapon, or explosive device***
- ***Possession and/or use of illegal drugs on school property***
- ***Assault and/or assault and battery on a staff***

Arson Possession, Use or Sale of any Firearm, Dangerous Weapon or Destructive Device: Possession, use or sale of any firearm, Dangerous Weapon, or Destructive Device on school property, school-sponsored transportation or during a school-sponsored event or activity. "Destructive device" means any bomb, grenade, mine, rocket, missile, pipe bomb or similar device containing an explosive, incendiary, explosive gas, or expanding gas which is designed or so constructed as to explode by such filler and is capable of causing bodily harm or property damage; any combination of parts either designed or intended for use in converting any device into a destructive device and from which a destructive device may readily be assembled.

Sexual Battery: Intentional sexual contact, especially sexual intercourse with a person who has not given, or is not capable of providing, consent.

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

DISCIPLINARY ACTIONS GROUP IV

Short term suspension

Long term suspension

Disciplinary Transfer to an Alternative Placement (Central Office Involvement required)

Expulsion as permitted in accordance with M.G.L. c. 71, § 37H or 37H1/2

Appendix A

Discipline and Students with Disabilities

All students are expected to meet the requirements for behavior as set forth in this handbook. In addition to those due process protections afforded to all students, the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act of 1973 and the regulations issued pursuant to said statutes require that additional provisions be made for:

- Students who have been found eligible for special education services under the IDEA.
- Students who have been found to have a disability that substantially limits a major life activity, as defined under 504 of the Rehabilitation Act.
- Students who the school district knows or has reason to know might be eligible for special education services. The school is deemed to have knowledge that a student is a student with a disability if before the behavior that precipitated the disciplinary action occurred: (1) the student's parent/guardian expressed concern in writing to supervisory or administrative personnel, or the student's teacher, that the student is in need of special education and related services; (2) the student's parent/guardian requested an evaluation of the child; or (3) the student's teacher, or other school personnel, expressed specific concerns directly to the director of special education or to other supervisory personnel about a pattern of behavior demonstrated by the student.
 - The school is not deemed to have knowledge of a disability if (1) the parent/guardian has not allowed an evaluation or has refused special education and related services;, or
 - the child has been evaluated and determined not to be a child with a disability.

These students are generally entitled to increased procedural protections prior to imposing discipline that will result in the student's removal from their educational program for more than ten (10) consecutive school days or where there is a pattern of short-term removals that exceed ten (10) school days in a given year.

If a request is made for an evaluation of a student's eligibility for special education services during the time period in which the student is subjected to disciplinary measures, the evaluation shall be conducted in an expedited manner. Until the evaluation is completed, the student shall remain in the educational placement determined by school authorities, which can include suspension or expulsion without educational services.

The following additional requirements apply to the discipline of students with disabilities:

- Students with disabilities may be excluded from their programs for ten (10) school days or less in the school year to the extent that such sanctions would be applied to all students. Within ten (10) school days of a determination that a student with a disability will be excluded for disciplinary reasons from his/her program for more than ten (10) consecutive school days in a given school year or is subjected to a pattern of removal constituting a "disciplinary change of placement" as defined under the Individuals with Disabilities Education Act and/or Section 504, building administrators, the parents/guardians and relevant members of the student's IEP or 504 Team will meet to determine the relationship between the student's disability and behavior ("Manifestation Determination").
- If building administrators, the parents/guardians, 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 or, where appropriate, conduct a functional behavioral assessment of the student. Eligible Section 504 students shall be entitled to receive alternative education services in accordance with the

school's Education Services Plan during any suspension or expulsion in excess of ten (10) consecutive days.

- If building administrators, the parents/guardians, and relevant members of the student's IEP or 504 Team determine that the conduct giving rise to disciplinary action was a manifestation of the student's disability, the student will not be subjected to further removal or exclusion from the student's current education program for the incident of misconduct (except for conduct involving weapons, drugs, or resulting in serious bodily injury to others) until the IEP or 504 Team develops, and the parents/guardians consent to, a new placement, or unless the school obtains an order from a court or from the Bureau of Special Education Appeals (BSEA) or a court 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.
- If a student with a disability possesses or uses illegal drugs, sells or solicits a controlled substance, possesses a weapon on school grounds, or causes serious bodily injury to another on school grounds or at a school function, the school may place the student in an interim alternative educational setting (IAES) for up to forty-five (45) school days regardless of whether the conduct was a manifestation of the student's disability. 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.

