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LYNN PUBLIC SCHOOLS
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LETTER TO PARENT

LYNN PUBLIC SCHOOLS
100 Bennett Street, Lynn, MA 01905
Tel 781.593.1680



Dear Parent:

A committee composed of parents, students, teachers, School Committee members and school administrators has prepared a revised discipline code for our city's schools. The purpose of the policy and code is to provide the educational community of Lynn with a set of guidelines which will, if followed, offer an environment conducive to an effective learning experience for every pupil in the system.

The most effective education takes place when the home and school work together harmoniously for the well-being of the child. The new discipline code provides the framework through which parents, School Committee members, students, teachers and school administrators can make a difference in enhancing the educational opportunities for every child attending the Lynn Public Schools.

The Discipline Policy is on file in the office of the principal. It includes the search and seizure and drug policies as well as Special Education Regulations concerning discipline.

This policy is subject to on-going review and may be viewed by parents upon request. Please sign the statement below and have your son/daughter return to his/her homeroom teacher.

I have read the Discipline Code with my child and intend to cooperate, to the best of my ability, with the school officials to enforce this policy in order to promote ideal conditions for learning.

Parent/Guardian Signature

Date

Student Signature

Date

PLEASE DETACH THIS ENTIRE PAGE AND RETURN IT TO YOUR HOMEROOM TEACHER, SIGNED BY YOU AND YOUR PARENT.

DISCIPLINE CODE

The following list of school-related problems is presented at this time to indicate the possible or potential effect on your child's education. A cooperative effort by pupils, parents, teachers and school administrators in following these rules and regulations will lead to a high standard of behavior and will result in excellence in the education of Lynn's children. The administrator in charge will determine the appropriate discipline, which could include but is not limited to the following: contact with parents by mail, telephone or conferences; after-school detention; loss of open campus privileges; loss of parking privileges; temporary or permanent removal from classes; short term or long term in-school or out-of-school suspension from school; expulsion (i.e. permanent exclusion). All students are expected to meet the requirements for behavior as set forth in this code.

All students are subject to the Discipline Code in the school, on school property, on the way to or from school, on school field trips, at school athletic events, school provided transportation and on any other school-sponsored event.

1.0 Attendance-Related Problems

The following infractions may lead to after school detention, Saturday detention, lunch detention, parent conference, suspension and/or Court Application through a CRA petition

- 1.1 Truancy
- 1.2 Skipping Class
- 1.3 Unexcused Absence (Seven (7) times per quarter)
- 1.4 Tardiness (Unexcused)
 - 1.4a Over 10 Minutes to Class
 - 1.4b Under 10 Minutes to Class
 - 1.4c Tardiness to school (per Quarter)
- 1.5 Dismissals (All dismissals must be granted or denied by the Principal or his/ her designee)
 - 1.5a Illness
 - Parent or guardian to pick up pupil; possible medical documentation
 - 1.5b Other than Illness
 - 24-hour notice to school desirable
 - Parent or guardian to pick up pupil
- 1.6 Use of automobile during school hours is strictly

- prohibited.
- 1.7 Closed Campus (All students shall remain on school property the entire school day.)
- 1.8 Failure to Return Official School Documents requiring a signature.
- 1.9 Failure to Report to Homeroom
 - 1.9a Failure to Report to Office upon Arriving Late to School

2.0 School Incidents

The following infractions may result in: after school detention, Saturday detention, lunch detention, parent conference, suspension and/or academic consequences (i.e. failure on assignment)

- 2.1 Cheating
- 2.2 Forgery of School Documents
- 2.3 Disruptive Behavior
- 2.4 Continual Misbehavior
- 2.5 Refusal to Meet Minimum Standards of the Class.
- 2.6 Failure to Return Loaned School Equipment, Books or Any School Property**please note that this incident may also lead to a report filed with the appropriate legal authorities
- 2.7 Failure to Report back to Teachers (Non-Academic)
- 2.8 Insubordination
- 2.9 Sent to Office Twice in One Day

3.0 Student Appearance and Electronic Devices.

The following infractions may result in: Parents may be notified to bring Proper Attire (refer to Student Appearance Policy), confiscation of device/object, Detention; Saturday Detention; Lunch Detention; Suspension; Parental Conference.

- 3.1 Clothing shall not present health or safety problems, or in any way disrupt the learning process.
- 3.2 Violation of the Electronic Device Policy
- 3.3 Students who bring any object to school that causes any disruption or distraction from the learning process or endangers health or safety

4.0 Other School Incidents

The following infractions may result in: Detention; Saturday Detention; Lunch Detention; Suspension; Parental Conference.

- 4.1 Gambling
- 4.2 Unauthorized Demonstration
Dangerous Operation of Vehicles on School Property
(including, but not limited to cars, trucks, motorcycles,
bicycles, skateboards, roller blades/skates, etc.)
**please note that this incident may also lead to a
report filed with the appropriate legal authorities
- 4.3 Failure to Report for Office Detention

5.0 Vandalism and Property Damage

The following infractions may result in: Suspension; Parental Conference

- 5.1 Intentional**please note that this incident may also
lead to a report filed with the appropriate legal
authorities
- 5.2 Unintentional
- 5.3 Destruction of Personal Property**please note that
this incident may also lead to a report filed with
the appropriate legal authorities
- 5.4 Graffiti/Defacing Property**please note that this
incident may also lead to a report filed with the
appropriate legal authorities

6.0 Assault and/or Assault and Battery on School Property or at any School-Related Event, including Athletic Games

- 6.1 On a School Department Employee
 - Possible Suspension from the school; possible
Court Action and may be subject to Expulsion
by principal pursuant to M.G.L. 71, S.37H.
Police Notification
- 6.2 On a Pupil
 - Possible short or long term suspension;
reassessment of assignment; possible Court
Action; Police Notification
- 6.3 Fighting between Pupils
 - Possible short or long term suspension;
reassessment of assignment, possible Court
Action; Police Notification
- 6.4 Verbal Harassment or Threat to persons and/or property
 - Possible short or long term suspension;
reassessment of assignment; possible Court
Action; Police Notification

- 6.5 Swearing at a School Employee
 - Possible Detention; Saturday Detention; Lunch Detention; Suspension; Parental Conference.
- 6.6 Use or Possession of a Dangerous Object or Weapon
 - Confiscate; Possible suspension; may be subject to Expulsion by the principal pursuant to M.G.L. 71, S.37H. Police Notification
- 6.7 Possession of a Firearm (M.G.L., Ch. 269, S. 10)
 - Confiscate; Possible suspension; may be subject to Expulsion by the principal pursuant to M.G.L. 71, S.37H. Police Notification
- 6.8 Hazing
 - Possible long and short term suspension; police notification

7.0 Harassment/ Bullying

- 7.1 Harassment
 - Possible long and short term suspension; parental conference; police notification
- 7.2 Sexual Harassment
 - Parental Conference; possible short or long term Suspension; refer to Police (refer to Sexual Harassment Policy)
- 7.3 Bullying
 - Mediation; Parental Conference; possible long or short term Suspension; refer to Police (refer to Bullying Policy)

8.0 Arson and Fire-Related Incidents

The following infractions may result in: short or long term suspension; Parental Conference; notice to local law enforcement

- 8.1 Fire
- 8.2 False Alarm
- 8.3 Fire Extinguisher
- 8.4 Fireworks
- 8.5 Smoking on School Property

9.0 Stealing

The following infractions may result in: short or long term suspension; Parental Conference; notice to local law enforcement

- 9.1 Larceny
- 9.2 Stealing

10.0 Trespassing (Ch. 272 #40; 266 #120)

The following infractions may result in: short or long term suspension; Parental Conference; notice to local law enforcement

- 10.1 Non-School Age Offender
- 10.2 Pupils from Other Schools
- 10.3 Second Time Trespassing

11.0 Use, Sale and/or Distribution of Drugs and Alcohol: Under the Influence: and/or Possession of Drug Paraphernalia.

- 11.0 Voluntary Disclosure
 - Counseling; possible parent conference
- 11.1 Non-Voluntary Disclosure
 - Possible short or long term suspension; possible expulsion under MGL c. 71 s. 37H; parent conference; counseling; referral to appropriate legal authorities.
- 11.2 Continual Highs or Intoxication; Notify Police Designee; possible short or long term expulsion.

12.0 Habitual School Offender

Possible short or long term Suspension; Possible Alternative Placements; Possible Referral for Court Action (C.R.A.);

13.0 Felonies (Ch. 71, S. 37H1/2, Ch. 380 of 1993)

- 13.0 Issuance of a Felony Delinquency Complaint
- 13.1 Subject to Suspension for a period to be determined by principal and/or Superintendent
- 13.2 Conviction of a Felony or upon an Adjudication or Admission of Guilt to a Felony Delinquency Subject to Expulsion by principal and/or Superintendent

Students are also reminded that conduct at school may lead to consequences beyond school discipline. These consequences may include requirements for monetary restitution for damages caused and city fines. In addition, when school staff has a reasonable basis for believing that a crime has been or is being committed by a student on school property or at school-related events, such matters shall be reported to the police.

Definition of Terms

1. **TEACHER DETENTION** – Disciplinary time enforced by teacher.
2. **OFFICE DETENTION** – Disciplinary time assigned after School enforced by principal or his/her designee.
3. **SUSPENSION** – (Short term and long term suspension; in-school and out-of-school suspension).
 - a. 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.
 - b. Long term suspension means the 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 disciplinary offenses in any school year.

