

# Holyoke Community Charter School

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*A tuition-free, college-preparatory charter public school*

## Student and Parent Handbook

**2020-2021**



*Member of the SABIS® School Network*

## **ATTENTION:**

**The policies and procedures outlined in this handbook are the standard operating procedures for the school. All of these policies and procedures are subject to change due to the COVID-19 pandemic. COVID-19 will have a substantial effect on how the school operates. The school will keep parents/students informed of changes to operating procedures, such as, but not limited to, school schedules, arrival/dismissal procedures, transportation, extended day, academic program, breakfast/lunch program, etc.**

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## ***1. Holyoke Community Charter School Contact List***

2200 Northampton Street ♦ Holyoke, MA 01040 ♦ Tel: (413) 533-0111 ♦ Fax: (413) 536-5444

**[www.hccs-sabis.net](http://www.hccs-sabis.net)**

School Director	Dr. Sonia Correa Pope	spope@sabis.net
Academic Quality Controller, K-4	Ms. Keisa Valle	kvalle@sabis.net
Academic Quality Controller, 5-8	Mr. Tony Tannous	ttannous@sabis.net
Academic Deputy/ English Learner Education (ELE) Coordinator/MTSS Coordinator	Mr. Benjamin Torres	<a href="mailto:btorres@sabis.net">btorres@sabis.net</a>
Business Manager	Mrs. Maria Rodriguez	mrodriguez@sabis.net
Human Resources	Mrs. Cameo Restrepo	crestrepo@sabis.net
Student Management Coordinator	Mr. Kyle Callender	<a href="mailto:kcallender@sabis.net">kcallender@sabis.net</a>
Student Life Coordinator		
Extended Day Program	Mr. Benjamin Torres	btorres@sabis.net
IT Manager	Mr. Grant Herman	<a href="mailto:gherman@sabis.net">gherman@sabis.net</a>
Facilities Director	Mr. Thomas Paquin	tpaquin@sabis.net
Special Education Academic Coordinator	Mr. David Potter	dpotter@sabis.net

If you are unsure which staff member or administrator to call, the front office staff will be happy to direct you to the appropriate person.

**For a copy of this Handbook in Spanish, please contact our school number (413) 533-0111  
Para una copia o traducción en Español favor de comunicarse con la escuela al (413) 533-0111.**

The Holyoke Community Charter School's website is [www.hccs-sabis.net](http://www.hccs-sabis.net).

For more information about the SABIS® School Network, visit [www.sabis.net](http://www.sabis.net).

## 2. Holyoke Community Charter School Board of Trustees

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Ms. Jenna Gable  
**Board President**  
413-478-0249 W  
[jgable@specialtybolt.com](mailto:jgable@specialtybolt.com)

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Ms. Leona Florek  
**Vice Chair**

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Ms. Janine Kent  
**Clerk**

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Ms. Cynthia Dennis  
**Treasurer**

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Mr. Jay Breines  
**Member**

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Ms. Lina Rivera  
**Member**

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Dr. Jean Swinney  
**Member**

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The Board of Trustees can also be contacted at 413-533-0111.

### **3. Introduction**

#### **A brief background of the Holyoke Community Charter School:**

The members of the founding Board of Trustees of the Holyoke Community Charter School applied for a charter in December 2000. The Massachusetts Board of Education granted HCCS a charter in March 2001. In the following years, the school overcame numerous challenges to open its doors in September 2005.

The school mission is supported by an encouraging Board of Directors, an outstanding educational system provided by SABIS® Educational Systems, the HCCS Parent Connection, community leaders, dedicated teachers and staff, and most importantly by our students and parents. HCCS has created a culture of achievement and a sense of extended family where one supports the other.

Our success stems from the hard work and commitment of our staff and students. HCCS helps students to grow academically, arms them with confidence, ability, and citizenship. We live each day with pride—knowing that we uphold the school’s mission, we are preparing students for success in college, and we are instilling the love for lifelong learning.

#### **History of the SABIS® School Network:**

The International School of Choueifat (pronounced SHOO-EE-FAY) was founded in 1886 in the village of Choueifat, a suburb of Beirut, Lebanon. The founders, Miss Louisa Proctor and Reverend Tanius Saad, started it as a school for girls. Miss Proctor and Reverend Saad believed strongly that women transmitted a culture’s values and were the force behind ensuring well-educated children. At that time, few schools accepted girls in that region of Lebanon. Three years later, families in the community came to the school and asked that their sons be admitted because “our daughters are learning more than our sons.” The school became co-educational at that time.

The school survived two world wars and continued to grow and develop over the years. In the mid-1970s, it began an expansion program outside Lebanon.

#### **Features of the SABIS® School Network:**

##### College Preparation for All Students

The school strives to prepare all its students to enter the colleges and universities that are of the best quality and “fit.” We believe that a college education is accessible to *all* students who are enrolled in the SABIS® School Network. The record of college placement by SABIS® students bears this out.

Holyoke Community Charter School offers kindergarten through 8<sup>th</sup> grade. The Holyoke Community Charter School is highly academically oriented without being selective and requires only two things:

1. Students must have a minimum basic knowledge in English and mathematics (as determined by diagnostic tests); those students lacking this knowledge must be willing to attain it through academic assistance and hard work.
2. Parents and students must want an excellent education, and students must be willing to make the effort required to achieve academic success.

## **Cultural Diversity:**

The Holyoke Community Charter School believes cultural diversity in its student body and staff is part of its mission to “educate citizens of the world.”

The diversity of the student body gives students the experience of interacting with children and adults from a variety of backgrounds, providing them with an opportunity to closely relate to people of different cultures, religions, and races. It fulfills one of the goals of the School’s philosophy, which is “to help students develop a true understanding of the differences as well as the similarities” of others.

## **Accountability:**

**We believe that high efficiency and acceptable standards are achieved if individuals are held responsible for their actions and decisions.** Hence, every individual at the School is accountable. Administrators bear the responsibility for setting, achieving, and maintaining high standards. The administration establishes the syllabi for all classes and measures the attainment of objectives through independent testing. Teachers are held accountable for student achievement.

## **Non-Discrimination Policy:**

In accordance with MGL, Chapter 71, Section 89, I, and Chapter 76, Section 5, and 603 CMR 1.06(I), Holyoke Community Charter School is committed to ensuring equal educational opportunities for all students, on a space available basis, and shall not discriminate on the basis on the basis of race, color, sex, gender identity, religion, national origin, sexual orientation, creed, sex, ethnicity, gender, mental or physical disability, age, ancestry, athletic performance, special need, proficiency in the English language or a foreign language, homelessness, or prior academic achievement. Holyoke Community Charter School may limit enrollment to specific grade levels.

The Board of Trustees has approved grievance procedures for students, teachers and other employees who feel that they have been discriminated against.

## **School Mission:**

*The mission of Holyoke Community Charter School is to promote the joy of learning and to prepare children for success as students, workers, and citizens by providing them with a high quality public education.*

The purpose of the school is to enable students from kindergarten through grade 8 to reach high levels of accomplishments in the core areas of:

- reading, writing, literature and language arts
- mathematics and science
- physical education and health
- character and ethics
- creative arts and technology



## 4. Class Schedule

### Holyoke Community Charter School



### Breakdown of the Day

Academic Year 2020-2021

Kindergarten	Grades 1 – 2	Grade 3 – 5	Grades 6 – 8
<b>Breakfast</b> 8:00 – 8:30 30 Minutes	<b>Breakfast</b> 8:00 – 8:30 30 Minutes	<b>Breakfast</b> 8:00 – 8:30 30 Minutes	<b>Breakfast</b> 8:00 – 8:30 30 Minutes
<b>Period 1</b> 8:30 – 9:17 47 Minutes	<b>Period 1</b> 8:30 – 9:17 47 Minutes	<b>Period 1</b> 8:30 – 9:17 47 Minutes	<b>Period 1</b> 8:30 – 9:17 47 Minutes
<b>Period 2</b> 9:18 – 10:05 47 Minutes	<b>Period 2</b> 9:18 – 10:05 47 Minutes	<b>Period 2</b> 9:18 – 10:05 47 Minutes	<b>Period 2</b> 9:18 – 10:05 47 Minutes
<b>Snack</b> 10 Minutes	<b>Period 3</b> 10:06 – 10:53 47 Minutes	<b>Period 3</b> 10:06 – 10:53 47 Minutes	<b>Period 3</b> 10:06 – 10:53 47 Minutes
<b>Period 3</b> 10:15 – 11:02 47 Minutes	<b>Lunch</b> 10:54 – 11:24 30 Minutes	<b>Snack/Locker Time</b> 10 Minutes	<b>Snack/Locker Time</b> 10 Minutes
<b>SL/Lunch</b> 11:03 – 11:59 56 Minutes	<b>SL/Locker Time</b> 11:25 – 12:12 47 Minutes	<b>Period 4</b> 11:03 – 11:50 47 Minutes	<b>Period 4</b> 11:03 – 11:50 47 Minutes
<b>Rest</b> 12:00 – 12:29	<b>Period 4</b> 12:13 – 1:00 47 Minutes	<b>Period 5</b> 11:51 – 12:38 47 Minutes	<b>Period 5</b> 11:51 – 12:38 47 Minutes
<b>Period 4</b> 12:30 – 1:12 42 Minutes	<b>Period 5</b> 1:01 – 1:48 47 Minutes	<b>Lunch</b> 12:39 – 1:09 30 Minutes	<b>Period 6</b> 12:39 – 1:26 47 Minutes
<b>Period 5</b> 1:13 – 1:55 42 Minutes	<b>Snack</b> 10 Minutes	<b>Period 6</b> 1:10 – 1:57 47 Minutes	<b>Lunch</b> 1:27 – 1:57 30 Minutes
<b>Snack</b> 7 Minutes	<b>Period 6</b> 1:58 – 2:45 47 Minutes	<b>Period 7</b> 1:58 – 2:45 47 Minutes	<b>Period 7</b> 1:58 – 2:45 47 Minutes
<b>Period 6</b> 2:02 – 2:45 43 Minutes	<b>Period 7</b> 2:46 – 3:30 44 Minutes	<b>Period 8</b> 2:46 – 3:30 44 Minutes	<b>Period 8</b> 2:46 – 3:30 44 Minutes
<b>Period 7</b> 2:46 – 3:30 44 Minutes	X	X	X
<b>Dismissal</b> 3:31 – 3:45	<b>Dismissal</b> 3:31 – 3:45	<b>Dismissal</b> 3:31 – 3:45	<b>Dismissal</b> 3:31 – 3:45



## 5. *School Curriculum*

The learning that takes place during the early years establishes a strong foundation for success in the advanced Upper School courses, success that could lead to outstanding results in prestigious colleges and universities. The elementary and middle school years are critical in the academic process.

The SABIS® curriculum encompasses academic, physical, social, emotional, and ethical growth. The academic curriculum is integrated, sequential, and age-appropriate in skills, knowledge, and values. A dedicated faculty nurtures the building of self-esteem and encourages a positive, caring attitude toward others through the values of cooperation and appreciation of diversity.

The objective of the curriculum is to help children develop basic skills in an encouraging and supportive environment. It has been designed to challenge students to strive for excellence and achieve their full potential in all grades. The skills of reading, writing, abstract reasoning, and problem solving are emphasized.

The School's curriculum is designed to establish a balanced, well-rounded education in:

- World Languages and Cultures
- English
- Mathematics and Computing Technology
- Science
- Social Science
- Cultural Enrichment
- Physical Education

### **English:**

In the English program the following skills are developed:

- Decoding the language from printed form
- Comprehending what is read
- Developing an ever-expanding vocabulary
- Reading widely from the best available literature
- Writing for effective communication.

The main goals are to instill a lifelong love of reading and to develop effective, competent writing skills with teachers participating as role models. Additional goals in the program include mastering grammar, spelling, penmanship, and public speaking.

### **Mathematics:**

The ultimate goal of teaching mathematics is to help students develop ability for mathematical thinking and an appreciation of the power, beauty, and use of math. At Holyoke Community Charter School, math is considered a “third” language applicable in all societies and cultures, and therefore, a critical part of the educational process.

Objectives in mathematics include understanding key concepts, and mastering computational skills and problem solving techniques that will enable students to understand the more abstract concepts in the future Upper School math classes.

### **Science:**

The science curriculum offers students diverse opportunities to become involved with basic scientific concepts, process-oriented techniques, and challenging problems for investigation. There are two major components in the curriculum: a physical sequence, guiding children through examination of the physical world, and a life sequence, focusing on the biological world.

Students explore the world they live in and develop techniques for observing and testing nature. The relationship between math and science is an important feature of the science program and is built into the curriculum for both subjects.

### **Social Studies:**

Students in the early grades learn about themselves and their families. As their environments expand, their studies include the community, and then the geography, history, and cultural diversity of various countries around the world.

Map and globe skills, the use of charts and graphs, chronology, critical thinking, and research are some of the components of the integrated-skills approach. Citizenship, government, economics, and sociology are included in the social studies program.

### **Spanish:**

The objective of the Spanish Program is to help students attain proficiency in Spanish and gain an understanding of history and culture of various Spanish-speaking people.

Learning a world language is an intrinsic part of the SABIS® curriculum. It is supportive of the school's goal to prepare students to be successful in an increasingly interdependent world. Every student, beginning in kindergarten studies Spanish as a major subject.

The language curriculum consists of the four skill areas of language learning: listening, speaking, reading, and writing. Students are expected to do their best to express themselves in Spanish from the beginning of language study. Language acquisition begins with vocabulary and is reinforced with grammar.

The Spanish language program has seven sub-subjects that are individually assessed for each student:

- Reading
- Comprehension
- Vocabulary
- Spelling
- Grammar
- Composition
- Unprepared reading

### **Computer Technology Courses:**

The school's computer lab is equipped with state-of-the-art software and high-speed computers for student use. Our goal is to ensure that all students are computer literate. Computer literacy is defined according to the following criteria:

- Students will be familiar with the operation of basic personal computer hardware, software, and the terminology they incorporate.
- Students will understand the essentials of a computer operating system.
- Students will be familiar with the operation of a graphical user interface.
- Students will be able to use and integrate a word processor, database, and spreadsheet program.
- Students will be able to use networks (including the Internet) for finding and transferring information or communicating with others.
- Students will be able to write simple computer programs in at least one programming language.

### **Cultural Enrichment:**

The Cultural Enrichment course offers students the opportunity to express themselves through creative communication. The student and the teacher choose how to communicate their ideas and interests through elements of music, writing, media, rhythm, games, creative movement, and playing of instruments.

Selected performances are exhibited during school events. Such displays provide a visual presence and constant reminder of the importance of cultural enrichment in the school. The process of creativity should be regarded as much as the finished products.

### **Physical and Health Education:**

The aim of Physical and Health Education is to enable students to make decisions on long-term, positive, healthy lifestyles. This includes exercise, nutrition, drug use and abuse, physical growth and development, and personal health.

Physical education classes are required of all students. Although it is important to be physically fit, it is equally important that students develop an understanding of physical fitness and the knowledge of being physically and mentally fit. Gross motor skills, progressing to loco-motor movements, and lead-up games to sport-type activities are emphasized.

In the event that Holyoke Community Charter School teaches a course, which primarily involves human sexual education or human sexuality issues, pursuant to M.G.L.A., Chapter 71, Section 32A, the school shall afford parents/guardians flexibility to exempt their children from any portion of said curriculum through written notification to the School Director or designee.

### **Athletic Programs:**

The School will not offer competitive athletic programs during the 2020-2021 school year. However, if athletic programs are started, students will be responsible for payment of a **“Non-refundable User Fee”** for each sport that they choose to participate in. **This non-refundable fee must be paid once a student becomes an official roster member of the team.** Any student who is unable to pay may request a fee waiver that will be evaluated by the Director or the designee. Any student who receives a fee waiver may be asked to perform school-related service. Student athletes will be personally responsible for all uniforms and equipment issued to them by the athletic department. Additionally, each athlete will be held responsible for restitution for damaged or lost equipment. Failure to comply with this provision will prohibit the student from future extracurricular activities.

## **Extracurricular Activities:**

Extracurricular activities include, but are not limited to, sports teams, academic competitions, field trips, and school-sponsored activities. **All students** wishing to participate in any voluntary extracurricular and / or athletic programs **must complete the required “Consent and Release Form”** before participating in any voluntary extracurricular and / or athletic programs.

### *Student Management Requirements to Participate in Extracurricular Activities:*

For participation in sports, academic competitions, field trips, and other school-sponsored activities, all prerequisite paper work including, but not limited to, parental consent / indemnification forms, and/or fee waiver forms must be completed before a student can participate in an extracurricular activity. Current physical examination forms must be completed before a student participates in any interscholastic athletic activity.

A student who is suspended from school loses all privileges of participation in extracurricular activities during the term of the suspension.

A student who is absent from school may not participate in any extracurricular activities held on the day of the absence (a Friday absence would nullify eligibility for participation in a Saturday contest or activity). A student who misses more than two hours of the school day due to unexcused tardiness or an unexcused early dismissal may not participate in any extracurricular activities held on that day.

Students who receive two or more disciplinary referrals within ten (10) school days before the extracurricular activity will not be permitted to participate in the activity. Students lose the privilege of participation in extracurricular activities if outstanding disciplinary consequences (detention) have not been fulfilled.

Restriction or loss of participation privileges in any extracurricular activity may be determined by the administration due to violations of the school’s Code of Conduct (see “Code of Conduct” section).

### *Academic Requirements to Participate in Extracurricular Activities:*

Eligibility in extracurricular activities that require a student to practice and participate over a period of time requires that students meet the academic eligibility in addition to the eligibility criteria outlined above.

In order to fully participate in extracurricular activities, a student must receive a passing grade (60% or above) in each of the five major academic subjects during the marking period used to determine eligibility for the particular sport or activity. The five major subjects are English, math, Spanish, history, and science. If a student receives a failing grade (59% or below) in one of the major academic subjects listed above in the determining marking period, the student shall be placed on academic probation (see below). If a student fails two or more of the major academic subjects listed above in the determining marking period, the student is ineligible to participate in certain activities.

### *Academic Probation:*

An official period of academic probation begins when deemed appropriate by school officials. Students on academic probation are expected to participate in all tutoring opportunities offered by the school. During the period of academic probation, participation in any extracurricular activity will be limited to accommodate the tutoring schedule. Although members of a sports or academic team may practice with their teams, they may not compete in any interscholastic competitions until eligibility is reinstated.

While on probation, a student may come to competitions as a spectator in school uniform, not the team uniform. For those students who maintain averages of 60% or above in all of the major academic subjects during the probationary period, eligibility will be reinstated at the directive of school officials. After eligibility is reinstated, the student must maintain a passing grade in all major academic subjects for the duration of the extracurricular activity or eligibility may be revoked.

### Uniform Policy

If a uniform is issued to a student as part of an extracurricular activity, the uniform must be returned to the school in acceptable condition at the completion of the activity. If a uniform is not returned in acceptable condition a fee will be charged to the parent/guardian for replacement cost.

### Field Trips:

Field trips are designed to help support and enhance the school's curriculum. They are academic in nature and involve pre- and post-activities. Some field trips require a fee for participation. Any family that experiences financial need should contact the Director or designee for a fee waiver. Students who receive two or more disciplinary referrals within 10 school days before the field trip may not be permitted to attend. Student attendance on field trips is subject to the discretion of the Director or designee. While attending a field trip, students are expected to abide by the same rules of conduct as expected during the regular academic school day.

### Late Night and Overnight Field Trips:

Chapter 346 of the Acts of 2002, an Act Relative to Safety of School Sponsored Travel, requires that all out-of-state or extended (overnight) trips and excursions, except those required for student participation in tournament competition or contests, must have advance approval from the Board of Trustees.

Fundraising activities for such trips will be subject to the approval of the Director / Designee and should not take place until approval has been received. Trip approval applies only to school-sanctioned trips. Student travel carriers must be licensed by the Federal Motor Carrier Safety Administration. Overnight accommodations will be made in advance with student safety and security as the priority. Every attempt will be made to avoid driving students between the hours of midnight and 6:00 A.M, due to the increased risk of accidents during these hours. Whenever possible, overnight trips will be scheduled on weekends or during school vacations to minimize lost classroom time. Non-academic field trips are considered "optional school programs" and do not count toward structured learning time requirements under state regulations (603 CMR 27.00). Academic field trips are, however, counted toward these requirements. If most of a class's members are participating in a trip, the school will provide appropriate substitute learning activities for any students who do not participate. Time for group fundraising should be reasonable for a measured balance of homework, after-school activities, work and personal responsibilities.

Students will be accompanied by a sufficient number of chaperones. All chaperones must have a CORI (Criminal Offender Record Information) check clearance in accordance with legal mandates. CORI checks are recommended but not required by law for bus drivers who do not regularly work for the district and who will not have unsupervised contact with students. Chaperones must always be present when students are on a bus.

### CORI Requirements/Field Trip/Activity Chaperones:

Pursuant to Chapter 71, section 38R of the Massachusetts General Laws, **all current and prospective employees, volunteers, chaperones, school transportation providers, and others who may have direct and unmonitored contact with children must submit to a search of Criminal Offender Record Information (CORI) with the Massachusetts Criminal History Systems Board and a fingerprint-based criminal records checks or Criminal History Record Information (CHRI) check . Chaperone service shall be at the discretion of the school administration and remains subject to criminal record information review.** CORI and CHRI information is not subject to the public records laws and shall be kept in a secure administrative office for not more than three (3) years. Access to this information is restricted to an administrator certified to receive such information. The school will obtain this information annually during an individual's term of employment. For further information regarding this CORI and CHRI policy and procedure, please contact the school.

## 6. Academic Policies and Procedures

### 2020-2021 Term Schedule:

The school year is divided into two terms. Within each term, three types of instructional days are scheduled to maximize learning:

- Regular instruction days
- Revision week
- End of Term/End of Year week

The 2020-2021 school year structure is outlined below.

	Term I	Term II
<b>Regular Instruction</b>	<b>Sept. 14 – Dec. 9</b>	<b>Jan. 4 – May 21</b>
<b>Revision Week</b>	<b>Dec. 7 – 11</b>	<b>May 24 – June 7</b>
<b>End of Term/End of Year Exam Week</b>	<b>Dec. 14-18</b>	<b>June 8 -15</b>
<b>Total Days</b>	<b>65 Days</b>	<b>105 Days</b>

**NOTE: School will close after it has been in session for 170 days.**

*As per DESE guidance for COVID-19 impacts on student learning days, students will attend 170 days of instruction. Should school be canceled for any reason during the school year, those days will be made up.*

### Testing:

Students are tested to check their knowledge of the concepts that they have studied.

Continuous evaluation of student learning is an integral part of the instructional process in SABIS® schools. Assessment of student learning is conducted in many ways, depending on the subject area. Below is a short description of various types of assessment tools used at the school.

#### SABIS® Academic Monitoring System:

The SABIS® Academic Monitoring System (SABIS® AMS) is intended to monitor student learning and is considered a teaching tool, and is a part of the instructional process beginning in the third grade. SABIS® AMS tests, given in math and English, are objective, criterion-referenced, computer-corrected tests. They are designed to check student learning, mastery, and long-term retention. Test items are intended to evaluate basic or core concepts and focus primarily on factual information. Absent students must make up SABIS® AMS tests within 2 weeks of the original test date.

#### Integrated Testing and Learning (ITL)

The SABIS® ITL system has been developed as part of SABIS® overall, ongoing commitment to develop technology strategies, which benefit the learner.

Providing online learning and assessment, ITL is a tool that hinders the formation of learning gaps. Remarkable features of the ITL include instant marking and on-the-spot correction of mistakes and unanswered questions, and appropriate access to challenge questions.

#### Periodic Exams:

Students are academically tested throughout the term. A testing schedule for each term identifies the academic subjects to be tested weekly.

End of Term and End of Year Exams:

End-of-Term (EOT) exams are given at the end of Term 1 to determine mastery of concepts taught over the full term. The End-of-Year Exam measures student achievement over the course of the academic year. The results of the End-of-Term and End-of-Year Final Exams each account for up to 50% of a student’s grade.

**\*\* All EOT and EOY exams must be completed within one week of the last day of exams. \*\***

Grade/Exam Weights Breakdown:

The following is the breakdown of grades/weights that will be applied to the 2020-2021 academic year:

<b>All subjects Grades 1 &amp; 2</b> <b>Social Studies Grades 3-8</b> <b>Spanish Grades 3-8</b> <b>Science Grades 1-5</b>
--

<b>Grades 3-8 Math, English</b> <b>Grades 6-8 Science</b>
--

<b>Term 1</b>	
Periodics	50%
Final	50%

<b>Term 1</b>	
Periodics	40%
Final	40%
AMS	20%

<b>End of Year (EOY)</b>	
Term 1 Periodics	16.6%
Term 1 Final	16.6%
Term 2 Periodics	16.6%
EOY Final	50%

<b>End of Year (EOY)</b>	
Term 1 Periodics	13.3%
Term 1 Final	13.3%
Term 2 Periodics	13.3%
EOY Final	40%
AMS	20%

Massachusetts Comprehensive Assessment System

Students in grades 3 to 8 take state-mandated Massachusetts Comprehensive Assessment System (MCAS) tests. These tests are administered in the winter and/or spring. Scores on standardized tests provide information to teachers regarding students’ academic progress as established by state and national standards. **During MCAS testing periods attendance is mandatory.**

Academic Dishonesty/Cheating/Plagiarism:

Academic dishonesty (such as cheating and plagiarism) will be handled with severe academic and disciplinary consequences, including but not limited to parent conferencing, detention, In-House Alternative Program, external suspension, and/or expulsion. Repeated offenses shall prompt full scrutiny of all student academic grades and may result in re-testing of previous examinations.

Missing Tests:

Missing tests due to absenteeism must be made up during student life period or after-school within 2 weeks of the test date. If the missing tests are not completed within the two-week deadline, the student may receive a zero grade.



## Reporting of Student Progress:

### Interim Reports:

Interim reports provide immediate information to parents of potential academic concerns. Two interim reports are sent out throughout the year in October and April.

### Parent-Teacher Conferences:

During Parent-Teacher Conferences, parents are encouraged to meet with teachers to discuss the progress of their child(ren) at school. Conferences with members of the administration may also be arranged. Parents and guardians are encouraged to call the school whenever there is a question or concern. Parents should address questions or concerns to the school's Academic Quality Controllers.

### Student Classroom Placements:

Classroom placements shall be at the sole discretion of the administration of the school. **Parents may not request a specific teacher for their child.**

### Report Cards:

Report cards are mailed out twice a year at the end of each term. Report cards are typically mailed out two weeks after the end of the term's exam period. They include the student's numerical grades for each subject, attendance records, and an accounting of the student's behavior and ethics in school. Comments regarding attitude, behavior, and progress may also be included on the report card. EL, Special Education students, and students with 504 accommodation plans receive a Progress Report as well.

An example of a Holyoke Community Charter School report card is provided on the following page. On the report card, you will find the attendance, academic, behavior, discipline points, and remarks for your child(ren).

### Attendance

The attendance information will detail all absent and tardy instances, both excused and unexcused, as well as the total number of days the student has been enrolled.

### Academic

The academic portion of the report card will detail the grades for all subjects. English and mathematics will have the periodic exam average (labeled as either English or mathematics), as well as the AMS (Academic Monitoring System<sup>®</sup>) score. The subject average is in the far-right academic column, and is considered the overall score for the course. A breakdown of how the averages are calculated is provided on the report card form for your convenience.

### Student Behavior Code

The report card communicates not only academic progress, but also information regarding students' behavior and ethics in school. The behavioral portion of the report card details the student behavior code adherence throughout the term. Development in the following ten areas is assessed on a scale of 0 to 10 (10 meaning that the behavior is displayed at all times, 0 meaning that the behavior is never displayed):

1. Honesty – to be honest in all that one does, never taking that which does not belong to oneself or taking credit for something one has not created, written, or done
2. Cooperation/Helpfulness – to act or work with teachers and fellow classmates for mutual benefit
3. Compliance with rules – conformity in fulfilling official requests, action in accordance with a standard or authority
4. Self-control – restraint over one's impulses, emotions (or decisions) (age-appropriate expectations)
5. Effort – hard work; the total work done to achieve a particular end
6. Good manners – politeness, good social conduct, and proper etiquette; conduct to be observed in social life


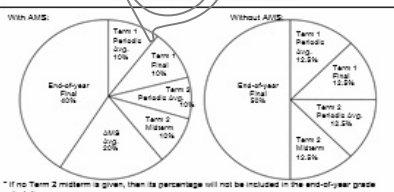
7. Responsibility toward academic work – accountability for one’s actions, reliability, something for which one is responsible; ready to be called for obligations and actions
8. Punctuality – being on time and prepared for class
9. Time Management – exercising sound judgment of effective use of time in school
10. Respect – the act of giving particular consideration or special regards for faculty, students, people in general and property

The classroom teacher performs the evaluation with input from all specialists who teach the student.

Student Management Points

The discipline points portion of the report card details the number of negative discipline points that the student has earned throughout the term. **Any referrals to student management will result in negative discipline points**; point amounts vary based on the level of the disciplinary infraction.

**Sample Report Card:**

		<b>Holyoke Community Charter School</b> <b>2014-2015 End-Of-Year Report Card</b>	
<b>Student:</b> Student Name Grade Section Student Number:		<b>Academics</b>	
<b>Parent/Guardian:</b> Parent Name		English Composition 98 Grammar 92 Reading Comprehension 97 Vocabulary 98 A.M.S. 92 Algebra 1 Algebra 99 A.M.S. 97 Spanish Composition 87 Grammar 85 Listening Comprehension 67 Oral Expression 96 Reading Comprehension 83 Vocabulary 72 Earth Science Science 94 A.M.S. 96 World History 1 Physical Education Computers Student Life Enrichment	98 98 81 95 74 Excellent Excellent Good 91 Director _____
<b>Attendance</b> Days Enrolled 180 Days Absent Excused 1 Days Absent Unexcused 1 Days Tardy Excused 7 Days Tardy Unexcused 6		<b>Student Life Points</b> 1 Student Life Organization 1 Activities 1 Class average 9 <b>Student Management Points</b> -10 Academic -5 Behavior -5 Class average -10 <b>Student Behavior Code</b> Compliance with rules 6 Cooperation, helpfulness 8 Effort 4 Good manners 6 Honesty 8 Punctuality 10 Respect for faculty, student & property 6 Responsibility towards academic work 4 Self control 4 Wise use of time 6 Student behavior scores can range from 0 to 10. 10 means the behavior is always exhibited. 0 means the behavior is never exhibited.	
<b>Grading Information</b> Letter grades for SABIS® schools correspond to the following percentages:  At a SABIS school, the two terms are not weighted equally for the end-of-year grade. The final exam for Term II covers the curriculum for the entire year and represents 40 to 50% of the end-of-year grade.		<b>Remarks:</b>	
<b>End-of-Year Grading</b> 		<b>Academic Average</b>	

## **Promotion/Retention and Placement of Students:**

Consistent with laws prohibiting discrimination based on race, color, sex, gender identity, religion, national origin, sexual orientation, creed, ethnicity, gender, mental or physical disability, age, ancestry, athletic performance, special need, proficiency in the English language or a foreign language, homelessness, or prior academic achievement, the school administration, acting reasonably and in good faith, have the final decision regarding the promotion or retention of a student, and the placement of a student in a designated course at a specific level of academic sophistication and/or one that has specific pre-requisite requirements. Diagnostic testing will be administered for any student to determine academic placement.

*While the Academic Quality Controllers are encouraged to involve parents in significant decisions that affect their children, the ultimate authority concerning promotion, retention, and placement of students rests with school officials.*

### Promotion & Retention Criteria:

At the conclusion of the school year, each student will be given a final report card. The final report card reflects grades throughout terms 1 and 2, as well as the cumulative behavior, discipline, and remarks for the year. **To be promoted, each student must have a minimum of 60% in both English and mathematics, as well as an overall academic average of 60% or above. If these criteria are not met, the student will be retained regardless of grade averages in other subjects.**

### Grading System:

While all classes are important, some are given more academic weight than others. The averages and reports are produced not by the teacher but by the administration via a computer system. The weights given to various sub-jects are assigned by SABIS® Educational Systems and are common to all SABIS®-operated schools.

### Honor Roll:

The school's Honor Roll is an exclusive list acknowledging academic success. An overall Academic average of at least 85% and at least a "good" in all enrichment subjects is required.

## **Homework Policy:**

Students are expected to complete homework. Homework is viewed as a time of independent problem solving to practice fluency. Homework may be a factor in the student's overall academic average. Incomplete or outstanding assignments represent a serious threat to learning.

It is expected that students will have some homework every night. Students use diaries, which are provided by the school to write down their assignments for the day. Parents should check the diaries if they are uncertain about homework assignments. In some cases, students will be asked to have their diaries signed by their parent.

### Missing Homework:

Students that accumulate missing homework assignments will be subject to academic consequences.

### **Absences and missing work:**

**Parents may request homework and/or classwork only if students have a medical reason or documented family emergency and will be absent for *three or more days*.** All requests for homework/classwork should be made directly to the Academic Quality Controller (AQC) assistant.

## **Books:**

Several books are assigned to students during the year. It is expected that students will treat all books with respect and keep them in good condition for return at the end of the year. Students should not write in books unless explicitly instructed to do so by a teacher. **If a student loses or damages a book, parents / guardians are responsible for the cost of the replacement book.** The school office will provide information about costs for a book should a problem arise. **Students with outstanding bills for books may not be allowed to participate in end-of-year activities until payment is made.** In addition, the school will provide students with certain academic supplies. They will be responsible to replace them if they are lost or destroyed.

## ***7. Academic Support***

All students entering the Holyoke Community Charter School are required to take diagnostic tests. Tests are administered after a student has been enrolled by lottery or from the waiting list.

Students found to be behind academically may be offered one of several different solutions, depending on the severity of their academic needs. In addition, students who perform below the academic standards during the school year can benefit from these solutions as well. The charter school has a special education department & a 504 coordinator to accommodate those students with identified disabilities.

### **Peer Tutoring:**

The SABIS Student Life Organization® has set up a system to match students needing help in specific subject areas with other students who volunteer to be tutors. The peer-tutoring program offers academic support for those students needing extra instructional assistance.

## ***8. SABIS Student Life Organization®***

### **An Overview of the Student Life Organization:**

#### **What is Student Life?**

The SABIS Student Life Organization® is a student-led society that empowers students to contribute to the management of the school, to make a positive difference around them, and to play an active role in their education as well as the education of others.