Appendix B

Student Interventions and Tiered Systems of Support

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

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

Definitions

- **Tier I:** Core Instruction/Universal Behavior Supports - All students in Tier I receive high quality, scientifically based instruction, differentiated to meet their needs, and are assessed on a periodic basis to identify struggling learners who need additional support.
- **Tier II:** Supplemental and Core-Instruction: Students not making adequate progress in the core curriculum are provided with increasingly intensive instruction matched to their needs on the basis of levels of performance and rates of progress.
- **Tier III:** Intense and Core Instruction-At this level, students receive individualized, intensive interventions that target the students' skill deficits for the remediation of existing problems and the prevention of more severe problems.

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

TIER I CORE INSTRUCTIONAL / UNIVERSAL BEHAVIOR SUPPORTS	TIER II SUPPLEMENTAL AND CORE	TIER III INTENSE AND CORE
ACADEMICS Includes but not limited to the following listed below		
Research-based instruction Core Classroom Curriculum for All Students Variety of Grouping Formats Differentiation On-going assessments – formative and summative Enhanced access to technology Health and Wellness Education Attendance Policy Wraparound Services Parent / Teacher Conference Medical Emergency Plan	Small Group Research-based Intervention Supplemental Instruction Differentiation Student Support Teams (SST) Extended Day / Extended Year Tutoring Wraparound Services Parent / Teacher Conference Student Support Plans Diagnostic Testing Medical Emergency Plan	Small Group Researched Intervention Supplemental Instruction Differentiation Extended Day / Extended Year Tutoring Wraparound Services Parent / Teacher Conference Student Support Plans Diagnostic Testing Medical Emergency Plan

TIER I CORE INSTRUCTIONAL / UNIVERSAL BEHAVIOR SUPPORTS	TIER II SUPPLEMENTAL AND CORE	TIER III INTENSE AND CORE
BEHAVIORAL Includes but not limited to the following listed below		
Positive School Climate and Cultural Framework / PBIS Bullying Policy District Wide Behavior Specialist Social Skills Lessons District and School Student Handbook Transition Support System Wraparound Services Parent / Teacher Conference Medical Emergency Plan	Positive School Climate and Cultural Framework / Check in/Check out Behavior Education Program/ Check & Connect Behavior Contracting Social Skills Restorative Justice Collaborative Problem Solving Reflection Centers Classroom Reinforcement System Child Study Teams (SST) Transition Support System Conflict Resolution Group Wraparound Services Student Support Plans Medical Emergency Plan	FBA/BIP Wraparound Services Parent / Teacher Conference Trained Crisis Teams Student Support Plans Medical Emergency Plan Safety Plans Clinical/Therapeutic Services

TIER I CORE INSTRUCTIONAL / UNIVERSAL BEHAVIOR SUPPORTS	TIER II SUPPLEMENTAL AND CORE	TIER III INTENSE AND CORE
<p align="center">MENTAL HEALTH SUPPORTS</p> <p align="center">Includes but not limited to the following listed below</p>		
<p>Comprehensive School Counseling Programs Parent / Teacher Conference Medical Emergency Plan</p>	<p>Small group sessions, mediation, conflict resolution and retention issues.</p> <p>Daily report cards with reinforcement for increasing behavioral success</p> <p>Mentoring programs (one on one regularly occurring sessions with an identified staff person who befriends and supports)</p> <p>Check in- check out systems (Student meets with a staff person to review target</p> <p>Behavior and receive encouragement and self-monitoring data sheet in a.m., and reviews results in p.m.)</p> <p>Self-monitoring systems (Student records success/failure in specific time intervals in classes.</p> <p>Behavior contracting (Student, staff, family agree on specific outcomes for specific behaviors.)</p> <p>Groups on social skills instruction (Student participate in ongoing school wide classroom sessions.)</p> <p>Restorative Justice Program Student Support Team (SST)</p> <p>Medical Emergency Plan</p>	<p>FBA/BIP Family Support</p> <p>Multisystemic wrap around services (Implemented when the severity warrants this service.)</p> <p>Substance and addiction, Foster Care, Juvenile Justice System, Mental Health</p> <p>Medical Emergency Plan</p>

TIER I CORE INSTRUCTIONAL / UNIVERSAL BEHAVIOR SUPPORTS	TIER II SUPPLEMENTAL AND CORE	TIER III INTENSE AND CORE
FAMILY / COMMUNITY ENGAGEMENT Includes but not limited to the following listed below		
Parent Volunteers Attendance Officer Home / School Compact Family and Community Engagement Coordinator School/Family Promoter Wraparound Services Medical Emergency Plan	Family and Community Engagement Coordinator Home / School Compact Attendance Officer Wraparound Services Medical Emergency Plan	McKinney Vento Home / School Compact Family and Community Engagement Coordinator Wraparound Services Medical Emergency Plan