Suspensions may happen in school or out of school. An in-school suspension means the 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 infractions during the school year.
4. **EXPULSION** – Students are subjected to expulsion (i.e. permanent exclusion) from school.
5. **RESTITUTION** – Payment for loss or damage to personal or school property.
6. **CONFISCATION** – Any personal property which can be used to disrupt or interfere with the orderly operation of the school, or which poses a threat to others, must be returned at the close of the day to student or parent. All illegal objects or weapons will be presented to the appropriate public safety department.
7. **SATURDAY DETENTION PROGRAM** – An academic study program provided on designated Saturday mornings during the school year. This program assignment is in lieu of suspension or office detention. Parents will be notified and students will be responsible for their own transportation. Failure to report to Saturday Suspension/Detention will result in Out of School Suspension.
8. **LUNCH DETENTION** – Students may be assigned lunch detention for tardiness, attendance or minor school incidents. Students assigned lunch detention may bring their lunch or obtain a school lunch prior to their detention assignment. Failure to report to Lunch Detention will result in **Out of School Suspension and/or Office Detention.**

Student Appearance

Students will be expected to keep themselves well-groomed and neatly dressed at all times. Any form of dress or hairstyle which is considered contrary to good hygiene, or which is distracting or disruptive in appearance, and detrimental to the purpose or conduct of the school will not be permitted. Disruptive clothing is considered, but not limited to, clothing with obscenities, fighting words, incitement, or defamation written on it.

1. The following guidelines shall determine dress and grooming:
 1. Decency
 2. Neatness
 3. Cleanliness, and
 4. Suitability for school.
2. The following are not suitable, or in good taste, for school and should not be part of student's attire or grooming:
 1. Hats, bandannas, gloves, doo-rags, skullcaps, hoods and wave caps are not to be worn in school. Such items must be kept out of sight.
 2.
 - a. Tank tops, strapless tops, halter tops, tube tops, or tops that bare midriff or a student's back may not be worn.
 - b. Skirts, dresses, shorts or other pants of any kind rising above the knee may not be worn.
 - c. Regardless of style, all shirts must be able to be tucked in. The length of the shirt must be no lower than the hip.
 - d. Pants must be worn at or above the waistline. Undergarments must not be visible.
 - e. Pajamas (tops or bottoms), miniskirts, spandex or skin tight clothing may not be worn at any time.
 3. Shirts that advertise tobacco, alcoholic beverages, or advocate drug use, as well as shirts that display obscene printing, violence of any kind or printing that is considered to be inappropriate by the Principal, will not be permitted.
 4. See-through articles of clothing will not be permitted.
 5. Shoes that pose a safety hazard, such as flip flops, slides or shoes that have metal cleats, taps or wheels attached are not permissible.
 6. Non-prescribed dark glasses are not to be used in school. If prescribed, a doctor's statement must be on file in the nurse's office, or with the principal.
 7. Metal studs or chains placed on gloves, coats or any part of pupil's clothing, including shoes, which may cause danger to other students and school personnel, or may cause damage to school or personal property, are not allowed.
 8. Clothing which is considered by the principal to be gang-related or in gang-related "colors" will not be permitted.

Electronic Devices Policy

Use of **non-educational** electronic devices, including but not limited to cell phones, is prohibited during school hours. Violation of this policy will result in immediate confiscation of the item, parental notification as well as possible Detention upon the first violation of the school year or possible Detention and/or Suspension for further violations. If these items are brought to school they must remain out of sight and off during school hours.

Personnel/Staff of the Lynn Public Schools are not responsible for lost or stolen property.

Attendance

- A. Daily attendance of all who are enrolled in the Lynn Public Schools is required in accordance with the laws of the Commonwealth and the School Committee rules.
- B. It is the responsibility of the administrator and teachers to know which students are either absent from school or missing from assigned classes.
- C. Chapter M.G.L c. 71(b) regulations shall be considered and applied in all instances involving students with special educational needs.
- D. Attendance at school is mandated by State law, subject to the following:

Student Absence Notification Program

At the commencement of each school year, parents/guardians will be sent a notice instructing them to call a designated telephone number at a designated time to inform the school of the student's absence and the reason for such absence. The notice will also require such parent or guardian to furnish the school with a home, work or other emergency telephone number where they can be contacted during the school day. If the school does not receive a message from the parent/guardian by the designated time, then the school shall call the telephone number or numbers furnished to inquire about the student's absence. Parents will be contacted within three (3) days of the student's absence if the Parent(s) or Guardian has not contacted the school regarding the absence.

Parent(s) or Guardians will also be notified when a student who has at least five days in which the student has missed two or more classes/periods (unexcused) or who has five or more unexcused absences in the school year and a meeting will be scheduled with the building Principal (or his/her designee), the Parent(s)/Guardian and the student to develop an action plan to improve the student's attendance.

Parents/guardians are encouraged to contact school staff and work collaboratively with them to correct the reasons that the student is missing school.

1. All school absences require a note explaining the absence. School absences are defined as follows:

- Documented Absence (JUSTIFIED):
Illness covered by a doctor's note, a note regarding illness from the parent or guardian, death in the family, religious holiday, school sponsored activities as approved by administration, college or military recruiter visits with approval from the administration, absence occurring when a student is in custody of Court or law enforcement authorities, and absence resulting from participation in a work-study program under the supervision of the public school. The administration reserves the right to request a doctor's note. In case of an emergency a waiver may be granted by a school administrator.
- Documented Absence (NON-JUSTIFIED) and Undocumented Absence (NON-JUSTIFIED):
Seven (7) documented absences (non-justified) or seven (7) undocumented absences (non-justified) may result in a failure of the course. All other absences not covered above, including truancy, class cuts, Suspensions, and family vacations are not considered legitimate reasons for class absences in a given quarter.

2. Upon returning to school after an absence, a student is required to present a signed note of explanation from the parent or guardian stating the reason and date of the absence. This note must be presented to all classroom teachers. A physician's note will be required for absences of five (5) days or more in any one school quarter, or in the case of prolonged illness which may result in an absence of five (5) or more consecutive days. School officials reserve the right to investigate the authenticity of parental notes.
3. Pupils may not attend or participate in school events if they are absent on the same day of the activity, unless permission has been granted by the school principal or designee prior to the specific event or function.
4. To ensure fairness, a Review Board of administrators will meet to evaluate extenuating circumstances pertaining to absences prior to final marks being recorded. The appeal should be initiated within five (5) days of the receipt of report card.
5. The School Department does not condone family or students scheduling vacations while school is in session. Student absence because of a family vacation is not considered "DOCUMENTED" absence and therefore the school is not required to provide assignments or make-up work for students who go on vacations while school is in session.

- E. Religious holidays will not count against a student's perfect attendance record.
- F. All students who participate in school-sponsored activities or field trips will be responsible for all missed school assignments.
- G. The previous policy relative to grade point reduction for undocumented absences is void.

Laws

Hazing

The following statute of the Commonwealth is required to be included and followed by each school in its student handbooks and rules and regulations:

Chapter 269

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 three thousand dollars or by imprisonment in a house of correction for not more than one year, or by both such fine and imprisonment.

The term "hazing" as used in this section and in section eighteen and nineteen, 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 which is likely to adversely affect the physical health or safety of any such 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 section.

Section 18

Whoever knows that another person is the victim of hazing as defined in Section seventeen and is at the scene of such crime shall, to the extent that such 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 one thousand dollars.

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 seventeen and eighteen; provided, however, that an institution's compliance with this

section's requirements that an institution issue copies of this section and sections seventeen and eighteen to unaffiliated student groups, teams or organizations 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 seventeen and eighteen 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 institution an attested acknowledgement stating that such group, team or organization has received a copy of this section and said sections seventeen and eighteen, that each of its members, plebes, pledges, or applicants has received a of sections seventeen and eighteen, and that such group, team or organization understands and agrees to comply with the provisions of this section and sections seventeen and eighteen.

Each institution of secondary education and each public or private institution of postsecondary 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 seventeen and eighteen.

Each institution of secondary education and each public or private institution of postsecondary education 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 or organizations and to notify each full time student enrolled by it of the provisions of this section and sections seventeen and eighteen 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 forthwith report to the attorney general any such institution which fails to make such report.

Smoking

On June 18, 1993, the Massachusetts General Law, Chapter 71, Section 37H, was amended to state that the Superintendent shall publish policies pertaining to the conduct of teachers and students. Said policies shall prohibit the use of any tobacco products within the school buildings, the school facilities, or on the school grounds, or on school buses by any individual, including school personnel. The Lynn Public Schools accepts this law as binding on its students and employees.

The Gun Law (M.G.L., c. 269, s.10 "j")

"Whoever, not being a law enforcement officer, and notwithstanding any license obtained by him under the provisions of Chapter one hundred and forty, carries on

his person a firearm as hereinafter defined, loaded or unloaded, or other dangerous weapon, in any building or on the grounds of any elementary or secondary school, college or university without the written authorization of the board or officer in charge of such elementary or secondary school, college or university shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year, or both. For the purpose of this paragraph, "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, college or university, or any faculty member or administrative officer of an elementary or secondary school, college or university failing to report violations of this paragraph shall be guilty of a misdemeanor and punished by a fine of not more than five hundred dollars.

1. Students responsible for violating this law will be subject to Suspension, Expulsion and Prosecution. (Due process will apply.)
2. The School Committee adopts this policy with intent that it applies to all levels of our school system.
3. For the purposes of this Code, the possession of a replica of a firearm, with the intent to intimidate, frighten, or coerce either students or staff, is to be considered a reason for possible Expulsion.