While providing opportunities for emotional, social, and moral growth, the SABIS Student Life Organization® helps students to develop academic, managerial, organizational, and leadership skills.

Student Life also gives students the chance to get involved in a variety of academic and non-academic activities such as tutoring other students, planning sports and social events, organizing community services projects, being involved in the school newspaper, and much more.

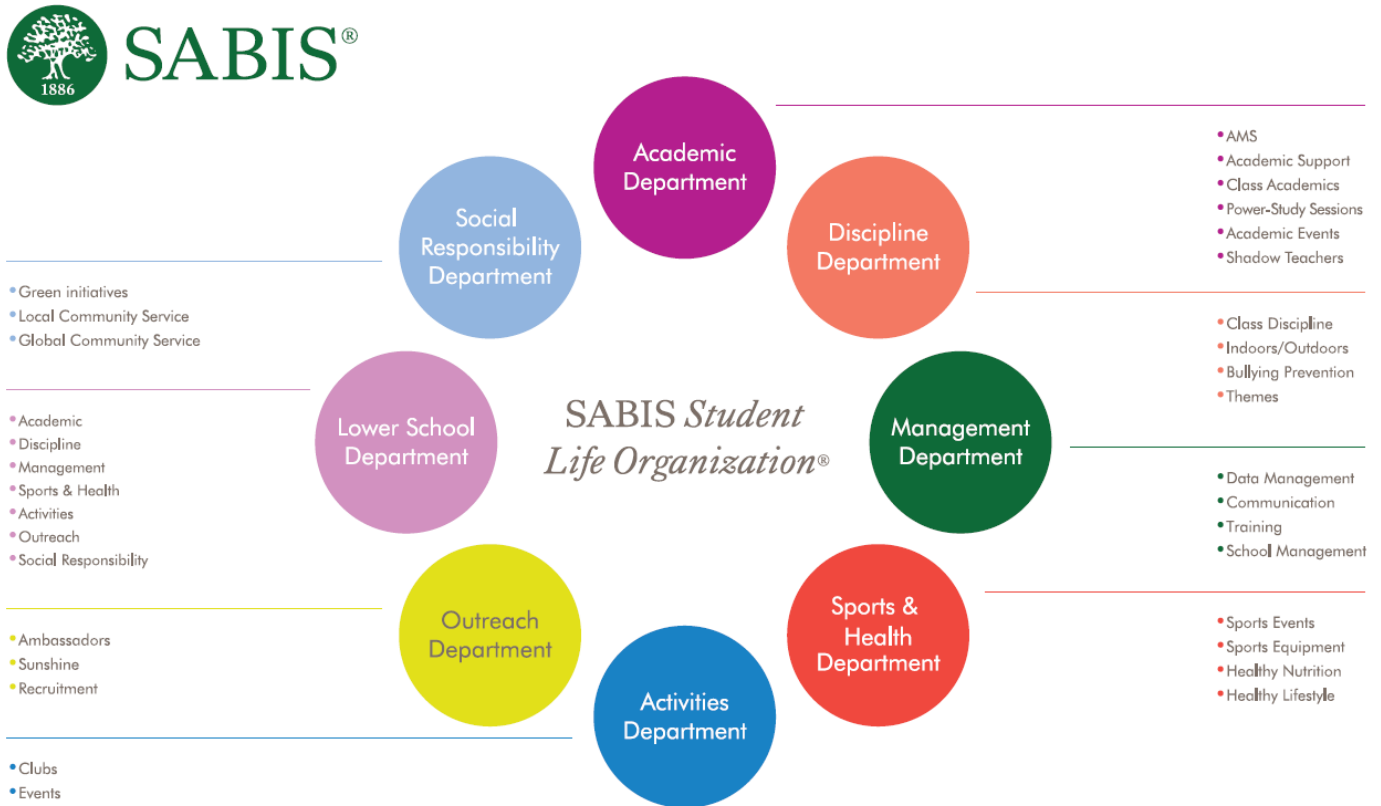
#### **Prefect System:**

In a prefect system, students are assigned to or volunteer for a variety of tasks and are given varying degrees of responsibilities in a hierarchy of authority.

##### ***Definition of a Prefect:***

- A Prefect is a student who is a member of the Student Life Organization.
- A Prefect has assigned duties within the Student Life Organization and contributes to the productivity of the school.
- Being a Prefect enriches students' experiences, increases their chances of being accepted at a University of their choice and positions them to be successful later in life.
- The Student Life Organization consists of eight departments that offer all our students interesting and attractive opportunities to make a difference in their school, improve their academics, participate and/or lead activities they enjoy, excel in, as well as create the appropriate atmosphere to enjoy school life and have fun.

**The SABIS Student Life Organization® Hierarchy:**  
 Student Life is divided into the following main areas:



*Education for a changing world.®*

North America | Europe | North Africa | Middle East & Asia

[sabis.net](http://sabis.net)

- ◆ Although there is a hierarchy of responsibility within the SABIS Student Life Organization®, it is important that students realize that *every* role is important. Only through teamwork can goals be successfully achieved. Each student has a role in Student Life and fits within the hierarchy of positions. At a basic level, all students are expected to be responsible and productive members of the school, abiding by school rules and supporting the school philosophy. The Basic Beliefs of the school serve as the guidelines of Student Life in its day-to-day operations.

## ***9. Student Management Policy and Procedures***

Every person at Holyoke Community Charter School is expected to treat every other person with dignity and respect. Staff and students will work together to help every person in the school reach his or her full potential. Any behavior or action that helps someone grow and mature will be encouraged. Any behavior or action that interferes with another student's emotional growth will not be tolerated. Students will be encouraged to uphold the highest standards of behavior.

### **Respect:**

All students are members of the school's community. To help the School and its "members" excel and enjoy being with each other, all members must take responsibility for their own actions. Each student's relationship with other students and staff must be based on respect and caring.

All members of the school community are expected to:

- Be respectful of others at all times
- Use appropriate language at all times
- Be courteous to others

### **Responsibility:**

***The biggest responsibility of a student is to learn.***

Students are responsible for completing assignments, coming to class prepared, paying attention in class, and managing their behavior to support learning both inside and outside of the classroom.

### **The Basic Beliefs:**

The following six "Basic Beliefs" of the Holyoke Community Charter School are the same as in all other SABIS® schools. Students are expected to always adhere to these basic principles.

1. Always try
2. Do your best
3. Cooperate and actively help others
4. Treat others with respect
5. Manage yourself
6. Respect the property and rights of others

Any community must have rules and basic guidelines to function effectively. The Holyoke Community Charter School is no exception.

The school is built on a supportive approach to helping students. The underlying foundations of the school's approach to student management and motivation can be summarized by the six *positive* phrases above.

Every staff person is an equal and contributing part of the discipline policies and procedure. Students should treat all adults, as well as each other, with respect. All adults have the obligation of reporting any inappropriate behavior to the administration.

## **Student Conduct:**

The following matters are taken very seriously. Rules apply anywhere on school grounds, on school transportation, at any off site school-sponsored functions, and while students are participating in remote (online) instruction. Consequences for violating rules are outlined in chapter 11, "Code of Conduct."

### Classroom Expectations:

1. Students are expected to be respectful of teachers, classmates, and themselves at all times. Following the individual classroom rules will help create an environment intended to maximize learning. Each teacher will discuss classroom policies and expectations.
2. Any display of violence, or threats of violence will not be tolerated in school. Violent or destructive acts, or threats to commit such acts, may result in severe consequences as determined by the Administration.
3. Racial slurs, verbally abusive language, slurs regarding sexual orientation, or bullying will not be tolerated.
4. Dishonesty (such as cheating, plagiarism, and stealing) will result in severe consequences. Plagiarism - taking ideas or writings from another person and offering them as original ideas - will not be tolerated. Repeated offenses of academic dishonesty shall prompt full scrutiny of all student grades, and may result in re-testing of previous examinations.
5. Students are expected to be in homeroom and in class on time. Failure to do so will result in a referral to Student Management for disciplinary action.
6. Students must be fully prepared for all classes. Repeated instances of being unprepared for class will prompt a referral for disciplinary consequences.
7. All lockers should remain tidy, and able to be closed for proper storage of school materials, and personal belongings.
8. Littering of any kind is not allowed.
9. Food and beverages are restricted to the cafeteria with the exception of snack time.
10. We learn best through imitating others; older students are expected to model good behavior for younger students.
11. Alcohol and chemical substances are strictly forbidden. All tobacco products (including cigarettes, smokeless tobacco, cigars, pipes, e-cigarettes, vape pipes, hookah pens, etc.) are NOT allowed on school property. Students in possession of illegal items will be suspended or expelled. Students found under the influence of alcohol or chemical substances while at school, must be picked up by parents or guardians and will be subject to suspension and/or possible expulsion. Law enforcement officials may also be notified of such conduct.

### Hallway Expectations:

Students are expected to behave in the halls. Everyone attending Holyoke Community Charter School should make an effort to control noise. Students should not shout or slam lockers. When classes are in session, students, teachers, and parents passing in the hallway are expected to keep their voices low. Students must possess a pass when traveling the halls during class time. Running in the hallway is prohibited.



## **Disciplinary Procedures:**

### Discipline Referrals:

A “discipline referral” is the consequence for inappropriate behavior. The discipline referral documents behaviors that are a violation of school rules, and provide specific information of the behavior that has been referred to the disciplinarians. *A sample referral is included in the appendices.*

If a student is disrupting a class, teachers may provide two warnings before issuing a discipline referral. If the student continues to misbehave, he or she will be given a discipline referral and is sent to the Student Management office for a review. Parental contact and notice of appropriate disciplinary action is then taken. At a minimum, the student will remain out of the class for the balance of the period. He or she will remain in the office or be placed in the In House Alternative Program (IHAP) room. The student will be expected to complete all work assigned to him/her while in the IHAP.

If a student commits a serious offense (e.g., physical violence), discipline referrals can be issued immediately without going through the warning process.

**Students who receive 3 or more referrals within the month of a school-sponsored event will not be permitted to attend the scheduled activity.**

### After-school Detention:

After-school detention is given to students in grades 3 – 8 for a variety of disciplinary reasons. When a student receives after-school detention, the disciplinarian contacts the student’s parent/guardian to inform them of the detention. Once the student receives notification of a detention, participation in school events and/or extracurricular activities is prohibited until the detention is served. The detention time is from 3:30-5:30pm

Failure to attend after school detention assignments will result in an automatic two days detention or a Saturday detention. Consistent failure to attend detention assignments may result in external suspension from school.

It is the sole responsibility of the parent to pick up their child **immediately** following the detention. Students with detention **may not** take a later bus departing from the school, **or remain unsupervised** in the school or on the campus property. Failure of parents/guardians to pick up a student immediately following detention may result in referral to police or social service agencies.

## **Motivating Students:**

The school is considered a community and students are expected to follow school rules and meet expectations for good behavior outside of the classroom as well. This includes everything a student does while school is in session (e.g. lunch, recess/break, and activities in an after-school program) as well as outside of school hours at social activities, field trips, and other school-sponsored events. Positive and negative consequences apply to students engaged in any school activity.

### Shout Outs:

Appropriate behavior is expected from students at all times. However, teachers, staff, and administration are constantly watching for behavior and actions that exceed these expectations. When a class is “caught doing something good,” they may be rewarded with a “Shout Out” at the end of the day.

The Shout Outs are made at the end of each day before dismissal over the school’s intercom system and includes a description of what the class did to deserve special notice. Shout Outs are tallied by the Administration. After receiving a certain amount of Shout Outs, that class is selected to participate in a special activity.

## ***10. General School Policies and Procedures***

### **Attendance:**

#### *Attendance Policy:*

Massachusetts General Laws and Holyoke Community Charter School require children to attend school regularly from the ages of six to sixteen. Parents and guardians are essential to good attendance and are responsible for ensuring that children attend school regularly and on time. Holyoke Community Charter School expects students to attend school daily in order to receive the maximum benefits of instruction.

Holyoke Community Charter School does not follow an open campus policy. All students are expected to remain on campus for the entire school day.

#### *Attendance Procedures:*

Attendance will be taken in each homeroom pursuant to the respective bell schedules at 8:00 AM. Students MUST report to homeroom to be recorded as present in school and to avoid tardy/absent recordings.

At the start of each class, teachers will take classroom attendance. Students arriving late must be recorded as tardy by office administration. Before reporting to their respective classrooms, all tardy students must register their arrival time in the office. Any student leaving the building for early dismissal must also register their departure time in the office.

If necessary, a record of missed classes because of unexcused tardiness or early dismissals may be referenced for possible course failure deliberations.

When a student is absent, the parent shall notify school before 9:00 A.M. If a parent does not call the school, the school will attempt to contact the parent via telephone and/or mailings. **Notification from parents is required in order for any absence to be considered as an *excused* absence.**

Parents are responsible for providing written notification of all absences or tardiness. The note must include the date absent, the reason for the absence, a telephone number where a parent or guardian can be reached, and the parent or guardian's signature. Excused absences and tardiness may be legitimate, but in excess, they undermine student performance and continuity.

#### **Excused absences may include:**

- A doctor, school nurse, or parent-verified illness, injury or disability that prevents the student from attending school
- A death in the immediate family or other significant personal or family crisis
- Court appearances
- Religious holidays
- Suspension from school
- Psychological, Physical Testing and Evaluations, Medical Assessments (under certain circumstances psychological and medical assessments may be required (e.g. IDEA, Chapter 766 etc.) and testing can only be arranged during school hours)
- Visiting with a parent/guardian who is an active duty member of the uniformed services and has been called to duty for, is on leave from, or immediately returned from deployment to a combat zone or combat support posting

**It is the responsibility of parent(s)/legal guardian(s) and students, whenever possible, to make personal appointments that do not conflict with regularly scheduled classes or school activities.**

The Director or the designee shall make the final determination as to whether any absence is to be considered excused or unexcused.

Illnesses that contribute to a medical absence that **exceeds five (5) consecutive days** should have a doctor or health care provider's notice of explanation. Consistent patterns of unexcused tardiness, absences from individual classes or whole day truancy will prompt contact of parents and guardians and appropriate supportive intervention and consequences.

The school's administration shall review and maintain records of all absences.

**\*\*Family vacations are not considered excused absences\*\***

Attendance Intervention Measures and Consequences:

After *five (5)* cumulative days of unexcused absences, an administrator or school counselor may conduct parental conferences. Reports of these conferences or of home visits will be forwarded to the Director or designee for deliberation and appropriate intervention.

If a child (ages 6-15) accumulates seven (7) days of unexcused absences within six months, a 51A will be submitted to the Department of Children and Families Services and Children Requiring Assistants (CRA) report may follow.

*Children Requiring Assistance (CRA)* report to the appropriate juvenile court may be filed for students who are chronically absent and whose parents have failed to fulfill their responsibility to ensure their child's attendance in school.

If a Special Education student is chronically absent, the IEP team should convene and rewrite the student IEP to reflect this issue.

At the discretion of the Director or designee, any student possessing **seven (7) or more unexcused absences or fourteen (14) or more unexcused tardies, may fail any course in a given term.**

Appeal Procedure for course failure:

Parents will be informed of the student's course failure due to absenteeism or tardiness and will be given the opportunity to appeal the determination of the school.

The appeal shall be made in writing to the Director or designee within five (5) school days of receipt of the parental notice.

Upon receipt of the written appeal and documentation, a meeting shall be promptly held with parents, appropriate school administrators, counselors, and faculty.

A final decision with the reasons will be given to the student and parent or guardian.

Withdrawal

A parent/guardian may opt for reassignment from the school by withdrawing at any time during the school year. A student will be considered withdrawn from the school, and a vacancy may be declared for the child's position, if one of the following occurs:

- a student who has not attended any of the first five days of school and the school is unable to make contact with his/her parent/guardian
- the student transfers to another school
- the school receives written notification from the parent/guardian of his/her intent to remove the student as of a given date
- the school receives written notification from a student (16 years of age or older) of his/her intent to withdraw

- a student who has been attending school has missed fifteen (15) consecutive unexcused school days and notice has been sent by the school within a period of ten days of the student's fifteenth consecutive absence to the parent or guardian of the student in both the primary language of the parent/guardian and English, stating the student and his/her parent/guardian may meet with the school director prior to the student permanently leaving school, within ten days after sending of the notice.

Any student who has withdrawn and wishes to re-enroll in the school must reapply for admission through the lottery process.

### **Bathroom Policy:**

Except in cases of emergency, students may not use the bathroom during the first 10 minutes and last 10 minutes of class or during the two or three-minute transition between classes. Only one student per class may visit the bathroom at the same time. All students must sign in and out of their classrooms. Students with medical conditions are required to present documentation from a physician. Students are given many opportunities to use the facilities throughout the day, including before school, during break/snack time, lunchtime, Student Life® time, and after school.

### **Civility Policy:**

#### Civility/Conduct of Parents, Other Visitors, and School Employees:

It is the intent of the Holyoke Community Charter School to promote respect, civility, and orderly conduct among students, school employees, parents, and the public. It is not the school's intent to deprive any person of his or her right to freedom of expression. The intent of this policy is to maintain, to the greatest extent reasonably possible, a safe, harassment-free workplace for teachers, students, administrators, staff, parents, and other members of the community. The School encourages positive communication and discourages volatile, hostile, or aggressive communications or actions.

#### 1. *Expected Level of Behavior:*

- School personnel will treat parents and other members of the public with courtesy and respect.
- Parents and other visitors will treat teachers, administrators, and other school employees with courtesy and respect.
- School personnel and visitors shall follow all traffic laws on public and private ways while traveling to, from, and on campus.

#### 2. *Unacceptable and Disruptive Behavior*

- Using loud or offensive language, swearing, cursing, or displays of temper
- Threatening to do physical harm to a teacher, school administrator, school employee, or student
- Any other behavior that disrupts the orderly operation of a school, classroom, administrative function and a safe campus environment
- Abusive, threatening, or obscene letters, e-mail, or voice mail messages
- Violations of traffic laws on public and private ways while traveling to, from, and on campus.

#### 3. *Parent Recourse:*

Any parent who believes he or she was subject to unacceptable or disruptive behavior on the part of any staff member should bring such behavior to the attention of the staff member's immediate supervisor, appropriate administrator, and/or the Director.

#### 4. *Authority of School Personnel:*

Any individual who acts as follows may be directed to leave the school premises by any school administrator, including the Director, and school security personnel. If the person refuses to leave the premises as directed, the administrator or other authorized personnel shall seek the assistance of law enforcement personnel to take such action as is deemed necessary:

- Disrupts or threatens to disrupt school operations
- Threatens or attempts to do or does physical harm to school personnel, students or others lawfully on school premises

- Threatens the health or safety of students, school personnel, or others lawfully on school premises
- Fails to follow campus / public / private way traffic and safety directives
- Intentionally causes damage to school property or the property of others lawfully on school premises
- Uses loud or offensive language or
- Comes onto school premises without authorization

In the event that there is a serious threat of harm to student(s) or school personnel, the school may obtain an Order of No Trespass prohibiting the individual making such threats from entering on school property.

*Authority to Deal with Persons who are Verbally Abusive:*

- If any member of the public uses obscenities or speaks in a loud, demanding, insulting and/or demeaning manner, the employee to whom the remarks are addressed shall calmly and politely warn the speaker to communicate civilly.
- If the verbal abuse continues, the employee may, after giving appropriate notice to the speaker, terminate the meeting, conference, or telephone conversation.
- If the meeting or conference is on school premises, any employee may request that an administrator or other authorized person direct the speaker to promptly leave the premises.
- If the person refuses to leave, the administrator or other authorized personnel shall seek the assistance of law enforcement personnel to take such action as is deemed necessary. If the employee is threatened with personal harm, he or she may contact law enforcement.

Should an individual persist in violating the terms of this policy, the school may limit and restrict the methods of communication that may be used by said individual. Such restrictions shall not apply in the event of emergencies or administrative functions such as TEAM meetings or disciplinary hearings.

**Dress Code:**

Dress Code Policy:

The Holyoke Community Charter School, as a member of the SABIS® School Network, values each student for who they are not by how they look or what they wear. The school has a uniform policy which requires students to come to school in a uniform at all times, except on scheduled non-uniform days or when special permission is granted by the administration. Uniforms instill pride in the school and give each child a feeling of being part of the team. It helps to eliminate peer pressure. Uniforms are also more cost efficient. Any family having difficulty abiding with this rule should contact the School Director or designee.

<b><u>GRADES K-5</u></b>	
Non Gym Days	Gym Days
<p>TOP:</p> <ul style="list-style-type: none"> <li>• <b>plain navy blue tops with a collar</b> <ul style="list-style-type: none"> <li>○ A collared dress/oxford shirt,- <i>all shirts/blouses must have collars</i></li> <li>○ collared polo</li> <li>○ turtleneck (long or short sleeved)</li> <li>***T-SHIRTS ARE NOT ALLOWED</li> <li>**Logos/printing on the shirts are <b>NOT</b> allowed</li> </ul> </li> <li>• navy blue sweaters, fleeces, and sweatshirts without hoods may be worn over the collared shirt</li> </ul> <p>BOTTOM:</p> <ul style="list-style-type: none"> <li>• solid khaki bottoms (non-jean material)           <ul style="list-style-type: none"> <li>○ pants - <i>worn at the waist and must not drag on the floor</i></li> <li>○ skirts or jumpers – <i>cannot be shorter than 3 inches from the bottom of the knee</i></li> <li>○ all tights, socks, and/or pantyhose must be either white, black, or navy</li> </ul> </li> </ul>	<p>TOP:</p> <ul style="list-style-type: none"> <li>• <b>plain white or black t-shirt or approved Parent Connection t-shirt</b></li> </ul> <p>BOTTOM:</p> <ul style="list-style-type: none"> <li>• <b>solid cotton sweatpants or nylon jogging pants or shorts – gray, black or navy blue</b> (white, gray, or black vertical stripes down the side are permitted)</li> </ul>
<p><b>PLEASE NOTE:</b></p> <ol style="list-style-type: none"> <li><b>1. NO HOODED SWEATSHIRTS, or any other HOODED ITEMS ARE ALLOWED.</b></li> <li><b>2. Clothing cannot have any writing or logos on them, except the school logo.</b></li> <li><b>3. Coats or other outdoor wear are not allowed to be worn in class.</b></li> </ol>	

## **GRADES 6-8**

Non Gym Days	Gym Days
<p>TOP:</p> <ul style="list-style-type: none"> <li>• <b>plain burgundy tops <u>with a collar</u></b> <ul style="list-style-type: none"> <li>○ A collared dress/oxford shirt,- <i>all shirts/blouses must have collars</i></li> <li>○ collared polo,</li> <li>○ turtleneck (long or short sleeved)</li> </ul> </li> <li>• <b>**T-SHIRTS ARE NOT ALLOWED</b></li> <li>• <b>**Logos/printing on the shirts are NOT allowed</b></li> <li>• burgundy sweaters, fleeces, and sweatshirts without hoods may be worn over the collared shirt</li> </ul> <p>BOTTOM:</p> <ul style="list-style-type: none"> <li>• solid khaki bottoms_(non-jean material)           <ul style="list-style-type: none"> <li>○ pants - <i>worn at the waist and must not drag on the floor</i></li> <li>○ skirts or jumpers – <i>cannot be shorter than 3 inches from the bottom of the knee</i></li> <li>○ all tights, socks, and/or pantyhose must be either white, black, or burgundy</li> </ul> </li> </ul>	<p>TOP:</p> <ul style="list-style-type: none"> <li>• <b>plain white or black t-shirt or approved Parent Connection t-shirt</b></li> </ul> <p>BOTTOM:</p> <ul style="list-style-type: none"> <li>• <b>solid cotton sweatpants or nylon jogging pants or shorts – gray, black or navy blue</b> (white, gray, or black vertical stripes down the side are permitted)</li> </ul>
<p><b>PLEASE NOTE:</b></p> <ol style="list-style-type: none"> <li><b>1. NO HOODED SWEATSHIRTS, or any other HOODED ITEMS ARE ALLOWED.</b></li> <li><b>2. Clothing cannot have any writing or logos on them, except the school logo.</b></li> <li><b>3. Coats or other outdoor wear are not allowed to be worn in class.</b></li> <li><b>4. Students must wear their student ID card on a lanyard each day.</b></li> </ol>	

### Footwear:

Closed-toed and closed-heel shoes with rubber or leather soles are required. No roller-skates, “Cros” (plastic/foam) shoes, lights, high heels, moccasins, or “UGG” slippers are allowed.

### Additional Policies Governing Appearance:

- Clothing must cover a student’s midriff.
- Any article of clothing worn as an undergarment that is not part of the school uniform (i.e. colored, lettered, striped, or tank top tee shirts) cannot be visible.
- Large, long chains as wallets or key-chains, spiked bracelets or collars, sunglasses and other inappropriate items are prohibited.
- All headwear articles including, but not limited to scarves, bandanas, hats or sweatbands of any kind are NOT allowed to be worn inside the building.
- hair styles, body piercings, or make-up that may distract from classroom instruction are not allowed (as per Student Management Coordinator’s discretion)

**\*\*Personal dress and appearance which is vulgar, tattered, plainly offensive or which disrupts or substantially interferes with the educational process or with another student’s ability to receive an education is prohibited.\*\***

Holyoke Community Charter School polo shirts and fleeces are available from Allen’s Uniforms. Please visit the website [www.Allensuniforms.com](http://www.Allensuniforms.com) and search by school. You can also request an order form by calling the main office at HCCS.

In addition, a student's personal dress and appearance must comply with all safety regulations while attending science and computer labs.

Non-Uniform Days:

On designated **Non-Uniform school days**, students must wear appropriate non-uniform clothing as designated by School Administration. Students should wear clothing that is neat and clean. Students should not wear clothing that is revealing, too tight, or excessively baggy. All footwear must be closed-toe and closed-heel (i.e. no flip-flops).

The following clothing and personal accessories **are not allowed**:

- tank tops
- shirts showing a student's midriff/stomach
- skirts shorter than 3 inches from the bottom of the knee or with slits 3 inches above the knee
- bandanas, hats, visors, sweat bands
- slippers, or pajama-style pants
- hooded sweatshirts or hooded sweaters

The most important element of the uniform policy is parental support. We need your help to make the uniform policy a success.

**\*\*Violations of the uniform policy will result in disciplinary action and consequences.\*\***

Dress Code Intervention Measures & Consequences

If your child does not come to school wearing the proper uniform, a loan of uniform clothing will be offered from the limited supply of clean, surplus uniform items. The loaned clothing must be laundered, and returned to the school the following day. **If properly sized clothing is unavailable for loan to students, then parents/guardians will be contacted to bring proper uniform clothing to the school.** Students awaiting proper uniform clothing will remain in the In-House Alternative Room.

**Drop-Off and Dismissal:**

Drop-off/Parent Pick-up:

Students may not be dropped off at HCCS before 7 A.M., nor picked up later than 3:55 P.M., unless they are enrolled in the Extended Day Program or other extra-curricular events.

\*Holyoke Community Charter School does not assume supervisory responsibility for students arriving at the school before 7:00 A.M. or remaining on campus after 3:55 P.M.

*Important Fact:* The school administrators will remain with the child if the parent does not pick-up the student by 3:55 p.m. The parent will be FULLY responsible for a late pick up fee. **If the school administrators do not receive a phone call and the child is not picked up by 6:00 P.M. the Department of Children and Families will be called; this applies to all students.** The school administration will file a form 51-A (Abuse/Neglect Petition) and ask the Department of Children and Families to pick up the child from the school at that time.

Parent Pick-up ID cards must be presented to school staff before the student will be released. One Parent Pick-up ID card will be provided at no cost to each student at the beginning of the school year. Replacement or additional cards are available for a \$5 fee. If a person other than a parent/guardian will be picking up a student, the parent/guardian must notify the school in writing. Students will only be released to authorized individuals as indicated on the Emergency Form.



Early dismissal of students:

For safety and security purposes, Holyoke Community Charter School requires that parents/legal guardians make **all requests for early dismissal of students in writing or by telephone on the day of such request by 11:00 A.M.** Parents/guardians are discouraged from picking up their children for early dismissal without prior notice. Parents must record the dismissal time in the main office logbook.

**Classes will not be disrupted for early dismissal requests during examination and testing times.** These testing periods include, but are not limited to STAR testing, MCAS testing, final exams, weekly exams, or AMS tests.

Holyoke Community Charter School requires that parents/guardians provide written notice if other individuals are responsible or assigned to pick up their children during early dismissal and for transportation purposes. The designated individual must present a photo ID at time of pick-up.

**In order to promote a safe dismissal procedure, students will not be dismissed early from classes between 3:15 – 3:45 pm. Also, the school phones will not be answered during this time**

Dismissal of Academic Support:

Students enrolled in the Academic Support program will be dismissed from the parent pick-up doors at 4:30 pm.

**Extended Day Program:**

The Extended Day Program is offered on-site for a reasonable fee to Holyoke Community Charter School parents and guardians to assist in the before and after-school care of their children. The program is designed for students in grades K through 8. **An application must be completed to enroll your child in the Extended Day program. The 2019-2020 application and fees (per student) are available in the School's Main Office.**

- Morning Extended Day program runs from 7:00 am – 8:00 am
- The Afternoon Extended Day program runs from 3:30 pm – 5:30 pm

***All students participating in the Afternoon Extended Day program must be picked up by 5:30 pm.***

Parents may use this program on a regular basis or on an as-needed or emergency basis.

For parents utilizing the program on a regular basis, the fee for this program must be paid on the Monday of the current week. On an emergency or as-needed basis, payment will be expected when the parent picks up and signs out their child. If payments are not received on a timely basis as outlined in the informational packet, your child will be ineligible to attend the Extended Day program until the overdue balance is paid. Chronic late payments will result in termination from the program. Any balance remaining at the end of the school year must be paid in full by the **last day of June** in the current academic year. A student may be ineligible for the Extended Day Program for the upcoming academic year if the balance is not cleared by the last day of June.

To ensure the safety of all children participating in the program, a parent/guardian **MUST** come into the building to pick up the student and initial the sign-out sheet. If another adult will be picking-up the child(ren), his/her name must be on the Extended Day form as an authorized person and must present a photo ID. Your child will not be released unless this procedure is followed.

We offer the program on all regularly scheduled days of school, with the following exceptions:

- Scheduled Early Dismissal Days – morning extended program only; no afternoon program.
- Morning Delay due to weather – ***morning extended day program is cancelled.*** Please, do not drop off your child before the delayed start time, as supervision will not be available.
- Early dismissal due to emergency situations – afternoon extended day program is cancelled. Child must be picked up as promptly as possible.
- Snow days, school vacations, days off – no program

Specific information regarding the location, fees, and hours of the 2019-2020 Extended Day Program will be available in the administrative office. Please call the school at (413) 533-0111 for information regarding the Extended Day Program.

### **Fundraising Items:**

Many of our students are asked to sell different fundraising items throughout the year for organizations that they belong to outside of school. Holyoke Community Charter School students are NOT allowed to sell fundraising items during school hours for the benefit of *outside organizations*. The selling of these items can be disruptive to class time and therefore is not permitted.

### **Parent Connection:**

The Holyoke Community Charter School encourages an atmosphere in which parents, administrators, and faculty join in a partnership to ensure each child's success. The School's Parent Connection organization was formed to "create an optimum environment for parents to facilitate communication between the school and parents".

The goals of the Parent Connection are as follows:

- Increase communication among parents, staff, and students;
- Provide more interaction among parents; and
- Provide a structure for parent volunteer activities.

All parents are automatically members of the Parent Connection and can freely join any committees or activities.

To get more information about the Parent Connection or to contact the Parent Connection liaison and president, please feel free to contact the school's main office.

### **Personal Belongings:**

The school will attempt to create an environment, which will prevent personal items from being lost or stolen. The school cannot be responsible for lost or stolen property. Students bring personal belongings at their own risk. The best protection against loss or theft is to clearly mark all clothing and equipment with the student's name. There is a "Lost and Found" area. Items are removed at the end of each term and donated to a local charity.

The following items **may not be brought** to school:

- Portable camera / audio devices, personal computers, tablets, or any other electronic devices
- Laser pointers
- Toys (including yo-yos, playing cards, or trading cards)
- Athletic equipment other than for school athletic teams

*For information about cell phones, please see the section titled "Telephone Use" on page 43.*

### **Privacy Rights, Searches, and School Property:**

#### *Policy Application:*

Students are protected by the guarantees of the Fourth Amendment of the U.S. Constitution. Students are subject to searches and seizures of their personal property when there is reasonable cause to believe that a student may be in possession of drugs, weapons, alcohol, and other materials in violation of school policy or state law. School property shall remain under the control of school officials, and shall be subject to search.

School Property:

Student lockers, desks, computers, and any other school equipment are for the use of students but remain the property of Holyoke Community Charter School. The school exercises exclusive control over school property, and a student should not have an expectation of privacy regarding items placed in school property.

**Students should have no expectation of privacy in their school lockers, desks, computers, backpacks, duffle bags, or like articles and related possessions.** All students are advised that school administrators intend to conduct periodic, unannounced locker, backpack, and desk inspections to ensure cleanliness, safety, and adherence to federal, state, and local laws and regulations.

Student Searches:

The legality of a search of a student, his/her clothing and/or possessions depends simply on the reasonableness, under all circumstances, of the search. The search by a school official is “justified at its inception” when there are reasonable grounds for suspecting that the search will turn up evidence that a student or students have violated either the law or school rules. Such a search is permissible in its scope when measures adopted are reasonably related to the objectives of the search and are not excessively intrusive in light of the age and sex of the student(s) and the nature of the infraction.

A particular student’s effects are also subject to being searched by school officials and are subject to the same rules. Effects may include automobiles located on school property.

Social Security Numbers:

Each student is asked to voluntarily inform the school of his/her social security number for uniform record-keeping purposes. Including this information in the cumulative record does not change the privacy of student records.

Use of Student Photographs:

Children’s photographs may be taken, reproduced and used for various purposes, including but not limited to television news, newspapers, periodicals, school publications, yearbooks, classroom pictures, and school functions and related educational activities. **If you do not want your child photographed you must notify the school in writing.**

Protection of Pupil Right Amendment (PPRA)

PPRA affords parents certain rights regarding our conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. These include the right to:

- *Consent* before students are required to submit to a survey that concerns one or more of the following protected areas (“protected information survey”) if the survey is funded in whole or in part by a program of the U.S. Department of Education (ED)–

1. Political affiliations or beliefs of the student or student’s parent;
2. Mental or psychological problems of the student or student’s family;
3. Sex behavior or attitudes;
4. Illegal, anti-social, self-incriminating, or demeaning behavior;
5. Critical appraisals of others with whom respondents have close family relationships;
6. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
7. Religious practices, affiliations, or beliefs of the student or parents; or
8. Income, other than as required by law to determine program eligibility.