Description of Student Supports

Current activities, programming and curricula that support a safe and respectful school culture in Holyoke Public Schools include:

Purpose	Program	Description	Grade level	Staff Responsible	Status
Whole school approach	GSA (Gay Straight Alliance)	A student run club, typically in middle or high school that provides a safe space for students to meet, support each other, and talk about issues related to sexual orientation and gender identity/expression. GSA works to end homophobia and transphobia.	9 - 12	Select Advisor	In Place
Whole school approach	TRAILS	The TRAILS SEL curriculum equips classroom teachers to deliver evidence-based and developmentally appropriate lessons rooted in cognitive-behavioral therapy (CBT) and mindfulness. These core skills help students manage stress, establish and maintain healthy relationships, and problem-solve effectively.	K-9	Teachers	In Place
Whole school approach	Acceptable Use Policy	Guidelines for proper use of school electronics.	PK - 12	Administration	In place
Whole school approach	PBIS Framework	HPS K-8 schools employ a system of supports aligned to the Positive Behavioral Interventions and Supports framework. This evidence-based, tiered framework supports students' behavioral, academic, social, emotional, and mental health and improves social emotional competence, academic success, and school climate.	PK - 8	Staff and Administration	In place
Whole school approach	Restorative Practice/Holyoke Roots	Restorative Practice is a powerful approach to discipline that focuses on repairing harm through inclusive processes that engage all stakeholders. Implemented well, Restorative Practice shifts the focus of discipline from punishment to learning and from the individual to the community.	9-12	HHS Staff and Administration	In place
Whole school approach	Freshman Seminar / College and Career Courses	The course supports students to develop their understanding of who they are as learners, community members, and individuals by effectively applying the knowledge, attitudes, and skills necessary to foster self-awareness, establish and achieve positive goals and relationships, and make responsible decisions.	9	HHS Staff and Administration	In place

TRAILS

The TRAILS SEL curriculum equips classroom teachers to deliver evidence-based and developmentally appropriate lessons rooted in cognitive-behavioral therapy (CBT) and mindfulness. TRAILS CBT and Mindfulness sessions provide students with education about depression, anxiety, and other common mental health concerns, and a range of effective strategies for coping with their symptoms.

- Mindfulness - Focusing on the present moment, and working to accept and manage what we're experiencing right now
- Relaxation - Working to slow down our bodies and minds
- Cognitive coping - Identifying negative thoughts, and generating more accurate and helpful ways of thinking
- Behavioral activation - Scheduling physical activities to boost our moods and strengthen our well-being
- Exposure - Systematically facing our fears to overcome avoidance and manage anxiety

TRAILS (Transforming Research into Action to Improve the Lives of Students), work to eliminate barriers by embedding effective mental health programming right into schools. By providing evidence-based training and program materials to teachers, school mental health professionals, and other school staff, building strong and sustainable networks of mental health support.

At the core of this work is the commitment to equity. As a means of reaching students who are both at higher risk of poor mental health outcomes and who face disproportionate barriers to care, we prioritize partnerships with Title I designated schools: schools in which at least 40% of students have been identified as low-income. Our goal is to reach 50% or more of Title I designated schools in at least 10 states by 2040, creating new access to effective mental health services for more than 10 million students nationwide.

TRAILS aims to improve outcomes among student populations that have historically been excluded from mental health services. These populations include youth who represent racial and ethnic minorities, who are LGBTQIA+, who come from immigrant families, who live in rural or remote communities, or who are experiencing homelessness.

Based on Positive Behavior Interventions and Support (PBIS) Framework

Holyoke PUBLIC Schools will provide support based off of the Positive Behavior Interventions and Supports (PBIS) framework to recognize and take ownership of the reality that students do not “act out” in a vacuum, and that adult behavior has a tremendous influence on student behavior. This framework is a recognized approach for improving school climate and culture by establishing and systematically and explicitly teaching and reinforcing school community norms, values, practices, rules and regulations – thereby promoting predictability, safety, and consistency designed to encourage and shape positive behaviors and redirect and replace behaviors that are inconsistent with established school community norms, values, practices, rules and regulations.

The PBIS framework fosters open communication, collaboration and connection between caring adults and students. What is known, is that misunderstandings that often lead to incidents of disrespect, insubordination, opposition and aggression are reduced and eliminated when caring professionals:

- Establish open communication, collaboration and connection with students
- Respond to student behavior – including students in crisis – with instruction or correction through a supportive, non-judgmental approach
- Model what it looks like to treat people with care and dignity
- Positively and supportively influence & shape the behavior of children and young people
- Enact a non-confrontational classroom management approach that efficiently and competently manages resources of time and energy.