Expulsion for Possession of a Dangerous Weapon, a Controlled Substance, Assault on Educational Personnel

Mass. Gen. Laws, Ch.71, §37H provides the following:

- (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 94C, 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 teacher, teacher's aide or other education- al staff or administrator on school premises or at school-sponsored or school-related events, including athletic games, may be subject to expulsion from the school or school district by the Principal.
- (c) Any student who is charged with a violation of either paragraph (a) or (b) shall be notified in writing of an opportunity for a hearing, provided, however, that the student may have representation, along with the opportunity to present evidence and witnesses at said hearing before the Principal. After said hearing, a Principal may, in his discretion, decide to suspend rather than expel a student who has been determined by the Principal to have violated either paragraph (a) or (b);
- (d) Any student who has been expelled from a school district pursuant to these

provisions shall have the right to appeal to the Superintendent. The expelled student shall have ten days from the date of the expulsion in which to notify the Superintendent of his appeal. The student has the right to counsel at a hearing before the Superintendent. The subject matter of the appeal shall not be limited solely to a factual determination of whether the student has violated any provisions of this section.

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

Suspension/Expulsion for a Felony Charge or Conviction

Massachusetts General Laws Chapter 71, section 37H 1/2 provides that:

- (1) Upon the issuance of a criminal complaint charging a student with a felony or upon the issuance of a felony delinquency complaint against the student, the Principal of the school in which the student is enrolled may suspend such student for a period of time determined appropriate by said Principal, if said Principal 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 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 right to overturn or alter the decision of the principal, 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 town with regard to the suspension.

- (2) Upon a student's being convicted of a felony or upon adjudication or admission in court of guilt with respect to such a felony or felony delinquency, the Principal of a school in which a student is enrolled may expel said student if such Principal 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 the 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 the 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 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 right to overturn or alter the decision of the Principal, 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 town with regard to the expulsion.

- (3) 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 the school or provide educational services to the student in an education service plan, under section 21 of chapter 76.

Massachusetts General Laws Chapter 71, Section 37H $\frac{3}{4}$

- a) This section shall govern the suspension and expulsion of students enrolled in a public school in the commonwealth who are not charged with a violation of subsections (a) or (b) of section 37H or with a felony under section 37H $\frac{1}{2}$.
- b) Any principal, headmaster, superintendent or other person acting as a decision-maker at a student meeting or hearing, when deciding the consequences for the student, shall exercise discretion; consider ways to re-engage the student in the learning process; and avoid using expulsion as a consequence until other remedies and consequences have been employed.
- c) For any suspension or expulsion under this section, the principal or headmaster of a school in which the student is enrolled, or a designee, shall provide, to the student and to the parent or guardian of the student, notice of

the charges and the reason for the suspension or expulsion in English and in the primary language spoken in the home of the student. The student shall receive the written notification and shall have the opportunity to meet with the principal or headmaster, or a designee, to discuss the charges and reasons for 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 at that meeting.

- 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 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, may proceed with a hearing without a parent or guardian of the student if the superintendent, or 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.

Massachusetts General Law Chapter 71, Section 37H (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 either shall admit the student to its schools or provide educational services to the student in an education service plan, under section 21 of chapter 76.

Graffiti/Defacing School Property

Graffiti and any defacing of school property are prohibited. The School Department hereby incorporates the Lynn City Ordinance with all its applicable fines and Possible Prosecution into this policy. Full Restitution will be required in every instance of such violation. (See Discipline Code for consequences of violation.)

1. Spray Paint Cans/Magic Markers

All magic markers and spray paint cans are banned from school premises, unless previous approval is granted. Students found with such in their possession will be in violation of this rule. If a teacher/coach/advisor requests work such as posters, signs, etc. to be produced by magic marker pens, etc., the makers must be kept in the teacher's possession until such time as the project has been completed. The markers must be immediately returned to the teacher/coach//advisor. Students found in possession of markers or spray paint cans, without clearly expressed permission of a teacher/coach/advisor, will be subject to the following:

- a. Immediate confiscation of markers, cans or objects;
- b. Detention, Short or Full Term Suspension, Full Restitution and Possible Prosecution

2. Full Restitution is defined as any and all removal and cost to restore the damaged area/property to its original condition.

Search and Seizure

In order to maintain the educational process and ensure the safety and welfare of all members of the Lynn school system, the following rules shall apply to the search of school property of individuals.

1. At the discretion of the principal, general and individual searches may be conducted by the principal or his designee when reasonable suspicion exists.
2. When there are reasonable grounds to believe that a student is in possession of weapons, illegal drugs, alcoholic beverages, stolen property, explosives or other illegal paraphernalia, a student may be searched by any school authority in a manner reasonably related to its objectives.
3. Search of an area assigned to a member of the Lynn Public Schools should be made in the presence of a witness and when reasonably possible, in the presence of a person involved.
4. A copy of master keys and/or copy of combinations for locks for student lockers are retained by the school.
5. Items or possessions reasonably determined to be a threat to the health and safety or security of others may be seized by the school authorities.
6. Items which are used to disrupt or interfere with the educational process may be temporarily removed from student possession.
7. The above may be done by any authorized personnel without prejudice.

Due Process

A student will not be excluded from school without being afforded appropriate due process as set forth below. If, however, a student's continued presence in school poses a danger to persons or property, or materially and substantially disrupts the order of the school, and, in the administrator's, judgment there is no alternative available to alleviate the danger or disruption, a student who is charged with a disciplinary offense may be removed temporarily from school before receiving due process pursuant to an Emergency Removal (see below for more information).

I. IN-SCHOOL SUSPENSION

An in-school suspension is a removal of a student from regular classroom activities, but not from the school premises. The procedure for an in-school suspension of no more than (10) school days (consecutive or cumulatively for multiple infractions during the school year) will be as follows:

1. The administrator will inform the student of the disciplinary offense charged, the basis for the charge, and provide the student an opportunity to respond. If the administrator determines that the student committed the disciplinary offense, the administrator will inform the student of the length of the student's in-school suspension, which may not exceed 10 days, cumulatively or consecutively, in a school year.
2. On the same day as the in-school suspension decision, the administrator will make reasonable efforts to notify the parent orally of the disciplinary offense, the reasons for concluding that the student committed the infraction, and the length of the in-school suspension. The administrator will also invite the parent to a meeting to discuss the student's academic performance and behavior, strategies for student engagement, and possible responses to the behavior. Such meeting will be scheduled on the day of the suspension if possible, and if not, as soon thereafter as possible. If the administrator is unable to reach the parent after making and documenting at least (2) attempts to do so, such

attempts will constitute reasonable efforts for purposes of orally informing the parent of the in-school suspension.

3. The administrator will send written notice to the student and parent about the in-school suspension, including the reason and the length of the in-school suspension, and inviting the parent to a meeting with the principal for the purpose set forth above, if such meeting has not already occurred. The administrator will deliver such notice on the day of the suspension by hand-delivery, certified mail, first-class mail, email to an address provided by the parent for school communications, or by other method of delivery agreed to by the administrator and the parent.

An in-school suspension of more than 10 cumulative days in a school year will be subject to the procedures for long-term suspension found at page 32.

II. SHORT TERM OUT-OF-SCHOOL SUSPENSION

1. Except in the case of an Emergency Removal (see below), prior to imposing a short term out-of-school suspension (10 days or less in a school year) for conduct not covered by M.G.L. c. 71, §37H and 37H ½, an administrator will provide the student and his/her parent oral and written notice and an opportunity to participate in an informal hearing.

Notice: The written notice to the student and the parent will be in English and in the primary language of the home if other than English, or other means of communication where appropriate and will include the following:

- a) the disciplinary offense;
- b) the basis for the charge;
- c) the potential consequences, including the potential length of the student's suspension;
- d) the opportunity for the student to have a hearing with the administrator concerning the proposed suspension, including the opportunity to dispute the charges and to present the student's explanation of the alleged incident, and for the parent to attend the hearing;
- e) the date, time, and location of the hearing;
- f) the right of the student and the student's parent to interpreter services at the hearing if needed to participate;

Written notice to the parent may be made by hand delivery, first-class mail, certified mail, email to an address provided by the parent for school communications, or any other method of delivery agreed to by the school and parent.

2. Efforts to Involve Parent: The administrator will make reasonable efforts to notify the parent of the opportunity to attend the hearing. To conduct a hearing without the parent present, the administrator must be able to document reasonable efforts to include the parent. The administrator is presumed to have made reasonable efforts if the administrator has sent written notice and has documented at least two

(2) attempts to contact the parent in the manner specified by the parent for emergency notification.

3. Format of Hearing: The administrator will discuss the disciplinary offense, the basis for the charge, and any other pertinent information. The student also will have an opportunity to present information, including mitigating facts, that the administrator should consider in determining whether other remedies and consequences may be appropriate. The administrator will provide the parent, if present, an opportunity to discuss the student's conduct and offer information, including mitigating circumstances, that the administrator should consider in determining consequences for the student.
4. Decision: The administrator will provide written notice to the student and parent of his/her determination and the reasons for it, and, if the student is suspended, the type and duration of suspension and the opportunity to make up assignments and such other school work as needed to make academic progress during the period of removal. The notice of determination may be in the form of an update to the original written notice of hearing.

III. LONG TERM SUSPENSION

Except in the case of an Emergency Removal provided on page 36, prior to imposing a long-term suspension **more than 10 days of suspension, whether in-school or out-of-school, whether consecutive or cumulative for multiple offenses during a school year), an administrator will follow the procedures for short-term suspension plus additional** procedures as follows:

1. Notice: The notice will include all of the components for a short-term suspension in Section C above, plus the following:
 - a) In advance of the hearing, the opportunity to review the student's record and the documents upon which the administrator may rely in making a determination to suspend the student or not;
 - b) the right to be represented by counsel or a lay person of the student's choice, at the student's/parent's expense;
 - c) the right to produce witnesses on his or her behalf and to present the student's explanation of the alleged incident, but the student may not be compelled to do so;
 - d) the right to cross-examine witnesses presented by the school district;
 - e) the right to request that the hearing be recorded by the administrator, and a copy of the audio recording provided to the student or parent upon request; and

- f) the right to appeal administrator's decision to impose long-term suspension to the superintendent.