- *Receive notice and an opportunity to opt a student out of –*

1. Any other protected information survey, regardless of funding;
2. Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a

student, except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under State law; and

3. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.

•*Inspect*, upon request and before administration or use –

1. Protected information surveys of students;
2. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
3. Instructional material used as part of the educational curriculum.

These rights transfer from the parents to a student who is 18 years old or an emancipated minor under State law. **Holyoke Community Charter School has developed and adopted** policies, in consultation with parents, regarding these rights, as well as arrangements to protect student privacy in the administration of protected information surveys and the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes. **Holyoke Community Charter School** directly notifies parents of these policies annually at the start of each school year and after any substantive changes. **Holyoke Community Charter School** will also directly notify, such as through U.S. Mail or email, parents of students who are scheduled to participate in the specific activities or surveys noted below and will provide an opportunity for the parent to opt his or her child out of participation of the specific activity or survey. **Holyoke Community Charter School** will make this notification to parents at the beginning of the school year if the District has identified the specific or approximate dates of the activities or surveys at that time. For surveys and activities scheduled after the school year starts, parents will be provided reasonable notification of the planned activities and surveys listed below and be provided an opportunity to opt their child out of such activities and surveys. Parents will also be provided an opportunity to review any pertinent surveys. Following is a list of the specific activities and surveys covered under this requirement:

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

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

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

### **Release of Student Information/Access to Student Records:**

Student records are available to parents/guardians upon request. Requests for records must be **in written form and submitted at least two business days in advance.**

Parents/guardians also have the right to authorize certain individuals, organizations, or class of parties (such as potential employers) to gain access to certain information in their student's file. In order for Holyoke Community Charter School to release student records/information, the parent/guardian must complete a written Release Form available at the school. This Release Form will allow the parent/guardian to designate which parts of the student record shall be released to the third party.

Under Massachusetts General Law ( M.G.L. c. 71, § 89(g)) and 603 CMR 23.07, schools may release certain directory information (including a student's name, address, telephone listing, date and place of birth, major field of study, dates of attendance, weight and height of members of athletic teams, class, participation in officially recognized activities and sports, degrees, honors and awards, and post-high school plans) without the prior written consent of a parent/guardian. Holyoke Community Charter School must release the names and addresses of students to any requesting school district. ***If you do not want your student's information released,*** you must notify the school in writing by completing the student information release form on an annual basis.

## **Safety:**

In order to maintain a safe and secure environment, Holyoke Community Charter School reserves the right to immediately suspend and remove any student from the school property on an emergency/immediate basis when the student's behavior jeopardizes the safety of students, faculty, or staff. All such emergency/immediate removals shall be implemented in accordance with applicable statutes and regulations including, but not limited to, 603 CMR 53.07.

### Safe and Secure Building Policy:

In order to maintain safe and secure school buildings and grounds, Holyoke Community Charter School requires that all visitors report to the Security Officer or receptionist to secure guest identification badges. All visitors must properly display guest credentials for all school appointments/visits. All visitors are required to legibly print their names, their arrival time, their departure time and their destination when signing into the building. Visitors must be announced before receiving directions to their destinations.

- Parent conferences must be scheduled with the appropriate AQC
- Food from outside vendors is not allowed.
- All parents/guardians are directed to drop off all students in respective school lobby areas, and refrain from walking students to their rooms or cafeteria.

Visitation privileges may be revoked for any reason at the discretion of the School Director or designee. Persons trespassing upon school properties will be reported to the Holyoke Police Department.

### Security Plan:

Mission Statement: The care and protection of students and staff of Holyoke Community Charter School is of primary concern to the school administration and to the Board of Trustees. Therefore, the School is determined to establish and maintain a comprehensive safety and security plan.

Goal: The purpose of this plan is to enhance existing school safety and security procedures through on-going practice and plan development.

#### Needs Assessment:

There shall be an annual security and safety assessment submitted to the Director by the Director of Operations. The assessment will review the School and grounds for vulnerability to outsiders and review emergency procedures, safety and security equipment and materials, internal security, bus transportation safety, and other safety concerns. The annual assessment shall include a physical survey of the property, including but not limited to:

- Doors and windows (inclusive of all locking devices)
- Roof access
- Building and classroom access
- Lighting
- Intrusion devices (alarms)
- Current staff
- Internal security
- Emergency notification systems
- Communication systems
- Warning signs
- Safety equipment and materials
- Evacuation plan in case of emergency
- Access / Egress Routes on public and private ways

#### Employee Identification Cards and Classroom Keys:

In order to promote a safe and secure school environment, all school employees shall clearly and conspicuously display their photograph identification card at all times during school hours on school property. In addition, all personnel shall carry at all times during school hours their keys to secure and lock all classrooms for emergency lockdown situations.

#### School Crisis Team:

There shall remain a building-based Crisis Team consisting of administrators, security personnel, counselors, school nurse. Representatives from the Holyoke Police, Fire, Bus Transportation and Emergency Preparedness personnel will advise school personnel on a collaborative basis.

The purpose of the Crisis Team is to formulate safety and security plans within the school to ensure and promote a safe and secure school environment, develop specific protocols in response to emergencies, and to disseminate safety advisory updates and information to students, staff, parents, and the community. The Crisis Team shall meet throughout the school year.

#### Building Evacuation/Lockdown Plans:

The School possesses written building evacuation/lockdown plans to be followed in the event of emergency situations.

#### Emergency School Closings and Delayed Openings:

The Director/Superintendent of the Holyoke Community Charter School is responsible for closing our school once the school day begins. Holyoke Community Charter School will coordinate the dismissal of our students with Durham School Services. Area television stations will be notified by the Director/Superintendent Office of our school closing and early dismissal information for public broadcast.

#### Written Reports:

The Student Management Coordinator shall document in writing all critical incidents including, but not limited to, misdemeanors which affect the health, safety, and welfare of students and/or staff, the outbreak of contagious diseases or illnesses, the intrusion of uninvited and/or unwelcome visitors, and all accidents and injuries, vandalism, felonies, and dangerous incidents involving weapons and controlled substances.

#### Drug Free School Zone:

Pursuant to M.G.L.A. Chapter 94C, Section 325, any person who violates the provisions of the law pertaining to the unauthorized manufacturing, distribution, dispensing or possession with intent to distribute a controlled substance while in or on, or within one thousand feet of the real property comprising a public or private elementary, vocational or secondary school, whether or not in session, shall be punished by a term of imprisonment in the state prison for not less than two and one-half nor more than fifteen (15) years or by imprisonment in a jail or house of correction for not less than two nor more than two and one-half years. No sentence imposed under the provisions of this section shall be for less than a mandatory minimum term of imprisonment of two (2) years. A fine of not less than one thousand nor more than ten thousand dollars may be imposed but not in lieu of the mandatory minimum two (2) year term of imprisonment as established herein.

#### Laws and Guidelines Related to School Tobacco Policies:

Smoking and all tobacco products (including cigarettes, smokeless tobacco, cigars, pipes, e-cigarettes, vape pipes, hookah pens, etc) are prohibited on all school grounds (including the parking lot), within school buildings, and on school buses and transportation vehicles.

This is in accordance with the federal Pro Children Act of 1994 which states: "No person shall permit smoking within any indoor facility owned or leased or contracted for and utilized by such a person for provision of routine or regular kindergarten, elementary, or secondary education or library services to children". And also in accordance with the Commonwealth of Massachusetts Smoke-Free Workplace Law stating that "smoking shall be prohibited in workplaces, work spaces, common work areas, classrooms, conference and meeting rooms, offices, elevators, hallways, medical facilities, cafeterias, employee lounges, staircases, restrooms, restaurants...or in a school...or in any public transportation conveyance." The Smoke-Free Workplace Law provides for fines for violating the law: "An individual or person who violates this section by smoking in a place where smoking is prohibited shall be subject to a civil penalty of \$100 for each violation."

*\*\*Lack of knowledge of school boundaries shall not be a defense to any person who violates the provisions of this section\*\**

## **School Breakfast/Lunch Program:**

### Breakfast:

The school serves breakfast to all students at 8:00 AM in the classroom each school day.

### Lunch:

The school serves lunch at the following times:

Grade	KG	11:29 – 11:59
Grades	1 – 2	10:54 – 11:24
Grades	3 – 5	12:39– 1:09
Grades	6 – 8	1:27 – 1:57

A monthly breakfast and lunch menu is sent home which displays what is planned to be served for lunch each day. The menu can also be viewed on the Holyoke Community Charter School website: [www.hccs-sabis.net](http://www.hccs-sabis.net)

## **Outside Food in school**

In order to promote a healthy and balanced food program, fast food and take-out will not be allowed for student breakfasts, snacks, or lunches. All home lunches must be brought to school in appropriate packages (lunch box, etc.). The school does not re-heat food items brought to school from home.

Any items brought to school for classroom celebrations must be store-bought and contain an ingredient list.

Home-baked food items are prohibited from entering the classroom.

## **School Closing or Late Starts:**

Holyoke Community Charter School will announce school closings on local television stations and on its Facebook page. Only under extreme circumstances will the school be closed once students have arrived. Early dismissals due to emergency situation are also announced on local television stations and on the school's Facebook page. (*For further information see previous Safety section*)

## **School Wellness Policy: Student Nutrition & Physical Activity**

### Policy Intent:

The Holyoke Community Charter School promotes a healthy school, by supporting wellness, good nutrition, and regular physical activity as part of the total learning environment. The school supports a healthy environment where children learn and participate in positive dietary and lifestyle practices. HCCS will contribute to the basic health status of its students by facilitating learning through the support and promotion of good nutrition and physical activity. Improved health optimizes student performance potential and ensures that no child is left behind.

The following guidelines are geared toward children and families to make better choices. We encourage parents to follow these guidelines as much as possible. The intent is to have teachers, administrators and staff act as facilitators of the guidelines addressed in this policy, rather than enforcers. The emphasis will be on educating families and staff to voluntarily make better choices.

### Goals of Policy:

#### **A. Provide a comprehensive learning environment for developing and practicing lifelong wellness behaviors.**

The entire school environment, not just the classroom, shall be aligned with healthy goals to positive influence a student's understanding, beliefs and habits as they relate to good nutrition and regular physical activity.

**B. Support and promote proper dietary habits contributing to students’ health status and academic performance.**

All foods available for students on school grounds and at school-sponsored activities will be encouraged to meet or exceed the district nutrition standards.

**C. Provide more opportunities for students to engage in physical activity.**

A quality physical education program is an essential component for all students to learn about and participate in physical activity. Physical Activity will be included in the school’s education program from grades K-8. Physical activity will include regular instructional physical education, in accordance with the Massachusetts Health/Physical Education Framework, as well as co-curricular activities and recess.

**D. Establish and maintain a Wellness Committee with the purpose of:**

- Monitoring the implementation of this policy.
- Evaluating policy progress.
- Serving as a resource to the school.
- Revising the Wellness Policy as needed.

The Wellness Committee is composed of the following individuals:

Chair: Facility Director

Members:

- School Director
- Business Manager
- School Social Worker
- School Nurse
- Human Resources
- Parent Connection Liaison

**STUDENT NUTRITION**

The School Breakfast/Lunch Programs:

- The school breakfast and lunch program will continue to follow the USDA requirements.
- The school food service program will follow the Mass Action for Healthy Kids Nutrition Standards when determining the items in the menu.

Cafeteria Environment:

The cafeteria environment is a place where students have:

1. Adequate space to eat
2. Clean surroundings
3. Adequate time to eat meals

Teacher-to-Student Incentive:

The use of food items as part of a student incentive/teaching program is strongly discouraged. If teachers feel compelled to utilize food items as an incentive of any kind or teaching aid, they are required to adhere to the Mass Action for Healthy Kids Nutrition Standards.

Classroom Parties/Group Snack:

- A list of healthy alternative party and group snacks, the “A-List”, will be provided to each classroom teacher. (<http://www.newenglanddairycouncil.org/PDF/MA-Food-Standards.pdf>).
- It is recommended that candy not be sent to school.
- It is recommended that classroom celebrations for special occasions, during snack time only, be celebrated with non-food items. Examples would be pencils, stickers or erasers.
- Juice, milk or water will be available to students.



- Parents are provided with a list of suggested healthy snacks to send in for group snack and or special occasions.

Food Allergies:

It is recognized by Holyoke Community Charter School that food allergies can pose a serious risk to certain students; therefore the following recommendations have been developed.

- Food sent in to school cannot contain nuts or nut oils (e.g. peanut butter).
- The school may prohibit specific food products from entering the classroom or may prohibit home baked food items from celebrations.
- Students should be discouraged from sharing their food or beverages with anyone given the concerns about allergies.

Student Nutrition Education:

HCCS has a comprehensive curriculum approach to nutrition in grades K-8. The health benefits of good nutrition should be emphasized. These nutritional themes are in alignment with the Massachusetts Comprehensive School Health Frameworks:

Knowledge of the Food Guide Pyramid	Healthy Heart Choices
Sources and variety of foods	Dietary Guidelines
Understanding Calories	Diet and disease
Healthy food	Food safety
Healthy snacks	Healthy breakfast
Healthy diet	Food labels
Major nutrients	Serving sizes
Identify and limit food of low nutrient density	Our bodies

Healthy Lifestyle for Families:

Healthy lifestyle information will be provided to parents. This information may be provided in the form of handouts, postings on bulletins, articles, parent connection presentation, and any other appropriate means available for reaching parents.

Staff Nutrition and Physical Education:

Current nutrition and physical education information will be available to all school staff. This information may include, but not limited to, the distribution of educational and informational materials and the arrangement of presentations and workshops that focus on nutritional value and healthy lifestyles.

Objectives:

1. To encourage all school staff to improve their own personal health and wellness.
2. To improve staff morale.
3. To create positive role modeling.
4. To build the commitment of staff to promote the health of students.
5. To build the commitment of staff to help improve the school nutrition and physically active environment.

Nutrition Standards Intent/Rationale:

HCCS strongly encourages the sale or distribution of nutrient dense food for all school function and activities. Nutrient dense foods are those foods that provide students with calories rich and the nutrient content needed to be healthy.

Food

- The school serve reimbursable meals
- The school will provide nutritious meals including whole grain/ bread, fresh fruits/vegetables, dairy products and meats/ meat alternatives.
- All items in the menu will meet or exceed the districts nutritional standards.
- Sale of candies will not be permitted on school grounds during the instructional day. Sale of candies after the instructional day will be strongly discouraged.

### Beverages

- Only milk, water, 100% fruit juices and healthy beverages may be sold on school grounds before and during instructional day.
- Sodas will not be sold or distributed to students during the school day.
- Vending machines for students will not offer soda.

### District Physical Activity Goal:

HCCS shall provide physical activity and physical education opportunities, aligned with Massachusetts State Frameworks for physical education, that provide students with knowledge and skills to lead a physically active lifestyle.

HCCS shall utilize the following implementations strategies:

1. Physical education classes and physical activity opportunities will be required for all students.
2. Physical activity opportunities shall be offered daily during or after school. These opportunities could include recess and physical education classes.
3. As recommended by National Association of Sport and Physical Education school leaders of physical activity and physical education shall guide students through a process that will enable them to achieve and maintain a high level of personal fitness through the following:
  - Expose children to a wide variety of physical activities.
  - Teach physical skills to help maintain a lifetime of health and fitness.
  - Encourage self-monitoring to students can see how active they are and set their own goals.
  - Individualize intensity of activities.
  - Focus feedback on process of doing your best rather than on product.
  - Be active role models.
4. Introduce developmentally appropriate components of health-related fitness awareness.
5. Physical education classes shall be sequential, building from year-to-year, and content will include movement, personal fitness, and personal and social responsibility.
6. Students should be able to demonstrate competency through application of knowledge, skill and practice.
7. Make students aware of the National Association of Sport and Physical Education (NASPE) goals for physical activity beginning at the elementary level. The most current guidelines from NASPE will serve as appropriate guidelines when possible.

### Time, Frequency, Intensity:

All elementary students will serve a minimum average of 47 minutes of physical education. Students will spend at least 50% of PE class time participating in moderate to vigorous physical activities.

### Staff Training and Certification:

All physical education courses will be taught by a highly qualified physical education teacher.

### Standards/Requirements:

Our physical education classes are aligned with MA DESE Frameworks that include a standard on physical education in grades K-8. National PE standards will also be incorporated in classes to address motor skills, movement forms, and health related fitness.

The school will discourage extended periods of inactivity and will give students periodic breaks during which they are encouraged to stand and be moderately active (stretch breaks).

### Directed Instructional Kinesthetic Activity:

All elementary and middle school students should have at least 15 minutes a day of supervised recess, preferably outdoors, which will support the physical education standards. The school will encourage moderate to vigorous physical activity verbally and through the provision of space and equipment.

**Student Locker Policy:**

Students are issued assigned lockers with school issued combination locks. For security purposes, no outside locks will be permitted at any time. No sharing or swapping of assigned lockers is permitted.

The Student Life Coordinator will assign school issued combination locks to students. Holyoke Community Charter School is not responsible for lost or stolen personal belongings.

**Tardy to class policy:**

Students are expected to be on time for every class. In most cases, teachers transition between classrooms so there are few circumstances in which a student would be authorized to be out of the room between periods. Any student given permission by a staff member to be out of class must be supplied with a timed pass. Being out of the classroom without permission, or late to class, will result in disciplinary consequences (see Discipline Guidelines under section 11. Code of Conduct).

Tardy to class records will be maintained by the Student Management Department. Tardy to class referrals will only be distributed by Student Management Staff.

**Technology:**

Technology Policy:

Through the HCCS network connections to the Internet as well as through school-owned devices loaned to students, students and staff have an unparalleled opportunity to participate in a global community of information and learning. With such an opportunity comes responsibility. For a student or staff member (users) at the School to use the network or to use a school-owned device off campus, he or she must comply with the following rules and sign the technology agreement. A signed technology agreement, known as the **Acceptable Use Policy** is part of the student’s temporary cumulative record.

**Students who do not have signed Acceptable Use Policies on file will be prohibited from using the Internet at school or from using a school-owned device.**

Purpose: The School’s network connections and all school-owned devices are intended for educational purposes only. All authorized students and staff members are prohibited from knowingly accessing portions of the network and/or the Internet that do not promote the educational or instructional mission of the School. Access to the network is a privilege, not a right. **Inappropriate use** not only reflects on the School, but also **may lead to penalties, including revocation of privileges, revocation of the school-owned device, disciplinary action and, if warranted legal action.**

Network/Device Usage Guidelines: All use of the HCCS Internet service and/or any school-owned device must be consistent with the purpose stated above.

Users are expected to abide by the generally accepted rules of network etiquette and device use, which include, but are not limited to:

- a. Users shall not engage in abusive, harassing or bullying conduct or language.
- b. Users shall not reveal personal information such as names, addresses, phone numbers, photos, etc. that could identify the user, students, or staff.
- c. Users shall refrain from wasteful, disruptive (i.e. game websites) use of the service.
- d. Users shall refrain from making defamatory remarks, sexual, racial or other slurs, and from using profane or obscene language.
- e. Each user is responsible for his/her IP address activity.
- f. Any use for, or in support of, illegal purposes or activities is prohibited.
- g. Any use for commercial purposes is prohibited.
- h. Any use for political purposes is prohibited except for communication with elected or appointed officials.

- i. Users shall assume that all materials available on the Internet are protected by copyright. HCCS makes no guarantees, implied or otherwise, regarding the factual reliability of data collected through the Internet.
- j. Users will not seek, access, or download material that is not relevant to the educational purpose of the school. SABIS® will make reasonable precautions to filter out controversial materials.
- k. Users shall neither download nor upload nor install any commercial software, shareware, or freeware without the approval of the Information Technology Director.
- l. Users shall not upload, download, or distribute pornographic, obscene, sexually explicit or threatening material of any nature.
- m. Users shall not receive or transmit information pertaining to dangerous instruments such as bombs, or other explosive devices, automatic weapons or other firearms, or any other weaponry.
- n. Users must not attempt to get unauthorized access to any file servers in the SABIS® system, outside file servers, or go beyond the user's authorized access.
- o. Users must not vandalize school technology by causing physical damage, reconfiguration of any technology system, attempting to dispute the system, or destroying data by spreading computer viruses and malware by any other technological or non-technological means.

The HCCS Internet connection and any school-owned device is intended for educational purposes only. All authorized students are prohibited from knowingly accessing portions of the Internet or using the device in a manner that does not promote the educational or instructional mission of SABIS®. Access to the Internet and use of school-owned devices is a privilege, not a right. Inappropriate use not only reflects on SABIS®, but also may lead to penalties, including revocation of privileges, disciplinary action, and, if warranted, legal action.

Among unacceptable uses of the Internet and/or school-owned devices are the following:

- Use for non-school related activities.
- Use in violation of federal, state or local laws, including, but not limited to: conduct prohibited by the Massachusetts Anti-Bullying Statute, M.G.L. c. 71, s 37O; conduct prohibited by state and federal anti-discrimination/harassment laws; and sending or receiving copyrighted matter without permission.
- Commercial use.
- Sending harassing, intimidating, abusive or offensive language or material to or about others, in messages public or private. Restrictions against inappropriate language apply to public messages, private messages, and material posted on Web pages. Students will not use obscene, profane, lewd, vulgar, rude, inflammatory, threatening, or disrespectful language.
- Sending chain letters or pyramid schemes, "broadcasting" inappropriate messages to lists or individuals, and any other kind of use that would congest the Internet or otherwise interfere with the work of others.
- Sending or receiving pornographic material, inappropriate text files, or files dangerous to the integrity of the network. Students are prohibited to access inappropriate sites containing obscene, profane, lewd, vulgar, rude, inflammatory, threatening, or disrespectful materials of any sort or manner.
- Vandalizing, defined as any deliberate attempt to change files not belonging to you, or harm, or destroy the work, systems, or data of another user, including uploading or creation of computer viruses, and the intentional introduction of any sort of manner.
- Engaging in the illegal distribution of software ("pirating").
- Knowingly using another person's password or misrepresenting your identity, or giving one's own password to others. Students should only use those computer resources they have been authorized to use. Furthermore, students will not attempt to gain unauthorized use of computer resources in order to gain unauthorized access to computing facilities of other institutions, organizations, and/or individuals. These actions are illegal, even if only for the purpose of "browsing."
- Failing, when downloading permitted information, to comply with any associated terms or conditions specified by the supplier of that permitted information.
- Expressing views or opinions not clearly identified as your own and not those of the school.
- Circumventing security measures on school or remote computers or networks.

*E-MAIL:*

All of the foregoing also applies to the use of E-mail.

E-mail is not like a letter in an envelope. E-mail is like a postcard. The contents of your message are out in the open. There is no easy way to mark a message “confidential.” Your message may be viewed during the mailing process. Your message, if inadequately addressed, may be read by a “postmaster” trying to redirect it correctly. Your message may be forwarded or printed. Your message may be stored, perhaps in the directories of the person who receives the message, indefinitely.

People who may never meet you will be forming impressions about you based on the way you compose your E-mail messages.

*AGREEMENT:*

HCCS is not liable for the actions of anyone connecting to the Internet or using a school-owned device. All students shall assume full liability, legal, financial or otherwise, for their actions. HCCS is not liable for damage, loss, or theft of any students’ personal computer equipment or of a school-owned device. Personal equipment is brought to HCCS at the student’s own risk. School-owned devices are used at the student’s own risk. All students shall assume full liability, legal, financial, or otherwise.

HCCS takes no responsibility for any information or materials transferred through the Internet. HCCS makes no guarantee, implied or otherwise, regarding the reliability of the data connection and is not liable for any loss or corruption of data resulting while using the Internet or a school-owned device.

HCCS reserves the right to examine all data stored in the devices or involved in the Internet link to ensure that all students are in compliance with these regulations. HCCS disclaims responsibility for loss of data or interference with files resulting from its efforts to maintain the privacy and security of those computing facilities.

Although each student has an individual password to access the system, it belongs to HCCS, and all E-mail messages are school records. No student should have any expectation of privacy as to his or her use of the Internet or E-mail. All Internet access will be logged and HCCS reserves the right, for legitimate school purposes, to access and disclose the contents of students’ electronic communications without regard to content. Students are encouraged to immediately report to the school administration any possible security problem and/or violation of the above guidelines by another individual. Students should not go looking for security problems, because this may be construed as an illegal attempt to gain access.

By signing the Acceptable Use Policy of HCCS and using the Network/Internet/School-Owned Device, the user agrees to adhere to the terms and conditions of the Technology policies.

Users of the system or school-owned device, and the full access to the Internet that it provides shall be for educational or research purposes only.

Users must comply with all Massachusetts laws and those of the United States of America, which deal with the use of computers and the Internet.

Because this access is for the individual users’ use only, any user will be held accountable for any and all use of it by any third party (i.e., friends of students) that the user allows to use. The School is not liable for the actions of anyone connecting to the Network/Internet or using a school-owned device. All users shall assume full liability, legal, financial or otherwise, for their actions. **The School takes no responsibility for any information or materials transferred through the Network/Internet or a school-owned device.**

The School makes no guarantee, implied or otherwise, regarding the reliability of the data connection or a school-owned device. The School is not liable for any loss or corruption of data resulting while using the Network/Internet or a school-owned device. The School reserves the right to examine all data stored in school-owned devices or machines connected to the Network or utilizing the Internet link to ensure that all users are in compliance with these regulations. The School disclaims responsibility for loss of data or interference with files resulting from its efforts to maintain the privacy and security of those computing facilities/devices.

**The use of school-owned devices and Internet access is a privilege that may be revoked.** Parents /guardians must review and discuss these policies with their children.

**Students, parents, or legal guardians should immediately report to administrators any incident of improper fraternization or inappropriate postings or e-contacts by staff members to students or students towards staff.**

### Technology-Related Laws

#### *Computer Software Copyright Laws:*

It is the policy of HCCS to adhere to all computer software copyright laws. Software must be purchased with a license that is appropriate for the number of computers to be used. Students are not allowed to bring in software from home unless they have a legal license to the software and wish to donate the license, the original disk and the manuals to the HCCS.

*Date:* \_\_\_\_\_

*Student Name:* \_\_\_\_\_

*Student Signature:* \_\_\_\_\_

*Parent/Guardian Name:* \_\_\_\_\_

*Parent/Guardian Signature:* \_\_\_\_\_

### Telephone Use:

Cellular telephone usage is **prohibited** in classrooms, the school building, and on all school grounds. Cell phones need to remain off and in students' lockers or backpacks while on school grounds. Students are permitted to use the office telephones when appropriate, as deemed by an administrator or office staff person. Students are not allowed to use cell phones at any time while on school grounds. The school is not responsible for lost or stolen cell phones.

### Transportation Policies:

#### Campus / Neighborhood Traffic Control:

In order to control vehicular traffic and to provide for student and neighborhood safety, visitors must follow posted speed limits and park in the designated campus parking areas. Violators of neighborhood / campus traffic control or parking directives will be reported to the Holyoke Police Department.

#### Bus Transportation:

The company contracted to provide transportation is Durham School Services.

All transportation services will be TO and FROM the DESIGNATED A.M/P.M. bus stop that is closest to the student's permanent residence. Transportation services are provided to Holyoke residents only.

Bus change requests are granted **only if a family changes its residence**. Students are not permitted to board a school bus other than his/her assigned bus. **Students may get off only at their scheduled afternoon bus stop or at an established afternoon daycare facility on a designated bus route.**

**Any request for changes to a student's assigned bus must be made in writing to the school and requires 48 hours to take effect. Priority will be given to students whose primary residence has changed.**

**In the event of an emergency that requires a change in the student's transportation, parents/guardians are required to contact the school by 11:00 A.M. on the day of the change.**

**An adult must meet all kindergarten and first grade students at designated afternoon bus stops.** If an adult is not present to meet the student, the child will be returned to the school after completion of the full bus route. All returning students will be supervised at this location. Identification credentials must be presented at this location for student pick-up. Students must be picked up before 6:00 P.M. or the Holyoke Police Department and the Department of Children and Families will be contacted.

**Riding the bus is a privilege and demands high standards of behavior.** If bus rules are broken, students may be removed from the bus and disciplinary consequences will occur. Any disciplinary referrals issued to a student on the bus may result in the student being permanently excluded from busing services at the school director's or busing company's discretion. **In the event of suspension from busing services, parents/guardians will be required to provide transportation for their child(ren) to and from school.** Students removed from the bus will be placed in the Extended Day Program and parents will be charged the appropriate fee. A parent/guardian must pick up these students before 6:00 P.M or the Department of Children and Families and the Holyoke Police Department will be notified.

**\*\*Chronic disregard for bus rules will prompt indefinite suspension from bus privileges.\*\***

*Proper Conduct on Bus:*

**Students MUST:**

1. Cooperate fully with bus drivers/monitors and follow all adult instructions.
2. Stand back until the bus door opens, then board single file.
3. Take his/her seat promptly and REMAIN seated.
4. Keep all parts of his/her body inside the bus (i.e. not sticking out of windows).
5. Not throw any objects from or at the bus.
6. Not smoke, or use alcohol or drugs on the bus.
7. Not eat or drink any beverages while riding on the school bus.
8. Not push, fight, or engage in "horseplay."
9. Use proper language, no profanity.
10. Not display or make use of electronic devices (including MP3 players and video game devices), cellular telephones, sporting equipment (e.g. footballs, basketballs), skateboards or laser pointers while riding the school bus.
11. Be aware that vandalism to the bus will result in financial restitution.
12. Not leave his/her seat to exit the bus, until the bus comes to a complete stop.
13. Exercise caution when crossing the street, after exiting bus.

**Visitor Procedures:**

All visitors shall upon entering the School report to the security/reception desk to sign in. Visitors will receive visitor badges that must be properly displayed throughout the school visit. Visitors must be announced prior to receiving directions to their destinations. All staff members and students shall immediately report any strangers to an administrator.

Only one door to the building will be utilized through which visitors may enter. During the school day, the security personnel will monitor school entryways. All visitors must follow municipal traffic laws and campus vehicular directives. Violators of these laws/directives and persons trespassing upon school property will be reported to the Holyoke Police Department.

**In order to promote a safe dismissal procedure, visitors will not be allowed to enter the building between 3:15 – 3:45 pm.**

## ***11. Code of Conduct***

The Holyoke Community Charter School expects all students to conduct themselves in a responsible manner. Disciplinary measures are used to maintain a safe and stable school environment. We incorporate all provisions of the Mass. General Laws, Chapter 71, Section 37H, 37H½, and 37H¾ in our Code of Conduct.

Disciplinary action affecting a student with a disability complies with the prescribed procedures under state and federal law. Holyoke Community Charter School incorporates all of the provisions of 20 U.S.C. 1415(k) (disciplining students with disabilities), as well as 603 CMR 28.08 (dispute resolution before the Bureau of Special Education Appeals), in the Student/Parent Handbook.

**All rules and expectations relative to student conduct and behavior set forth in this Handbook shall be in effect while students are on school grounds, during all school-sponsored events conducted on or off school grounds, on all school buses and at school bus stops. All rules relative to student conduct and behavior set forth in this Handbook shall also be in effect while students are participating in remote learning services provided by or through the School.**

### **Disciplinary Options**

The student behavior code, outlined, *Code of Conduct*, establishes standards for student behavior and disciplinary consequences for violations of those standards.

Each discipline case will carry its own merit and will be decided according to the facts accompanying the case. Effort will be made to discipline students while maintaining them in regular school programs. Parents are encouraged to become actively involved in the disciplinary process. In many cases, however, the following discipline procedures may take place:

- A. Students may be given detention or one of several other disciplinary options, including a warning. If after school detention is given, parents must make arrangements for safe student transport home. (Scheduling arrangements for detention can be requested for a parent to provide transportation.)
- B. Bus privileges may be revoked for acts of misbehavior.
- C. Students may have campus-driving privileges revoked.
- D. Students may be excluded from extra-curricular activities.
- E. Students may be placed in the In-House Alternative Program.
- F. Students may be externally suspended from school when they are a danger to themselves or others, or when they demonstrate a chronic inability or unwillingness to abide by school regulations. The Head Supervisor or S.M.C. will decide the length of each suspension.
- G. Students may be required to perform school-based community service.
- H. Students may be required to pay restitution, write letters of apology, or be assigned special projects.
- I. Students may be referred for counseling, risk assessments or psycho-educational evaluations.
- J. Holyoke Community Charter School may order a change in placement to an interim alternative educational setting for up to forty-five (45) school days.
- K. A student may be excluded from school.

Administrators have the authority to review and assess each individual situation to determine the type and number of interventions and supports to use, if any, prior to any disciplinary consequence taken. The use of long-term suspension or expulsion as a disciplinary consequence shall be used only as a last resort. Due process as outlined in the Procedures for Suspension and Expulsion section below must be provided to the student

#### **In-House Suspension**

In-House Suspension is the separation from regularly scheduled classes and restriction of movement within the school for up to but not more than ten (10) school days in a school year for disciplinary reasons by the school principal.



Students in In-House Suspension will be provided the opportunity to complete the academic work, tests, and other schoolwork as needed to make academic progress during the period of his or her removal from the classroom.

Students who do not abide by the rules of the In-House Alternative Room or who do not modify their behavior will be referred to the administration for external suspension.

Short-Term External Suspension:

Short-Term External Suspension is the removal of a student from school for up to ten (10) school days for disciplinary reasons by the principal. Students remain responsible for the completion of all school assignments.

During short-term suspensions, all students will be provided the opportunity to complete the academic work they miss during the suspension period without penalty and will receive credit accordingly. Suspended students will have the opportunity to take tests and exams given during the suspension period during time after school or upon their return to school.

Long-term Suspension and Expulsion

A long-term suspension is the removal of a student from school for a time period of more than ten (10) school days for disciplinary reasons by the director or superintendent.

Expulsion is the removal of a student from the school premises, regular classroom activities, and school activities for more than ninety (90) school days, indefinitely, or permanently, as permitted under G.L. c.71, §§37H or 37H½ for: a) possession of a dangerous weapon; b) possession of a controlled substance; c) assault on a member of the educational staff; or d) upon a student being convicted of a felony or upon an adjudication or admission in court of guilt with respect to such a felony or felony delinquency.