The behavioral framework is applied in a three- tiered approach that includes the following:

PBIS FRAMEWORK - TIER SYSTEM		
TIER I	TIER II	TIER III
Universal <i>Who:</i> All Students in All Settings <i>Includes:</i> Expectations Signage, School-wide rewards, Social-Emotional Skills Lessons <i>Requires:</i> A Tier 1 Team consisting of a Coach, Admin, Teachers from all grade levels, a Parent, and Student representation	Small Group of Students <i>Who:</i> Classroom or Small Group Settings (10-20% of Students) <i>Includes:</i> Social Skills Groups, Daily Check-Ins, Classroom Behavior Interventions <i>Requires:</i> A MTSS team consisting of Counselors, Administration, Youth Service Center Coordinator, Social Worker, and any behavior or mental health specialist working with your students	Individualized Targeted Interventions <i>Who:</i> Individual Interventions (3-5% of Students) <i>Includes:</i> individualized interventions for high-risk behaviors <i>Requires:</i> Same as Tier 2 but may also include outside community-based services

Restorative Approaches and Practices (RAP)

Holyoke Public Schools has adopted a restorative philosophy and approach to discipline. Restorative strategies are ways of thinking about and responding to conflicts and problems by involving all participants in identifying what happened, describing how it affected everyone, and finding solutions to make things right. Restorative practices involve more than conflict resolution, making amends, and healing harm. Restorative practices require a new paradigm. They require deliberate actions to build respectful relationships and result in the creation of a compassionate, caring, and cohesive community.

Developing relationships and building skills with communities from differing backgrounds and perspectives. Restorative Approaches and Practices framework using best practices and procedures from several models. The framework is aligned with the Multi-Tiered Systems of Supports (MTSS) model, PBIS framework and Scientifically Based Research and Interventions (SRBI) approach.

Mediation

Mediation provides a positive outlet in which students can resolve school-related conflicts and avoid a possible suspension with the assistance of an adult. Mediation can provide a safe, power-balanced way in which students negotiate an equally acceptable resolution to their conflict through the creation of an agreement that seeks to transform the negative behavior into a positive goal. Adults help to keep students in school by using the power of positive peer influence and understanding to encourage referred students who have exhibited behavior that is inconsistent with school community norms, values, practices, rules and regulations, to repair the harm done and prevent future harm or violence. Mediation includes peace circles, restorative group conferences, and other safe and supportive milieus for students to positively resolve conflicts through voice, agency, healing, and restitution.

GSA (Gay Straight Alliance)

A student run club, typically in middle or high school that provides a safe space for students to meet, support each other, and talk about issues related to sexual orientation and gender identity/expression. GSA works to end homophobia and transphobia. The mission statement of GSA is: We aim to create a community for lesbian, gay, bisexual, transgender, and questioning students and our allies where we are treated with love and respect. We strive to create an aware and supportive school environment and encourage youth to be involved in our community.

Freshman Seminar / College and Career Courses

The Freshman Seminar course is designed to support students in their first year of high school. There are several objectives for the course: to help students adjust to their first year of high school, to identify, to develop, and strengthen necessary attitudes, behaviors and skills for success, assist students with monitoring their academic progress, to promote a positive school climate with awareness of diversity and tolerance, and to create opportunities for social/emotional development. The course assists with the transition to high school as well as begins the work of preparing students for college and career readiness.

Appendix C

Massachusetts General Laws Related to School Discipline

1. M.G.L. c.71, § 37H – Policies Relative to Conduct of Teachers or Students: Student Handbooks

In accordance with Massachusetts General Laws Chapter 71, Section 37H:

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

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

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

2. M.G.L. c.71, § 37H ½ - Felony Complaint or Conviction of Student Suspension: Expulsion; Right to Appeal

(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.

3. M.G.L. c.71, § 37H ³/₄ - Suspension or Expulsion – School Rules Violations

(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 person acting as a decision-maker at a student meeting or hearing, when deciding the consequences for the student, shall consider ways to re-engage the student in the learning process; and shall not suspend or expel a student until alternative remedies have been employed and their use and results documented, following and in direct response to a specific incident or incidents, unless specific reasons are documented as to why such alternative remedies are unsuitable or counter-productive, and in cases where the student's continued presence in school would pose a specific, documentable concern about the infliction of serious bodily injury or other serious harm upon another person while in school. Alternative remedies may include but shall not be limited to: (i) mediation; (ii) conflict resolution; (iii) restorative justice; and (iv) collaborative problem solving. The principal, headmaster, superintendent or person acting as a decision-maker shall also implement school- or district-wide models to re-engage students in the learning process which shall include but not be limited to: (i) positive behavioral interventions and supports models and (ii) trauma sensitive learning models; provided, however, that school- or district-wide models shall not be considered a direct response to a specific incident.