2. Format of Hearing: The Hearing will afford the rights set forth in the notice above. The administrator will also provide the parent, if present, an opportunity to discuss the student's conduct and offer information, including mitigating circumstances, that the administrator should consider in determining consequences for the student.

3. Decision: Based on the evidence, the administrator will determine whether the student committed the disciplinary offense, and, if so, after considering mitigating circumstances and alternatives to long-term suspension, what remedy or consequence will be imposed, in place of or in addition to a long-term suspension. The administrator will send the written determination to the student and parent 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 school and the parent. If the administrator decides to suspend the student on a long-term basis, the written determination will:

1. Identify the disciplinary offense, the date on which the hearing took place, and the participants at the hearing.
2. Set out the key facts and conclusions reached;
3. Identify the length and effective date of the suspension, as well as a date of return to school;
4. Include notice of the student's opportunity to receive education services to make academic progress during the period of removal from school (if more than 10 cumulative days);
5. Inform the student of the right to appeal the administrator's decision to the superintendent or designee. Notice of the right of appeal will be in English and the primary language of the home if other than English, or other means of communication where appropriate, and will include the following information stated in plain language:
 - a) the process for appealing the decision, including that the student or parent must file a written notice of appeal with the superintendent within five (5) calendar days of the effective date of the long-term suspension; provided that within the five (5) calendar days, the student or parent may request and receive from the superintendent an extension of time for filing the written notice for up to seven (7) additional calendar days; and that
 - b) the long-term suspension will remain in effect unless and until the superintendent decides to reverse the administrator's determination on appeal.

No long-term suspension will extend beyond the end of the school year in which such suspension is imposed.

IV. EXPULSION

Students are subject to expulsion (i.e, permanent exclusion) by the Principal for the conduct listed below. (See also, M.G.L. ch. 71, §§37H at page 36)

- Possession of a dangerous weapon*
- Possession of a controlled substance (such as marijuana, cocaine, or prescription drugs not authorized by the school nurse)
- Assault on teachers, administrative staff or other educational personnel

*This includes not only knives and guns, explosive devices and realistic replicas of such weapons/devices, but also other objects used to assault another person or to otherwise create a dangerous situation, such as a baseball bat, a pair of scissors, matches or a lighter. While such objects would not always constitute “dangerous weapons”, administrators and educational professionals will review the circumstances of each case and make a reasonable determination about whether a particular object in a student’s possession constitutes a dangerous weapon in the school setting. Any illegal weapon will be turned over to the Police Department. Any student who brings a firearm to school must be expelled for a minimum of one school year, with exceptions granted only by the superintendent. (The definition of a firearm includes but is not limited to guns (including a starter gun), bombs, grenades, rockets, missiles, mines and similar devices.)

Students are also subject to long term suspension/expulsion by the Principal when charged/convicted of a felony based upon the standards and procedures set forth in M.G.L. c.71, §37H1/2.

Any student who is removed from school for a disciplinary offense under G.L. c. 71, §37H or §37H½ for more than ten consecutive days will have an opportunity to receive educational services and make academic progress during the period of removal under a school-wide education service plan, and will be so informed at the time of the suspension/expulsion.

PROCEDURES APPLICABLE TO CONDUCT COVERED BY M.G.L. C. 71, §37H AND 37H ½

When considering the exclusion of a student from school for possession of a dangerous weapon, possession of a controlled substance (such as marijuana, cocaine, or prescription drugs not authorized by the school nurse), or assault on teachers, an administrator may place a student on short term suspension (ten days or less) based upon an informal hearing, to be followed by a formal hearing before the Principal within that period of suspension to determine whether to take additional disciplinary action, up to and including expulsion from school.

1. The informal hearing will be in the form of a conference between the student and the principal or designee. At this conference, the student (1) shall be informed of the reason for the conference, (2) shall be given the opportunity to present his or her side of the story, and (3) shall be given a decision on the suspension. If the administrator deems delay of the hearing necessary to avoid danger or substantial disruption, this process may occur immediately after, rather than before, the suspension.
2. Prior to putting a suspension into effect, the principal or designee shall make a reasonable effort to telephone and inform the student's parent or guardian of the impending suspension; this shall include attempts to contact the parents or guardian at home and at work. Parents may contact the school for additional information regarding the suspension.
3. A letter will be mailed to the parent/guardian of the suspended student stating:
 - a) The reason for the suspension
 - b) A statement of the effective date and duration of the suspension
 - c) A statement regarding whether or not the Principal will schedule a formal hearing to consider further discipline, up to and including expulsion from school in accordance with M.G.L. c. 71, §37H

When considering a suspension/expulsion of a student charged with/convicted of felony, the Principal will use the standards and procedures set forth in M.G.L. c.71, §37H1/2. In addition, prior to initiating such procedures, the Principal may meet informally with the student and/or his parents to review the charge and the applicable standards if the Principal deems appropriate.

EXCEPTION FOR EMERGENCY REMOVAL

Notwithstanding the provisions for short or long-term suspension set forth above, a student who is charged with a disciplinary offense may be removed temporarily from school if the continued presence of the student poses a danger to persons or property, or materially and substantially disrupts the order of the school, and, in the administrator's judgment, there is no alternative available to alleviate the danger or disruption.

The administrator will immediately notify the superintendent in writing of the removal and the reason for it, and describe the danger [or disruption] by the student.

The temporary removal will not exceed two (2) school days following the day of the emergency removal, during which time the administrator will provide the following, as applicable to the length of suspension:

- Make immediate and reasonable efforts to orally notify the student and the student's parent of the emergency removal, the reason for the need for emergency removal, and other applicable matters;
- Provide written notice to the student and parent as provided in Section C or D above, as applicable;
- Provide the student an opportunity for a hearing with the administrator, as applicable, and the parent an opportunity to attend the hearing, before the expiration of the two (2) school days, unless an extension of time for hearing is otherwise agreed to by the administrator, student, and parent.
- Render a decision orally on the same day as the hearing, and in writing no later than the following school day.

An administrator 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.

Appeal to the Superintendent

If a decision by an administrator, following the parent meeting, results in suspension of a student for more than 10 cumulative school days for the school year, the student may appeal the decision to the superintendent. In order to do so the student or parent must file a notice of appeal with the superintendent within five (5) calendar days with a seven (7) day postponement option. The superintendent must hold the hearing within three (3) school days of the student's request, unless the student or parent requests an extension of up to seven (7) additional calendar days. If the appeal is not filed within this time frame, the superintendent may deny the appeal, or may allow the appeal in his or her discretion, for good cause.

The following apply:

- The superintendent will make a good faith effort to include the parent in the hearing. The superintendent will be presumed to have made a good faith effort if he or she has made efforts to find a day and time for the hearing that would allow the parent and superintendent to participate. The superintendent will send written notice to the parent of the date, time, and location of the hearing.
- The superintendent will conduct a hearing to determine whether the student committed the disciplinary offense of which the student is accused, and if so, what the consequence will be. The superintendent will arrange for an audio recording of the hearing, a copy of which will be provided to the student or parent upon request. The superintendent will inform all participants before the hearing that an audio record will be made of the hearing and a copy will be provided to the student and parent upon request.
- The student will have all the rights afforded the student at the administrator's hearing for long-term suspension as described in Section D above.
- The superintendent will issue a written decision within five (5) calendar days of the hearing which meets the requirements for a long-term suspension as described in Section D above. If the superintendent determines that the

student committed the disciplinary offense, the superintendent may impose the same or a lesser consequence than the administrator, but will not impose a suspension greater than that imposed by the administrator's decision.

The decision of the superintendent constitutes the final decision of the school district.

Harassment

Harassment on the basis of race, age, national origin, sex, gender identity, sexual orientation or disability is illegal and will not be tolerated. We expect all students, employees, parties contracted by the Lynn Public Schools, and other members of the school community to conduct themselves in an appropriate manner and treat all people with respect, dignity, courtesy and fairness.

Any individual who is found, after appropriate investigation, to have engaged in any form of verbal or physical harassment will be subjected to disciplinary action up to and including termination of employment or expulsion.

Any student who believes that he or she has been subjected to harassment should feel free to discuss the matter with a trusted adult and/or file a complaint in person or in writing.

Sexual Harassment

Sexual harassment is unwanted sexual attention from anyone with whom the student may interact in the course of receiving an education in school or at school-sponsored activities.

Incidents of sexual harassment may include verbal harassment (derogatory comments, jokes slurs or remarks, questions of a sexual nature), physical harassment (unnecessary or offensive touching) or visual harassment-(offensive posters, cards, cartoons, graffiti, drawing, looks or gestures).

Sexual Harassment by a Student

Any student who feels that he/she has been the victim of sexual harassment by another student should report the incident to a teacher, counselor or school administrator. Students should feel comfortable in seeking the help of a responsible adult. All reported incident should be investigated by the principal and/or vice-principal. A written record of all reports should be maintained by the principal. If it is determined that a student has been sexually harassed by another student, the offending student is subject to one or all of the following consequences: Parental Conference, Detention, Short or Long Term Suspension, apology to the victim and referral to the police. Repeated harassment, reprisal, threats or intimidation of the victim will be treated as serious offenses and could result in a recommendation by the principal to the Superintendent of Schools and School Committee for Expulsion.