Any student who is expelled or suspended from school for more than ten (10) consecutive days, whether in school or out of school, shall have an opportunity to receive education services and make academic progress toward meeting state and local requirements, through the school-wide education service plan.

Due process requires that, prior to any suspension; a student shall receive oral or written notification of the charge(s) against him or her, the conduct that forms the basis of the charge(s), and the student behavior code offense(s). If the student denies the charge(s), he or she shall be provided with an explanation of the evidence supporting the charge(s) and an opportunity to present his or her side of the story. A student whose presence in school poses a continuing danger to persons or property or threatens to disrupt the academic process may be immediately removed from the school using the disciplinary process or reportable offense process. (*See Procedures for Suspension and Expulsion below for further details*).

Any student who is serving an in-school suspension, short-term suspension, long-term suspension, or expulsion shall have the opportunity to earn credits, as applicable, make up assignments, tests, papers, and other school work as needed to make academic progress during the period of his or her removal from the classroom or school. The Director or Head Supervisor shall inform the student and parent of this opportunity in writing when such suspension or expulsion is imposed.

**During the period of suspension, a student may not appear on school property or at school-related activities or events as either a spectator or participant. A violation of this policy will be considered a trespass resulting in immediate notification of the Holyoke Police Department.** Depending upon the reason for suspension, a student may be prohibited from attending extra-curricular activities beyond the suspension period. Suspensions that carry over a weekend or vacation period will also eliminate a student's participation from any extra-curricular events that take place on those weekends or vacation periods.

## **Grounds for Suspension**

Grounds for short-term suspension:

1. Leaving school during school hours without permission.
2. Unauthorized absence(s) from school (truancy) or from class.
3. Repeated unexcused tardiness to school, class and homeroom.

4. Unexcused absence from detention assignments or Saturday Academy.
5. Gambling in any form.
6. Use of or possession of contraband items such as matches, lighters, non-prescribed hypodermic needles, pipes, roach clips, rolling papers, fireworks, stink bombs, laser pens or pointers.
7. Use of or possession of beepers or cellular phones.
8. Smoking on school property, in a school bus, or at school functions.
9. Exhibitionism, lewd, wanton and lascivious behavior, indecent exposure, sexual contact, disorderly conduct including, but not limited to excessive, distracting and/or inappropriate public displays of affection between students. (M.G.L.A. Ch.272, s.16 & s.53.)
10. The possession, dissemination, or use of obscenity in any form, especially, speech writing or explicit sexual pictures or drawings. (M.G.L.A. Ch. 272, s. 29 & 31.)
11. Intentional acts threatening the health and safety of self and/or others on school property, at school sponsored or related events, and to and from school. If warranted, a determination as to referral to law enforcement may be recommended.
12. Lack of respect for faculty, staff, and visitors, including, but not limited to, insubordination, disobedience, use of insulting and/or profane language or gestures, the willful disregard of express or implied directions from a teacher, administrator, or staff member, including but not limited to, the refusal to follow the directions of mandated tests, assessments, or exams, academic dishonesty/cheating, and/or the refusal to follow a mandated program.
13. Theft or vandalism to school property or the property of others in the school setting, whether during or after school hours or at any school activity. Reasonable proof of the offender is necessary. Restitution by the offender is required. If warranted, a determination as to referral to law enforcement may be recommended. (M.G.L.A. Ch. 266, s. 30, 98,100,127A, etc.)
14. Chronic school offender: The student who repeatedly disturbs or interrupts the educational process, refuses to work, who falsifies signatures on reports, who refuses to return signed papers to teachers or administrators, who refuses to report to appropriate school personnel, who exhibits offensive behavior on an ongoing basis, and/or who repeatedly violates the code of conduct.
15. Organizing or participating in hazing or bullying behavior.
16. Violation of Civil Rights: Students have the right to be free from discrimination based upon race, color, religious creed, national origin, ancestry, gender, sexual orientation, disability, or handicap. Such discrimination includes, but is not limited to, verbal and physical attacks on students directed at their racial, ethnic, or religious background, or their disability, and at any form of sexual harassment.
17. Violation of federal or Massachusetts law.
18. Bullying in any form, including verbal abuse, harassment, taunting, name-calling, threats in any form, extortion, intimidation, slander, defamatory statements, whether verbal or written, pushing, shoving, and tripping. This includes asking anyone to verbally abuse, threaten, or intimidate another student on one's behalf.
19. Any school related act, on or off school property, which interferes with or restricts another student's ability to enjoy the educational benefits afforded or offered within, and outside of, the School setting. Such acts include, but are not limited to incidents that interfere with or threaten the well-being or order of the School or its staff, students, or the general public.

In assigning short-term suspensions, administrators are: 1) aiming to improve a student's behavior; 2) maintaining a safe and orderly school environment; and 3) providing for necessary communication between the parent/ guardian and the School personnel.

Students under short-term suspension remain responsible for completion of all schoolwork and will receive credit accordingly. Suspended students will have the opportunity to take tests and exams given during the suspension period during after-school hours or upon their return to school.

### **Long-term Suspension/Expulsion under section 37H¾**

#### Grounds for long-term suspension/expulsion under section 37h¾

1. Possession of a paint gun, BB gun, air rifle, pellet gun, or imitation weapon of any kind

2. Assault/assault and battery by means of a dangerous weapon on school premises, at school-sponsored or school-related events, including field trips and athletic games, and to and from school. (M.G.L.A. Ch. 265, Section 15A & 15B)
3. Possession or misuse of inhalants, glue, synthetic drugs, or any other substance, on school premises, at school-sponsored or school-related events, including field trips and athletic events, and to and from school
4. Academic dishonesty/cheating
5. Making a bomb threat by any means, including, but not limited to, verbally, electronically, or in writing
6. Possession, use and/or distribution of alcohol on school premises, at school-sponsored or school-related events, including field trips and athletic games, and to and from school;
7. Bullying, harassment, hate crimes, or other civil rights violations; and
8. Use or possession of an object that appears to be a firearm, bomb, or dangerous weapon.

*Procedures for Suspension/Expulsion under 37H<sup>3</sup>/<sub>4</sub>*

The purpose of the new Massachusetts Student Discipline Regulations, effective July 1, 2014, is:

- For those discipline offenses subject to G.L. 71, §37H<sup>3</sup>/<sub>4</sub>, to limit the use of long-term suspension as a consequence for student misconduct until the other consequences have been considered and tried as appropriate;
- To promote engagement of a student’s parent in discussion of the student’s misconduct, and options for responding to it;
- To assure that every student who is expelled or suspended, regardless of the reason for suspension or expulsion, has the opportunity to receive education services to make academic progress during the period of suspension or expulsion; and
- To keep schools safe and supportive for all students while ensuring fair and effective disciplinary practices.

*Definitions*

*Disciplinary Offense*

Any alleged or determined disciplinary infraction by a student, *except for*: a) possession of a dangerous weapon; b) possession of a controlled substance; c) assault on a member of the educational staff; or d) a felony charge or felony delinquency complaint or conviction, or adjudication or admission of guilt with respect to such felony, if a principal determines that the student’s continued presence in school would have a substantial detrimental effect on the general welfare of the school, as provided in G.L. c.71, §§37H or 37H<sup>1</sup>/<sub>2</sub>. A disciplinary offense, as defined, is subject to the provisions of G.L. c.71, §37H<sup>3</sup>/<sub>4</sub>.

Disciplinary offense under G.L. c.71, §§37H or 37H<sup>1</sup>/<sub>2</sub> means one or more of the following alleged or determined disciplinary infractions: a) possession of a dangerous weapon; b) possession of a controlled substance; c) assault on a member of the educational staff; and d) a felony charge or felony delinquency complaint or conviction, or adjudication or admission of guilt with respect to such felony, if a principal determines that the student’s continued presence in school would have a substantial detrimental effect on the general welfare of the school, as provided in G.L. c.71, §§37H or 37H<sup>1</sup>/<sub>2</sub>.

*Expulsion*

The removal of a student from the school premises, regular classroom activities, and school activities for more than ninety (90) school days, indefinitely, or permanently, as permitted under G.L. c.71, §§37H or 37H<sup>1</sup>/<sub>2</sub> for: a) possession of a dangerous weapon; b) possession of a controlled substance; c) assault on a member of the educational staff; or d) a felony charge or felony delinquency complaint or conviction, or adjudication or admission of guilt with respect to such felony, if a principal determines that the student’s continued presence in school would have a substantial detrimental effect on the general welfare of the school, as provided in G.L. c.71, §§37H or 37H<sup>1</sup>/<sub>2</sub>.

*In-School Suspension*

Removal of a student from regular classroom activities, but not from the school premises, for no more than ten (10) consecutive school days, or no more than ten (10) school days cumulatively for multiple

infractions during the school year. Removal solely from participation in extracurricular activities or school-sponsored events, or both, shall not constitute an in-school suspension nor be subject to the due process requirements set forth in 603 CMR 53.00. In addition, the removal of a student from regular classroom activities for less than ½ of the time in which school is in session on a given school day, shall not constitute an in-school suspension. In-school suspension for ten (10) school days or less, consecutively or cumulatively during a school year, shall not be considered a short-term suspension for due process, appeal, and reporting purposes. If a student is placed in in-school suspension for more than ten (10) school days, consecutively or cumulatively during a school year, such suspension shall be deemed a long-term suspension for due process, appeal, and reporting purposes.

#### *Long-Term Suspension*

The removal of a student from the school premises and/or 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. A principal may, in his or her discretion, allow a student to serve a long-term suspension in school. Except for students who are charged with a disciplinary offense set forth in subsections (a) or (b) of §37H, or in section 37H½ of M.G.L. c.71, no student may be placed on long-term suspension for one (1) or more disciplinary offenses for more than ninety (90) school days in a school year nor be suspended beyond the end of the school year in which the offense was committed.

#### *Parent*

A student's father, mother, or legal guardian, or person or agency legally authorized to act on behalf of the student in place of or in conjunction with the father, mother, or legal guardian.

#### *Principal*

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

#### *School-Wide Education Service Plan*

The document developed by a principal, in accordance with G.L. c.76, §21, that includes a list of education services available to students who are expelled or suspended from school for more than ten (10) consecutive days.

#### *Short-Term Suspension*

The removal of a student from the school premises and regular classroom activities for ten (10) consecutive or cumulative school days or less within the school year. A principal may, in his or her discretion, call allow a student to serve a short-term suspension in school. Removal solely from participation in extracurricular activities or school-sponsored events, or both, shall not count as removal in calculating school days.

#### *Director*

The chief executive officer employed by a school committee or board of trustees to administer a school system or charter school.

#### *Suspension*

Short-term suspension and long-term suspension unless otherwise stated.

#### Investigation of disciplinary incidents

Nothing shall prevent a school administrator from conducting an investigation, including student interviews, of a school-related disciplinary incident.

#### Alternatives to suspension under section 37h¾

In every case of a student misconduct for which suspension may be imposed, a principal shall exercise discretion in deciding the consequence for the office and consider ways to re-engage the student in learning.

#### Notice of suspension and hearing under section 37h<sup>3</sup>/<sub>4</sub>

The Head Supervisor may not impose a suspension as a consequence for a disciplinary offense without first providing the student and the parent oral and written notice, and providing the student an opportunity for a hearing on the charge and the parent an opportunity to participate in such hearing.

The Head Supervisor shall provide oral and written notice to the student and the parent in English and in the primary language of the home if other than English, or other means of communication where appropriate. The notice shall set forth in plain language:

1. the disciplinary offense
2. the basis for the charge;
3. the potential consequences, including the potential length of the student's suspension;
4. the opportunity for the students to have a hearing with the principal 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;
5. the date, time, and location of the hearing;
6. the right of the student and the student's parent to interpreter services at the hearing if needed to participate;
7. if the student may be placed on long-term suspension following:
8. the rights set forth in 603 CMR 53.08 (3)(b); and
9. the right to appeal the principal's decision to the superintendent.

The Head Supervisor shall make reasonable efforts to notify the parent orally of the opportunity to attend the hearing. Without the parent present, the principal must be able to document reasonable efforts to include the parent. The principal is presumed to have made reasonable efforts if the principal 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. 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 principal and parent.

#### Emergency removal under section 37h<sup>3</sup>/<sub>4</sub>

Nothing in these regulations shall prevent a principal from removing a student from school temporarily when a student is charged with a disciplinary offense and 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 principal's judgment, there is no alternative available to alleviate the danger or disruption. The temporary removal shall not exceed two (2) school days following the day of the emergency removal, during which time the principal shall:

1. 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 the other matters set forth in 603 CMR 53.06(2);
2. Provide written notice to the student and parent as provided in 603 CMR 53.06(2);
3. Provide the student an opportunity for a hearing with the principal that complies with 603 CMR 53.08(2) or 53.08(3) 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 principal, student, and parent;
4. Render a decision orally on the same day as the hearing, and in writing no later than the following school day which meets the requirements.

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.

#### Head supervisor's hearing under section 37h<sup>3</sup>/<sub>4</sub>

The Head Supervisor shall determine the extent of the rights to be afforded the student at a disciplinary hearing based on the anticipated consequences for the disciplinary offense. If the consequences may be long-term suspension from school, the principal shall afford the student, at a minimum, all the rights set forth, in addition to those rights afforded to students who may face a short-term suspension from school.

##### *Head Supervisor Hearing – Short-Term Suspension:*

- a. The purpose of the hearing with the principal is to hear and consider information regarding the alleged incident for which the student may be suspended, provide the student an opportunity to dispute the charges and explain the circumstances surrounding the alleged incident, determine if the student committed the disciplinary offense, and if so, the consequences for the infraction. At a minimum, the principal shall discuss the disciplinary offense, the basis for the charge, and any other pertinent information. The student also shall have an opportunity to present information, including mitigating facts, that the principal should consider in determining whether other remedies and consequences may be appropriate as set forth in 603 CMR 53.05. The principal shall provide the parent, if present, an opportunity to discuss the student's conduct and offer information, including mitigating circumstances, that the principal should consider in determining whether the student committed the alleged violation and the consequences therefor.
- b. Based on the available information, including mitigating circumstances, the principal shall determine whether the student committed the disciplinary offense, and, if so, what remedy or consequence will be imposed.
- c. The Head Supervisor shall notify the student and parent of the 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 determination shall be in writing and may be in the form of an update to the original written notice.
- d. If the student is in a public preschool program or in grades K through 3, the principal shall send a copy of the written determination to the superintendent and explain the reasons for imposing an out-of-school suspension, before the short-term suspension takes effect.

##### *Head Supervisor Hearing – Long-Term Suspension*

- a. The purpose of the hearing is the same as the purpose of a short-term suspension hearing.
- b. At a minimum, in addition to the rights afforded a student in a short-term suspension hearing, the student shall have the following rights:
  - i. in advance of the hearing, the opportunity to review the student's record and the documents upon which the principal may rely in making a determination to suspend the student or not;
  - ii. the right to be represented by counsel or a lay person of the student's choice, at the student's/parent's expense;
  - iii. 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;
  - iv. the right to cross-examine witnesses presented by the School;
  - v. the right to request that the hearing be recorded by the Head Supervisor, and to receive a copy of the audio recording upon request. If the student or parent requests an audio recording, the principal shall inform all participants before the hearing that an audio record will be made and a copy will be provided to the student and parent upon request.
- c. The Head Supervisor shall provide the parent, if present, an opportunity to discuss the student's conduct and offer information, including mitigating circumstances, that the principal

should consider in determining whether the student committed the alleged violation and the consequences therefore.

- d. Based on the evidence, the Head Supervisor shall determine whether the student committed the disciplinary offense, and, if so, after considering mitigating circumstances and alternatives to suspension, what remedy or consequence will be imposed, in place of or in addition to a long-term suspension. The Head Supervisor shall 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 principal and the parent. If the principal decides to suspend the student, the written determination shall:
  - i. Identify the disciplinary offense, the date on which the hearing took place, and the participants at the hearing;
  - ii. Set out the key facts and conclusions reached by the principal;
  - iii. Identify the length and effective date of the suspension, as well as a date of return to school;
  - iv. Include notice of the student's opportunity to receive education services to make academic progress during the period of removal from school;
  - v. Inform the student of the right to appeal the principal's decision to the superintendent or designee, but only if the principal has imposed a long-term suspension:
    - 1.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 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
    - 2.the long-term suspension will remain in effect unless and until the superintendent decides to reverse or modify the principal's determination on appeal.
- e. If the student is in grades K through 4, the Head Supervisor shall send a copy of the written determination to the superintendent and explain the reasons for imposing an out-of-school suspension, whether short-term or long-term, before the suspension takes effect.

#### Director's hearing under section 37h<sup>3/4</sup>

A student who is placed on long-term suspension following a hearing with the Head Supervisor shall have the right to appeal the Head Supervisor's decision to the Director.

The student or parent shall file a notice of appeal with the Director within the time period set forth. If the appeal is not timely filed, the superintendent may deny the appeal, or may allow the appeal in his or her discretion, for good cause.

The Director shall 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, in which case the superintendent shall grant the extension.

The Director shall make a good faith effort to include the parent in the hearing. The Director shall be presumed to have made a good faith effort if he or she has made efforts to find a day and time for the hearing that would allow the parent and Director to participate. The Director shall send written notice to the parent of the date, time, and location of the hearing.

The Director shall conduct a hearing to determine whether the student committed the disciplinary offense of which the student is accused, and if so, what the consequence shall be. The Director shall arrange for an audio recording of the hearing, a copy of which shall be provided to the student or parent upon request. The Director shall 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 shall have all the rights afforded the student at the Head Supervisor's hearing for long-term suspension.

The Director shall issue a written decision within five (5) calendar days of the hearing. If the Director determines that the student committed the disciplinary offense, the Director may impose the same or a lesser consequence than the Head Supervisor, but shall not impose a suspension greater than that imposed by the Head Supervisor's decision.

The decision of the Director shall be the final decision of the school district or charter school.

#### In-school Suspension under Section 37h<sup>3</sup>/<sub>4</sub>

The Head Supervisor may use in-school suspension as an alternative to short-term suspension for disciplinary offenses.

The Head Supervisor may impose an in-school suspension for a disciplinary offense under this provision.

The Head Supervisor shall inform the student of the disciplinary offense charged and the basis for the charge, and provide the student an opportunity to dispute the charges and explain the circumstances surrounding the alleged incident. If the Head Supervisor determines that the student committed the disciplinary offense, the Head Supervisor shall inform the student of the length of the student's in-school suspension, which shall not exceed ten (10) days, cumulatively or consecutively, in a school year.

On the same day as the in-school suspension decision, the Head Supervisor shall 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 Head Supervisor shall 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 shall be scheduled on the day of the suspension if possible, and if not, as soon thereafter as possible. If the Head Supervisor is unable to reach the parent after making and documenting at least two (2) attempts to do so, such attempts shall constitute reasonable efforts for purposes of orally informing the parent of the in-school suspension.

The Head Supervisor shall 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 Head Supervisor for the purpose set forth, if such meeting has not already occurred. The Head Supervisor shall 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 Head Supervisor and the parent.

#### Emergency removal under section 37h<sup>3</sup>/<sub>4</sub>

The Head Supervisor may remove a student from privileges, such as extracurricular activities and attendance at school-sponsored events, based on the student's misconduct. Such a removal is not subject to the procedures in G.L. c.71, §37h<sup>3</sup>/<sub>4</sub>.

## **Expulsion Policy**

### **Section 1: Grounds for long-term suspension/expulsion under sections 37h and 37h<sup>1</sup>/<sub>2</sub> :**

1. Possession of a firearm on school premises, at school-sponsored or school related events, including field trips, and athletic games, and to and from school (United States Code, Section 921 of Title 18);
2. Possession of a dangerous weapon, other than a firearm, on school premises, at school-sponsored or school-related events, including field trips and athletic games, and to and from school (M.G.L.A. Ch.269, Section 10);



3. Assault/ assault and battery upon an administrator, teacher, teacher aide, or other school staff member on school premises, at school-sponsored or school-related events, including field trips and athletic games, and to and from school. (M.G.L.A. Ch. 265, sections 13A and 13D);
4. Possession, use and/or distribution of an illegal drug or controlled substance as defined in M.G.L.A. Ch. 94C, including, but not limited to, marijuana, cocaine, crack and heroin on school premises, at school- sponsored or school-related events, including field trips and athletic games, and to and from school;
5. Use or possession of a bomb or any other explosive or incendiary device;
6. Pursuant to M.G.L.A. Chapter 71, Section 37H ½, a student charged with a felony or the subject of a felony delinquency complaint may be suspended, or a student convicted, adjudicated, or admitting guilt with respect to a felony or felony delinquency may be expelled, provided that the Director determines, after hearing, that the student's continued presence would have a substantial detrimental effect on the general welfare of the School.

### **Section 2: Due Process**

Due process requires that, prior to any expulsion, a student shall receive oral or written notification of the charge(s) against him or her, the conduct which forms the basis of the charge(s), and the student behavior code offense(s). If the student denies the charge(s), he or she shall be provided with an explanation of the evidence supporting the charge(s) and an opportunity to present his or her side of the story. A student whose presence in school poses a continuing danger to persons or property or threatens to disrupt the academic process may be immediately removed from the school using the disciplinary process or reportable offense process.

Prior to the expulsion written notice will be provided to the student notifying of the student's right to a hearing with the Head Supervisor before the expulsion takes effect, including date, time, and location of the hearing. The student's parent or guardian will be present at the hearing. Following any such hearing, if the Head Supervisor decides to expel the student, the Head Supervisor will provide written notification at the hearing to the student and parent of the student's right to appeal and the process for appealing the expulsion.

Any student who is expelled shall have the opportunity to earn credits, as applicable, make up assignments, tests, papers, and other school work as needed to make academic progress during the period of his or her removal from the classroom or school. The Head Supervisor shall inform the student and parent of this opportunity in writing when such suspension or expulsion is imposed.

### **Section 3: Right to appeal:**

A student who is expelled following a hearing with the Head Supervisor shall have the right to appeal to the Superintendent.

The student or parent shall notify the superintendent in writing of his request for an appeal ten days from the date of expulsion (per 37H) or five days from the date of expulsion (per 37H ½). If the appeal is not timely filed, the superintendent may deny the appeal, or may allow the appeal in his or her discretion, for good cause. The student will have ten days per 37H and 5 days per 37H ½ from the date of the expulsion to notify the Executive Director of the appeal. The Executive Director must hold the hearing, with the opportunity for the student's parent or guardian to attend, within 3 days of receipt of the request per 37H½.

The Superintendent shall 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, in which case the superintendent shall grant the extension.

The Superintendent shall make a good faith effort to include the parent in the hearing. The Superintendent shall be presumed to have made a good faith effort if he or she has made efforts to find a day and time for the hearing that would allow the parent and Superintendent to participate. The Superintendent shall send written notice to the parent of the date, time, and location of the hearing.

The Superintendent shall conduct a hearing to determine whether the student committed the disciplinary offense of which the student is accused, and if so, what the consequence shall be. The Superintendent shall arrange for

an audio recording of the hearing, a copy of which shall be provided to the student or parent upon request. The Superintendent shall 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 shall have all the rights afforded the student at the Head Supervisor's hearing for expulsion. At the hearing, the student shall have the right to present oral and written testimony, the right to counsel and the right to confront and cross examine witnesses presented by the school.

The Superintendent shall issue a written decision within five (5) calendar days of the hearing. If the Superintendent determines that the student committed the disciplinary offense, the Superintendent may impose the same or a lesser consequence than the Head Supervisor, but shall not impose a suspension greater than that imposed by the Head Supervisor's decision.

The decision of the Superintendent shall be the final decision of the charter school.

**Section 4: Education services and academic progress under section 37H and 37h½:**

Any student who is serving an in-school suspension, short-term suspension, long-term suspension, or expulsion shall have the opportunity to earn credits, as applicable, make up assignments, tests, papers, and other school work as needed to make academic progress during the period of his or her removal from the classroom or school. The Director or Head Supervisor shall inform the student and parent of this opportunity in writing when such suspension or expulsion is imposed. Any student who is expelled shall have an opportunity to receive education services and make academic progress toward meeting state and local requirements, through the school-wide education service plan. The Director shall develop a school-wide education service plan describing the education services that the school district will make available to students who are expelled or suspended from school for more than ten (10) consecutive days. The plan shall include the process for notifying such students and their parents of the services and arranging such services. Education services shall be based on, and be provided in a manner consistent with, the academic standards and curriculum frameworks established for all students.

The Director or Head Supervisor shall notify the parent and student of the opportunity to receive education services at the time the student is expelled. Notice shall be provided in English and in the primary language spoken in the student's home of other than English, or other means of communication where appropriate. The notice shall include a list of the specific education services that are available to the student and contact information for a school district staff member who can provide more detailed information.

**Holyoke Community Charter School's School-wide education service plan for students expelled**

1. Immediately following the hearing and determination that long-term suspension or expulsion is warranted, the parent and student will be notified verbally and in writing of the opportunity to receive education services.
2. The school director shall assign a school staff person to be the liaison between the teachers and students on out-of-school suspension or expulsion and to communicate daily about classwork assignments and school-related issues by phone or e-mail. The liaison will provide daily classwork and assignments from each teacher.
3. Education services shall be based on, and be provided in a manner consistent with, the academic standards and curriculum frameworks established for all students. Appropriate services will be provided for students with disabilities in accordance with the Individuals with Disabilities Education Act (IDEA) and state special education law and regulation

**Section 5: Disciplinary actions taken in serious cases**

The Head Supervisor may remove a student from privileges, such as extracurricular activities and attendance at school-sponsored events, based on the student's misconduct. Such a removal is not subject to the procedures in G.L. c.71, §37h¾.

**Disciplinary offenses under section 37h or 37h½**

The Head Supervisor may remove a student who has committed a disciplinary offense under G.L. c. 71, §§37H or 37H½ from school for more than ninety (90) days in a school year.

### **Disciplinary Removal in cases of Individual Education Programs and 504 Plans**

Students with IEPs or with 504 plans may be disciplined by the school principal for violations of the Code of Conduct. When the disciplinary removal is for more than ten (10) days in the school year, the student is entitled to a manifestation determination and must be provided with appropriate educational services while removed from school, in accordance with IDEA, Section 504, and state and federal regulations.

Appropriate educational programming and related services will be provided to an identified student with disabilities in accordance with the *Individuals with Disabilities Education Act* (IDEA) and state special education law and regulation.

### **Discipline Guidelines:**

The following set of discipline guidelines is intended to give you a framework in which to understand misbehavior and apply appropriate consequences. These guidelines must not be applied blindly. Each individual case should be carefully studied in coordination with the Student Management Coordinator and the Director when necessary.

*Consequences for misbehavior can be escalated based on the nature of the offence and/or the identification of a pattern of misbehavior. Escalation of consequences requires the Director’s approval.*

When it is necessary to assign consequences to a student with identified special needs, the Director must be consulted BEFORE any action is undertaken. Students with identified special needs are covered by the Individuals with Disabilities Education Act (IDEA). This act does not make special needs students ‘untouchable’ in cases of misbehavior, but does provide a strict framework to ensure that students with disabilities are not excluded from the educational setting without exercising the appropriate steps first.

*Specific state guidelines and consequences may exist for some offenses. When existing, state guidelines and their consequences supersede the consequences found below.*

#### Discipline Guidelines:

**Note: All referrals for the following offenses must be directed to the Student Management Office for administrative action.**

<b>NATURE OF OFFENSE</b>	<b>#OFFENSE</b>	<b>RECOMMENDED CONSEQUENCE</b>
<b>CATEGORY I</b>		<b>CATEGORY I</b>
1. Unruly conduct – Defiance of authority / Insubordination – refusal to follow a reasonable request from a staff member	<b>1<sup>st</sup></b>	Verbal warning, after school detention(s), parental notification, staff counseling, possible 1-3 day suspension
	<b>2<sup>nd</sup></b>	Detention(s), redirection or referral, parental notification, possible suspension up to 5-days
	<b>3<sup>rd</sup></b>	Redirection or referral, detention(s), or letter to parents on behavioral change or possible long-term suspension or expulsion.
2. Profanity, obscenity, or abusive language or gestures (written, oral, or inappropriate drawings).	<b>1<sup>st</sup></b>	Verbal warning, after-school detention(s), parental notification, staff counseling, possible 1-3 day suspension.
	<b>2<sup>nd</sup></b>	Detention(s), redirection or referral, parental notification, possible 1-3 day suspension
	<b>3<sup>rd</sup></b>	Staff counseling, 3-days suspension, Letter to parents on behavioral change or possible long-term suspension or expulsion.

<p>3. Electronic Devices: possession or use of articles which disrupt the educational process; e.g. electronic devices – MP3 players, radios, gaming-devices, personal computers, or e-readers on school property.</p>	<p><b>1st</b></p> <p><b>2nd</b></p> <p><b>3rd</b></p>	<p>Confiscation and possible detentions(s). Items are to be returned to parent.</p> <p>Confiscation and detention(s). Items are to be returned to parent.</p> <p>Confiscation. Letter to parents on behavioral change. Possible long-term suspension.</p>
<p>4. Failure to wear student ID lanyard (all students in grades 6-8 will be responsible for bringing their lanyard with student ID to school every day and wearing it for the duration of the school day)</p>	<p><b>1st</b></p> <p><b>2nd</b></p> <p><b>3rd</b></p>	<p>Verbal warning; parent notification.</p> <p>After-school detention. Redirection or referral.</p> <p>Parent notification.</p> <p>After-school detention or Saturday detention.</p> <p>Payment of fee for replacement ID and lanyard.</p>

<b>NATURE OF OFFENSE</b>	<b>#OFFENSE</b>	<b>RECOMMENDED CONSEQUENCE</b>
<b>CATEGORY 1</b> (continued)		<b>CATEGORY 1</b> (continued)
5. Possession or unauthorized use of a cellular device or tablet during regular school hours.	1 <sup>st</sup> 2 <sup>nd</sup> 3 <sup>rd</sup>	Confiscation and parent notification. Items are to be returned to parent. Detention(s) and/or possible 1 day suspension Confiscation and parent notification. Items are to be returned to parent. Detention(s) and/or possible 1-3 day suspension Letter to parents on behavioral change, 1-3 day suspension and/or possible long term suspension
6. Use of a recording device during school hours (e.g. cell phone, tablet, video camera, etc.)	1 <sup>st</sup> 2 <sup>nd</sup> 3 <sup>rd</sup>	Confiscation and parent notification. Item to be returned to parent. 1-5 day suspension Confiscation and parent notification. Item to be returned to parent. Up to a 5-day suspension Letter to parent on behavioral change. Possible long-term suspension
7. Being out of uniform – Inappropriate dress (per term)	1 <sup>st</sup> 2 <sup>nd</sup> 3 <sup>rd</sup>	Letter of uniform violation sent home to parents. a. Loan of uniform from nurse’s office b. Parents notified to bring in uniform. c. In house Alternative Room Staff counseling, detention(s), parent notification, possible 1 day suspension. Possible 1-3 day suspension.
8. Physical contact; e.g., overt affection between students.	1 <sup>st</sup> 2 <sup>nd</sup> 3 <sup>rd</sup>	Verbal warning, staff counseling, after school detention(s), parental notification, possible 1-3 day suspension Staff counseling, in-house suspension, possible 1-3 day suspension Suspension up to 5 days
9. Being out of/late to class without permission	1 <sup>st</sup> 2 <sup>nd</sup> 3 <sup>rd</sup>	Written warning, parent notification, Student Life detention and/or after-school detention Parent notification, letter sent home on behavioral change, possible 1-day suspension at the discretion of SMC 1-3 day suspension. Chronic offenders may be subject to long term suspension.
10. Leaving class without permission	1 <sup>st</sup> 2 <sup>nd</sup> 3 <sup>rd</sup>	Written warning, parent notification, staff counseling. After-school detention; possible 1-3 day suspension at discretion of SMC Detention(s), parental notification, 1-3 day suspension. Letter to parents on behavioral change; possible long-term suspension.
11. Truancy (any absence that is not excused by parent or guardian)	1 <sup>st</sup> 2 <sup>nd</sup> 3 <sup>rd</sup>	Parent notification, staff counseling, detention(s), and parent conference. Staff counseling, letter to parents on behavioral change or possible long-term suspension. Truancy officer/Police called for neglect.

<b>NATURE OF OFFENSE</b>	<b>#OFFENSE</b>	<b>RECOMMENDED CONSEQUENCE</b>
<b>CATEGORY I</b> (continued)		<b>CATEGORY I</b> (continued)
12. Ditching (not attending one or more classes of school)	1 <sup>st</sup> 2 <sup>nd</sup> 3 <sup>rd</sup>	Staff counseling, detention(s), parental notification. Possible 1-3 day suspension. Detention(s), parental notification. Possible 1-3 day suspension. 3-days suspension. Letter to parents on behavioral change or possible long-term suspension.
13. Scholastic dishonesty – cheating on a test or an assignment	1 <sup>st</sup> 2 <sup>nd</sup> 3 <sup>rd</sup> 4 <sup>th</sup>	Incident recorded on student record. Parental notification, staff counseling. Detention(s). Student will retake the test after-school. 2-days suspension. Incident on record. Parent notification and meeting. If withdraws, transcript does not show incident. 5-day suspension. Incident on record. Previous grades subject to review. Student recommended for expulsion due to persistent disobedience.
14. Falsification of records – Lying or forging school documents, e.g. passes, permission slips, notes, etc.	1 <sup>st</sup> 2 <sup>nd</sup> 3 <sup>rd</sup>	Staff counseling, detention(s), in-school suspension. Up to 2-days suspension, letter to parents on behavioral change stating possible long-term suspension. 5-day suspension, letter to parents on behavior change stating possible long-term suspension.
15. Littering – any throwing, dropping or misplacement of trash or food items other than in proper containers will be considered littering	1 <sup>st</sup> 2 <sup>nd</sup> 3 <sup>rd</sup>	Clean up of the immediate area, detention(s), staff counseling. Detentions, campus community service, parental notification. 2-day suspension, letter to parents on behavior change stating possible long-term suspension.
16. Cafeteria infractions – leaving litter, throwing food, causing a mess, or taking unauthorized food into classroom buildings	1 <sup>st</sup> 2 <sup>nd</sup> 3 <sup>rd</sup>	Student is subject to staff counseling, detention(s). Detention(s) community service, parent notification. Suspension or expulsion depending on the severity of the offense.
17. Any act which disrupts the normal education process	1 <sup>st</sup> 2 <sup>nd</sup> 3 <sup>rd</sup>	Counseling, parent notification, detention(s). Parent meeting, detention(s). Up to 5-day suspension, letter to parents on behavioral change or possible long-term suspension or expulsion.
18. Horse play, mutual teasing	1 <sup>st</sup> 2 <sup>nd</sup> 3 <sup>rd</sup>	Staff counseling, Detention(s) 1-3 Days suspension with restitution. 4-5 days suspension, letter to parents on behavioral change or possible long-term suspension.