(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.

4. M.G.L. c. 76, § 21 - Educational Services for Suspended/Expelled Students

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.

5. M.G.L. c.71, § 37L – Notification to School Personnel of Reporting Requirements for Child Abuse and Neglect and Fires; Reports of Students Possessing or Using Dangerous Weapons on School Premises, Transferred Students' School Records

The school committee of each city, town or regional school district shall inform teachers, administrators, and other professional staff of reporting requirements for child abuse and neglect under section 51A of chapter 119 and the reporting requirements for fires under section 2A of chapter 148. In addition, any school department personnel shall report in writing to their immediate supervisor an incident involving a student's possession or use of a dangerous weapon on school premises at any time.

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

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

Appendix D

Related Policies and Procedures

Memorandum of Understanding

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

Bullying Policy

Holyoke Public Schools is committed to providing a safe, positive and productive educational environment where students can achieve the highest academic standards. No student shall be subjected to harassment, intimidation, bullying, or cyberbullying.

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

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

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

Retaliation against a person who reports bullying, who provides information during an investigation of bullying, or who is a witness to or has reliable information about bullying is prohibited. Retaliation includes but is not limited to any form of intimidation, reprisal or harassment in connection with filing a complaint or assisting with an investigation under this policy.

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

Reports of Bullying

Reports of bullying or retaliation may be made by staff, students, parents, or guardians or others, and may be oral or written. Oral reports made by or to a staff member will be recorded in writing. A school or district staff member is required to report immediately to the principal or designee any instance of bullying or retaliation the staff member becomes aware of or witnesses. Reports made by students, parents or guardians, or other individuals who are not school or district staff members, may be made anonymously. The Holyoke School district provides a link on our HPS website where the Bullying Reporting Form is available to the school community. Use of a Bullying Reporting Form is not required as a condition of making a report.

Reporting by Staff -

A staff member is required to report immediately to the principal or designee when he/she witnesses or becomes aware of conduct that may be bullying or retaliation. The requirement to report to the principal or designee does not limit the authority of the staff member to respond to behavioral or disciplinary incidents consistent with school or district policies and procedures for behavior management and discipline.

Reporting by Students, Parents or Guardians, and Others -

The Holyoke Public Schools expect students, parents or guardians, and others who witness or become aware of an instance of bullying or retaliation involving a student to report it to the principal or designee. Reports may be made anonymously, but no disciplinary action will be taken against an alleged aggressor solely on the basis of an anonymous report. Students, parents or guardians, and others may request assistance from a staff member to complete a written report. Students are provided practical, safe, private and age-appropriate ways to report and discuss an incident of bullying with a staff member, or with the principal or designee.

Responding to a Report of Bullying or Retaliation -

Safety Planning and Support - Before fully investigating the allegations of bullying or retaliation, the principal or designee takes steps to assess the need to restore a sense of safety to the alleged target and/or to protect the alleged target from possible further incidents. Responses to

promote safety may include, but not be limited to, creating a personal support plan to be implemented pending the completion of the investigation.

Obligations to Notify Others -

- **Preliminary Notice to Parents and/or Guardians.** There may be circumstances in which the principal or designee contacts parents and/or guardians prior to investigation or an investigative determination. Any such Notice will be consistent with state regulations at 603 CMR 49.00. Parents are provided information about action steps that will be put in place during the investigation process.
- **Notice to another School or District.** If the reported incident involves students from more than one school district, charter school, nonpublic school, approved private special education day or residential school, or collaborative school, the principal or designee first informed of the incident will promptly notify by telephone the principal or designee of the other school(s) of the incident so that each school may take appropriate action. All communications will be in accordance with state and federal privacy laws and regulations, and 603 CMR 49.00.
- **Notice to Law Enforcement.** At any point after receiving a report of bullying or retaliation, including after an investigation, if the principal or designee has a reasonable basis to believe that criminal charges may be pursued against the aggressor, the principal will notify the Holyoke Police Department. Notice will be consistent with the requirements of 603 CMR 49.00 and locally established agreements with the local law enforcement agency. Also, if an incident occurs on school grounds and involves a former student who is no longer enrolled in school, the principal or designee shall contact the Holyoke Police Department if he or she has a reasonable basis to believe that criminal charges may be pursued against the aggressor. In making this determination, the principal will, consistent with the Bullying Prevention and Intervention Implementation Plan and with applicable school or district policies and procedures, consult with the school resource officer (if any) and other individuals the principal or designee deems appropriate.