Sexual Harassment by an Adult

Any student who feels that he/she has been the victim of sexual harassment by an adult should immediately report the incident to another adult whom he/she trusts. Any school staff member receiving such information must immediately report the incident to the principal. A written record of all reports should be maintained by the principal. If it is determined that an adult has sexually harassed a student, serious disciplinary action toward the adult may occur. Under certain circumstances, sexual harassment/violence may constitute sexual abuse. School staff (as mandated reporters) must comply with state regulations regarding child abuse/neglect. At the school level, the principal is responsible for gathering reports and maintaining a written record of all reports of sexual harassment. If the complaint involves the building principal, the complaint must be filed directly with Superintendent. All allegations involving school staff members must be immediately reported to the Superintendent of Schools, The Superintendent shall immediately authorize and investigation by appropriate school officials. The investigation may include personal interviews with anyone involved or having knowledge of the allegations and review any reports or documents concerning the incident. In all cases, a high degree of confidentiality will be maintained by school authorities. Every effort will be made to protect the alleged victim, the complainant, students and employees during the investigation and disposition of the incident.

Discipline of the Section 504 Student

Section 504 students are subject to the same disciplinary action as a non-disabled student, provided that the student's behavior is not a manifestation of his/her qualifying disability. A 504 Team must conduct a manifestation determination whenever a disabled student is subject to out-of-school suspension for 10 consecutive days or more than 10 cumulative days (if there is a pattern of exclusion) in any school year. If the 504 Team concludes that the violation is a manifestation of the student's qualifying disability, the discipline process must end and the 504 Team should review the 504 Plan to determine if changes are appropriate. If the violation is not a manifestation, the student is subject to the same disciplinary action that any non-disabled student would receive for the same violation.

Procedures Regarding the Suspension of Special Needs Students

The following procedures will be followed when students with special needs or students who have been identified as possibly being special needs are suspended:

1. The principal or designee will keep a record of the number of in-school and out-of-school suspensions, including suspensions from transportation, received by every special needs student in his/her building on a Suspension Log (**LYNN SPED 14A**). Copies of the Suspension Log must be given to the Head Special Education Teacher and the SAC.

2. When a student's cumulative suspensions reach (8) eight days in a school year, the SAC within the building will contact the Head School Adjustment Counselor to inform him/her that a student is in need of a functional behavioral assessment. The Head School Adjustment Counselor will assign the functional behavioral assessment on a rotating basis to a School Psychologist or SAC. After the functional behavioral assessment has been conducted, a functional behavioral assessment report will be written and a behavioral intervention plan will be drafted. The School Psychologist or the SAC will ensure that copies of the functional behavioral assessment report and the behavioral intervention plan are given to the student's special education teacher and the special education TEAM Chairperson.
3. For every suspension that a student receives past ten (10) school days, the Principal or his/her designee will notify the parent by phone and by a suspension letter. **(LYNN SPED 14C)**. A copy of the suspension letter and the incident report should be given to the TEAM Chairperson and the Head Special Education Teacher. This will serve as notification to reconvene the TEAM in order to conduct a manifestation determination. The TEAM Chairperson must mail out a notice and invitation (N3 & N3A) to TEAM members, including the parent, notifying them of when the manifestation determination meeting will be held. The manifestation determination meeting must be held as soon as possible, but no later than ten (10) school days of the date the disciplinary action was imposed.
4. At the manifestation determination meeting, the TEAM must review all relevant information in the student's file, including the student's IEP, past evaluation results, any teacher observation and any relevant information provided by the parents. After a review of the above information, the TEAM must answer the following questions:
 - a. Was the conduct in question caused by, or did the conduct have a direct and substantial relationship to the student's disability?
 - b. Was the conduct in question the direct result of the school's failure to implement the IEP?

If it is determined that the behavior was not a manifestation of the child's disability, the relevant disciplinary procedures applicable to students without disabilities may be applied to the student in the same manner in which they would be applied to students without disabilities. However, special needs students must have access to the general curriculum and his or her IEP services. The special needs student must also be able to make progress towards his/her IEP goals.

If the TEAM determines that the behavior was a manifestation of the student's disability, the student may not be suspended and the student must be returned to the placement from which she/he was removed, unless the parent and the school agree to change of placement as part of the modification of the behavioral intervention plan. Additionally, the TEAM must either conduct a

functional behavioral assessment and create or review a behavioral intervention plan for the student.

5. Regardless of the outcome of the manifestation determination, school personnel may remove a student from his or her educational program for 45 school days for the following:
 - a. carrying or possessing a weapon to or at school, on school premises or at school functions
 - b. knowingly possessing or using illegal drugs, or selling or soliciting the sale of controlled substances at school, on school premises or at school functions; or
 - c. inflicting serious bodily injury while at school, on school premises or at a school function where there is:
 1. substantial risk of death
 2. extreme physical pain
 3. protracted/obvious disfigurement
 4. protracted loss or impairment of function of the bodily member, organ or mental faculty

The Interim Alternative Educational Setting is determined by the student's IEP TEAM. The TEAM must choose a setting that allows the student to participate in the general education curriculum, although in another setting, and to progress toward meeting his or her IEP goals. Additionally, a functional behavioral assessment must be conducted and a behavioral intervention plan drafted. After the meeting, the TEAM Chairperson must send the parent a manifestation determination letter (**LYNN SPED 14**) along with the IAES determination form (**LYNN SPED 14B**) and Notice of Procedural Safeguards (**LYNN SPED 19 & 20**).

6. The TEAM Chairperson must reconvene the student's IEP TEAM within five school days before the end of the forty-fifth day period. The TEAM Chairperson must notify (N3 & N3A) the parents of the TEAM meeting at least 10 school days before the meeting. Personnel from the IAES may be invited to the meeting in order to provide input.

At the TEAM meeting, the TEAM has the option to recommend:

- a. the student return to his/her previous placement with or without modifications to the IEP, or
- b. change of placement.

Procedural Requirements Applied to Students Not Yet Determined to be Eligible for Special Education

1. If prior to the disciplinary action, a district had knowledge that the student may be a student with a disability, then the district makes all protections available to the student until and unless the student is subsequently determined not to be eligible. The district may be considered to have prior knowledge if:
 - a. the parent expressed concern in writing; or

- b. the parent had requested an evaluation; or
 - c. District staff had expressed directly to the special education director or other supervisory personnel specific concerns about a pattern of behavior demonstrated by the student. The district may not be considered to have had prior knowledge if the parent has not consented to evaluation of the student or has refused special education services, or if an evaluation of the student has resulted in a determination of ineligibility.
2. If the district had no reason to consider the student disabled, and the parent requests an evaluation subsequent to the disciplinary action, the district must have procedures consistent with federal requirements to conduct and expedited evaluation to determine eligibility.
 3. If the student is found eligible, then he/she receives all procedural protections subsequent to the finding of eligibility.

NONDISCRIMINATION

It is the policy of the Lynn Public Schools not to discriminate on the basis of race, color, national origin, marital status, age, sex, religion, sexual orientation, gender identity, disability and homelessness in admission to, access to, treatment in, or employment in its programs activities in compliance with Title VI and VII of Civil Rights Act of 1964, Title IX of the 1972 Amendments to the Civil Rights Act, Section 504 of the Rehabilitation Act of 1973, The Age Discrimination in Employment Act, and M.G.L. Ch. 76:5, M.G.L., Ch.151C

An aggrieved party must institute proceedings within thirty (30) school days of the event or events giving rise to the grievance or within thirty (30) school days from the date the aggrieved party had knowledge or reasonably should have had knowledge of the event or events giving rise to the grievance.

A person who feels that he or she has been discriminated against for any of the reasons cited above should follow this procedure:

1. The complainant should submit any allegations of discrimination in writing to his/her nearest building Principal/or the immediate supervisor for consideration. He/she should request that the discriminatory situation be corrected as soon as possible.
2. The Principal will investigate the allegations and respond to the complainant through personal interview and in writing within ten (10) school days of receipt of the written complaint.
3. If the matter is not resolved, at a conference or in a written communication, the complainant may appeal in writing to the Title IX Coordinator. The Coordinator will meet with the complainant and respond in writing within ten (10) school days of receipt of the written complaint.

Barbara Rafuse, Director of Personnel
Lynn Public School Administration Building
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781-477-7220

4. If, at the end of ten (10) school days following the written response from the Title IX Coordinator, the matter remains unresolved the complainant has the right to appeal to the Superintendent of schools in writing.
5. The Superintendent of schools shall investigate the complaint and respond in writing to the complainant no later than ten (10) school days after having received the complaint.
6. If the matter remains unresolved, the complainant may appeal in writing to the School Committee within ten (10) school days of receipt of the Superintendent's response. The School Committee will meet within fifteen (15) school days to review and consider the matter. The Committee will respond to the complainant in writing within five (5) school days following that meeting.

7. If the matter still remains unresolved for the complainant, he or she has the right to appeal directly to the District Office of Civil Rights for a review of Steps 1 through 6, and to further his/her case or terminate same with guidance and instruction from said office.

Since it is important that grievances be processed as rapidly as possible, the number of days indicated at each level should be considered as maximum and every effort should be made to expedite the process.