<b>NATURE OF OFFENSE</b>	<b>#OFFENSE</b>	<b>RECOMMENDED CONSEQUENCE</b>
<b>CATEGORY II</b>		<b>CATEGORY II</b>
1. Endangering behavior – Any behavior which poses a threat of harm to self or others	<b>1<sup>st</sup></b> <b>2<sup>nd</sup></b> <b>3<sup>rd</sup></b> <b>4<sup>th</sup></b>	Parent notification, staff counseling, detention(s), possible 1-3 day suspension. Parent notification, staff counseling, up to 5 day suspension. 5-10 day suspension, letter to parents on behavioral change. Possible long term suspension.
2. Bus Violation	<b>1<sup>st</sup></b> <b>2<sup>nd</sup></b> <b>3<sup>rd</sup></b> <b>4<sup>th</sup></b>	Assigned seating, detention(s), parent notification. 1-3 days suspension from the bus, parent notification, possible school suspension. 5-10 days suspension from the bus, parent notification. Possible long term suspension or expulsion from the bus.
3. Leaving school building or grounds without permission.	<b>1<sup>st</sup></b> <b>2<sup>nd</sup></b> <b>3<sup>rd</sup></b>	1-3 days suspension, contact police, staff counseling, parent notification. 4-5 days suspension, contact police, staff counseling, parent notification. 5-10 days suspension, contact police, staff counseling, parent notification.
4. Harassment – oral, written, or cyber abuse including racial, ethnic, religious, ‘ableist’, sexual orientation or sexual slurs	<b>1<sup>st</sup></b> <b>2<sup>nd</sup></b> <b>3<sup>rd</sup></b>	Detention(s) and/or 1-3 day suspension, staff counseling. 3-days suspension, parent notification. 5-days suspension, letter to parents on behavioral change, possible long-term suspension.
5. Sexual harassment – verbal, physical, or exhibitionism	<b>1<sup>st</sup></b> <b>2<sup>nd</sup></b> <b>3<sup>rd</sup></b>	Parent notification, staff counseling, 1-5 day suspension Parent notification, referral to school social worker, 5-10 day suspension Parent notification, recommended referral to outside counselor, grounds for long term suspension.
6. Indecent Exposure	<b>1<sup>st</sup></b> <b>2<sup>nd</sup></b> <b>3<sup>rd</sup></b>	Parent notification, staff counseling. Possible 1-10 day suspension; possible police notification; letter to parents on behavioral change; possible long-term suspension Letter to parents on behavioral change; long-term suspension Grounds for long-term suspension or expulsion
7. Sexual contact	<b>1<sup>st</sup></b> <b>2<sup>nd</sup></b>	1-5 day suspension, staff counseling, parent notification 5-10 day suspension, staff counseling, parent notification
8. Bullying – verbal/non-verbal threats (cyber-bullying)	<b>1<sup>st</sup></b> <b>2<sup>nd</sup></b>	1-5 days suspension, staff counseling, mandatory enrollment in Anti-bullying program, parent notification 5-10 days suspension, parent notification, letter to parents on behavioral change or possible long-term suspension or expulsion, enrollment in Anti-bullying program.

	<b>3<sup>rd</sup></b>	Possible long-term suspension (See Chapter 92 of Acts of 2010 <i>in section 16 of this handbook</i> )
9. Verbally aggressive/threatening language towards a staff member or student	<b>1<sup>st</sup></b>	Detention(s), confiscation, parent notification, staff counseling, possible 1-5 day suspension (depending on severity of threat); possible report to appropriate authorities where required.
	<b>2<sup>nd</sup></b>	1-5 day suspension, letter to parents on behavioral change or possible long-term suspension or expulsion; possible report to appropriate authorities where required.
	<b>3<sup>rd</sup></b>	Grounds for long-term suspension or expulsion; possible report to appropriate authorities where required.
10. Assault, assault and battery on a staff member	<b>1<sup>st</sup></b>	5-10 days suspension, contact police, staff counseling, parent notification
	<b>2<sup>nd</sup></b>	Grounds for long term suspension or expulsion, contact police, staff counseling, parent notification
11. Fighting (mutual combat) or Physically Aggressive Behavior	<b>1<sup>st</sup></b>	1-5 day suspension, staff counseling, parent notification.
	<b>2<sup>nd</sup></b>	5-10 days suspension, letter to parents on behavioral change or possible long-term suspension or expulsion.
	<b>3<sup>rd</sup></b>	Grounds for long-term suspension or expulsion.
12. Vandalism/Destruction or defacing of school or personal property – graffiti or tagging.	<b>1<sup>st</sup></b>	Detention(s), parent notification, restitution, staff counseling, possible 1-3 day suspension
	<b>2<sup>nd</sup></b>	4-5 days suspension with restitution.
	<b>3<sup>rd</sup></b>	5 days suspension with restitution, letter to parents on behavioral change or possible long-term suspension or expulsion.
13. Possession of drug paraphernalia or other illegal material.	<b>1<sup>st</sup></b>	Confiscation, detention(s), letter to parents, staff counseling, possible 1-3 day suspension.
	<b>2<sup>nd</sup></b>	3 days suspension, letter to parents on behavioral change stating possible long-term suspension or expulsion.
	<b>3<sup>rd</sup></b>	Grounds for long-term suspension or expulsion.
14. Possession of tobacco (including cigarettes, smokeless tobacco, cigars, pipes, e-cigarettes, vape pipes, hookah pens, etc.) alcohol, or lighters/matches.	<b>1<sup>st</sup></b>	Detention(s), confiscation, parent notification, staff counseling. Possible 1-5 day suspension.
	<b>2<sup>nd</sup></b>	Letter to parents on behavioral change; possible long-term suspension or expulsion.
	<b>3<sup>rd</sup></b>	Grounds for long-term suspension or expulsion
15. Use of tobacco (including cigarettes, smokeless tobacco, cigars, pipes, e-cigarettes, vape pipes, hookah pens, etc.) or alcohol on or within school grounds.	<b>1<sup>st</sup></b>	1-5 days suspension, confiscation, parent notification, staff counseling.
	<b>2<sup>nd</sup></b>	5-10 days suspension. Letter to parents on behavioral change; possible long-term suspension or expulsion.
	<b>3<sup>rd</sup></b>	Grounds for long-term suspension or expulsion.
16. Possession or use of illegal drugs or controlled substances on or within school grounds.	<b>1<sup>st</sup></b>	Long-term suspension or recommended expulsion, contact police, parent notification.
17. Possession/distribution of pornographic material.	<b>1<sup>st</sup></b>	Confiscation, detention(s), parent notification, staff counseling, possible 1-3 day suspension.



	<b>2<sup>nd</sup></b>	5 days suspension, letter to parents on behavioral change or possible long-term suspension or expulsion.
	<b>3<sup>rd</sup></b>	Grounds for possible long-term suspension or expulsion.
<b>NATURE OF OFFENSE</b>	<b>#OFFENSE</b>	<b>RECOMMENDED CONSEQUENCE</b>
<b>CATEGORY II (continued)</b>		<b>CATEGORY II (continued)</b>
18. Possession of look-alike weapon or sharp, threatening objects.	<b>1<sup>st</sup></b> <b>2<sup>nd</sup></b> <b>3<sup>rd</sup></b>	3-5 days suspension-parent notification. 5-10 days suspension-parent notification. Letter to parents on behavioral change and/or possible long-term suspension or expulsion.
19. Possession of a knife or any weapons.	<b>1<sup>st</sup></b> <b>2<sup>nd</sup></b> <b>3<sup>rd</sup></b>	3-5 days suspension-parent notification 5-10 days suspension-parent notification Letter to parents on behavioral change and/or possible long-term suspension or expulsion.
20. Possession of a Gun	<b>1<sup>st</sup></b>	Possible long-term suspension or expulsion, parent notification, contact police.
21. Stealing – Theft/Extortion	<b>1<sup>st</sup></b>  <b>2<sup>nd</sup></b>  <b>3<sup>rd</sup></b>	1 - 3 day suspension with a possible referral to the police dept., staff counseling, parent notification. 3-5 days Suspension, contact police, letter to parents on behavioral change or possible long-term suspension or expulsion. Grounds for long-term suspension or expulsion, contact police.
22. Making a bomb threat by any means, including, but not limited to, verbally, electronically, or in writing	<b>1<sup>st</sup></b>	Possible long-term suspension or expulsion, parent notification, contact police.
23. Pulling a fire alarm or dialing 911 under false circumstances	<b>1<sup>st</sup></b> <b>2<sup>nd</sup></b>	1-5 day suspension, parent notification. Grounds for long-term suspension/expulsion.
24. Assault, assault and battery (fighting) on a student or visitor	<b>1<sup>st</sup></b> <b>2<sup>nd</sup></b>	Grounds for short-term suspension. Grounds for long-term suspension or expulsion.

### Laws Regarding Drugs, Alcohol, and Firearms:

1. For dealing drugs near school—mandatory two-year jail sentence. A conviction for selling drugs within 1000 feet of school property in Massachusetts will result in a minimum mandatory two-year jail sentence plus a fine of up to \$10,000. (see Chapter 94C, sec 325 – *see section 16 of this handbook*).
2. As of April 4, 1990, the following is in effect (Massachusetts General Laws Chapter 269, Section 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 hereafter defined, loaded, 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 of 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 office 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.”

3. “Other dangerous weapons” are those mentioned in Massachusetts General Laws Chapter 269, Section 12 and other weapons as defined using the “reasonable man standard”.

### **Due Process:**

Under Goss v. Lopez, 419 U.S. 565 (1975), the United States Supreme court held that students have the right to certain minimal due process protections when school officials seek to impose short-term suspensions. The Court stated that in such cases, the student is entitled to oral or written notice of the charge(s) against him/her, and explanation of the basis for the accusation(s), an opportunity to present his/her version of the facts. This “informal hearing” must be provided in advance of the suspension except where the student’s continued presence endangers persons or property or “threatens disruption of the academic process.” In the exceptional cases where immediate suspension is justified, the notice and hearing must follow as soon as practicable. Finally, the United States Supreme Court indicated that where school officials seek to suspend a student for more than ten (10) days (long-term suspension), depending on the length of the exclusion, greater due process protections might be required.

In addition to the rights previously enumerated, please note the following:

- In some cases the need to protect an individual may outweigh a student’s right to cross-examine a witness (for example, another student).
- **Arrangements for the translation of witness statements or other school documents will be provided upon request.**
- You have the right to a reasonably prompt written decision, including the specific grounds for the decision, after the hearing is concluded.
- All reasonable efforts will be made to protect the confidentiality of the hearing.
- Allegations against the student must be supported by a preponderance of evidence before a long-term suspension/expulsion is imposed.
- Disciplinary hearings are not court proceedings. Evidence which is relevant, though hearsay, may be admitted.
- If the student has an Individualized Education Plan (IEP) or Section 504 Accommodation Plan, additional rights are enumerated in “Disciplinary Action Relative to Special Needs Students” below.

### **Procedures for the Suspension of Students with Disabilities Pursuant to Federal and Massachusetts Regulations:**

Eligible students with disabilities, as defined by the Individuals with Disabilities Education Act and Massachusetts General Laws, Chapter 71B (Chapter 766), shall be subject to the provisions of this Discipline Policy except as otherwise provided in this section.

Federal and Massachusetts laws, regulations and policies do not prohibit the exclusion of students with disabilities in all cases. However, when it is permitted, the removal of a student from the program which is prescribed in his/her Individualized Educational Plan (IEP) must be preceded by a more deliberate review of the causes and reasons for the proposed suspension and the development of an alternative program, consistent with federal and state law.

With respect to the exclusion of students with disabilities for more than ten (10) consecutive days, or a cumulative pattern of exclusions resulting in a change of placement, federal law (see 20 United States Code, Section 1415(k)) requires parental consent, or where the parent(s)/legal guardian(s) does not consent, the securing of an administrative or judicial order

authorizing the exclusion. (Note: There are exceptions for violations involving dangerous weapons or controlled illegal substances - see page 59, following.)

With respect to the removal of students with disabilities from public schools, Massachusetts follows federal laws and regulations.

*Disciplining Students with Disabilities: Procedures Applicable for Exclusions of More than Ten (10) Days in the School Year or a Cumulative Pattern of Exclusions Resulting in a Change of Placement:*

The following provisions shall apply whenever a school administrator proposes to suspend a student with disabilities for more than ten (10) days in a school year.

*Definition of Suspension:*

Suspension shall be defined as any action which results in the removal of a student from the program prescribed in his/her Individualized Educational Plan (IEP). The term includes in-school suspension as well as any exclusion from transportation services which prohibits the student's participation in his/her prescribed program.

*General Requirements:*

The charter school will ensure that:

- a. Its Code of Conduct is on file with the Department of Education and all student handbooks contain the specific procedures in these regulations for the exclusion of a student with disabilities;
- b. It has an appropriate procedure to notify the special education coordinator of the misconduct for which exclusion of a student with disabilities for more than ten (10) days is proposed so that the procedures required can be implemented consistently;
- c. The number and duration of exclusions of students with disabilities is recorded and maintained by school administrators;
- d. The IEP of every student with disabilities indicates whether the student is or is not expected to meet the school's discipline code, and, if not, what modifications of the code are required, which shall be described in the IEP; and
- e. No student with disabilities may be excluded for more than ten (10) consecutive days or a pattern of exclusions resulting in a change of placement in the school year except as provided hereunder.

*Meeting to Review IEP with Student's Special Needs:*

When it is known that the exclusion(s) of a student with disabilities will accumulate to ten (10) days in a school year, a review of the IEP will be conducted. Participants in the meeting shall include, but not be limited to, individuals who are trained in the area of the student's special needs and those who work closely with the student. At that review, the review TEAM will determine whether the student's misconduct is a manifestation of the student's special needs, or results from an inappropriate special education program/placement or an IEP that was not fully implemented. Depending on the result of that determination, suspension may or may not be implemented. If the student has demonstrated repeated instances of dangerously assault or self-abusive behavior, an emergency evaluation and placement may be made with parental consent.

*Circumstances under which the Student **May Not** be Suspended for more than Ten (10) Days:*

Subject to the authority of school officials to place a student with disabilities who commits an offense involving a dangerous weapon or illegal drug/controlled substance in an interim alternative education setting for up to forty-five (45) days:

- a. If the TEAM concludes that the student's misconduct is related to the student's special needs or results from an inappropriate special education program or placement or an IEP that was not fully implemented, the student shall not be excluded. Instead, the student's IEP shall be revised to reflect a new program or placement designed to meet the student's needs more effectively, or, if the misconduct resulted from an appropriate IEP that was not fully implemented, all necessary steps shall be taken by the school to ensure that the IEP is fully implemented. If revision of the student's IEP is required, development of an amended or new IEP shall occur;

- b. If a new program or placement is designed for the student as a result of the review, the program or placement shall be implemented immediately following parental approval of the IEP. If the parent(s)/legal guardian(s) refuses consent to the IEP, the school or parent(s)/legal guardian(s) may request a hearing to determine the appropriateness of the program. Alternatively, the parties may seek mediation to resolve the dispute. If a hearing is requested, during the pendency of the hearing, the student shall remain in the last agreed upon educational placement (the placement in effect when the dispute arose), unless another placement is agreed upon by the school and the student's parent(s)/legal guardian(s), or a court order permits the school to change the student's placement based on a showing that the student's continued presence in school presents a substantial likelihood of injury to the student or to others.

*Circumstances under which Exclusion **May** be Imposed for more than Ten (10) Cumulative Days:*

- a. If the school wishes to impose a suspension/expulsion which results in more than ten (10) days of exclusion in the school year, and the TEAM concludes that: the student's misconduct is not a manifestation to the student's special needs; is not the result of an inappropriate special education program/placement; and the current IEP was fully implemented, the school shall:
  1. Provide an interim alternative education plan for the delivery of special education services to the student during the period of the suspension, which shall be referred to as "the alternative plan;"
  2. Before the student is suspended for more than ten (10) days, present the interim alternative plan to the student's parent(s)/legal guardian(s) along with required written notice.
- b. A copy of the interim alternative plan must be included in the student's file, which shall also include documentation which demonstrates that:
  1. The school has complied with procedures required by Goss v. Lopez and by the school's Code of Conduct;
  2. The school has considered less restrictive disciplinary measures, including modifying the student's IEP to set out specific methods of discipline;
  3. The disciplinary action is for a stated and limited number of days;
  4. The action is necessary in light of the needs of the student and other students in the school;
  5. The school administrators have conferred with appropriate special education staff as to the disciplinary action and have followed all the procedures outlined herein including notice to the parent(s) or guardian(s) of their right of appeal.

*Court or Administrative Order Necessary to Authorize Suspension:*

A school shall not suspend or exclude a student for more than ten (10) cumulative days during the pendency of a Bureau of Special Education Appeals hearing or judicial proceeding brought to challenge a suspension, proposed suspension, or any determination, above, unless the school obtains a court order authorizing a temporary change of the child's educational placement based on a showing that the student's continued presence in school presents a substantial likelihood of injury to the student or to others.

*Please Note the Following Requirements under Federal Law:*

Section 1415(k) of the Individuals with Disabilities Education Act (hereinafter, "IDEA"), codified as 20 U.S.C. §1415(k), sets forth the following procedures with respect to the suspension of students with special needs (and protections for those children not yet eligible for special education and related services):

*Placement in alternative educational setting:*

**(1) Authority of school personnel**

- (A) School personnel may order a change in the placement of a child with a disability –
  - (i) to an appropriate interim alternative setting, another setting, or suspension, for not more than 10 school days (to the extent such alternatives would be applied to children without disabilities); and
  - (ii) to an appropriate interim alternative educational setting for the same amount of time that a child without a disability would be subject to discipline, but for not more than 45 days if –

- (I) the child carries a weapon to school or to a school function under the jurisdiction of a State or a local educational agency; or
  - (II) the child knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function under the jurisdiction of a state or local educational agency.
- (B) Either before or not later than 10 days after taking a disciplinary action described in the above subparagraph (A) –
- (i) if the local educational agency did not conduct a functional behavioral assessment and implement a behavioral intervention plan for such child before the behavior that resulted in the suspension described in subparagraph (A), the agency shall convene an IEP meeting to develop an assessment plan to address that behavior, or
  - (ii) if the child already has a behavioral intervention plan, the IEP Team shall review the plan and modify it, as necessary, to address the behavior.

**(2) Authority of hearing officer**

A hearing officer under this section may order a change in the placement of a child with a disability to an appropriate interim alternative educational setting for not more than 45 days if the hearing officer –

- (A) determines that the public agency has demonstrated by substantial evidence that maintaining the current placement of such child is substantially likely to result in injury to the child or to others;
- (B) considers the appropriateness of the child’s current placement;
- (C) considers whether the public agency has made reasonable efforts to minimize the risk of harm in the child’s current placement, including the use of supplementary aids and services; and
- (D) determines that the interim alternative educational setting meets the requirements of paragraph (3)(B).

**(3) Determination of setting**

**(A) In general**

The alternative educational setting described in paragraph (1)(A)(ii) shall be determined by the IEP Team.

**(B) Additional requirements**

Any interim alternative educational setting which a child is placed under paragraph (1) or (2) shall—

- (i) be selected so as to enable the child to continue to participate in the general curriculum, although in another setting, and to continue to receive those services and modifications, including those described in the child’s current IEP, that will enable the child to meet the goals set out in that IEP; and
- (ii) include services and modifications designed to address the behavior described in paragraph (1) or paragraph (2) so that it does not recur.

**(4) Manifestation determination review**

**(A) In general**

If a disciplinary action is contemplated as described in paragraph (1) or paragraph (2) for a behavior of a child with a disability described in either of those paragraphs, or if a disciplinary action involving a change of placement for more than 10 days is contemplated for a child with a disability who has engaged in other behavior that violated any rule or code of conduct of the local educational agency that applies all children—

- (i) not later than the date on which the decision to take that action is made, the parents shall be notified of that decision and of all procedural safeguards accorded under this section; and
- (ii) immediately, if possible, but in no case later than 10 school days after the date on which the decision to take that action is made, a review shall be conducted of the relationship between the child’s disability and the behavior subject to the disciplinary action.

**(B) Individuals to carry out review**

A review described in subparagraph (A) shall be conducted by the IEP Team and other qualified personnel.

**(C) *Conduct of review***

In carrying out a review described in subparagraph (A), the IEP Team may determine that the behavior of the child was not a manifestation of such child's disability only if the IEP Team—

- (i) first considers, in terms of the behavior subject to disciplinary action, all relevant information, including—
  - (I) evaluation and diagnostic results, including such results or other relevant information supplied by the parents of the child;
  - (II) observations of the child; and
  - (II) the child's IEP and placement; and
- (ii) then determines that—
  - (I) in relationship to the behavior subject to disciplinary action, the child's IEP and placement were appropriate and the special education services, supplementary aids and services, and behavior intervention strategies were provided consistent with the child's IEP and placement;
  - (II) the child's disability did not impair the ability of the child to understand the impact and consequences of the behavior subject to disciplinary action; and
  - (III) the child's disability did not impair the ability of the child to control the behavior subject to disciplinary action.

**(5) *Determination that behavior was not manifestation of disability***

**(A) *In general***

If the result of the review described in paragraph (4) is a determination, consistent with paragraph (4)(C), that the behavior of the child with a disability was not a manifestation of the child's disability, the relevant disciplinary procedures applicable to children without disabilities may be applied to the child in the same manner in which they would be applied to children without disabilities; except as provided in Sec. 1412(a)(1).

**(B) *Additional requirement***

If the public agency initiates disciplinary procedures applicable to all children, the agency shall ensure that the special education and disciplinary records of the child with a disability are transmitted for consideration by the person or persons making the final determination regarding the disciplinary action.

**(6) *Parent appeal***

**(A) *In general***

- (i) If the child's parent disagrees with a determination that the child's behavior was not a manifestation of the child's disability or with any decision regarding placement, the parent may request a hearing.
- (ii) The State or local educational agency shall arrange for an expedited hearing on any case described in this subsection when requested by a parent.

**(B) *Review of decision***

- (i) In reviewing a decision with respect to the manifestation determination, the hearing officer shall determine whether the public agency has demonstrated that the child's behavior was not a manifestation of such child's disability consistent with the requirements of paragraph (4)(C).
- (ii) In reviewing a decision under paragraph (1)(A)(ii) to place the child in an interim alternative educational setting, the hearing officer shall apply the standards set out in paragraph (2).

**(7) *Placement during appeals***

**(A) *In general***

When a parent request a hearing regarding a disciplinary action described in paragraph (1)(A)(ii) or paragraph (2) to challenge the interim alternative educational setting or the manifestation determination,

the child shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the time period provided for in paragraph (1)(A)(ii) or paragraph (2), whichever occurs first, unless the parent and the State or local educational agency agree otherwise

**(B) *Current placement***

If a child is placed in an interim alternative educational setting pursuant to paragraph (1)(A)(ii) or paragraph (2) and school personnel propose to change the child's placement after expiration of the interim alternative placement, during the pendency of any proceeding to challenge the proposed change in placement, the child shall remain in the current placement (the child's placement prior to the interim alternative educational setting), except as provided in subparagraph (C).

**(C) *Expedited hearing***

- (i) If school personnel maintain that it is dangerous for the child to be in the current placement (placement prior to removal to the interim alternative education setting) during the pendency of the due process proceedings, the local educational agency may request an expedited hearing.
- (ii) In determining whether the child may be placed in the alternative educational setting or in another appropriate placement ordered by the hearing officer, the hearing shall apply the standards set out in paragraph (2).

**(8) *Protections for children not yet eligible for special education and related services***

**(A) *In general***

A child who has not been determined to be eligible for special education and related services under this part and who has engaged in behavior that violated any rule or code of conduct of the local educational agency, including any behavior described in paragraph (1), may assert any of the protections provided for in this part if the local educational agency had knowledge (as determined in accordance with this paragraph) that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred.

**(B) *Basis of knowledge***

A local educational agency shall be deemed to have knowledge that a child is a child with a disability if—

- (i) the parent of the child has expressed concern in writing (unless the parent is illiterate or has a disability that prevents compliance with the requirements contained in this clause) to personnel of the appropriate educational agency that the child is in need of special education and related services.
- (ii) The behavior or performance of the child demonstrates the need for such services;
- (iii) The parent of the child has requested an evaluation of the child pursuant to Sec. 1414; or
- (iv) The teacher of the child, or other personnel of the local educational agency, has expressed concern about the behavior or performance of the child to the director of special education of such agency or to other personnel of the agency.

**(C) *Conditions that apply if no basis of knowledge***

**(i) *In general***

If a local educational agency does not have knowledge that a child is a child with a disability (in accordance with subparagraph (B) prior to taking disciplinary measures against the child, the child may be subjected to the same disciplinary measures as measures applied to children without disabilities who engaged in comparable behaviors consistent with clause (ii).

**(ii) *Limitations***

If a request is made for an evaluation of a child during the time period in which the child is subject to disciplinary measures under paragraph (1) or (2), the evaluation shall be conducted in an expedited manner. If the child is determined to be a child with a disability, taking into consideration information from the evaluation conducted by the agency and information provided by the parents, the agency shall provide special education and related services in accordance with

the provisions of this part, except that, pending the results of the evaluation, the child shall remain in the educational placement determined by school authorities.

**(9) Referral to and action by law enforcement and judicial authorities**

- (A) Nothing in this part shall be construed to prohibit an agency from reporting a crime committed by a child with a disability to appropriate authorities or to prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability.
- (B) An agency reporting a crime committed by a child with a disability shall ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom it reports the crime.

**(10) Definitions**

For the purposes of this subsection, the following definitions apply:

**(A) Controlled substance**

The term 'controlled substance' means a drug or other substance identified under schedules I, II, III, IV, or V in Sec. 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).

**(B) Illegal Drug**

The term 'illegal drug' means a controlled substance; but does not include such a substance that is legally possessed or used under the supervision of a licensed health care professional or that is legally possessed or used under any other authority or Act or under any other provision or Federal law.

**(C) Substantial Evidence**

The term 'substantial evidence' means beyond a preponderance of the evidence.

**(D) Weapon**

The term 'weapon' has the meaning given the term 'dangerous weapon' under paragraph (2) of the first subsection (g) of Sec. 930 of title 18, United States Code.

Title 18 U.S.C. §930, paragraph (2) of the first subsection (g) provides:

“The term 'dangerous weapon' means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade less than 2½ inches in length.”



## ***12. Health Policies and Procedures***

Holyoke Community Charter School follows state laws concerning immunizations and requires that immunization records be on file before a student is allowed to attend school. All students must present, before admission, a physician's certificate listing the required immunizations: diphtheria, pertussis, tetanus, measles, mumps, rubella, and poliomyelitis. These records are to be updated when necessary.

**Complete physicals are required** upon entering **kindergarten** (or first grade, if a student is entering school for the first time) and for **all fourth, seventh, and transfer students**. Transfer students who enter school within the calendar year will have their medical record reviewed and updated as needed.

### **Screening Tests for Vision and Hearing:**

Vision and hearing tests are mandated by the Department of Public Health, and are conducted periodically for students in kindergarten through grade 5, and grade 7. Any student whose vision or hearing is questioned by a teacher and referred to the school nurse will also be screened. The school will re-test students as required, and parents of students who fail re-tests in vision or hearing will be notified in writing and directed to consult pediatricians or family physicians.

### **Postural Screening:**

Postural screening will be conducted by the nurse annually on all pupils in grades 5, 6, 7, and 8. Parents or guardians of pupils showing even slight signs of postural problems will be notified in writing and directed to consult pediatricians, family physicians, or orthopedists.

### **Body Mass Index (BMI) Screening:**

Body Mass Index (BMI) screenings will be conducted by the nurse annually on all pupils in grades 1, 4, and 7. Parents or guardians of pupils who have a high or low BMI will be notified in writing and directed to consult pediatricians or family physicians.

### **Illness and Exclusion Policy:**

If a student shows any symptoms of illness, such as a temperature, nausea, diarrhea, sore throat, or rashes, **the student should not come to school** until the seriousness of the condition has been determined or the symptoms have disappeared. This measure of precaution will help reduce the spread of infections at school.

If a student shows symptoms of illness while at school, the student may be excluded from the regular school program at the nurse's discretion. The following procedures are followed:

- The student is asked to report to the nurse's office.
- Parents are notified to make arrangements to have the student picked up at school. If parents cannot be reached, the person designated on the emergency card is called.

### **Communicable Diseases:**

Parents should notify the school immediately if a student has contracted a communicable disease. On the advice of the Holyoke Health Department, the school may then notify parents of other students in the grade level and homeroom. In the event of an epidemic, special precautions or exclusion policies may be necessary.

The school follows isolation and quarantine regulations as prescribed by the Massachusetts Department of Public Health. The following are guidelines that apply to how long a child should stay at home if these common childhood diseases and conditions should occur:

- Chicken Pox - 6 days from appearance of eruption or until all blisters are dried up and crusted over.
- Pediculosis (Lice) - Keep home until treatment is successful. Nurse will readmit student only after passing inspection.
- Inflamed and discharging eye - Keep home from school and get immediate medical attention.
- Pertussis (Whooping Cough) – Keep home until antibiotic treatment is prescribed and undertaken.

A more comprehensive list with guidelines is available in the nurse’s office.

**Immunization Exemptions and Vaccine Preventable Disease Exclusion Guidelines in School Settings  
(Massachusetts Department of Public Health)**

Definition of Allowable Exemptions

There are two situations in which children who are not appropriately immunized may be admitted to school:

- 1) a medical exemption is allowed if a physician submits documentation attesting that an immunization is medically contraindicated; and
- 2) a religious exemption is allowed if a parent or guardian submits a written statement that immunizations conflict with their sincere religious beliefs.

All medical exemptions and religious exemptions must be presented on an annual basis, at the beginning of each school year.

Philosophical exemptions are not allowed by law in Massachusetts, even if signed by a physician. Only medical and religious exemptions are acceptable. These exemptions will be kept in the students’ files at school (105 CMR 220.000 and M.G.L. c.76, ss. 15, 15C and 15D).

The only exception for exclusion of unimmunized or partially immunized children who do not have documentation of a medical or religious exemption is in the case of homeless children, whereby they cannot be denied entry to school if they do not have their immunization records.

Exclusion During Disease Outbreaks

In situations when one or more cases of a vaccine-preventable or any other communicable disease are present in a school, all susceptibles, including those with medical or religious exemptions, are subject to exclusion as described in the Reportable Diseases and Isolation and Quarantine Requirements (105 CMR 300.000).

**Doctor/Dentist Appointments:**

Parents should send a note with the student if the student will be picked up during the school day for an appointment. Parents must come to the school office to dismiss a student from school for a medical or dental appointment. Students cannot be released from class unless a parent or guardian is present.

**Administration of Medication:**

No medications (including over-the-counter medication) will be given without written consent from parents or guardians. All medication must be kept with and administered by the nurse.

**Prescription Medication:**

The school nurse administers prescription medications when the following specific requirements are met:

1. There is a signed consent by parent/guardian on file to give the medication.
2. There is a signed medication order from a licensed health care provider (physician or nurse practitioner). This order must be renewed at the beginning of each school year and at other times as needed.
3. Medications must be delivered to the school nurse in a pharmacy or manufacturer-labeled container. The label must state the student’s name, name of the drug, dosage, direction for use, physician’s name, and the expiration

- date of a time-dated drug. The school does its best to follow medication instructions but cannot be held responsible for forgetting or delaying the giving of medicine
4. No more than a 30-day supply of the medicine should be delivered to the school. All medications are stored in the nurse's office.
  5. Medications left after the close of the school year will be destroyed.

### **Health Insurance Portability and Accountability Act (HIPAA):**

The Health Insurance Portability and Accountability Act (HIPAA) is a complex federal law passed in 1996 which was intended to reform the health insurance market and simplify health care administrative procedures. This legislation addresses many issues, but the issue with the most potential impact upon the School involves privacy provisions which protect the confidentiality of "protected health information." At this time, however, the U.S. Department of Health and Human Services, which oversees HIPAA, has not determined the exact status of public schools with regard to the Act and whether or not they must comply with its provisions. In general, HIPAA's privacy rule requires that health care providers obtain the authorization of a patient's parent or guardian prior to the disclosure of protected health information. One important exception to the privacy rule allows physicians to disclose immunization information to schools so that they may comply with Massachusetts regulations which state that all children must be immunized in order to be admitted to school, found at 603 CMR § 18.05, 105 CMR § 220.000. In addition, "protected health information" may be disclosed without authorization for public health purposes such as the reporting of disease or injury, child abuse, birth, death, public health surveillance, or public health investigation or intervention

Most importantly for school districts, students, and parents/guardians, however, is that the U.S. Department of Health and Human Services has ruled that education records that are protected by the Family Educational Rights and Privacy Act (FERPA) and the Individuals with Disabilities Education Act (IDEA) are not considered "protected health information" under HIPAA. Both FERPA and the IDEA provide their own privacy protections to which schools must adhere. Please refer to the handbook sections regarding student records for further information regarding these Acts.

### **HIV/AIDS Policy**

The Holyoke Community Charter School is committed to maintaining a safe and welcoming educational and working environment for students, families, staff, and the general public. Discrimination and harassment against individuals with HIV/AIDS is prohibited and will not be tolerated in the Holyoke Community Charter School.

#### School Attendance

Students with HIV/AIDS have the same right to attend and to participate in school as any other student, and HIV infection will not be a factor in any decisions regarding class assignments, privileges, or access to school-sponsored activities. A student or a student's parent/guardian may choose to disclose a student's HIV/AIDS status to school personnel, but they are not required to do so. Any student with HIV/AIDS who is determined to be eligible for a Section 504 Plan will receive accommodations in accordance with their individual plan.