Investigation

Upon receipt of a report or complaint that would, if true, constitute bullying, cyberbullying, or retaliation, the principal or principal's designee promptly commences an investigation. In investigating any such complaint, the principal or designee interviews students, staff, and any witnesses to the alleged conduct. To the extent practicable and consistent with the principal's obligation to act promptly and to thoroughly investigate and address the matter, the principal or designee maintains confidentiality during the investigative process and does not disclose unnecessary or confidential information to interview subjects. During any such interviews, the principal informs the target, aggressor, and all witnesses that retaliatory treatment of any individual for reporting or lack of cooperation with an investigation of bullying will result in disciplinary action that may include suspension or expulsion from the school.

Interviews may be conducted by the principal or designee and in consultation with the school counselor, as appropriate. To the extent practicable, and given his/her obligation to investigate and address the matter, the principal or designee is required to maintain confidentiality during the investigative process.

The principal or designee will remind the alleged student aggressor, target, and witnesses of the importance of the investigation; their obligation to be truthful; and that retaliation against someone who reports bullying or provides information during a bullying investigation is strictly prohibited and will result in disciplinary action.

The principal or designee will maintain a written record of the investigation. Procedures for investigating reports of bullying and retaliation are consistent with school or district policies and procedures for bullying investigations. If necessary, the principal or designee consults with legal counsel about the investigation.

Determinations

Within fourteen (14) school days of the principal's receipt of the complaint of bullying, cyberbullying, or retaliation, the principal makes a determination based upon all the facts and circumstances. If, after the investigation, bullying or retaliation is substantiated by a preponderance of evidence, the principal determines what remedial action may be required, if any, and determines what responsive actions and/or disciplinary action is appropriate. The principal's findings and determinations are documented in writing on the Bullying Reporting Form.

If the principal or designee determines that a student knowingly made a false allegation of bullying or retaliation, that student may be subject to disciplinary action. Depending upon the circumstances, the principal or designee may choose to consult with the student's teacher(s) and/or school counselor, and the target's or aggressor's parents or guardians, to identify any underlying social or emotional issue(s) that may have contributed to the bullying behavior and to assess the level of need for additional social skills development and/or counseling services.

Notice of Investigative Findings

Upon determining that bullying or retaliation has occurred, the principal or designee promptly notifies parents or guardians of the target and aggressor, and of the procedures for responding to the bullying or retaliation. The principal or designee will inform the target's parent of actions that school officials will take to prevent further acts of bullying or retaliation.

If the alleged target and alleged aggressor attend different schools, the principal receiving the report will inform the principal of the other student's school, who shall notify the student's parent of the report and procedures.

In notifying the parents of a target or aggressor of an investigation or the principal's findings thereon, the principal maintains the privacy and confidentiality of any individual or child who is not the child of the parents to whom the notice is provided. The principal ensures that any notice to the parents complies with applicable state regulations

including, but not limited to, 603 CMR 49.00, and shall not report specific information to the target's parent(s) about the disciplinary action taken against an aggressor unless it involves a "stay away" order or other directive that the target must be aware of in order to report violations. The notice to the parents or guardians of the target shall include information about the Massachusetts Department of Elementary and Secondary Education's ("DESE") problem resolution system and the process for seeking assistance or filing a claim through the problem resolution system.

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

Civil Rights and Safety Policies

The nondiscrimination policy of Holyoke Public Schools is consistent with M.G.L. c. 76, § 5 and provides for a safe, secure learning environment for all students by affirming the district's non-tolerance for harassment based on race, color, national origin, sex, sexual orientation, gender identity, disability, religion, or age. Additionally, Holyoke Public Schools does not discriminate against individuals on the basis of homelessness, in a manner consistent with the McKinney-Vento Act. Discrimination, sexual and bias-motivated harassment, and violations of civil rights disrupt the educational process and will not be tolerated.

It shall be a violation of this policy for any pupil, teacher, administrator, or other school personnel to engage in sexual or bias-related harassment (referred to as "discrimination harassment") or to violate the civil rights of any pupil, teacher, administrator, or other school personnel. Conduct amounting to hate crime is a particularly serious infraction that will result in referral to law enforcement agencies. Schools will act to investigate all complaints, formal or informal, verbal or written, of sexual or bias-related harassment or violation of civil rights and will take appropriate action against any pupil, teacher, administrator, or other school personnel found to have violated this policy.