A grievant may file a complaint with the following agencies:

U.S. Department of Education, Office for Civil Rights, 5 Post Office Square, Boston, Massachusetts 02109-3921

Telephone (617) 289-0011, Facsimile: (617) 289-0150, Email: OCR.Boston@ed.gov as follows:

- Within 180 calendar days of alleged discrimination or harassment, or
- Within 60 calendar days of receiving notice of Lynn Public School's final disposition on a complaint filed through Lynn Public Schools or
- Within 60 calendar days of receiving a final decision by the Massachusetts Department of Education, Bureau of Special Education Appeals

United States Equal Employment Opportunity Commission (EEOC) - 300 days:

John Kennedy Federal Building, 475 Government Center, Boston, MA 02203, (800) 669-4000

Massachusetts Commission Against Discrimination (MCAD) – 300 days:

Boston Office: One Ashburton Place, Rm. 601, Boston, MA 02108 (617) 994-6000

LEGAL REFS.: Title VI, Civil Rights Act 1964

Title VII, Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972

Title IX, Education Amendments of 1972

Equal Pay Act, as amended by the Education Amendments of 1972

Rehabilitation Act of 1973

Education for all Handicapped Children Act of 1975

M.G.L., Ch. 76:5,

M.G.L., Ch. 151C

M.G.L., Ch.76:16

BULLYING INTERVENTION & PREVENTION PLANS

The Lynn Public Schools will not tolerate any unlawful or disruptive behavior, including any form of bullying, cyber-bullying, or retaliation in our school buildings, on school grounds, or in school-related activities. We will investigate promptly all reports and complaints of bullying, cyber-bullying, and retaliation and take prompt action to end that behavior and restore the target's sense of safety. We will support this commitment in all aspects of our school community, including curricula, instructional programs, staff development, extracurricular activities, and parent or guardian involvement.

Additionally, in accordance with An Act Relative to Bullying in Schools, Chapter 86 of the Acts of 2014, this anti-bullying plan recognizes that certain students, including LGBTQ students, may be more vulnerable to becoming a target of bullying or harassment based on actual or perceived differentiating characteristics. Additionally, Chapter 86 requires school districts, charter schools, approved private day or residential schools, and collaborative schools, to administer a Department-developed student survey at least once every four years to assess "school climate and the prevalence, nature and severity of bullying in schools." In accordance with An Act Relative to Bullying in Schools, Chapter 86 of the Acts of 2014, the Lynn Public Schools will ensure that specific steps are taken to "support vulnerable students and to provide all students with the skills, knowledge and strategies needed to prevent or respond to bullying or harassment."

The sections that follow address these very topics.

I. LEADERSHIP

The Lynn Public School Department 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 cyber-bullying. The Assistant Director of Curriculum and Instruction, Health/PE will coordinate the Plan centrally for the district. The principal of each school will ensure the Lynn Public Schools Plan is followed. Each school will also have a bullying coordinator to assist the principals.

A. Public involvement in developing the Plan

The Lynn Public School department created a bullying task force to help formulate our bullying prevention and intervention plan. The bullying task force consists of teachers, school staff, professional support personnel, school volunteers, administrators, community representatives, local law enforcement agencies, students, parents, and guardians. This bullying plan shall apply to students and members of a school staff including educators, administrators, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activity and paraprofessionals.

B. Assessing needs and resources

The Lynn Public School Department relies on the Youth Risk Behavior Survey, student behavioral incident data, and Massachusetts Aggression Reduction Center (MARC)

parent, student and staff surveys to help assess our bullying needs. The bullying task force, along with the school leadership teams will review the data biannually and make any necessary changes. This information will help to identify patterns of behaviors and areas of concern, and will inform decision-making for prevention strategies including, but not limited to, adult supervision, professional development, age-appropriate curricula, and in-school support services.

C. Planning and oversight

The Assistant Director of Curriculum and Instruction-Health/PE, the bullying task force, school based bullying coordinators and the school principals are responsible for the following Planning and oversight:

- receiving reports on bullying;
- collecting and analyzing building- and/or school-wide data on bullying to assess the present problem and to measure improved outcomes;
- creating a process for recording and tracking incident reports and for accessing information related to targets and aggressors;
- planning for the ongoing professional development that is required by the law;
- planning supports that respond to the needs of targets and aggressors;
- choosing and implementing the curricula that the school or district will use;
- developing new or revising current policies and protocols under the Plan, including an internet safety policy, and designating key staff to be in charge of implementation of them;
- amending student and staff handbooks and codes of conduct;
- leading the parent or family engagement efforts and drafting parent information materials;
- reviewing and updating the Plan each year or more frequently.

D. Developing priority statements

The Lynn Public School Department will not tolerate any unlawful or disruptive behavior, including any form of bullying, cyber-bullying, or retaliation in our school buildings, on school grounds, or in school-related activities. We will investigate promptly all reports and complaints of bullying, cyber-bullying, and retaliation and take prompt action to end that behavior and restore the target's sense of safety. We will support this commitment in all aspects of our school community, including curricula, instructional programs, staff development, extracurricular activities, and parent or guardian involvement.

II. TRAINING AND PROFESSIONAL DEVELOPMENT

All of the Lynn Public Schools have a bullying coordinator. The bullying coordinators are there to assist the principals in all bullying investigations and are responsible for providing the professional development at each of their schools. All of the coordinators are certified through the MARC center bullying training. The professional development is held once a year on the first or second professional development day. The Assistant Director of Curriculum and Instruction-Health/PE will provide the professional

development district wide to anyone who missed the training. The district wide professional development courses will be offered many times throughout the school year. All professional development will be reviewed annually to address identified additional areas of training based on needs and concerns identified by school and district staff. The Lynn Public School system is also in the process of creating a new professional development course that will combine de-escalation techniques, classroom management and bullying professional development.

A. Annual staff training on the Plan

Annual training for all school staff on the Plan will include staff duties under the Plan, an overview of the steps that the principal or designee will follow upon receipt of a report of bullying or retaliation, and an overview of the bullying prevention curricula to be offered at all grades throughout the school or district. Staff members hired after the start of the school year are required to participate in district wide training during the school year in which they are hired.

B. Ongoing professional development

The goal of professional development is to establish a common understanding of tools necessary for staff to create a school climate that promotes safety, civil communication, and respect for differences. Professional development will build the skills of staff members to prevent, identify, and respond to bullying. As required by M.G.L.c.71, § 37O, the content of school wide and district wide professional development will be informed by research and will include information on:

- developmentally (or age-) appropriate strategies to prevent bullying;
- developmentally (or age-) appropriate strategies for immediate, effective interventions to stop bullying incidents;
- information regarding the complex interaction and power differential that can take place between and among an aggressor, target, and witnesses to the bullying;
- research findings on bullying, including information about specific categories of students who have been shown to be particularly at risk for bullying in the school environment;
- information on the incidence and nature of cyber-bullying; and
- internet safety issues as they relate to cyber-bullying.

Professional development will also address ways to prevent and respond to bullying or retaliation for students with disabilities that must be considered when developing students' Individualized Education Programs (IEP's). This will include a particular focus on the needs of the students with autism or students whose disability affects social skills development.

Additional areas identified by the Lynn Public School Department for professional development include:

- promoting and modeling the use of respectful language;
- fostering an understanding of and respect for diversity and difference;

- building relationships and communicating with families;
- managing classroom behaviors constructively;
- using positive behavioral intervention strategies;
- applying constructive disciplinary practices;
- teaching students skills that include positive communication, anger management, and empathy for others;
- engaging students in school or classroom planning and decision-making; and
- maintaining a safe and caring classroom for all students.

The Lynn Public School district has developed a plan to provide annual professional development to all staff members, including, but not limited to, educators, administrators, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities and paraprofessionals, to prevent, identify and respond to bullying. The content of the professional development includes, but is not limited to: (i) developmentally appropriate strategies to prevent bullying incidents; (ii) developmentally appropriate strategies to prevent bullying incidents; (iii) information regarding the complex interaction and power differential that can take place between and among a perpetrator, victim and witness to the bullying; (iv) research findings on bullying, including information about students who have been shown to be particularly at risk for bullying in the school environment; (v) information on the incidence and nature of cyber-bullying; and (vi) internet safety issues as they relate to cyber-bullying.

C. Written notice to staff

The Lynn Public School Department will provide all staff with an annual written notice of the Plan by publishing information about it, including sections related to staff duties, in the school or district employee handbook and in an email to all staff.

III. ACCESS TO RESOURCES AND SERVICES

A. Identifying resources

The Lynn Public School Department is currently working with the bullying taskforce, principals, bullying coordinators and the special education department to survey and map all of the available resources. Once completed, the Lynn Public School Department can develop recommendations and action steps to fill resource and service gaps.

B. Counseling and other services

The Lynn Public School Department is currently working with our bullying taskforce, school adjustment councilors, social workers and communities groups to identify staff and service providers who can assist schools in developing safety plans for students who have been targets of bullying or retaliation, providing social skills programs to prevent bullying, and offering education and/or intervention services for students exhibiting bullying behaviors.

C. Students with disabilities

The Lynn Public School Department is currently working with our bullying taskforce, special education coordinators, the special education attorney and IEP teams to comply with the new legislation. As required by M.G.L.c. 71B, § 3, as amended by Chapter 92 of the Acts of 2010, when the IEP Team determines the student has a disability that affects social skills development or the student may participate in or is vulnerable to bullying, harassment, or teasing because of his/her disability, the Team will consider what should be included in the IEP to develop the student's skill and proficiencies to avoid and respond to bullying, harassment, or teasing. All students with disabilities will have language in their IEP's stating the team has addressed the bullying issue at the IEP meeting and will state no action is necessary at this time or there will be steps outlining their needs.

D. Referral to outside services

The Lynn Public School Department is currently evaluating local referral protocols to assess their relevance to the Plan and will revise as needed. Clear protocols will help students and families access appropriate and timely services. Referrals will comply with all relevant laws and policies.

IV. ACADEMIC AND NON-ACADEMIC ACTIVITIES

A. Specific bullying prevention approaches

Bullying prevention curricula will be informed by current research which, among other things, emphasizes the following approaches:

- using scripts and role plays to develop skills;
- empowering students to take action by knowing what to do when they witness other students engaged in acts of bullying or retaliation, including seeking adult assistance;
- helping students understand the dynamics of bullying and cyber-bullying, including the underlying power imbalance;
- emphasizing cyber-safety, including safe and appropriate use of electronic communication technologies;
- enhancing students' skills for engaging in healthy relationships and respectful communications; and
- engaging students in a safe, supportive school environment that is respectful of diversity and difference.