#### Employment

Employees and job applicants will not be discriminated against in consideration for employment, advancement, compensation, or any other terms, conditions, or privileges of employment on the basis of HIV infection. An employee may choose to disclose the employee's HIV/AIDS status to school personnel, but is not required to do so. Employees with HIV infection may continue working as long as they are able to perform the essential functions of the position, with or without reasonable accommodation(s). Employee requests for reasonable accommodations will be responded to in accordance with the Americans with Disabilities Act.

#### Privacy

No information regarding an individual's HIV status may be disclosed without the written informed consent of the individual (or parent/guardian) or a court order. The written informed consent shall specify to whom the information may be released and the purpose for the disclosure. Documents referencing an individual's HIV status may not be added to an employee's personnel file or a student's health or educational record without the individual's (or parent's/guardian's) informed written consent. All student and personnel health records referencing an individual's HIV

status will be securely maintained, and access to these records will be limited to those named in the individual's (or parent's/guardian's) informed written release.

### Infection Control

The school will operate pursuant to the U.S. Occupational Health and Safety Administration standards for the prevention of blood-borne infections. All employees shall consistently follow infection control guidelines and standard universal precautions in all settings and at all times. All staff are expected to alert the principal and the school nurse if a student's health condition or behavior presents a reasonable risk of transmitting any infection. If a situation occurs at school in which an individual may have been exposed to an infectious agent, such as an instance of blood-to-blood contact, school authorities shall counsel that individual (or parent/guardian) to seek appropriate medical evaluation.

### **Medical Orders Procedure**

The Holyoke Community Charter School takes the following steps upon receipt of a physician's written order:

- a. review order with parents and social worker
- b. implement any accommodation and/or modification required by the physician in order for the child to access their education
- c. determine if the student needs homebound services and/or coordination of educational services while in the hospital
- d. determine that services will not interfere with the medical needs of the student
- e. determine if the student is from the general education setting or a special education student for proper delivery of services

### **Pregnant Student Policy**

Pregnant students will be encouraged to continue to attend school. Every effort will be made to see that the educational program of the student is disrupted as little as possible, that return to school after delivery is encouraged, and that every opportunity to complete middle school is provided.

In accordance with Federal law and the Massachusetts Department of Education regulations and guidance, a student who is pregnant in the Holyoke Community Charter School is permitted to remain in regular classes and participate in extracurricular activities throughout her pregnancy. After giving birth, a student is permitted to return to the academic program in which she was enrolled and is permitted to participate in extracurricular programs.

The District does not require that a pregnant student obtain certification from a physician that she is physically and emotionally able to continue in school unless certification is required for all students with other physical or emotional conditions requiring the attention of a physician. (M.G.L. 71:84 Title IX: 20 U.S.C. 1681; 34 CFR 106.40(b))

### **Head Injuries and Concussions in Extracurricular Athletic Activities Policy**

#### Purpose

The purpose of the **Head Injuries and Concussions in Extracurricular Athletic Activities Policy** (Policy) is to provide standardized procedures for the school governing the prevention, training, management and return to activity decisions relating to students in grades 7-12 who participate in extracurricular athletic activities and to comply with Massachusetts regulation, 105 CMR 201.000: Head Injuries and Concussions in Extracurricular Athletic Activities (Regulations).

#### School Policies

This Policy addresses sports-related head injuries sustained by grade 7-12 student-athletes who participate in extracurricular athletic activities as defined by the Regulations, but may be applied to all head injuries in students.

The Athletic Director or other designated school administrator shall be responsible for the implementation of this Policy and related protocols.

Annual training, approved by the Department of Public Health (DPH), will be provided to coaches, physical education teachers, school nurses, licensed athletic trainers, trainers, volunteers and the Athletic Director, in the prevention and recognition of sports-related head injury and associated health risks. Documentation of each person's training shall be recorded and kept on file at the school.

The following concussion related forms will be used and kept in the student's school health record until the year the student graduates:

- verification of the completed annual student and parent training
- DPH approved, **Pre-Participation Head Injury/Concussion Reporting Form**, (see appendix I)
- DPH approved, **Report of Head Injury During Sports Season Form**, (see Appendix I)
- DPH approved, **Post Sports-Related Head Injury Medical Clearance and Authorization Form**, (see Appendix I)
- graduated re-entry plans for return to full academic and extracurricular athletic activities

An annual report to include the total number of **Report of Head Injury During Sports Forms** received and the total number of student athletes with diagnosed or suspected head injuries that occurred during extracurricular athletic activities will be kept on file at the school.

The Policy will be reviewed annually and as needed.

Information regarding this policy will be available in the school's Student/Parent Handbook and on the school's website ([www.hccs-sabis.net](http://www.hccs-sabis.net)).

#### School Procedures

Prior to participating in school sports, the following persons shall annually complete a DPH approved head injury training program: athletic director, coaches, licensed athletic trainers, trainers, volunteers, physical education teachers, school physician, school nurses, student athletes, and their parents/guardians. All other school personnel may elect to complete the DPH approved program.

Educational training is required for all student athletes and their parents/guardians before they are allowed to practice. The school will provide a list of DPH approved online training courses that meet the annual training requirement. If the family cannot access the online trainings, DPH approved training forms will be available in the Athletic Office.

If the student athlete returns a completed form regarding training, and the parent/guardian of the student does not return completed forms, the school will contact the parent/guardian to request the required forms.

The DPH approved written training materials are available in English and Spanish. At the written request from a parent/guardian, the school will provide written training materials in the language of the student athlete's parent/guardian.

Annually, the school will maintain records of training completions for all persons specified by the Regulations through either of the following:

- certification of completion from a DPH approved online course
- a signed acknowledgment that the individual has read and understands the DPH approved written materials.

#### Documentation and Review of Head Injury and Concussion History

Prior to the start of each sport's season, the student athlete and the parent/guardian shall complete and submit a current **Pre-Participation Head Injury/Concussion Reporting Form**.

- Prior to each sport season, coaches will review all Pre-participation forms in order to identify student athletes who are at greater risk of repeat head injuries.
- Prior to each sport's season, the school nurse will review all Pre-participation forms indicating a history of head injury.

- The school will use a student athlete's history of head injury or concussion as a factor to determine degree of participation and/or specific modifications of participation in an extracurricular athletic activity.

The **Report of Head Injury During Sports Season Form** will be available in the Main Office, the Nurse's Office or from the school coaches. This form will be completed by coaches if a head injury occurs during practice or competition. The form is also used by parents if the student athlete's head injury occurs during the sports season but not while participating in a school sporting event.

**Emergency Referral/Exclusion from Play**

Any student athlete, who during a practice or competition sustains a head injury or suspected concussion, exhibits signs and symptoms of a concussion, or loses consciousness, even briefly, will be removed from the practice or competition immediately and may not return to practice or competition that day. Any student athlete will be transported to the nearest medical facility if any of the following signs and/or symptoms are noted:

- loss of consciousness
- unsteady gait
- decreasing level of consciousness
- abnormally unequal, dilated or unreactive pupils
- suspected neck/spine injury
- mental status change- lethargy, confusion, agitation, weakness/numbness, slurring of speech
- headache that worsens over time
- nausea or vomiting

The coach will communicate the nature of the injury directly to the parent/guardian in person or by phone immediately after the practice or competition in which the student athlete has been removed from play for a head injury or symptoms of suspected concussion. The coach must also provide this information to the parent/guardian in writing, either paper or electronic, by the end of the next business day. This can be in the form of a *Report of Head Injury During Sports Season Form*.

The coach will complete a *Report of Head Injury During Sports Season Form* upon identification of a student athlete with a head injury or symptoms of a suspected concussion. This form will be turned into the Athletic Director by the end of the next business day.

The coach will communicate, by the end of the next business day, with the School Director and School Nurse that the student athlete has been removed from practice/competition for a head injury or symptoms of suspected concussion.

**Medical Clearance and Authorization to Return to Play**

Each student athlete who has been removed from practice/ competition for a head injury or symptoms of suspected concussion will obtain and present to the Athletic Director or School Nurse, the DPH approved *Post Sports-Related Head Injury Medical Clearance and Authorization Form*, prior to resuming extracurricular athletic activity.

Only a duly licensed physician, a duly licensed athletic trainer in consultation with a licensed physician, a duly licensed nurse practitioner or physician assistant in consultation with a licensed physician, or duly licensed neuropsychologist in coordination with the student athlete's physician managing the recovery, may complete, the *Post Sports-Related Head Injury Medical Clearance and Authorization Form*, authorizing a student athlete to return to play.

The final return to play decision is a medical decision, made in consultation with a parent/guardian, the primary care provider, the school nurse and additional school staff as appropriate.

**Graduated Reentry Plan**

Every student athlete who is removed from practice or competition and subsequently diagnosed with a concussion will have a written graduated reentry plan for return to full academics and extracurricular activities.

The student athlete must be completely symptom free and medically cleared in order to begin graduated reentry to extracurricular athletic activities.

The written Graduated Reentry Plan will be developed by a school based team including but not limited to: the Academic Quality Controller (AQC), guidance counselor, school nurse, athletic director, licensed athletic trainer (if on staff), parent/guardian and the Students' physician. The plan will include instructions and recommendations for the student, the parent/guardian and school personnel, addressing but not limited to:

- A plan for communication and coordination between school personnel, the parent/guardian and the student athlete's physician
- Physical and cognitive rest as appropriate
- Graduated return to extracurricular athletic activities and classroom studies as appropriate including accommodations and modifications as needed
- Estimated time intervals for resumption of activities
- Frequency of assessments by the student athlete's physician, school certified athletic trainer or school nurse, until full return to classroom activities and extracurricular athletic activities are authorized

Information concerning a student athlete's history of head injury and concussion, recuperation, graduated reentry plan, and authorization to return to play and academic activities will be shared with all necessary academic staff and coaching staff.

#### Responsibilities of the Athletic Director

1. Complete the annual training requirement.
2. Participate in annual review of this policy
3. Ensure that all student athletes meet the physical examination requirements consistent with Massachusetts regulations 105 CMR 200.00 prior to participation in all extracurricular athletic activity.
4. Ensure that annual training requirements for student athletes, parents, staff, coaches and volunteers are met, recorded and maintained.
5. Ensure that all student athletes have completed and submitted, *Pre-Participation Head Injury/Concussion Reporting Forms* prior to each season.
6. Ensure that Pre-participation forms are reviewed according to the policy.
7. Ensure that *Report of Head Injury during Sports Season Forms* are completed by parent/guardian or coach and reviewed by the coach, school nurse or licensed athletic trainer, or school physician.

#### Responsibilities of the Coach

1. Complete annual training requirement.
2. Record and review the *Pre-Participation Head Injury/Concussion Reporting Forms* with prompt transmission to the school nurse for review.
3. Complete a *Report of Head Injury During Sports Season Form* upon identification of a student athlete with a head injury or suspected concussion that occurred during practice or competition.
4. Receive, review and share with the Athletic Director, *Report of Head Injury During Sports Season Form* completed by a parent/guardian after an incident outside of an extracurricular athletic activity.
5. Teach techniques aimed at minimizing sports-related head injuries while discouraging and prohibiting student athletes from engaging in any unreasonably dangerous techniques.
6. Identify student athletes with suspected head injuries which occur in practice or competition and remove them from play.
7. Have prompt communication with the parent/guardian of any student removed from practice or competition due to head injury or suspected concussion.

#### Responsibilities of a Licensed Athletic Trainer

1. Complete annual training requirement.
2. Participate in the annual review of this policy

3. Review *Pre-Participation Head Injury/Concussion Reporting Forms* and *Report of Head Injury During Sports Season Form* to identify student athletes who are at greater risk for repeated head injuries.
4. Identify student athletes with suspected head injuries that occur in practice or competition and remove them from play. Participate in the Graduated Reentry Plan and implementation for student athletes who have been diagnosed with a concussion or head injury.

#### Responsibilities of the School Nurse

1. Complete annual training requirement.
2. Participate in the annual review of this policy.
3. Review *Pre-Participation Head Injury/Concussion Reporting Forms* and *Report of Head Injury During Sports Season Forms* to identify student athletes who are at greater risk for repeated head injuries.
4. Maintain all DPH forms in the student health record.
5. Participate in the Graduated Reentry Plan for student athletes who have been diagnosed with a concussion or head injury, to discuss any necessary accommodations or modifications with respect to academics and other aspects of school activities and revise the health care plans as needed.
6. Monitor recuperating student athletes with head injuries and collaborate with teachers, staff and student athlete to ensure that the Graduated Reentry Plan for return to full academic and extracurricular athletic activities is being followed. Provide updated and current educational materials on head injury and concussion to all school staff and students.

### **Substance Use Prevention, Substance Abuse Education Policy, and Substance Abuse Screening**

The Holyoke Community Charter School Board of Trustees, School Director, and school staff support a safe and healthy learning environment for students which is free of the detrimental effects of drugs and alcohol. Accomplishing this goal requires a cooperative effort among school staff, students, parents, law enforcement and organizations concerned with the use of drugs and alcohol by school-aged youth. In order to promote the safety, health and well-being of students, the HCCS endorses a three-pronged approach to address the issue of drug and alcohol use: prevention/education, intervention and discipline. The School Director is responsible for developing appropriate administrative procedures, curricula and programs to implement this policy.

The goals of this policy are to:

- Create and maintain a safe, drug-free environment for all students
- Encourage any student with a dependence on, or addiction to, alcohol or other drugs to seek help in overcoming the problem
- Minimize the likelihood that school property will be used for illicit drug activities
- Protect the reputation of the school and its students
- Undermine the efforts of peer pressure by providing a legitimate reason for students to refuse the use of prohibited substances

This policy, and any standards and rules enforcing this policy, shall be prescribed by the School Director in conjunction with the Board of Trustees. This policy shall be posted on the school's website and notice shall be provided to all students and parents in accordance with state law. Additionally, the school shall file a copy of this policy with DESE in accordance with law in a manner requested by DESE.

This policy will be reviewed on an annual basis and will be revised as needed.

#### Substance Use Prevention Education

In accordance with state and federal law, Holyoke Community Charter School provides age-appropriate, developmentally appropriate, evidence-based alcohol, tobacco, and drug prevention education programs in grades 5-8. The alcohol, tobacco, and drug prevention program shall address the legal, social, and health consequences of alcohol, tobacco, and drug use, with emphasis on nonuse by all students. The program also includes information about effective techniques and skill development for abstaining from using, as well as skills for addressing peer pressure to use alcohol, tobacco, or drugs.



The objectives of this program, as stated below, are rooted in the school's belief that prevention requires education, and that the most important aspect of the policies and guidelines of the school should be the education of students on healthy decision-making:

- To prevent, delay, reduce, and eliminate alcohol, tobacco, and drug use among all students.
- To increase students' understanding of the legal, social, and health consequences of alcohol, tobacco, and drug use.
- To teach students self-management skills, social skills, negotiation skills, and refusal skills that will help them to make healthy decisions and avoid alcohol, tobacco, and drug use

#### Substance Use Intervention

The Student Management Department includes four Student Management staff members and two school adjustment counselors. These staff assist students and teachers by providing individual, group and school wide intervention through identifying needs using data based decision making. Ongoing collaboration with teachers, staff, parents and community supports allow the students to experience a continuous support in all spheres of their personal lives. These staff will support the Substance Use Prevention and Substance Abuse Education Policy in the following ways:

- Identifying and referring students with substance use related problems  
Any concerns regarding substance use and related problems should be immediately reported to the school counselor, Student Management staff or the director. Parents and staff are encouraged to look for any changes in their children/students that may be cause for concern and notify support staff.
- Building-based referral system  
Referrals can be made at any time in person, or in writing, by parents, teachers and staff. Once a referral is received by the counselor, SM staff or Dr. Pope, the school counselor will contact the parent immediately to provide support and initiate a referral to an outside clinical agency for additional interventions if deemed necessary.
- School counseling personnel's collaboration with substance use professionals and mental health specialists  
The school counselor has working relationship and ongoing communication with mental health specialists throughout the surrounding communities. Once a student is referred to an agency for support with substance use, the school counselor will engage in routine communication with the addiction specialist or mental health clinician to ensure continuity of care.
- School counseling personnel having access to information and strategies necessary to facilitate referrals to community services  
The school counselor has access to numerous clinical agencies and support services within the surrounding communities necessary to facilitate referrals to community resources and services as needed. School counselor coordinates with these agencies to establish a working relationship in order to provide a collaborative approach and align interventions.
- Establishing a resource list for services available through agencies in our area  
The school counselor has a comprehensive resource list for services available through agencies within the surrounding communities.
- Professional Development  
All faculty and staff will be provided training on the early warning signs and behaviors that indicate a student may be experiencing substance use problems

#### Substance Use by Students Prohibited - Discipline

A student shall not, regardless of the quantity, use or consume, possess, buy or sell, or give away any beverage containing alcohol; any tobacco product, including vapor/E-cigarettes; marijuana; steroids; or any controlled substance. HCCS prohibits the use or consumption by students of alcohol, tobacco products, or drugs on school property or at any school function. Additionally, any student who is under the influence of drugs or alcoholic beverages prior to, or during, attendance at or participation in a school-sponsored activity, will be barred from that activity and will be subject to disciplinary action.

The use, possession, or distribution of alcohol, tobacco products, or any controlled substance will be subject to the disciplinary consequences as laid out in the HCCS Code of Conduct.

### **Substance Use Prevention Screening Policy**

In accordance with M.G.L. Chapter 71, section 97, all Massachusetts school districts are required to include a substance use preventive screening as part of their annual mandated universal health-screening program. The Holyoke Community Charter School will use the Screening, Brief Intervention, and Referral to Treatment (SBIRT) protocol with students in grade 7. The SBIRT protocol facilitates a one-on-one conversation between each student and a school counselor. This program focuses on reinforcing healthy decisions and addressing concerning behaviors around substance use with the goal of improving health, safety and success in school.

Using the CRAFFT II screening interview, all screenings will be conducted in a confidential setting in private one-on-one sessions with one of the counselors trained in SBIRT screening. Students who are not using substances will have their healthy choices reinforced. The screener will provide brief feedback to any student who reports using substances, or is determined to be at risk for future substance use.

According to M.G.L. Chapter 71, Section 97(c) “any statement...made by a pupil during a verbal substance use disorder screening shall be considered confidential and shall not be disclosed by a person receiving the statement...except in cases of immediate medical emergency”.. No written record of the results of this verbal screening are kept with information that identifies any individual student. Screening results will not be included in a student’s school record.

Parents and guardians will be notified by the school in advance of the screening each year in writing. A student’s parent or guardian may opt-out of the screening by written notification any time prior to or during the screening. Please send your written notification to the attention of Dr. Sonia Correa Pope, School Principal.

### ***13. Emergency Procedures***

#### **Emergency Forms:**

Parents or guardians of all students are required to fill out an emergency form each year, which is due on the first day of school. In emergencies, the school calls the numbers listed on the form. **NOTE: It is essential that parents update these forms if their address, residence, employment telephone number(s), or emergency contact person change(s).**

#### **Minor Accidents:**

Any accident requiring a visit to the nurse is documented in the student's school medical record. Accidents involving more than minor bruises and scrapes are also documented on an Incident Report. Parents are notified when first aid measures have been carried out.

#### **Major Accidents:**

If it appears that an accident is more serious, the following procedures are followed:

- The school nurse or a staff member carries out immediate first aid.
- A staff member contacts the parents to pick up the student for medical care.
- In cases where the parent or the designated emergency persons cannot be reached, or immediate medical attention is needed, the school calls 911 for treatment and/or transportation to a hospital. A staff member will accompany the student and stay until the parent arrives.
- In cases of extreme emergency, staff may contact the local emergency unit before calling the parent.

#### **Emergency Relocation Site:**

In the event of an emergency evacuation of the school grounds, students will be relocated to Blessed Sacrament School located at 1945 Northampton Street in Holyoke.

#### **Reunification:**

**Family Reunification Protocols:** A **Family Reunification procedure** is used when it is necessary to release students directly to their parent, guardian or designated emergency contact due to an emergency situation that prevents a normal dismissal. Situations which may require a Family Reunification include, but are not limited to:

- Fire or Damage to a School Building,
- Natural Disaster,
- Field Trip Emergency or School Bus Accident,
- Violence in the Surrounding Community,
- A Situation involving a Threat, Weapons or Violence at School

A well-organized Family Reunification process will help to reduce anxiety during a potentially stressful situation and reunite children with their families in a structured, timely & safe manner.

Every Situation is different. This Family Reunification guide simply provides a structure that can be used or modified to fit the circumstances. While school emergency situations requiring Family Reunifications are rare, they do occur with enough frequency that it is necessary to have a well-defined process and the supplies ready in order to implement it. Understanding these concepts, defining roles, and remaining calm during a real emergency situation will help students and parents through a potentially chaotic and stressful time as school staff work to bring families back together safely.

**Key Components:** Key components to our Family Reunification process include:

1. **Location:** Choosing a location early on in the crisis and deciding whether the Reunification take place on- or off- campus.
2. **Communication:** Timely and consistent communications, with parents, school staff and students;

3. **Staging Areas:** Designating and managing three distinct staging areas:
  - A Greeting & Parent Pick-Up Area
  - A Student Care Area
  - Medical and Mental Health Area
4. **Release of Students:** The safe release of students to their parent, guardian or designated emergency contact.

### **Location**

Many circumstances surrounding the emergency will impact decisions about the best location to conduct a Family Reunification. The school administration, in consultation with the Police or Fire Incident Commander, will decide whether to hold the reunification on the school campus or at an off-campus location. Here are considerations for each:

#### On-Campus Reunification:

Depending on the situation, the reunification may be able to be staged at the school. School Administrators may choose an On-Campus Reunification if the conditions on campus are safe, if it does not interfere with a crime scene or fire/rescue operations, and if roads are open and accessible to parents and guardians, or in any other situation that seems appropriate.

#### Off-Campus Reunification:

In cases where it is not safe to remain on campus or where parents coming to and from the school may create more of a hazard, a Family Reunification may take place Off-Campus. The decision to implement an Off-Campus Reunification will be made early in the crisis, BEFORE parents begin arriving at school. Off-Campus Reunification sites are divided into two categories: 1) Near Campus: sites within walking distance, and 2) Away from Campus: sites which require buses to transport students.

When moving students to a reunification area, all students and staff will be kept together. Students are not be released while moving to the Off-Campus Reunification Site.

### **Communication**

#### Communicating with Students & Staff:

Clear instructions will be given to students and staff about the reunification plans using the intercom, e-mail, runners, microphone, or by megaphone. Supplying school staff with information will not only calm them, but it help them to manage students and the process more effectively.

#### Communicating with Parents & Guardians:

As soon as possible, the school will communicate the reunification plans to parents and guardians via any means deemed appropriate, including Mass Phone Calls, School Websites, Social Media Sites, and Press Releases, etc.

### **Staging Areas**

Three distinct ICS Operations Staging Areas will be set-up and managed according to the School Reunification Team Worksheet:

- A Greeting & Parent Pick-Up Area
- A Student Care Area
- Medical and Mental Health Area

The organization of these three areas is designed to reduce stress and provide a safe structure in which to conduct the reunification. Each Staging Area has a designated Coordinator that oversees the staffing and execution of that particular area.

#### Student Care Area:

The Student Care Area is physically separate and out of view from the Greeting & Parent Pick-Up Area and the Medical & Mental Health Area. This is where staff will continue to supervise, secure and care for students until they are each individually reunited with family. The Logistics Coordinator and staff will ensure basic needs of the students are met, such as food, water, warmth, toilets, etc.

Medical and Mental Health Area:

The Medical and Mental Health Area is physically separate and out of view from the Greeting & Parent Pick-Up Area and the Student Care Area. This is where school staff will work with emergency medical professionals to provide care to injured students and staff. A separate area will also be dedicated for mental health care professionals to meet with parents, students, and staff in need of their services.

Greeting & Parent Pick-Up Area:

*Greeters*

As parents begin to arrive, Greeters will calmly greet all parents/guardians. They will distribute Reunification Information Forms to each parent/guardian, give guidance on filling the card out and will give them directions to enter the Parent Check-in Table line and to have their photo identification ready.

*Reunification Information Forms*

This form gives some details on what to expect of the process and provides a mechanism for school staff to match up students with the appropriate parent, guardian or designated emergency contact.

*Parent Check-in Tables*

At the Parent Check-in Table, designated staff will review the Reunification Information Form. Photo identification will be checked to verify the identity of the parent/guardian or emergency contact. Once verified, the Parent Check-in Table staff will separate the Reunification Information Form on the perforated line. The staff will give the parent/guardian the bottom half and then ask them to proceed to the waiting area which is where they will be reunited with their student. The top half of the form will be given to a Runner, who will retrieve the student, reunify them with the parent/guardian in the waiting area, and complete the form.

NO student will be released to an adult who is not authorized on the student's paperwork, even if the child claims to know the person. If they become argumentative or uncooperative, notify the nearest supervisor and/or law enforcement official.

*Waiting Area*

The waiting area is where families will wait for their children to be retrieved by the "Runners." This is also where they will be reunited with their children. This process will take some time and parents may become stressed and impatient. Staff will be assigned to answer questions and reassure parents.

*Release & Reunification*

At the Waiting Area, the Runner will call out the name of the adult listed in on the Reunification Information Form who is approved to pick up the student.

The Runner will take the parent/guardian's half of the card, complete the required section and staple the two halves of the form together to be filed.

Both portions of the Reunification Information Form are retained by the school and stored alphabetically by the last name of the student.

Now the Student can be released to their parent or guardian.

## ***14. Parent's Notice of Procedural Safeguards***

The parent/guardian of any student receiving special education services or referred for an evaluation should be aware of the following Procedural Safeguards.

### **Dear Parents/Guardians:**

You are receiving this Notice of Procedural Safeguards (Notice) because your son or daughter (student) has been referred for an evaluation or is currently receiving special education services. If your student is eligible for special education, the school district must provide a free appropriate public education commonly referred to by the acronym FAPE. In order to provide a FAPE the school district must work in partnership with you. You will be a member of the IEP team that will consider your student's unique needs and develop an individualized education program or [IEP](#), for your student.<sup>1</sup> The IEP must provide instruction that is tailored to your student's unique needs and includes sufficient support services to enable your student to make meaningful educational progress and to assist your student in acquisition of knowledge and skills, including those necessary for social and emotional development according to appropriate chronological and developmental expectations. Any special education services identified for your student must be provided at public expense with no cost to you. All students in the Commonwealth's public education system, including students with disabilities, are entitled to the opportunity to learn the material that is covered by the academic standards in the Massachusetts curriculum frameworks. Massachusetts also provides an individual right to FAPE for its resident students with disabilities who attend private schools at private expense, and who seek public special education services.

**Both [State and federal laws](#) contain rules that school districts must follow when deciding if a student is eligible for special education and, if so, what services the student will receive. These laws also provide detailed procedures for ensuring that the student receives a FAPE during the entire time he or she is eligible for special education. Special education is a highly complex and regulated area of education law. The detail in the law is intended to protect your student and to help ensure that he or she receives appropriate educational services. You can get additional help in understanding the special education process from your school guidance office, the Massachusetts Department of Elementary and Secondary Education (ESE), organizations for parents of students with disabilities, and private special education organizations. Information from these sources will help you work in partnership with your school district to make sure that your student receives appropriate educational services. The ESE publishes extensive information for parents and school districts on its internet Websites. A [Table of the ESE Websites](#) is included at the end of this Notice.**

**This Notice provides you with important information on your right to be involved in planning your student's special education. Procedural safeguards are the specific rules that make sure that you know what the school district is proposing to do ("receive notice"), agree with the school district's plan ("give parental consent") and have a range of opportunities for resolving disagreements with the school district ("due process"). Procedural Safeguards in the law also provide additional protections outlined in this document.**

We hope this Notice will be of assistance to you as you take an active role in your student's educational experience.

**This document, the Parent's Notice of Procedural Safeguards, answers the following questions:**

1. [What is "prior written notice" and when do you receive it?](#)
2. [What is "parental consent" and when must the school district ask for your consent?](#)
3. [Is the school district required to evaluate upon request by a parent?](#)
4. [What is an "independent educational evaluation"?](#)
5. [When can you see your student's student records?](#)
6. [How can parents and schools resolve disputes?](#)
7. [What are your responsibilities if you place your student in a private school?](#)

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<sup>1</sup> See the IEP Process Guide for information on how a student's IEP is developed and implemented.  
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8. [What must be done to plan for your student's transition from school?](#)
9. [How may a school discipline a student with a disability?](#)
10. [Where can the laws and regulations and other useful information be found?](#)

You will receive this Notice at least once each year if your student is identified as eligible for special education. You can also request a copy from your school district at any time or from the ESE. This document is available on the ESE Web site at <http://www.doe.mass.edu/sped/prb>.

### 1. *What is Prior Written Notice and when do you receive it?*

34 CFR  
§300.503

**The school district must provide you with a written notice when it proposes, or refuses, to take steps to identify your student, to evaluate your student, to provide special services to your student, or to change your student's program. Federal regulations call this a "prior written notice." The written notice must:**

- Describe *what* the school district proposes or refuses to do;
- Explain *why* the school district is proposing or refusing to take the action;
- Describe *how* the school district decided to propose or refuse to take the action, including telling you about each evaluation procedure, assessment, record, or report that your school district used to make its decision; and
- Describe any other options that your student's individualized education program (IEP) Team considered and the reasons why those options were rejected.

**School districts will provide this information to you using forms developed by the ESE and available on the ESE Web site or their own forms containing the same information.**

**You will receive prior written notice when the school district: proposes to conduct an initial evaluation or reevaluation; proposes a new or amended IEP; proposes a change in placement, including a proposed change in placement for disciplinary reasons; or proposes to end special education services.**

**You will also receive a notice if the school district makes a finding of no eligibility for special education services or refuses a request you have made related to evaluations or provision of special education to your student. Notices from the school district must be provided in your native language or other mode of communication you use, unless it is clearly not feasible to do so. If your native language or other mode of communication is not a written language, your school district must ensure that the school's notice is translated for you orally or by other means (e.g., by sign language), and that you understand the content of the notice.**

When you are given prior written notice, you will also be given a copy of this Notice of Procedural Safeguards, or if you have already received this Notice during the current school year, you will be told how you can obtain another copy. You will also be given information about whom you can contact for help in understanding federal and state special education laws.

### 2. *What is parental consent?*

34  
CFR §300.9 and 603 CMR 28.07  
(1)

The school district may not give your student a special test or special service unless you agree and give your written "parental consent." The school district must contact you and clearly explain what it is proposing to do for your student. The school district will then ask you to sign your name on the consent form to show that you agree to the school's proposal. This is giving "parental consent."

Giving your consent is voluntary. You may take back, or revoke, your consent at any time. If you wish to revoke consent you must do so in writing. The withdrawal of consent will only apply to future action by the school district not to something that has already happened. Your school district may not use your refusal to consent to one service or activity as a reason to deny you or your student any other service, benefit, or activity.

Your consent is not required before your school district may review existing data as part of your student’s evaluation or reevaluation, give your student a test or other evaluation that is given to all students without consent such as the MCAS or classroom tests that are part of the general education program, or share information with federal or state educational officials.

## *2.1 When will a school district ask for your consent? 34 CFR §300.300 and 603 CMR 28.07(1)*

A school district will ask for your parental consent in the following circumstances:

### **To authorize the initial evaluation to determine if the student is eligible for special education**

The school district cannot conduct an initial evaluation of your student to determine whether your student is eligible to receive special education and/or related services without first obtaining your consent. If your student is referred for an evaluation, the school district must ask for your consent to the evaluation within five school days.

### **To approve initial services**

If, after the initial evaluation has been completed, the Individualized Education Program (IEP) Team has decided that your student is eligible for special education, the IEP Team will propose special education and related services and a placement for your student. You are a member of the IEP Team and must give your consent before your school district can provide special education and related services to your student for the first time. If you do not consent, the school district cannot provide special education and related services to your student. You can accept or reject the whole proposal or part of it. The IEP or any part that you accept must begin as soon as you accept it.

### **To make a change in services, placement or reevaluation**

Once you have agreed to an IEP for your student, the school district must obtain your consent before the school district may change the services or the placement of your student, or conduct a reevaluation.<sup>2</sup> If you refuse to give your consent, you have an obligation to engage with the district in active discussion to resolve your disagreement. If you have given consent to services in the past and now want to revoke consent and withdraw your student from services, you must do so in writing. The school district may not request a hearing at the Bureau of Special Education Appeals (BSEA) to obtain authority to provide educational services or to reevaluate your student without your consent.

### *To excuse members of the IEP Team from attending a Team meeting*

Members of the IEP Team may be excused from attending a Team meeting if you agree in writing in advance of the meeting. If the Team will be discussing the excused Team member’s area, then the excused member must provide his or her input in writing before the Team meeting. If you do not agree to excuse the Team member he or she must attend the IEP Team meeting.

## *2.2 When will the student be asked for consent? 34 CFR §300.520 and 603 CMR 28.07(5)*

Under Massachusetts’ law a student has reached adulthood upon his or her eighteenth (18<sup>th</sup>) birthday. When a student turns age 18, therefore, all of the decision-making rights that you have as a parent transfer to your adult student, unless a court has appointed a legal guardian for your student or your student indicates in writing that he or she wants to share decision-making with you or wants you to continue to have authority to make decisions about his or her educational program. The school district must discuss with you and your student the impact of this transfer of rights at least a year before the student’s eighteenth birthday. As the parent of an adult student with a disability, you will continue to receive all the required notices from the school, and you will continue to be able to inspect your student’s educational records, even if your student makes his or her own educational decisions.

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<sup>2</sup> You also have the right to observe your student in his or her current program and observe a proposed program prior to your student’s placement. For further information see the ESE document “Observation of Education Programs by Parents”.



*2.3 When will a special education surrogate parent give consent? 34 CFR §300.519(G) and 603 CMR 28.07 (7)*

If a student is in the custody of the Department of Children and Families, or the student's parents or guardian cannot be identified or located or have had their parental rights terminated, the ESE has a responsibility to ensure there is an adult with no conflicting interests to make special education decisions on behalf of the student. This person is called a special education surrogate parent. The ESE determines if it is necessary to appoint a special education surrogate parent for the student. If appointed, a special education surrogate parent has the same rights and responsibilities as a parent in special educational matters for the student.

*2.4 How do I withdraw consent? 34 CFR §300.300(B)(4) and 300.9*

If you have given consent to special education and related services and now wish to revoke your consent, you must do so in writing. You may withdraw your consent to all special education and related services, to a specific service or to placement. Once the school district receives your letter, the district will send you a notice stating the change in educational placement and services that result from your revocation of consent. Once you withdraw your consent to all special education and related services, the school district is no longer required to make FAPE available or to have an IEP meeting or develop an IEP for your student. School districts are not required to amend your student's record to remove references to special education services as a result of your revocation of consent.