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

Identification and Definitions of Prohibited Conduct

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

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

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

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

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

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

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

Harassment is an unwelcome conduct on the basis of race, age, color, gender, sexual orientation, gender identity, national origin, disability, or religion that is sufficiently severe, persistent or pervasive to create a hostile environment for the individual at school. Harassment may include, but is not limited to, insults, name-calling, off-color jokes, threats, comments, innuendoes, notes, display of pictures or symbols, gestures or other conduct which rises to the level of a hostile environment. A hostile environment is one which unreasonably interferes with an individual's participation in, denies the individual the benefits of, or otherwise subjected the individual to discrimination under any program or activity of the District.

Sexual Harassment is a unwelcome conduct of a sexual nature that creates a hostile school environment for the target or which results in the denial of equal educational opportunity for the target. It includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sex-based harassment can happen to people and be perpetrated by people of any sex.

Gender-Based Harassment is unwelcome conduct based on an individual's actual or perceived sex. It includes slurs, taunts, stereotypes, or name-calling as well as gender-motivated physical threats, attacks, or other hateful conduct.

Hostile Environment is created when the harassing conduct is sufficiently: severe, pervasive, or persistent such that it denies or limits the ability of an individual to participate in, or benefit from, the services, activities or privilege provided by the school. Whether a school environment has become hostile must be evaluated based on the totality of the circumstances. Repeated instances of bias-related and sexual harassment may create a hostile environment for the victim. A single act of harassment can also create a hostile or intimidating environment if sufficiently severe. A hostile environment does not necessarily require that a student exhibits quantifiable harm, such as a drop in grades.

Stalking is engaging in a "course of conduct" directed at a specific person that would cause a "reasonable person" to fear for the person's safety or the safety of others or suffer "substantial emotional distress."

Procedures for Responding to/Investigating Incidents

Any District employee who observes or receives a report of discrimination, harassment or retaliation shall promptly notify the Principal or Civil Rights Coordinator, identified below. Any District employee who observes discrimination, harassment or retaliation against a student should intervene to stop the conduct and report it to the Principal. Upon receipt of a report of discrimination, harassment or retaliation, the Principal shall promptly inform the relevant Civil Rights Coordinator of the report, and the District will respond in a manner consistent with this Procedure.

If the report involves an accusation against the Principal or Civil Rights Coordinator, the employee shall report the incident to the Superintendent or the Director of Human Resources.

The District will provide prompt and reasonable interim measures during the pendency of the investigation, if appropriate, to support and protect the safety of the parties, the educational environment, and the District and/or school community; to deter retaliation; and to preserve the integrity of the investigation and resolution process. Any interim measures will be monitored to ensure they are effective based on the evolving needs of the parties.

An immediate aim of the investigation should be preserving and gathering evidence from the scene of an incident. Bias related graffiti should be photographed, and then removed. The investigator should seek to interview all victims

and witnesses at the scene, or as soon thereafter as possible, and interview others who may have relevant knowledge. The investigation may consist of any methods and documents deemed relevant and useful. All circumstances as found should be carefully evaluated for the presence of bias indicators that would characterize the matter as a civil rights violation. The investigation should make a finding as to whether any civil rights infraction or violation of this policy has occurred, based on the definitions of wrongful conduct.

Consequences for Civil Rights Violations and Failures to Act as Required

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

Disciplinary Proceedings: Where, upon the conclusion of an investigation and a hearing conducted in accordance with applicable due process requirements, it is determined that violations of the civil rights of a student or school employee occurred, the principal or designee may impose sanctions up to and including long-term suspension (students), and suspension or termination (employees). Disciplinary actions will be taken toward the goals of eliminating the offending conduct, preventing recurrence, and reestablishing a school environment conducive to the victim's learning.

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

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

Sexual Harassment for Purposes of Title IX of the Education Amendment of 1972

Sexual Harassment: Under Title IX, the term “sexual harassment” includes three (3) types of misconduct based on sex:

- Any instance of quid pro quo harassment by a school employee;
- Unwelcome conduct on the basis of sex, including unwelcome conduct based on sex stereotyping or on the basis of traditional notions of masculinity and femininity, that is sufficiently severe and pervasive and objectively offensive conduct, effectively denying a person equal educational access; or
- Any instance of sexual assault, dating violence, domestic violence, or stalking.