Initiatives will also teach students about the student-related sections of the Bullying Prevention and Intervention Plan. On the first day when the student handbook is distributed all elementary classroom teachers will review the Plan with their classes. In middle and high schools the Plans will be reviewed by their homeroom teacher. All of the information will be included in the 2010-2011 student handbooks. The Lynn Public Schools requires all parents/guardians to sign and return the student handbook with the understanding that they have review the handbook with their child.

B. General teaching approaches that support bullying prevention efforts

The following approaches are integral to establishing a safe and supportive school environment. These underscore the importance of our bullying intervention and prevention initiatives.

- setting clear expectations for students and establishing school and classroom routines;
- creating safe school and classroom environments for all students, including those with disabilities, lesbian, gay, bisexual, transgender, and homeless students;
- using appropriate and positive responses and reinforcement, even when students require discipline;
- using positive behavioral supports;
- encouraging adults to develop positive relationships with students;
- modeling, teaching, and rewarding pro-social, healthy, and respectful behaviors;
- using positive approaches to behavioral health, including collaborative problem solving, conflict resolution training, teamwork, and positive behavioral supports that aid in social and emotional development;
- using the internet safely; and
- supporting students' interest and participation in non-academic and extracurricular activities, particularly in their areas of strength.

V. POLICIES AND PROCEDURES FOR REPORTING AND RESPONDING TO BULLYING AND RETALIATION

A. Reporting bullying or retaliation

Reports of bullying or retaliation may be made by staff, students, parents, guardians, or others, and may be oral or written. Oral reports made by or to a staff member shall be recorded in writing by the teacher, bullying coordinator, and/or the principal. 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 Lynn Public Schools have a variety of reporting resources available to the school community. Including an Incident Reporting Form, an anonymous online reporting system linked to our website (www.lynnschools.org) and dedicated mailing address (100 Bennett Street, Lynn, MA 01905, with attention to Michael Geary, Assistant Director of Health and Physical Education.

Use of an Incident Reporting Form is not required as a condition of making a report. The school or district will: 1) include a copy of the Incident Reporting Form in the beginning of the year packets for students and parents or guardians; 2) make it available in the school's main office, the counseling office, the school nurse's office, and other locations determined by the principal or designee; and 3) post it on the school's website. The Incident Reporting Form will be made available in the most prevalent language(s) of origin of students and parents or guardians.

At the beginning of each school year, the Lynn Public Schools will provide the school community, including administrators, staff, students, and parents or guardians, with written notice of its policies for reporting acts of bullying and retaliation. A description of the reporting procedures and resources, including the name and contact information of the principal or designee, will be incorporated in student and staff handbooks, on the school or district website, and in information about the Plan that is made available to parents or guardians.

1. Reporting by staff

A staff member will 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.

2. Reporting by students, parents or guardians, and others

The Lynn Public School Department expects 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 will be 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.

3. Reporting a false allegations

Any student who knowingly makes a false allegation of bullying or retaliation shall be subject to disciplinary action; and a strategy for providing counseling or referral to appropriate services for perpetrators and victims and for appropriate family members of said students.

B. Responding to a report of bullying or retaliation

1. Safety

Before fully investigating the allegations of bullying or retaliation, the principal or designee will take 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 are not limited to, creating a personal safety plan; pre-determining seating arrangements for the target and/or the aggressor in the classroom, at lunch, or on the bus; identifying a staff member who will act as a "safe person" for the target; and altering the aggressor's schedule and access to the target. The principal or designee will take additional steps to promote safety during the course of and after the investigation, as necessary.

The principal or designee will implement appropriate strategies for protecting from bullying or retaliation a student who has reported bullying or retaliation, a student who has witnessed bullying or retaliation, a student who provides information during an investigation, or a student who has reliable information about a reported act of bullying or retaliation. The bullying task force, bullying coordinators and principals are in the process of establishing local student safety Planning policies and procedures for the Lynn Public Schools.

2. Obligations to notify others

a. Notice to parents or guardians. Upon determining that bullying or retaliation has occurred, the principal or designee will promptly notify the parents or guardians of the target and the aggressor of this, and of the procedures for responding to it. There may be circumstances in which the principal or designee contacts parents or guardians prior to any investigation. Notice will be consistent with state regulations at 603 CMR 49.00.

b. Notice to another school or district. If the reported incident involves students from more than one school district, charter school, non-public 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.

c. 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 local law enforcement agency. 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 under the age of 21 who is no longer enrolled in school, the principal or designee shall contact the local law enforcement agency 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 Plan and with applicable school or district policies and procedures, consult with the School Safety Liaison or the School Attendance and Discipline Officer as well as other individuals the principal or designee deems appropriate.

C. Investigation

The principal or designee will investigate promptly all reports of bullying or retaliation and, in doing so, will consider all available information know, including the nature of the allegation(s) and the ages of the students involved.

During the investigation the principal or designee will, among other things, interview students, staff, witnesses, parents or guardians, and others as necessary. The principal or designee (or whoever is conducting the investigation) will remind the alleged

aggressor, target, and witnesses that retaliation is strictly prohibited and will result in disciplinary action.

Interviews may be conducted by the principal or designee, other staff members as determined 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 will maintain confidentiality during the investigative process. The principal or designee will maintain a written record of the investigation.

Procedures for investigating reports of bullying and retaliation will be consistent with school or district policies and procedures for investigations. If necessary, the principal or designee will consult with legal counsel about the investigation.

D. Determinations

The principal or designee will make a determination based upon all of the facts and circumstances. If, after investigation, bullying or retaliation is substantiated, the principal or designee will take steps reasonably calculated to prevent recurrence and to ensure that the target is not restricted in participating in school or in benefiting from school activities. The principal: 1) determine what remedial action is required, if any, and 2) determine what responsive actions and/or disciplinary action is necessary.

Depending upon the circumstances, the principal or designee may choose to consult with the students' 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.

The principal or designee will promptly notify the parents or guardians of the target and the aggressor about the results of the investigation and, if bullying or retaliation is found, what action is being taken to prevent further acts of bullying or retaliation. All notices to parents must comply with applicable state and federal privacy laws and regulations. Because of the legal requirements regarding the confidentiality of student records, the principal or designee cannot report specific information to the target's parent or guardian about the disciplinary action taken unless it involves a "stay away" order or other directive that the target must be aware of in order to report violations.

E. Responses to bullying

1. Teaching appropriate behavior through skills-building

Upon the principal or designee determining that bullying or retaliation has occurred, the law requires that the school or district use a range of responses that balance the need for accountability with the need to teach appropriate behavior. M.G.L.c 71 § 37O(d)(v). Skill building approaches that the principal or designee may consider include:

offering individualized skill-building sessions based on the school's/district's anti-bullying curricula; providing relevant educational activities for individual students or

groups of students, in consultation with guidance counselors and other appropriate school personnel; implementing a range of academic and nonacademic positive behavioral supports to help students understand pro-social ways to achieve their goals; meeting with parents and guardians to engage parental support and to reinforce the anti-bullying curricula and social skills building activities at home; adopting behavioral Plans to include a focus on developing specific social skills; and making a referral for evaluation.

2. Taking disciplinary action

If the principal or designee decides that disciplinary action is appropriate, the disciplinary action will be determined on the basis of facts found by the principal or designee, including the nature of the conduct, the age of the student(s) involved, and the need to balance accountability with the teaching of appropriate behavior. Discipline will be consistent with the Plan and with the Lynn Public Schools Disciplinary Code.

Discipline procedures for students with disabilities are governed by the federal Individuals with Disabilities Education Improvement Act (IDEA), which should be read in cooperation with state laws regarding student discipline.

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.

3. Promoting safety for the target and other

The principal or designee will consider what adjustments, if any, are needed in the school environment to enhance the target's sense of safety and that of others as well. One strategy that the principal or designee may use is to increase adult supervision at transition times and in locations where bullying is known to have occurred or is likely to occur.

Within a reasonable period of time following the determination and the ordering of remedial and/or disciplinary action, the principal or designee will contact the target to determine whether there has been a recurrence of the prohibited conduct and whether additional supportive measures are needed. If so, the principal or designee will work with appropriate school staff to implement them immediately.

VI. COLLABORATION WITH FAMILIES

The Assistant Director of Curriculum and Instruction-Health/PE and the School Security Liaison for the Lynn Police Department have created a parent workshop series in collaboration with school based PTO's, PTA's, School Councils and Special Education Parent Advisory Councils to be hosted at elementary, middle and high schools throughout the district. The parent workshops will address: 1) how parents and guardians can reinforce the curricula at home and district Plan; 2) the dynamics of bullying; and 3) online safety and cyber-bullying.

Parents and guardians will be notified in writing each year about the student-related sections of the Bullying Prevention and Intervention Plan, in the language(s) most prevalent among the parents and guardians.

VII. PROHIBITIONS AGAINST BULLYING AND RETALIATION

The following statement is included in the student code of conduct, the student handbook, and the staff handbook. The following statement is incorporated directly from M.G.L.c. 71§ 37O(b), and describes the law's requirements for the prohibition of bullying.

Acts of bullying, which include cyberbullying, are prohibited:

on school grounds and property immediately adjacent to school grounds, at a school-sponsored or school-related activity, function, or program whether on or off school grounds, at a school bus stop, on a school bus or other vehicle owned, leased, or used by a school district or school; or through the use of technology or an electronic device owned, leased, or used by a school district or school, and at a location, activity, function, or program that is not school-related through the use of technology or an electronic device that is not owned, leased, or used by a school district or school, if the acts create a hostile environment at school for the target or witnesses, infringe on their rights at school, or materially and substantially disrupt the education process or the orderly operation of a school.