*3. Is the School District Required to Evaluate a Student Upon Request By a Parent?*

*34 CFR §300.301 and 603 CMR 28.04*

A student must receive a complete and comprehensive evaluation to determine if the student has a disability and is eligible for special education and, if eligible, to assist in determining appropriate special education and related services that may be necessary. Parents who have a concern about their child's development or have a suspicion about a possible disability may refer their child for an initial evaluation. Special words need not be used in making a referral for an initial evaluation. Upon receipt of such a request for an initial evaluation, the school district must send notice to the parent and must seek the parent's consent to conduct an evaluation. (A school district will rarely have occasion to refuse to conduct an initial evaluation and may do so only if the parent or other individual making the referral has no suspicion of disability or is not concerned about the student's development).

Where appropriate, the school district may also provide the parent with information concerning other supportive services that may better suit a particular student's needs. However, a school district may not refuse to evaluate a student who has been referred for an evaluation as described above, on the basis of a pre-referral program or in order to try other instructional support activities or for any other reason. Additionally, the law provides for periodic reevaluations to ensure that the student is benefiting from and continues to require special education. The parent's consent will always be required prior to these reevaluations.

#### 4. *What is an Independent Educational Evaluation?*

34 CFR §300.502 and 603 CMR 28.04(5)

An Independent Educational Evaluation (IEE) is an evaluation conducted by a qualified examiner who is not employed by the school district responsible for the education of your student.

You have the right to request an IEE of your student at public expense if you disagree with the school district's evaluation. If you request an IEE, the school district must provide you with information about where you may obtain an IEE and about the state requirements that apply to IEEs.

##### 4.1 *When is an Independent Educational Evaluation conducted at public expense?*

In Massachusetts, under state law, you will receive an IEE at full or shared public expense if you meet income eligibility requirements. Students who are eligible for free or reduced cost meals are entitled to an IEE at public expense. Other students are eligible for a shared cost IEE according to a sliding fee scale. Sharing your financial information with the school district is completely voluntary on your part. If you choose to share such information, the school district must immediately notify you in writing whether or not you are eligible for full or partial funding of an IEE and proceed to fund the IEE based on eligibility. Your right to a publicly funded IEE through income eligibility will extend for 16 months from the date of the school district's evaluation with which you disagree.

If you do not meet income eligibility requirements or choose not to disclose financial information, the district must consider your request for a publicly funded IEE under federal law. Within 5 days, the district may either agree to provide an IEE at public expense or request a hearing at the Bureau of Special Education Appeals (BSEA) to demonstrate that the evaluation conducted by the district was comprehensive and appropriate. More details regarding IEEs are available in the ESE Administrative Advisories 2004-1 and 2001-3 available from your local school district and on the ESE Web site <http://www.doe.mass.edu/sped/advisories/?section=admin>.

You are entitled to only one IEE of your student at public expense each time your school district conducts an evaluation. You may have independent evaluations conducted at your own expense at any time.

##### 4.2 *The results of IEEs must be considered within 10 days by the school district*

If you obtain an IEE of your student at public expense or you share with the school district an evaluation of your student that you obtained at private expense, your school district must convene a Team meeting within ten school working days after receiving the evaluation information. The Team will consider the evaluation results and determine what, if any, changes should be made to your student's IEP.

#### 5. *When can you see your student's student records?* 34 CFR 300.611 and 603 CMR 23.00

The student record consists of your student's transcript and temporary school record and includes health records, tests, evaluations, discipline records and other records pertaining to your student's special education eligibility or program.<sup>3</sup> Personally identifiable information about your student is confidential and may not be disclosed to anyone other than teachers and educational officials without your consent.

You and your student (if your student is 14 or older) have a right to look at any and all of the student's records within 10 days of your request and before any IEP meeting or due process hearing.<sup>4</sup> You may also have copies of the information upon request for a reasonable charge limited to the cost of reproduction. You may not be charged for costs associated with the search for and retrieval of your student's records.

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If a student's parents revoke their consent for special education services after such services have been initially provided, school districts are not required to amend the student's records to remove references to special education services.

<sup>4</sup> The school district can only limit access to the student record if it has received a legal document such as a restraining order or a divorce or custody decree that restricts access to information about the student's.

In addition, you can meet with professionally qualified school personnel to have the records explained. You may also have your representative (advocate, consultant, or attorney) inspect, review, and interpret your student's record if you give your specific, written informed consent. All of the rights associated with the student record are contained in the Massachusetts Student Record Regulations 603 CMR 23.00. Those regulations can be found at <http://www.doe.mass.edu/lawsregs/603cmr23.html> or by requesting a copy of the regulations from the school district or ESE.

Generally only the parent, eligible student, authorized school personnel, and state and federal education officials are allowed to see the student record without the specific, informed, written consent of the parent or adult student. The school district may be required to provide some information to state and federal officials as the result of a court order or in response to a health and safety or law enforcement issue. Helpful information about these and other student records issues can be found at <http://www.doe.mass.edu/lawsregs/advisory/cmr23qanda.html>.

## 6. *How can parents and schools resolve disputes?* 34 CFR 300.151, 300.506 – 300.518 and 603 CMR 28.08

State and federal special education laws provide many opportunities for parents to be involved in educational planning for their student who has a disability. If parents and school districts disagree about changes relating to the identification, evaluation, or educational placement of a student with a disability, or the FAPE services provided to a student with a disability, the laws provide a menu of ways to resolve the disagreement. Your student shall remain in his or her current education program and placement during any dispute regarding placement or services, unless you and the school district agree otherwise or your student's placement is changed as a result of [discipline](#).

Following are alternatives ways that you and your school district can resolve disagreements.

### 6.1 *Bring the dispute to the attention of local public school officials*

As a first step to resolve your dispute, you may contact your school Principal, the Administrator of Special Education or your Superintendent to ask for help. It is a good practice to write a letter explaining the situation about which you are concerned.

### 6.2 *Use the ESE Problem Resolution System*

If you feel that you need help from outside of your school district, you may contact the ESE, Office of Program Quality Assurance Services (PQA) at 781-338-3700 to use the state "Problem Resolution System" described at <http://www.doe.mass.edu/pqa/prs/>. You can file a complaint with PQA about any violation of state or federal education law or obtain help from PQA staff to resolve the problem informally. If you want a formal investigation by PQA, you will have to submit your complaint in writing. PQA staff will assist you in preparing and submitting the complaint. Your written complaint should include: a statement of your concerns, your attempts to resolve your concerns, the actions by the school you believe would resolve your concerns and your signature and contact information. If your complaint is about a specific student, you should provide the student's name and residential address and the name of the school. The issues that you are complaining about, however, must have occurred no more than one year before PQA receives your complaint. If you choose to file a formal complaint with the PQA Problem Resolution System, you must also send a copy of your written complaint to the school district that is the subject of the complaint. PQA will resolve your complaint within 60 days and send you a copy of the findings and decision.

Filing a formal complaint with PQA will not prevent you from using other methods, such as conversations with your local school district, mediation, or a [due process hearing](#) at the Bureau of Special Education Appeals (discussed below) to resolve your complaint.<sup>5</sup> If you request a due process hearing, however, a complaint that you file through the problem resolution system will be set aside until the due process hearing is completed.

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<sup>5</sup> For a comparison of how the problem resolution system resolves a complaint with how a complaint is resolved through a due process hearing see: <http://www.doe.mass.edu/sped/docs.html>

### 6.3 *Ask for a neutral mediator to be appointed.*

[Mediation](#)<sup>6</sup> is a service provided by a neutral individual who is trained in special education law and in methods of negotiation. Mediation can be scheduled whenever the parents and schools have a disagreement about special education matters, even if a complaint was made through the PQA Problem Resolution System. The mediator helps the parent and school district talk about their disagreement and reach a settlement that both sides can accept. Discussions during mediations are confidential and nothing that is said by either party can be used later if the dispute becomes the subject of a formal hearing or court proceeding. Once an agreement is reached, it will be put in writing, both sides will sign it, and it may be enforced by a court.

Mediation can be set up by contacting the BSEA at 781-338-6443. The mediator will schedule a meeting with you and the school district within 30 days of the request for mediation. Meetings will be held at a convenient time and place. Participation is voluntary; therefore both the school district and the parents must agree to participate in mediation. There is no fee for the service.

Additional information about how mediation works is available from the BSEA 781-338- 6400 and can be found in their publications "[Frequently Asked Questions about Mediation](#)"<sup>7</sup> and the "[Explanation of Mediation](#)."<sup>8</sup>

### 6.4 *Request a due process hearing and participate in a resolution meeting*

If you and the school district have been unable to work out your disagreement, then you are entitled to have a neutral and impartial hearing officer listen to both sides of the dispute, hear testimony, examine evidence, and make a decision. This hearing is convened by the BSEA and is called a due process hearing. The BSEA hearing officer is trained in special education law and must not have any personal or professional connection to you or anyone else who is involved in the disagreement.

The due process hearing will consider disputes about eligibility; evaluation; IEPs; educational placement decisions, including those resulting from discipline; FAPE; provision of special education; or procedural protections of state and federal law for students with disabilities. You must file for a hearing within two years of when you knew, or should have known<sup>9</sup> about the events that form the basis for your complaint. This time period can be extended if you can show that you were prevented from filing for a hearing because the school district misrepresented that it had resolved the issue in your complaint or if the district withheld certain required information from you.

Either you or your school district can file a written [due process hearing request](#)<sup>10</sup> with the other party and send a copy to the BSEA to obtain a due process hearing. The BSEA has developed a [hearing request form](#)<sup>11</sup> that you may use, or you can write your own letter instead of using the form, but you must be sure to include your student's name and residential address (or contact information if the student is homeless); the name of your student's school; a description of the problem you are concerned about, including specific facts relating to the problem; and a proposed solution to the problem. Note that the hearing will be limited to the issues that are identified in the complaint.

You must send your due process hearing request to the school district (or other party to the complaint) and a copy to the BSEA. If the due process complaint does not provide enough information, the opposing party may challenge its *sufficiency* within 15 days. The BSEA will decide whether the complaint is sufficient within 5 days of the challenge. Additional information may be added to the complaint if the opposing party agrees or if the hearing officer gives permission. If additional issues are added to the complaint at a later time, however, the hearing timetable begins all over again.

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<sup>6</sup> A description of the mediation process can be found on the ESE Web site at <http://www.doe.mass.edu/bsea/mediation.html>

<sup>7</sup> <http://www.doe.mass.edu/bsea/mediation.html?section=faq>

<sup>8</sup> [http://www.doe.mass.edu/bsea/forms/m\\_brochure.doc](http://www.doe.mass.edu/bsea/forms/m_brochure.doc)

<sup>9</sup> The phrase "or should have known" reminds you that you have a responsibility to be aware of your student's program.

<sup>10</sup> Information on the due process hearing request can be found at: <http://www.doe.mass.edu/bsea/process.html?section=1>

<sup>11</sup> <http://www.doe.mass.edu/bsea/forms/hearing.doc>

If there is no challenge to the sufficiency of the complaint, then the hearing process continues. If the school district has not already sent a [prior written notice](#) to you about the issue that you are complaining about, then within 10 calendar days of receiving your due process hearing request, the school district must send you a written response to the complaint.

**Note:** If *the school district* has filed the due process hearing request, *the parent must respond* within 10 calendar days of receiving the hearing request, and specifically address the issues that the school district raised.

After you file a due process hearing request, the school district has 30 days to work with you to resolve the disagreement before the due process hearing may occur.<sup>12</sup>

The school district is required to set up a resolution meeting within 15 calendar days of receiving your due process complaint.<sup>13</sup> The school district will determine with you which members of the IEP Team must attend the meeting. Someone from the school district who can make decisions about your student's program must attend the meeting. The school district's lawyer *may not* attend unless you have a lawyer who is attending the meeting.

You must participate in the resolution meeting unless you *and* the school district agree, in writing, not to have the meeting or if you and the school district decide to use the [mediation process](#). If the school district cannot get you to participate in the resolution meeting, it can ask the hearing officer to dismiss your complaint.

If you are willing to meet, but the school district refuses or delays the resolution meeting more than 15 days after receiving notice of your hearing request, then you can ask the hearing officer to proceed with the hearing process. If you meet, but the school district has not resolved the due process complaint to your satisfaction within 30 days of your filing the complaint, then the due process hearing may go forward.

The resolution process ends when one of the following events occurs:

- When you and the school district agree, in writing, to end the resolution period;
- At the end of the 30 day resolution period;
- At the end of mediation; or
- When you and an official of the school district sign a document that spells out your agreement that resolves your dispute. This is a "settlement agreement" and can be enforced by a state or federal court. Note that if you and the school district enter into an agreement as a result of a resolution meeting, either you or the school district may void the agreement within 3 business days of the time that both you and the school district signed the agreement.

## *6.5 Present your evidence to an impartial hearing officer during a due process hearing*

When you file a due process complaint, the BSEA will set a hearing date, assign a hearing officer, and send you detailed information about the hearing process and a list of free or low-cost attorneys and advocates whom you may contact for help.

During the due process hearing you and the school district will each present evidence and provide the testimony of witnesses to an impartial hearing officer from the BSEA. At any due process hearing, including a hearing relating to disciplinary procedures, you may:

- be accompanied, advised and represented by a lawyer and/or advocate;
- have your student present at the hearing;
- have the hearing open to the public;
- present evidence such as documents and reports;

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<sup>12</sup> If you and the school district agree to mediation, you may agree to continue the mediation after the 30 day period.

<sup>13</sup> No resolution session is required if the school district has requested the due process hearing.

- request, or require through subpoena, witnesses to come to the hearing and answer questions;
- see any evidence that is to be used at the hearing at least five business days ahead of time and ask the hearing officer to keep out any evidence that you have not seen; and
- obtain a written or, at your option, electronic, word-for-word record of the hearing findings of fact and decision at no cost to you. To obtain a written record of the hearing, you must make your request in writing.

Additional information about due process hearings can be obtained from the BSEA at 781-338-6400 and from the BSEA Web site: <http://www.doe.mass.edu/bsea/process>

Hearings are conducted according to the Massachusetts Administrative Procedure Act<sup>14</sup> and the BSEA [Hearing Rules](#).<sup>15</sup> The hearing officer must issue a final decision within 45 days of the end of the resolution period described above unless the hearing officer has granted extensions of time at the request of either party. The hearing officer will send a copy of the decision to you and to the school district. Both the parents and the school district must abide by the decision of the hearing officer.

A hearing officer's decision on whether your student is being offered a FAPE must be based on a finding that your student's special education rights were violated or a determination that the school district failed to fulfill its other obligations to your student under the special education laws and regulations. If you have complained about a violation of the special education procedures (such as failure to hold a proper team meeting, poor record keeping, or failure to follow timelines) a hearing officer may find that your student did not receive FAPE *only if* the failure to follow the procedures:

- Interfered with your student's right to a FAPE;
- Significantly interfered with your ability to be involved in decisions about your student's education; or
- Deprived your student of an educational benefit.

The decision of the hearing officer is a final agency decision and cannot be reconsidered by the BSEA or changed by the ESE. Hearing decisions are public<sup>16</sup> and are available on the BSEA Web site at <http://www.doe.mass.edu/bsea/decisions.html>.

## 6.6 *Appeal a hearing decision to a state or federal court*

If either the parent or the school district disagrees with the decision of the hearing officer, they can seek review of that decision in state or federal court. Any such request for review must be filed within 90 days of the decision.

## 6.7 *Attorneys' fees*      34 CFR §300.517

Each party is responsible for paying its own attorney's fees unless the court decides otherwise. If you obtain a favorable result in a written hearing decision or court proceeding, the court<sup>17</sup> may decide that the school district should pay your reasonable attorneys' fees. Note, however, that you will not be able to obtain these fees for the time spent litigating your case after the district made a settlement offer if

- the district made a written offer of settlement 10 or more days before the hearing,
- you did not accept the offer within 10 days, and
- the outcome of the hearing was no better than the settlement offer.

If the school district obtains a favorable decision, a court could order your attorney to pay the school district's legal expenses if the court finds that your attorney filed a complaint or continued to litigate after learning that the

<sup>14</sup> M.G.L. c.30A

<sup>15</sup> [http://www.doe.mass.edu/bsea/forms/hearing\\_rules.doc](http://www.doe.mass.edu/bsea/forms/hearing_rules.doc)

<sup>16</sup> Hearing decisions are published after redacting information that would allow the student to be readily identified.

<sup>17</sup> A BSEA Hearing Officer may not award attorney's fees.



complaint had no basis in fact, was unreasonable, was frivolous, or was pursued for an improper purpose. A court may also order you or your attorney to pay legal expenses if your request for a due process hearing or subsequent cause of action was presented for an improper purpose, such as to harass, to cause unnecessary delay or to needlessly increase the cost of litigation.

*7. What are your responsibilities if you place your student in a private school and you believe your school district should reimburse you for the tuition?* 34 CFR §300.148

There are some occasions when a parent believes that the public school is not providing a FAPE to the student and the parent decides to place the student in a private school. A parent may enroll his or her student in private school at private expense at any time. If, however, the parent believes that the public school should be responsible for the costs of the student's education in the private school, the parent must tell the school district of objections to the student's IEP and program, reject the IEP, inform the school district of his or her intent to remove the student and enroll the student in a private school, and request a hearing by the BSEA. A parent must inform the school district before removing the student from the public school either orally at the last Team meeting before the removal or in writing at least 10 business days before removing the student from school.

The school district is not required to pay for a student to attend a private school if the school district has made a FAPE available to the student. Disagreements between parents and the school district about whether the student's program provides a FAPE and requests for financial reimbursement for the cost of a private program may be resolved through due process procedures discussed earlier in this document. The hearing officer will determine whether the school district made a FAPE available to your student. If the hearing officer finds that the school district did *not* provide your student with a FAPE, that you followed the above steps, and that the private school placement was appropriate, the hearing officer, after considering all of the circumstances surrounding the removal of the student, may require the school district to reimburse you for all or part of the cost of the private school placement.

*8. What must be done to plan for your student's transition from high school?* 34 CFR §300.43

Planning for your student's transition from school to post school opportunities will facilitate your student's ability to successfully participate in activities such as post-secondary education, work, and community and adult life. Planning for transition must be based on your student's strengths, preferences, interests, and needs, must begin when your student is 14, and must be discussed each year at a Team meeting. The school district must discuss your student's transition needs with you and your student<sup>18</sup> and must consider the goals for your student after he or she completes school by graduating with a regular high school diploma or reaching the age of 22. School districts must use the [Transition Planning Form](#)<sup>19</sup> to record the results of this annual discussion. The student's IEP must include measurable post-secondary transition goals, objectives and services based upon an appropriate assessment of his or her disability and transition needs.

Graduation with a regular high school diploma is a change of placement and ends the student's eligibility for special education. The school district must inform you if and when the district expects your student to graduate with a regular high school diploma. This discussion should take place during the Team meeting no less than 1 year in advance of the student's graduation.

*9. How may a school discipline a student with a disability?* 34 CFR §300.530

Public schools must have procedures and standards in place to assure a safe learning environment for students. Schools are expected, and high schools are required, to publish their rules of conduct so that students know how they are expected to behave. If a student misbehaves and violates the school code of conduct, the school may discipline the student. Discipline must be fair and even-handed.

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<sup>18</sup> The student should be invited to attend the Team meeting to discuss postsecondary goals and transition.

<sup>19</sup> <http://www.doe.mass.edu/sped/28MR/28m9.doc>

In general, any student may be suspended or removed from school for disciplinary reasons for a short time, which is no more than 10 days. Before any removal or suspension the student must be told what he or she is accused of having done and must be given a chance to tell his or her side of the story. During a short disciplinary removal, the school is not required to provide instruction to a disabled student unless it does so for non-disabled students. Once a student with a disability has been removed from the school placement for more than 10 cumulative days during the school year the student must receive educational services that will allow the student to continue to participate in the general education curriculum and to progress toward the goals set out in his or her IEP. School officials must consult with at least one of the student's teachers to determine what services are necessary. These services must begin on the 11<sup>th</sup> school day of a student's disciplinary removal during the school year and continue during the disciplinary removal.

Schools must follow special disciplinary rules for students with disabilities who have been found eligible for special education.<sup>20</sup> A chart depicting the operation of these disciplinary rules can be found on the ESE Web site.<sup>21</sup> These special disciplinary rules apply as soon as a student is removed from his or her current education placement<sup>22</sup> for more than 10 days in a row, or if a student is removed for disciplinary reasons for more than a total of 10 days in any school year and there is a pattern of removal for comparable behaviors. The school must notify you as soon as the decision is made to remove your student from his or her education placement for more than 10 days and provide you with a copy of this Notice.

The student's IEP Team must meet within 10 days of the school's decision to impose the discipline. At this meeting, called a "*manifestation determination*," you and other members of the IEP Team will determine if the misbehavior was caused by or had a direct relationship to the student's disability, or was the direct result of the school's failure to provide the services required by the student's IEP. In making the manifestation determination, you and other members of the IEP team must consider relevant information from your student's file, including your student's IEP, your and the teachers' observations of your student's behavior, and any relevant information you provide.

If the team determines that the student's behavior *was not* caused by or directly related to the student's disability or the failure to properly implement the IEP, then a student with a disability can be disciplined in the same manner and for the same length of time as other students are disciplined for the same offense.

The IEP Team, however, must determine the interim alternative educational setting (IAES) where the student will be placed and the educational services that will be provided. An IAES is a setting other than the student's current placement that enables the student to continue to receive educational services according to his or her IEP. School personnel may consider the student's unique circumstances in determining whether a change in placement is appropriate for a student with a disability.

If the Team determines that the student's behavior *was* caused by or directly related to the student's disability or the failure to properly implement the IEP, then the student must be returned to the last approved IEP placement unless you and the IEP Team decide on a different placement. The student must also be provided a functional behavioral assessment. A functional behavioral assessment or FBA is a comprehensive assessment of behavior that provides the IEP Team with information about the student's behavior and identifies behavioral intervention services and program modifications that are designed to address the behavioral violation so it does not recur. If the student has already had a functional behavioral assessment and has a behavioral intervention plan, then the IEP Team should determine if any changes should be made to the behavioral intervention plan. If the behavior was caused by the failure to properly implement the IEP, the school must take immediate steps to remedy the deficiencies.

Note that if your student possessed or used a weapon or drugs, or caused serious bodily injury to another person on school property or at a school event your student may be placed by the principal in an IAES for up to 45 school days without

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<sup>20</sup> The special education disciplinary rules also apply to some students who have not yet been found eligible for special education. If, prior to the conduct in question, the parent has put his or her concern that the student's has a possible disability in writing to supervisory or administrative personnel or the student's teacher; if the teacher or other staff has expressed concerns about the student's pattern of behavior directly to the director of special education or other supervisory personnel, or if the student has been referred for an evaluation that has not yet been completed these special rules apply. The special education disciplinary rules *do not* apply if the parent has refused to consent to the evaluation, if the student has previously been found to be not eligible for special education, or if the parent has revoked consent to special education and related services..

<sup>21</sup> [http://www.doe.mass.edu/sped/IDEA2004/spr\\_meetings/disc\\_chart.doc](http://www.doe.mass.edu/sped/IDEA2004/spr_meetings/disc_chart.doc)

<sup>22</sup> Placement is determined by the IEP Team and is the location where IEP services are provided.



regard to whether the behavior is determined to be a manifestation of the student’s disability. The IEP Team will determine the IAES and the appropriate educational services that will be provided to the student while he or she is in the IAES.

### *9.1 Appeal of a disciplinary decision*

If a parent disagrees with any decision regarding placement of his or her student under the disciplinary provisions or disagrees with the manifestation determination, or if the school district believes that maintaining the current placement of the student is substantially likely to result in an injury to the student or to others, either the parent or the school district may appeal the decision by [requesting a hearing](#) with the BSEA, as described earlier in this document.

The BSEA will convene a hearing on a disciplinary placement or manifestation determination on an expedited schedule.<sup>23</sup> During the appeal of a disciplinary placement or manifestation determination, the student must remain in the IAES until the hearing officer makes a decision or the disciplinary period is completed, unless the parent and the school district agree to a different placement.

## *10. Where can the laws and regulations and other useful information be found?*

### *10.1 laws and regulations*

You can find the full text of the state Special Education law in Massachusetts General Law Chapter 71B. The state law is popularly known as “Chapter 766.” The state special education regulations are found in the Code of Massachusetts Regulations (CMR) at 603 CMR 28.00. The law and the regulations and other helpful resources are on the ESE Web site.<sup>24</sup>

The federal special education law is the Individuals with Disabilities Education Act, known as “IDEA.” The federal statute is located in the United States Code at 20 U.S.C. § 1400. The implementing regulations for IDEA may be found in the Code of Federal Regulations (CFR) at Chapter 34, Section 300. A copy of the federal statute and regulations and explanatory information can be found on the U.S. Department of Education Web site at <http://idea.ed.gov/>.

### *10.2 Individualized Education Program process guide and forms*

A general overview of how the special education process works (taken from the IEP guide prepared by the USDOE) can be found at <http://www.doe.mass.edu/sped/iep>.

For the ESE explanation of the how an IEP is developed, consult the IEP Process Guide and the standard IEP forms available on the ESE Web site: <http://www.doe.mass.edu/sped/iep>.

### *10.3 Table of abbreviations*

Many common special educational phrases are abbreviated by acronyms composed of the initial letters of the phrase. For your convenience the acronyms and phrases used in this document are listed below:

BSEA:	Bureau of Special Education Appeals
CFR:	Code of Federal Regulations
CMR:	Code of Massachusetts Regulations
ESE:	Massachusetts Department of Elementary and Secondary Education

<sup>23</sup> See BSEA Hearing Rule II.C. Expedited Hearing. [http://www.doe.mass.edu/bsea/forms/hearing\\_rules.doc](http://www.doe.mass.edu/bsea/forms/hearing_rules.doc) p.6.

<sup>24</sup> <http://www.doe.mass.edu/sped/laws.html>

FAPE:	Free Appropriate Public Education
FBA:	Functional Behavioral Assessment
IAES:	Interim Alternative Educational Setting
IDEA:	Individuals with Disabilities Education Act
IEE:	Independent Educational Evaluation
IEP:	Individualized Education Program
PQA:	Program Quality Assurance Services

#### 10.4 Table of Web sites

The ESE publishes extensive information for parents and school districts on its internet Websites. These Websites include pertinent laws, agency policies and useful documents that explain the special education process.

Autism Spectrum Disorder:

[http://www.doe.mass.edu/sped/advisories/07\\_1ta.html](http://www.doe.mass.edu/sped/advisories/07_1ta.html)

Bureau of Special Education Appeals

<http://www.doe.mass.edu/bsea/decisions.html>

[http://www.doe.mass.edu/bsea/forms/hearing\\_rules.doc](http://www.doe.mass.edu/bsea/forms/hearing_rules.doc)

<http://www.doe.mass.edu/bsea/forms/hearing.doc>

<http://www.doe.mass.edu/bsea/mediation.html>

[http://www.doe.mass.edu/bsea/forms/m\\_brochure.doc](http://www.doe.mass.edu/bsea/forms/m_brochure.doc)

<http://www.doe.mass.edu/bsea/mediation.html?section=faq>

<http://www.doe.mass.edu/bsea/process.html>

Discipline:

[http://www.doe.mass.edu/sped/IDEA2004/spr\\_meetings/disc\\_chart.doc](http://www.doe.mass.edu/sped/IDEA2004/spr_meetings/disc_chart.doc)

Individuals with Disabilities Education Act:

<http://idea.ed.gov/>

The Basic Special Education Process under IDEA:

<http://www.doe.mass.edu/sped/iep/process.doc>

Individualized Education Program:

<http://www.doe.mass.edu/sped/iep>

Individual Education Program Process Guide.

<http://www.doe.mass.edu/sped/iep/proguide.pdf>

Independent Educational Evaluation:

<http://www.doe.mass.edu/sped/advisories/?section=admin>

Observation of Education Programs by Parents and Their Designees for Evaluation Purposes:

[http://www.doe.mass.edu/sped/advisories/09\\_2.html](http://www.doe.mass.edu/sped/advisories/09_2.html)

Parent's Notice of Procedural Safeguards:

<http://www.doe.mass.edu/sped/prb>

PQA Problem Resolutions System compared to BSEA Due Process Complaint:

<http://www.doe.mass.edu/sped/complaintchart.doc>

Program Quality Assurance Services Problem Resolution System:

<http://www.doe.mass.edu/pqa/prs>

Special Education Laws and Regulations:

<http://www.doe.mass.edu/sped/laws.html>

Special Education Surrogate Parent:

<http://www.doe.mass.edu/sped/2002/news/1104memo.html>

Special Education Transition Planning Form:

<http://www.doe.mass.edu/sped/28MR/28m9.doc>

Student Records Regulations:

<http://www.doe.mass.edu/lawsregs/603cmr23.html>

Student Records Questions and Answers

<http://www.doe.mass.edu/lawsregs/advisory/cmr23qanda.html?section>

Transition Planning:

<http://www.doe.mass.edu/sped/cspd/mod4.html#>

## ***15. Commonwealth of Massachusetts***

### **Anti-Hazing Policy:**

Hazing is a term to define any harmful conduct or abusive method of initiation into any student organization. Any instances of hazing will be immediately reported to the Student Management Coordinator who will determine the consequences to be issued.

#### *Commonwealth of Massachusetts Anti-Hazing Law:*

##### Chapter 269: Section 17. Hazing; organizing or participating; hazing defined

*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 both such fine and imprisonment.*

*The term “hazing” as used in this section and in sections 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 action.*

##### Chapter 269: Section 18. Failure to report hazing

*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.*

##### Chapter 269: Section 19. Copy of Secs. 17 to 19; issuance to students and student groups, teams and organizations; report with the board of higher education

*Section 19. Each institution of secondary education and each public and private institution of post-secondary 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 copy 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 post-secondary education shall, at least annually, before or at the start of enrollment, deliver to each person who enrolls as a full time student in such institution a copy of this section and sections seventeen and eighteen.*

*Each institution of secondary education and each public or private institution of post-secondary education shall file, at least annually, a report with the board 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 higher education 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.*

## **Bullying Policy:**

Bullying is a term used to define repeated patterns of behavior, which hurt, injure, embarrass, upset, or discomfort others, directly or indirectly. Any instances of bullying should be immediately reported to the school disciplinarians who will determine the appropriate consequences to be issued. Please refer to the HCCS Bullying Plan available on the HCCS website or at the school's main office.

### Chapter 92 of the Acts of 2010 - An Act Relative to Bullying in Schools:

*"Bullying", 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 victim that: (i) causes physical or emotional harm to the victim or damage to the victim's property; (ii) places the victim in reasonable fear of harm to himself or of damage to his property; (iii) creates a hostile environment at school for the victim; (iv) infringes on the rights of the victim at school; or (v) materially and substantially disrupts the education process or the orderly operation of a school. For the purposes of this section, bullying shall include cyber-bullying.*

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

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

*"Hostile environment", a situation in which bullying causes the school environment to be permeated with intimidation, ridicule or insult that is sufficiently severe or pervasive to alter the conditions of the student's education*

## Holyoke Community Charter School Anti-Bullying Policy Summary

Below is a summary of the Holyoke Community Charter School's Anti-Bullying Policy, for the full version, please refer to the HCCS Bullying Plan available on the HCCS website or at the school's main office.

### **Holyoke Community Charter School Anti-Bullying Policy Summary**

The members of the Holyoke Community Charter School will not tolerate any unlawful or disruptive behavior, including any form of bullying, cyberbullying, or retaliation, in our school buildings, on school grounds, or in school-related activities. We will investigate promptly all reports and complaints of bullying, cyberbullying, 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.

At Holyoke Community Charter School, our goal is to have students feel secure and valued as members of a caring community, to develop academically and socially with confidence and without fear. The aim of the policy is to help us deal with incidents of bullying quickly, effectively, consistently and with sensitivity to the needs of the individual. When dealing with incidents of bullying the following cannot be emphasized too strongly:

- The necessity to involve parents as soon as possible
- The need to develop strong relationships between student, school and home
- That subsequent action should be driven by the need of the individual

We should also distinguish between behavior intended to hurt and the hurt caused by thoughtlessness and insensitivity. This distinction must be made when deciding on a course of action. Situations involving thoughtlessness and insensitivity may benefit more from education rather than disciplinary action, especially when dealing with younger students. It is comparatively easy to punish after the event. Our goal is to be proactive and develop sensitivity from the moment the young person comes into our care. We want students to be sensitive to the feelings of others and to ensure that their words or actions do not hurt. We should also like them to talk to a parent, teacher or student management if they are being made unhappy. We hope that parents will inform us at an early stage if their child is being bullied or they suspect that it is happening. We should like to be informed if the strategies we subsequently employ are not working so that others can be tried. We should also like parents to work with us, if necessary, to educate their child into being sensitive to the feeling of others. Each incident of bullying should be dealt with on an individual basis taking into account the age and stage of development of the students involved and to seek parental support at the earliest possible opportunity. If students have reached an age and stage in their development when they clearly understand what is meant by the term bullying, it may be necessary to apply immediate disciplinary action. In conclusion, by continually developing the roles of students, staff and parents in the HCCS community, we shall become increasingly effective in preventing the development of bullying and the misery and suffering that go with it.

We need to catch bullying in the early stages: to prevent situations by looking out for signs of behavior that, unchecked, are likely to develop into bullying. Signs such as:

- Aggression
- Teasing
- Thoughtless words or actions
- A reluctance to involve someone in the group

Bullying is any individual or group behavior which is intentionally unkind and which may cause physical hurt and/or emotional distress. It may involve:

- Physical actions - pushing, hitting, punching, kicking or any other unwanted physical contact
- Verbal abuse - name calling, racially and sexually offensive remarks
- Emotional abuse - ignoring/shunning, ridiculing, tormenting, moving/hiding possessions, graffiti, intimidation, racial and sexist gestures and harassment

Children who are being bullied at school will not always feel able to tell those in authority. However, when a disclosure is made or bullying is suspected, it should always be treated seriously. While others may not feel that certain actions or words are of a bullying nature, if the recipient feels they are being bullied that is sufficient

evidence to investigate immediately. For those students who feel unable to inform staff about their problem, observations regarding specific behavior patterns can be routinely established within the school.