Individuals are encouraged to report allegations of sexual harassment to the Title IX Coordinator(s) identified below or the principal. Any report of sexual harassment, as defined under Title IX of the Education Amendments of 1972, will be responded to promptly in accordance with the [District's Title IX Sexual Harassment Grievance Procedures \(spanish\)](#). Reports of discriminatory harassment not constituting sexual harassment as defined under Title IX of the Education Amendments of 1972 will be addressed in accordance with the [District's Civil Rights Grievance Procedures \(spanish\)](#).

Upon receipt of a report of sexual harassment, the Title IX Coordinator will: (1) promptly and confidentially contact the complainant (alleged victim) to discuss the availability of supportive measures; (2) inform the complainant of the availability of supportive measures with or without the filing of a Title IX Formal Complaint; (3) consider the complainant's wishes with

respect to supportive measures; (4) if the school district does not provide the complainant with supportive measures, document the reasons why such response was reasonable; and (5) explain to the complainant the process for filing a Title IX Formal Complaint.

Inquiries about the application of Title IX to the District may be directed to the District's Title IX Coordinator and/or the Assistant Secretary of the U.S. Department of Education, Office for Civil Rights.

Searches

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

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

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

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

Crisis Intervention Teams

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

Threat of Violence

A threat is an expression of intent to do harm or act out violently against someone or something. It may be spoken, written, or symbolic. Threats can be expressed directly or indirectly to the victim or to others, and threats may be explicit or implied. Threats sometimes, but rarely, actually involve guns or explosive devices. Many students who make a threat will never carry it out. Conversely, others who pose a real danger may not make an explicit threat. Threats may be communicated to the intended victim or related to a third party. A threat to harm others can be transient (i.e., expression of anger or frustration that can be quickly or easily resolved) or substantive (i.e., serious intent to harm others that involves a detailed plan and means).

Graffiti

Graffiti as a public nuisance and specifies penalties and other enforcement tools to protect public and private property from graffiti vandalism. Persons applying graffiti are responsible for removing or paying for the removal of graffiti and for restitution for damages. Additionally, fines shall be imposed, and the parents/guardians of minors are also responsible for the payment of fines. Personal property (i.e., vehicles) used in acts of graffiti vandalism will be forfeited. Community services may also be required.

Hazing—Penalties

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

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

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

Section 19: Each institution of secondary education and each public and private institution of postsecondary education shall issue to every student group, student team, or student organization which is part of such institution or is recognized by the institution or permitted by the institution to use its name or facilities or is known by the institution to exist as an unaffiliated student group, student team or student organization, a copy of this section and Sections 17 and 18; provided, however, that an institution's compliance with this section's requirements shall not constitute evidence of the institution's recognition or endorsement of said unaffiliated student groups, teams, or organizations. Each such group, team or organization shall distribute a copy of this section and Sections 17 and 18 to each of its members, plebes, pledges, or applicants for membership.

It shall be the duty of each such group, team, or organization, acting through its designated officer, to deliver annually to the institutions an attested acknowledgment of receipt of a copy of this section and said Sections 17 and 18, and that such group, team or organization understands and agrees to comply with these provisions. Each institution of secondary education and each public or private institution of post-secondary education shall, at least annually, before or at the start of enrollment, deliver to each person who enrolls as a full time student in such institution a copy of this section and Sections 17 and 18, and shall file, at least annually, a report with the Regents of Higher Education and, in the case of secondary institutions, the Board of Education, certifying that such institution has complied with its responsibility to inform student groups, teams, and organizations and to notify each full time student enrolled by it of the provisions of this Section and Sections 17 and 18 and also certifying that said institution has adopted a disciplinary policy with regard to the organizers and participants of hazing, and that such policy has been set forth with appropriate emphasis in the student handbook or similar means of communicating the institution's policies to its students. The Board of Regents and, in the case of secondary institutions, the Board of Education shall promulgate regulations governing the content and frequency of such reports, and shall report to the Attorney General any such institution which fails to make such report.

Gun-Free School Act

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

Student Freedom of Expression

Pursuant to Massachusetts General Laws, Chapter 71, Section 82, “the right of students to freedom of expression in the public schools of the Commonwealth shall not be abridged, provided that such right shall not cause any disruption or disorder within the school. Forms of expression shall include, without limitation, the rights and responsibilities of students, collectively and individually to:

- Express their views through speech and symbols;
- Write, publish, and disseminate their views; and
- Assemble peaceably on school property for the purpose of expressing their opinions.”

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

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

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

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

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

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

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

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

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

Example of a Home/School Compact

Parent Agreement

(Any person who is interested in helping this student may sign in lieu of the parent.)

I want to see my child achieve. Therefore, I will encourage him/her by doing the following:

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

Student Agreement

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

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

Teacher Agreement

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

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

Principal Agreement

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

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