Retaliation against a person who reports bullying, provides information during an investigation of bullying, or witnesses or has reliable information about bullying is also prohibited.

As stated in M.G.L.c. 71 § 37O, nothing in this Plan requires the district or school to staff any non-school related activities, function, or programs.

VIII. DEFINITIONS

Aggressor, is a student who engages in bullying, cyberbullying, or retaliation.

Target, is a student against whom bullying, cyberbullying, or retaliation has been perpetrated.

Bullying, as defined in M.G.L.c. 71 § 37O, is the repeated use by one or more students of a written, verbal, or electronic expression or a physical act or gesture or any combination thereof, directed at a target that:

- cause physical or emotional harm to the target or damage to the target's property;
- places the target in reasonable fear of harm to himself or herself or of damage to his or her property;
- creates a hostile environment at school for the target;
- infringes on the rights of the target at school; or materially and substantially disrupts the education process or the orderly operation of a school.

Cyberbullying, is bullying through the use of technology or electronic devices such as telephones, cell phones, computers, and the internet. It includes, but is not limited to, email, instant messages, text messages, and internet posting. See M.G.L.c. 71 § 37O for the legal definition of cyberbullying.

Differentiating Characteristics – As identified in An Act Relative to Bullying in Schools, Chapter 86 of the Acts of 2014, there may be categories of differentiating characteristics that may make certain students more vulnerable to bullying including: race, color, religion, ancestry, national origin, sex, socioeconomic status, homelessness, academic status, gender identity or expression, physical appearance, pregnant or parenting status, sexual orientation, mental, physical, developmental or sensory disability or by association with a person who has or is perceived to have one or more of these characteristics.

Hostile environment, as defined in M.G.L.c. 71 § 37O, is a situation in which bullying causes the school environment to be permeated with intimidation, ridicule, or insult that is sufficiently severe or pervasive to alter the conditions of a student's education.

Retaliation, is any form of intimidation, reprisal, or harassment directed against a student who reports bullying, provides information during an investigation of bullying, or witnesses or has reliable information about bullying.

IX. RELATIONSHIP TO OTHER LAWS

Consistent with state and federal laws, and the policies of the Lynn Public Schools, no person shall be discriminated against in admission to a public school of any town or in obtaining the advantages, privilege and courses of study of such public school on account of race, color, sex, religion, national origin, or sexual orientation. Nothing in the Plan prevents the Lynn Public Schools from taking action to remediate discrimination or harassment based on a person's membership in a legally protected category under local, state, or federal law, or school or district policies.

In addition, nothing in the Plan is designed or intended to limit the authority of the Lynn Public Schools to take disciplinary action or other action under M.G.L.c. 71, § § 37H, or 37H ½, other applicable laws, or Lynn Public Schools policies in response to violent, harmful, or disruptive, behavior, regardless of whether the Plan covers the behavior.

X. Reporting to the Department of Elementary and Secondary Education

Pursuant to An Act Relative to Bullying in Schools, Chapter 86 of the Acts of 2014 at Section 4(k), the Lynn Public Schools will report the following information to DESE per their reporting protocols:

- The number of reported allegations of bullying or retaliation;
- The number and nature of substantiated incidents of bullying or retaliations;
- The number of students disciplined for engaging in bullying or retaliation; and
- Any other information required by the department.

REGULATIONS PERTAINING TO STUDENT RECORDS

The Lynn Public Schools strictly adhere to the provisions of the Family Educational Rights and Privacy Act (FERPA) and the Massachusetts Student Records Regulations (Regulation 603 CMR 23:00) which together provide parents and eligible students (those who have reached the age of 14 or who have entered the ninth grade) certain rights with respect to the student's educational record.

Student Record

The student record shall consist of a transcript and a temporary record, including all print and digital information, or any other materials of physical form or characteristics concerning a student that is organized on the basis of the student's name or in a way that such student may be individually identified. Student files and individual e-mails are considered student works incidental to their student record and are not specifically student records

Transcript

The transcript shall contain administrative records that constitute the minimum data necessary to reflect the student's educational progress and to operate the educational system. This information includes name, address, course titles, grades, credits, and grade level completed. The transcript is kept by the school district for at least sixty years after the student leaves the system.

Temporary Record

The temporary record (Cum) consists of all information in the student record that is not contained in the transcript. This information may include such things as standardized test results; school-sponsored extracurricular activities; evaluations and comments by teachers, counselors, and other persons; disciplinary records; and other information pertinent to the educational process. Information in the temporary record may be shared with the student, parent or a temporary substitute of the marker of the record, but if it released to authorized school personnel it becomes an official part of the student record.

Destruction of Temporary Record

The superintendent or designee is responsible for destroying the student's temporary record within five years after the student transfers, graduates or withdraws from the school system. The principal or designee is also allowed to destroy misleading, outdated or irrelevant information in the temporary record while the student is enrolled in the school system.

Directory Information

Directory information is defined as information contained in the student record that would not generally be considered harmful or an invasion of privacy if disclosed. Directory information may be disclosed without prior written consent. As permitted by FERPA, the Lynn Public Schools have designated selected student records to be “directory information”. For elementary students the following records have been designated as directory information:

- Name
- Address
- Telephone number
- Date of birth
- Grade
- Classroom assignment

For middle and high school students, the following records have been designated as directory information:

- Name
- Address
- Telephone number
- Date of birth
- Graduating class
- Team/class assignment
- Participation officially recognized
- Activities and sports
- Honors and awards

The Lynn Public Schools will release the designated directory information without the consent of the parent or eligible student, unless the parent or eligible student provides the principal with written notice that he/she does not wish the school to release such information. The notice must be received annually.

Privacy and Security of Student Records

The principal or designee is responsible for the privacy and security of all student records maintained in each school. The Superintendent or designee is responsible for the privacy and security of all student records that are not under the supervision of the Principal, such as, former students’ transcripts.

Confidentiality of Student Records

Authorized school personnel shall have access to the student record of those students to whom they are providing services, when such access is required in the performance of their official duties. No individual or organization other than the parent/legal guardian, eligible student, and authorized school personnel are allowed to have access to information in the student's record without specific, informed, written consent of the parent/legal guardian or eligible student. When granting consent, the parent or eligible student shall have the right to designate which part of the student record shall be released to a third party. A copy of the consent form is retained as part of the temporary record. Regulations specifically authorize access to third parties without parent or eligible student consent in the following cases:

- Records designated as Directory Information
- Upon receipt of a court order or lawfully issued subpoena
- Upon request from the Department of Social Services, a probation officer, a justice of any court, or the Department of Youth Services.
- Federal, state and local education officials and their authorized agents in connection with the audit, evaluation or enforcement of federal and state education laws or programs.
- A health or safety emergency if knowledge of the information is necessary to protect the health and safety of the student or other individuals.
- Authorized school personnel of the school to which a student seeks or intends to transfer.
- School health personnel and local and state health department personnel.
- Upon notification by law enforcement authorities that a student has been reported missing, a mark shall be placed in the student's record. The school shall report any request concerning the records of such student to the appropriate law enforcement authority.

Access to Student Records

A parent /legal guardian or an eligible student has the right to:

1. Inspect and review all the student's education records within two consecutive weekdays after the principal or designee has received a written request for access unless the requesting party consents to a delay. Parents or eligible students should submit to the principal a written request that they wish to inspect the records.

2. Receive a copy of any part of their student record. The school may charge a fee for duplication of materials. Any student or former student, regardless of age, shall have the right to receive a written transcript of his/her record as a student. There shall be no charge for any duplicate or additional transcripts furnished.
3. Have parts of the record interpreted by a qualified professional from the school, or may invite anyone else of their choice to inspect or interpret the record.
4. Request an amendment to the student's educational records that the parent or eligible student believes to be inaccurate or misleading. Parents of eligible students have the right to appeal the principal's decision in writing to the superintendent of schools.
5. File a complaint with the United States Department of Education concerning alleged failures by the District to comply with the requirements of FERPA. The name and address of the office that administers FERPA is: Family Policy Compliance Office, U. S Department of Education, 400 Maryland Avenue, SW, Washington, DC 20245.
6. According to 603 CMR 23.10 (1) (a) : Notification, schools shall annually publish and distribute to students and their parents " the standardized testing programs and research studies to be conducted during the year and other routine information to be collected or solicited from the student during the year."

Non-Custodial Parent Access to Student Records

The Student Record regulations concerning access to records by non-custodial parents (a parent who does not have physical custody of a student) have been amended pursuant to regulation 603 CMR 23:07. A non-custodial parent may have access to the student record unless the school has been given documentation that:

The non-custodial parent has been denied legal custody based on a threat to the safety of the student or to the custodial parent, or

The non-custodial parent has been denied visitation or has been ordered to supervised visitation, or

The non-custodial parent's access to the student or to the custodial parent has been restricted by a temporary or permanent order, unless the protective order specifically allows access to the information contained in the student record.

Records requested by custodial and no-custodial parents may not be used with the intent to seek or enroll.

Upon receipt of a request for records from a non-custodial parent, the principal shall notify the custodial parent of such request by certified and first class mail. This notification must state that these records will be provided to the requesting parent after 21 days unless the custodial parent provides the principal documentation of any court order which prohibits contact with the child, or prohibits the distribution of student records, or any order issues which protects the child in the custodial parent's custody from abuse by the requesting parent, unless said order allows access to school records. All contact information of the custodial parent (e-mail, address, phone numbers), must be deleted from records before distribution to non-custodial parent.