**Signs of bullying might include:**

- Unwillingness to come to school or to specific classes
- Withdrawn, isolated behavior
- Complaining about missing possessions
- Refusal to talk about the problem
- Being easily distressed
- Damaged or incomplete work
- Changes in student behavior

DEALING WITH BULLYING

**Reporting bullying or retaliation**

*All incidents of bullying or retaliation should be reported to the School Director or Student Management Coordinator.* Reports of bullying or retaliation may be made by students, staff, parents or guardians, or others, and may be oral or written. Oral reports made by or to a staff member shall be recorded in writing. A school 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. Reports made anonymously, but no disciplinary action will be taken against an alleged aggressor solely on the basis of an anonymous report.

**Use of an Incident Reporting Form is not required as a condition of making a report.** The school 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 the student management office.
- 3) Post it on the school’s website. The Incident Reporting Form will be made available in Spanish.

**Students**

Students should be sensitive to the feelings of others to make sure that their words or actions do not hurt. They should talk to someone if they are unhappy and they should tell a member of staff if they witness any form of bullying. Reports may be made anonymously, but no disciplinary action will be taken against an alleged aggressor solely on the basis of an anonymous report. Bullying should be reported as soon as possible to a parent or staff member. **Students are encouraged to report to their teacher, student management staff, school social worker, adjustment counselor, student life coordinator, administrator or other available staff member if they witness, or may be a victim of bullying.**

**Parents/Guardians**

Parents/guardians need to inform us at an early stage if their child is being bullied or that they suspect that this is happening. They also need to inform us if the strategies employed do not seem to be working so that others can be tried and to work with us to educate their child to be sensitive to the feelings of others. Parents are encouraged to report any concerns as soon as possible to student management staff, the principal, school counselors or other available staff.

Before fully investigating the allegations of bullying or retaliation, the principal or student management staff will take steps to needed to restore a sense of safety to the alleged target and/or to protect the alleged target from possible further incidents. Responses to promote safety may include, but not be limited to, creating a personal safety plan, change seating arrangements for the target and/or the aggressor in the classroom, at lunch, student life, 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 student management staff will take additional steps to promote safety during the course of, and after the investigation, as necessary.

## **Staff**

Staff must be consistent in their expectation of students' behavior. Each incident must be dealt with on an individual basis taking into account the feelings of the child being bullied and the age and stage of development of the students involved. Parents must be informed at an early stage and students must be informed where they may seek help, especially at break time and lunchtime so that they know where they can be safe.

*The principal or student management staff 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.*

## Sanctions

When students have reached an age and a stage in their development when they clearly understand what is meant by the term bullying, it may be necessary to apply sanctions immediately. Sanctions may include the following:

- Reprimand and warning
- Parent meetings
- Detention
- Anti-bullying workshop
- Short term suspension
- Longer term suspension
- Law enforcement notification
- Permanent exclusion

## **Drug Free School Zone:**

Pursuant to *Massachusetts General Laws, Chapter 94C, Section 325*, any person who violates the provisions of the law pertaining to the unauthorized manufacturing, distribution, dispensing or possession with intent to distribute a controlled substance while in or on, or within one thousand feet of the real property comprising a public or private elementary, vocational, or secondary school, whether or not in session, shall be punished by a term of imprisonment in the state prison for not less than two and one-half nor more than fifteen (15) years or by imprisonment in a jail or house of correction for not less than two nor more than two and one-half years. No sentence imposed under the provisions of this section shall be for less than a mandatory minimum term of imprisonment of two (2) years. A fine of not less than one thousand nor more than ten thousand dollars may be imposed but not in lieu of the mandatory minimum two (2) year term of imprisonment as established herein.

Lack of knowledge of school boundaries shall not be a defense to any person who violates the provisions of this section.

## **Equal Educational Opportunities:**

In recognition of the diversified characteristics and needs of our students and with the keen desire to be responsive to them, the Holyoke Community Charter School will make every effort to protect the dignity of the students as individuals. It also will offer careful consideration and sympathetic understanding of their personal feelings, particularly with reference to their race, creed, sex, religion, nationality and physical and intellectual differences.

To accomplish this, the school and its staff will make every effort to comply with the letter and spirit of the Massachusetts Equal Educational Opportunities law (known as *Chapter 622 of the Acts of 1971*) which prohibits discrimination in public school admissions and programs. The law reads as follows:

No child shall be excluded from or discriminated against in admission to a public school of any town, or in obtaining the advantages, privileges and course of study of such public school on account of race, color, sex, gender identity, religion, national origin, sexual orientation, creed, sex, ethnicity, gender, mental or physical disability, age, ancestry, athletic performance, special need, proficiency in the English language or a foreign language, homelessness, or prior academic

achievement. This will mean that every student will be given equal opportunity in school admission, admissions to courses, course content, guidance and extracurricular and athletic activities.

In order to achieve the aforesaid goal, Holyoke Community Charter School has the following procedures in place:

#### A. Curriculum Content

SABIS<sup>®</sup> Program Coordinators and HCCS Academic Quality Controllers review current and proposed courses of study and textbooks to detect any bias based upon HCCS non-discrimination statement, ascertaining whether or not supplemental materials, singly or taken as a whole, fairly depict the contribution of both sexes, various races, ethnic groups, etc. toward the development of human society.

Teachers review all educational materials while writing weekly lesson plans for simplistic and demeaning generalizations, lacking intellectual merit, on the basis of race, color, sex, gender identity, religion, national origin, and sexual orientation. Any instances of such materials are discussed with the Academic Quality Controller to either eliminate or provide balance and context for any such stereotypes depicted in those materials.

#### B. Staff Training

The School Director develops an ongoing program of staff training and in-service training for school faculty and staff designed to identify and solve problems of bias based upon HCCS' non-discrimination statement in all aspects of the program.

#### C. Student Access

The School Director reviews current and proposed programs, activities, facilities, and practices to ensure that all students have equal access thereto and are not segregated on the basis of HCCS' non-discrimination policy in any duty, work, play, classroom, or school practice, except as may be permitted under State regulations.

#### D. Student Evaluation

The School Director, Academic Quality Controllers verify that tests, procedures, or guidance and counseling materials, which is/are designed to evaluate student progress, rate aptitudes, analyze personality, or in any manner establish or tend to establish a category by which a student may be judged, are not differentiated or stereotyped on the basis of HCCS' non-discrimination policy.

### **Hate Crimes and Bias Incidents Policy:**

#### General Statement:

The Holyoke Community Charter School is committed to providing a safe environment in which all students have an equal opportunity to learn, regardless of their race, color, sex, gender identity, religion, national origin, sexual orientation, creed, sex, ethnicity, gender, mental or physical disability, age, ancestry, athletic performance, special need, proficiency in the English language or a foreign language, homelessness, or prior academic achievement. Hate crimes and bias incidents, by their nature, are confrontational; they create tension and promote social hostility. Such incidents will not be tolerated in the School because they interfere with every student's right to an education. In addition to jeopardizing academic achievement, hate crimes and bias-related harassment can undermine a student's physical and emotional well-being, provoke retaliatory violence, damage the School's reputation, and create or exacerbate tensions in the wider community.

The School will comply with all applicable federal and state laws governing hate crimes. Massachusetts law defines hate crimes as "any criminal act coupled with overt actions motivated by bigotry and bias including, but not limited to, a threatened, attempted or completed overt act motivated at least in part by racial, religious, ethnic, handicap, gender identity, or sexual orientation prejudice, or which otherwise deprives another person of his constitutional rights by threats, intimidation or coercion, or which seeks to interfere with or disrupt a person's exercise of constitutional rights through harassment or intimidation." *M.G.L. c. 22C, § 33; M.G.L. c. 12, §§ 11H, III.*

In addition, federal regulations prohibit the intentional use of force or threat of force against a person because of race, color, sex, gender identity, religion, national origin, sexual orientation, creed, sex, ethnicity, gender,



mental or physical disability, age, ancestry, athletic performance, special need, proficiency in the English language or a foreign language, homelessness, or prior academic achievement for the purpose of interfering with a student's enrollment or attendance in any public school or college. *18 U.S.C. § 245*. Both federal and state statutes and regulations contain serious criminal penalties for persons convicted of hate crimes and the resulting civil rights violations.

This policy applies to hate crimes, bias incidents, civil rights violations, and bias-related harassment which occur in school buildings or on school grounds, or during the course of any and all school-sponsored activities, including those which take place outside of school, or in any situation where there is a detrimental effect on the School or the educational climate.

A hate crime occurs when a student or group of students is targeted for physical assault, threat of bodily harm, intimidation, verbal abuse, and/or damage to personal property because he or she is a member of a different race, religion, ethnic background, gender, gender identity, housing, or has a handicapping condition or different sexual orientation.

Bias incidents are less serious acts that are also motivated by race, color, sex, gender identity, religion, national origin, sexual orientation, creed, sex, ethnicity, gender, mental or physical disability, age, ancestry, athletic performance, special need, proficiency in the English language or a foreign language, homelessness, or prior academic achievement issues.

Examples:

Examples of hate crimes and bias incidents include, but are not limited to, the following:

Hate crimes:

- bias-related drawings, markings, symbols, graffiti
- harassing and/or threatening hate mail and/or e-mail messages
- verbally abusive and/or threatening phone calls
- damage to personal property or belongings; arson; vandalism
- stalking: repeated, purposeful following of a student, together with evident bias against the victim's actual or perceived group status
- assault and battery against a student based upon their actual or perceived group status
- physical conduct which puts a student in fear of imminent harm, together with name-calling of a bigoted nature

Bias incidents:

- insults, jokes, mimicking, and name-calling based upon a student's race, color, sex, gender identity, religion, national origin, sexual orientation, creed, sex, ethnicity, gender, mental or physical disability, age, ancestry, athletic performance, special need, proficiency in the English language or a foreign language, homelessness, or prior academic achievement use of racial, ethnic, religious, sexual, or anti-gay slurs
- negative comments on an student's manner of speaking or racial customs, surname, religious traditions
- unwelcome verbal, written, or physical conduct directed at a student because of their race or skin color, such as nicknames which emphasize stereotypes, racial slurs, comments on manner of speaking, and negative references to racial customs
- conduct directed at the characteristics of a student's national origin, such as negative comments regarding surnames, manner of speaking, customs, language
- conduct directed at the characteristics of a student's sexual orientation, whether actual, perceived, or asserted – such as negative name-calling and imitating mannerisms
- conduct directed at the characteristics of a student's disabling condition, such as imitating their manner of speech or movement, or interfering with that student's necessary equipment
- unwelcome verbal, written or physical conduct, directed at the characteristics of a student's religion, such as derogatory comments regarding surnames, religious traditions, religious jewelry or clothing

When a student has been subjected to behaviors such as those described above, and is reasonably fearful of his or her own safety, a hostile environment has been created for that student. It may be created by a series of minor incidents, or by one serious incident. The existence of a hostile environment is a violation of the student's civil rights, as it prohibits him or her from obtaining an education.

A hate crime or bias incident will be deemed to have occurred even where the harasser is mistaken about the victim's race, ethnicity, or other targeted characteristics. In addition, targeting students simply because they associate with another student or students who are members of a particular racial, ethnic, religious, or other targeted group may also be the basis of a hate crime or bias incident. A student who has committed a hate crime may also be subject to criminal prosecution for that crime.

Reporting:

The designated Civil Rights Administrator for the School is:

Name:	Dr. Sonia Correa Pope
Address:	2200 Northampton Street Holyoke, MA 01040
Phone number	(413) 533-0111
Email	spope@sabis.net

Procedures for Students and Staff:

Students, staff, or any interested third party may report incidents. Students should report any incidents to an adult with whom they feel most comfortable – a teacher, guidance counselor, or other staff member. Staff members should report incidents to the Civil Rights Administrator for investigation and handling. Confidentiality will be maintained to the extent possible, but it should be understood that where a serious crime is involved, the police, and other governmental agencies such as the Office of the Attorney General, will be alerted. When a student has complained of a bias incident but does not wish to file a written complaint, school officials or the designated administrator will conduct an informal inquiry into the circumstances of the incident, and will keep a written record of the inquiry, in the event that further incidents involving the complaining student and the alleged harasser take place.

Investigation:

Upon receiving notice that a hate crime or bias incident is alleged to have taken place, the Civil Rights Administrator and/or designee will immediately take steps to ensure that the victim or victims are safe and secure, and will notify the Director of the allegation. All victims and witnesses will be interviewed within five (5) days following the incident, followed by interviews with any other individuals who may have knowledge pertaining to the incident and the persons involved in it. Physical evidence, if any, will be gathered. The investigator will then make a determination as to whether a hate crime or bias incident has occurred, taking into consideration the definitions contained above, the surrounding circumstances, the relationships of the parties involved, and the context in which the incident(s) took place. In addition, the investigator will determine whether there are, or have been, any related incidents of harassment, and will evaluate the kinds of damage that may have been caused, both to the victim(s) and to the School environment. The investigator will issue his/her report within five (5) school days.

Notification To/By Parents/Legal Guardians:

After investigation, if there are reasonable grounds to believe that a hate crime or bias incident has occurred, the Civil Rights Administrator and/or designee shall notify a student's parent(s)/legal guardian(s) if the student is a victim of, or is accused of, a hate crime or bias incident.

Parent(s)/legal guardian(s) are strongly encouraged to report hate crimes or bias incidents to their child's school counselors, Civil Rights Administrator, or to the Director.

Informal Resolution:

It may be possible to resolve a complaint through a voluntary conversation between the complaining student and the alleged harasser that is facilitated by a school employee or by the designated Civil Rights Administrator. A

person of their choice for support and guidance may accompany both the complainant and the alleged harasser. If the complainant and the alleged harasser feel that a resolution has been achieved, the conversation then will remain confidential and no further action will be taken.

The results of the informal resolution will be reported, in writing, to the Director. If either party feels that the informal conversation process is inadequate, or has not been successful, they may proceed to the formal complaint procedure. Either party may also choose to forego the informal process and proceed directly to the formal complaint procedure.

*Formal Complaint:*

The designated administrator will fill out a harassment complaint form based on a student's written or oral allegations that an incident or incidents have taken place. The complaint form will be kept in a secure location, and will describe in detail the facts and circumstances of the incident(s).

If an involved student is under the age of 18, his or her parents or legal guardian will be notified immediately after consultation with the student, unless such notification is determined not to be in the best interests of the student.

An investigation will take place within five (5) school days of the date of the complaint or report. The investigator may determine that immediate steps need to be taken to protect the complaining student, the alleged harasser, and any potential witnesses, and will notify school administrators of such a determination.

The investigation will be completed as soon as possible, but no later than five (5) school days after the date of the complaint, and a written report made to the Director. The report will contain a determination as to whether the allegations have been substantiated as factual, and whether they constitute a violation of this policy. The investigator will also recommend to the Director what action, if any, is required. The complainant and the alleged harasser will be informed of the results of the investigation, and whether disciplinary action will be taken.

Both the Civil Rights Administrator and the Director will keep all written reports of investigations. The School recognizes that both the complainant and the alleged harasser have strong interests in maintaining the confidentiality of this process. The privacy of all parties, including witnesses, will be respected as much as possible, consistent with the School's legal obligations to investigate, to take appropriate action, and to comply with any discovery or disclosure obligations which may be necessary due to the severity of the incident(s), the potential involvement of the police department, the District Attorney's Office, the Office of the Attorney General, and the potential involvement of a civil and/or criminal trial.

*Disciplinary Action:*

Disciplinary and/or corrective action will be taken as soon as possible following completion of the investigation of an incident of hate crime or a bias-related incident, and will have as its goal the elimination of the offensive conduct, the prevention of reoccurrence, and the re-establishment of a healthy school environment, especially for the victim(s). Such action will take into account the severity of the incident and the age and identity of the victim and harasser, and the effect upon the victim. Disciplinary and/or corrective action may include one or more of the following:

- participation in an educational program about hate crimes and bias incidents for the perpetrator;
- an apology to the victim(s);
- mandatory counseling;
- community service;
- placement in an alternative educational setting;
- detention;
- short-term or long-term suspension; and/or
- recommendation for expulsion.

In addition, perpetrators of hate crimes which rise to the level of criminal activity may be subject to criminal punishment as mandated by state and federal laws pertaining to such crimes. The police will be notified when a probable hate crime has taken place, and in particular will be notified in an emergency situation.

Retaliation:

The school will deal seriously with any and all threats or acts of retaliation against an individual who reports a hate crime or bias incident. Designated school staff will maintain constant contact with victims and persons who report such incidents in order to ensure that no threats or acts of retaliation take place. Any person found to have threatened to retaliate and/or actually retaliated will be subject to severe disciplinary action, including potential exclusion from school. Should the retaliation rise to the level of criminal activity, the designated school staff is required to report it to the local law enforcement agency.

General Statement:

All persons have the right to be free from sexual harassment; therefore, sexual harassment in any form is strictly forbidden in school, on school grounds, or at school related activities. The School does not discriminate on the basis of sex in the School’s educational programs or activities, admissions or employment practices. The School has designated the following individual as the School’s Title IX Coordinator:

Name:	Cameo Restrepo, Human Resources
Email:	<a href="mailto:crestrepo@sabis.net">crestrepo@sabis.net</a>
Address:	2200 Northampton Street, Holyoke, MA 01040
Phone number	(413) 533-0111

Definition:

Under Massachusetts law, Sexual harassment includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when (1): submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of the provision of the benefits, privileges, or placement services or as a basis for the evaluation of academic or professional achievement; or (2): such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual’s education by creating an intimidating, hostile, humiliating or sexually offensive educational or work environment.

Under Title IX of the Education Amendments of 1972, the term “sexual harassment” includes three (3) types of misconduct based on sex:

- (1) any instance of quid pro quo harassment by a school employee;
- (2) unwelcome conduct on the basis of sex, including unwelcome conduct based on sex stereotyping or on the basis of traditional notions of masculinity and femininity, that is sufficiently severe and pervasive and objectively offensive conduct, effectively denying a person equal educational access; or
- (3) any instance of sexual assault as defined in the Cleary Act, dating violence, domestic violence, or stalking as defined in the Violence Against Women Act.

Sexual harassment is not, by definition, limited to prohibited conduct by a male toward a female. A male, as well as a female, may be the victim of sexual harassment, and a female, as well as a male, may be the harasser. Further, the victim does not have to be of the opposite sex from the harasser. Finally, any adult may be the victim of sexual harassment by a student.

Examples

Examples of sexual harassment may, if meeting the definition set forth above, include, but are not limited to: demanding sexual favors accompanied by threats; engaging in reprisals as a result of an individual’s refusing to engage in sexual behavior; contact with any sexual part of another’s body (e.g., touching, patting or pinching); touching any nonsexual part of the body (e.g., shoulder, etc.) after that person has indicated that such touching is unwanted; displaying sexually suggestive pictures or objects; calling a person a demeaning, sexualized term.

### *Reporting*

Any student who believes he/she is a victim of sexual harassment should inform a teacher, counselor, or another adult in a position of authority in the school as soon as possible. Students should avoid trying to solve the problem of sexual harassment alone. School staff will assist the student with the filing of a complaint of sexual harassment in accordance with the School's Sexual Harassment Grievance Procedures.

All persons shall promptly report knowledge of actual or reasonably suspected sexual harassment to the Director or her designee. Supportive interim measures will be discussed with the alleged victim

### *Investigation*

All formal complaints of sexual harassment meeting the definition of sexual harassment under Title IX of the Education Amendments of 1972 shall be addressed in accordance with the School's Sexual Harassment Grievance Procedures and in accordance with applicable federal and state regulations.

### *Disciplinary Action*

Following a determination that sexual harassment in violation of this Policy has occurred, the individual(s) found to have engaged in such harassment may be subject to discipline including, but not limited to, possible long-term suspension, expulsion or, in the case of an employee, termination. In some instances, the School may also exercise its authority under applicable Title IX or state regulations, to immediately remove, on an emergency basis, an individual identified as a perpetrator of sexual harassment even prior to the completion of an investigation and the issuance of a determination as to whether sexual harassment has occurred. The School may also provide interim supportive measures to protect the safety of the alleged victim and the alleged perpetrator, to deter further harassment, and/or to ensure equal educational access for the alleged victim and the alleged perpetrator during, and subsequent to, an investigation and determination in accordance with the School's Sexual Harassment Grievance Procedures.

### *Retaliation Prohibited*

Retaliation, reprisal, intimidation with, interference of, and/or retaliation against any individual, including a student, parent, or guardian, for filing a complaint of sexual harassment or participating in the investigation thereof is strictly prohibited and shall be treated as an actionable, wrongful act in and of itself. Such wrongful act may result in a student's long-term suspension of up to ninety (90) school days or, in the case of employees, termination of employment.

### *Report to Police*

Depending upon the seriousness and frequency of incidents, the Holyoke Police Department or the Massachusetts State Police may be contacted by the school administration.

## **Title IX Sexual Harassment Grievance Procedures**

### Overview

The Holyoke Community Charter School is committed to maintaining school environments free of sexual harassment.

Sexual harassment in any form or for any reason is prohibited. This includes sexual harassment by administrators, personnel, students, vendors, and other individuals in school or at school related events.

The School does not discriminate on the basis of sex in its educational programs or activities and is required by Title IX not to discriminate on the basis of sex. Such non-discrimination also extends to admissions and the employment application process. Retaliation against any individual who has brought sexual harassment to the attention of school officials, or against an individual who has participated, or refused to participate, in the investigation thereof is unlawful and will not be tolerated by the Holyoke Community Charter School.

### Scope

The Title IX Sexual Harassment Grievance Procedures have been developed in accordance with the revised Title IX regulations, 34 CFR Part 106, effective August 14, 2020, which established a new definition of sexual harassment under Title IX and which mandate specific procedures for responding to and investigating allegations of sexual harassment under Title IX.

The Title IX Sexual Harassment Grievance Procedures apply only to allegations of sexual harassment under Title IX, which includes harassment based on sex, sexual orientation, and/or gender identity, and is defined in the Definitions section below.

The Title IX Sexual Harassment Grievance Procedures apply to conduct that occurs within the United States in an education program or activity of the School, regardless of whether such School program or activity is conducted on or off school grounds. A School education program or activity includes locations, events, or circumstances over which the School exercised substantial control over both the respondent and the context in which the sexual harassment occurred.

Allegations of conduct that meet the definition of sexual harassment under Title IX will be addressed through the Title IX Sexual Harassment Grievance Procedures. Allegations of conduct that meet the definition of sexual harassment under Title IX, and simultaneously meet the definitions of sexual harassment under Title VII of the Civil Rights Act of 1964 (employees), M.G.L. c. 151B (employees), and/or M.G.L. c. 151C (students), will also be addressed through the Title IX Sexual Harassment Grievance Procedures.

Allegations of conduct that do not meet the definition of sexual harassment under Title IX, but could, if proven, meet the definition(s) of sexual harassment under Title VII (employees), M.G.L. c. 151B (employees), and/or M.G.L. c. 151C (students), will be addressed through the School's Civil Rights Grievance Procedures. (See exception under Section II, Part 4, Step 4 below). The definitions of sexual harassment under Title VII, M.G.L. c. 151B, and M.G.L. c. 151C are set out in the Civil Rights Grievance Procedures.

The School's Civil Rights Grievance Procedures is available in Appendix G.

### Confidentiality

The School will keep the identity of complainants, respondents, and witnesses confidential, except as permitted by the Family Educational Rights and Privacy Act (FERPA), as otherwise required by law, and/or as necessary to carry out this Procedure.

### Definitions

**Complainant:** An individual who is alleged to be the victim of conduct that could constitute sexual harassment under Title IX. Parents and/or legal guardians of a complainant are not considered a complainant but may file a Formal Complaint on behalf of a minor child and act on behalf of the minor child in any Title IX matter. For the purpose of this procedure the terms "complainant" and "alleged victim" shall have the same meaning.

**Formal Complaint:** A document or electronic submission filed by a complainant, that contains the complainant's physical or digital signature or otherwise indicates that the complainant is the person filing the Formal Complaint, or a document signed by the Title IX coordinator, that:

- (1) alleges sexual harassment against a respondent; and
- (2) requests that the School investigate the allegation of sexual harassment.

At the time of filing a Formal Complaint, the complainant must be participating in or attempting to participate in the School's education program or activity with which the Formal Complaint is being filed.

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

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

**Sexual Assault:** An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting system and set out below:

- **Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity. In Massachusetts, pursuant to M.G.L. c. 265, § 13B, a child under the age of 14 is incapable of giving consent to indecent touching.
- **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent. In Massachusetts, pursuant to M.G.L. c. 265, § 23, the statutory age of consent is 16 years of age.

For the purposes of the definition of sexual assault, the term “consent” shall be defined in a manner consistent with Massachusetts laws.

**Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

**Domestic Violence:** A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

**Stalking:** Engaging in a “course of conduct” directed at a specific person that would cause a “reasonable person” to fear for the person's safety or the safety of others or suffer “substantial emotional distress.”

For the purposes of this definition:

“Course of conduct” means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

“Reasonable person” means a reasonable person under similar circumstances and with similar identities to the victim.

“Substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

**Party or Parties:** The complainant and/or respondent.

**Principal:** The Principal or Principal's designee.

**Respondent:** An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

**Executive Director:** The Executive Director or Executive Director's designee.

**Supportive Measures:** Individualized services reasonably available that are non-punitive, non-disciplinary, and not unreasonably burdensome to the Complainant or Respondent, while designed to ensure equal educational access, protect safety, and/or deter sexual harassment. Supportive Measures may be offered before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Supportive measures are individualized services reasonably

available that are non-punitive, non-disciplinary, and not unreasonably burdensome to the other party, while designed to ensure equal educational access, protect safety, and/or deter sexual harassment. Supportive measures available to complainants and respondents include, but are not limited to: counseling; extensions of deadlines or other course-related adjustments; modifications of work or class schedules; campus escort services; mutual restrictions on contact between the parties; changes in work locations; leaves of absence; increased security and monitoring of certain areas of the building and/or campus; and other similar measures. Violations of the restrictions imposed by supportive measures may be considered a violation of school rules and may also be considered in determining whether sexual harassment has occurred.

Title IX Coordinator: Employee(s) designated by the School to coordinate its efforts to comply with Title IX.

## I. REPORTING SEXUAL HARASSMENT

- A. Who May Report Sexual Harassment: Anyone may report an allegation of sexual harassment.
- B. How to Report Sexual Harassment: Individuals are encouraged to report allegations of sexual harassment to the Title IX Coordinator or the Principal, but any School employee who receives a report of sexual harassment will respond to the report as outlined below.
- C. Internal Reporting: Any School employee who receives a report of sexual harassment shall respond by promptly informing the Principal or Title IX Coordinator of the report. Any School employee who observes sexual harassment of a student should intervene to stop the conduct and shall promptly inform the Principal or Title IX Coordinator of the incident. If a report involves an allegation against the Principal or Title IX Coordinator, the School employee shall instead report the allegation to the Executive Director.

Any Principal who receives a report of sexual harassment shall promptly inform the relevant Title IX Coordinator of the report.

- D. School's Response to Report: The School will respond to all reports of sexual harassment promptly and equitably, and in a manner consistent with this Procedure and any other relevant School procedures and policies. Upon receipt of a report, the Title IX Coordinator shall:
  - (1) Promptly and confidentially contact the complainant to discuss the availability of supportive measures;
  - (2) Inform the complainant of the availability of supportive measures with or without the filing of a Title IX Formal Complaint;
  - (3) Consider the complainant's wishes with respect to supportive measures;
  - (4) If the School does not provide the complainant with supportive measures, document the reasons why such response was reasonable; and
  - (5) Explain to the complainant the process for filing a Title IX Formal Complaint. Only the filing of a Title IX Formal Complaint will trigger the Title IX Formal Complaint grievance process, outlined in Section II.

## II. FILING A TITLE IX FORMAL COMPLAINT

Only the filing of a Title IX Formal Complaint will trigger the Title IX Formal Complaint grievance process, outlined below.

- A. Who may file a Title IX Formal Complaint: Although anyone may report sexual harassment, only a complainant or a Title IX Coordinator may file a Title IX Formal Complaint. If a complainant chooses not to file a Formal Complaint, the complainant's choice to not initiate an investigation will generally be respected, unless the Title IX Coordinator determines that signing a Formal Complaint to initiate an investigation over the wishes of the complainant is not clearly unreasonable in light of the known circumstances. The Title IX Coordinator will take into account concerns articulated by the parties, the best interests of the community, fairness to all concerned, and the School's legal obligations under applicable state and federal laws. Where



the Title IX Coordinator signs the Formal Complaint, the Title IX Coordinator is not a complainant or a party during the grievance process and must comply with the requirement to be free from conflicts or bias.

B. Processing of a Title IX Formal Complaint: Title IX Formal Complaints will be investigated promptly and equitably by the Title IX Coordinator or designee, as follows:

**Step 1:** Title IX Formal Complaint is filed:

- (1) A Formal Complaint shall state (if known to the reporter or alleged victim) the name(s) of the persons involved, witnesses to the conduct, if any, a description of the conduct, and to the extent possible, the dates and locations of the conduct. A Formal Complaint will not be dismissed solely because it was not completely filled out or it was filled out incorrectly.
- (2) A Formal Complaint may be filed at any time, including during non-business hours. Formal Complaints submitted outside of normal business hours will be deemed received on the following school working day.
- (3) At the time of the filing of the Formal Complaint, the alleged victim must be participating in or attempting to participate in the education program or activity of the school with which the Formal Complaint is filed.
- (4) A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information for the Title IX Coordinator listed in this procedure, and by any additional method designated by the school.
- (5) Consolidation of Formal Complaints: Schools may consolidate Formal Complaints where the allegations arise out of the same facts.
- (6) Consideration of the use of the Informal Resolution Process with the consent of the parties. *See* Section II(D).
- (7) Throughout this process, there shall be a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

**Step 2:** Consider Supportive Measures for both the complainant and the respondent: Once a Formal Complaint is filed, the Title IX Coordinator will ensure that supportive measures are considered for both parties. *See* Section I(D).

**Step 3:** Written Notice of Allegations: Upon receipt of a Formal Complaint, the School shall send written notice of the allegations, including the identity of the parties, to both the complainant and the respondent, if their identities are known. The written notice must include: (1) a statement prohibiting knowingly submitting false information; (2) sufficient details known at the time to allow the respondent the opportunity to respond to the allegations; (3) a statement that the respondent is presumed not responsible for the alleged conduct; (4) that a determination regarding responsibility is made at the conclusion of the grievance process; (5) that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney; and (6) that the parties/advisors may inspect and review evidence in accordance with this procedure. If, in the course of the investigation, the School decides to investigate allegations of sexual harassment that are not included in the initial written notice of allegations, the School shall provide notice of the additional allegations to the parties whose identities are known.

**Step 4:** Consider Whether Dismissal of Formal Complaint Warranted: Some Formal Complaints will be subject to mandatory or discretionary dismissal under Title IX.

- (1) Mandatory Dismissal of Formal Complaint: The Title IX Coordinator shall dismiss a Formal Complaint under Title IX when the conduct alleged:
  - a. even if proved, would not meet the definition of sexual harassment under Title IX;
  - b. did not occur in an education program or activity of the School; or
  - c. did not occur against a person in the United States.

- (2) Discretionary Dismissal of Formal Complaint: The Title IX Coordinator may dismiss a Formal Complaint or allegations therein for purposes of Title IX at any time if:
  - a. the complainant informs the Title IX Coordinator in writing that the complainant desires to withdraw the Formal Complaint or allegations;
  - b. the respondent is no longer enrolled or employed by the School; or
  - c. specific circumstances prevent the School from gathering sufficient evidence to make a determination.
- (3) The Title IX Coordinator must provide the parties with written notice of any dismissal of a Formal Complaint and the reasons for the dismissal.
- (4) Dismissal of a Formal Complaint for purposes of Title IX shall not preclude the School from addressing the allegations under any other relevant School policies or procedure(s), including but not limited to, the Civil Rights Grievance Procedures, the Bullying Prevention and Intervention Plan, the Student Code of Conduct, and/or a collective bargaining contract, nor will it preclude the School from addressing the allegations pursuant to the grievance process set out in Section II of this Procedure. The Title IX Coordinator shall have the discretion to make any such referrals and proceed as appropriate in regard to the allegations.

**Step 5:** Initial Investigation: All Formal Complaints will be investigated by the Title IX Coordinator or other individual designated to serve as the investigator by the Title IX Coordinator. The investigator shall be responsible for seeking and gathering evidence relative to the investigation. Any Formal Complaint against an employee who holds a supervisory position shall be investigated by a person who is not subject to that supervisor's authority. During the Formal Complaint resolution process:

- (1) Standard of Proof: The investigator shall make factual findings based on a preponderance of the evidence standard.
- (2) The burden for gathering evidence and the burden of proof remains on the School, not on the parties.
- (3) The School shall provide equal opportunity for the parties to present fact and expert witnesses and other inculpatory and exculpatory evidence.
- (4) The School shall not restrict the ability of the parties to discuss the allegations or gather evidence (e.g., no "gag" orders).
- (5) Each party may have one (1) advisor of their own selection and at their own expense participate in this grievance process. In the case of a student under the age of 18, this advisor may be in addition to the student's parents/guardians. Any restrictions on the participation of an advisor will be applied equally to each party. The advisor may, but is not required to, be an attorney. Any evidence received by an advisor in this process is subject to confidentiality and may be used only for the purpose of the grievance process. Advisors are prohibited from disseminating or disclosing such evidence outside of the grievance process.
- (6) The School shall send prior written notice to the parties of any investigative interviews, meetings, or hearings in which their participation is invited or expected.
- (7) Privacy of Medical Treatment and Mental Health Treatment Records: The School may not access or use either the complainant's or the respondent's medical, psychological, or similar treatment records unless the School obtains the party's written consent to do so.
- (8) The investigator may impose reasonable timeframes on all parties as required to facilitate the timely completion of the investigation. The investigator may extend any of the timeframes beyond the time periods identified in this procedure for good cause. If a complaint or report of sexual harassment is received within three (3) weeks of the end of the academic school year, the investigator will attempt to complete the investigation by the end of the school year. In the event that the investigation extends beyond the last day of school, the School will make reasonable efforts to complete the investigation within the above-referenced time frame, but may extend the investigation period to account for the unavailability of witnesses while school is not in session. If the investigator extends the investigation, the investigator will notify the parties of the extension and the reasons therefore in writing.

**Step 6:** Opportunity for Parties to Respond to Evidence: The School must send the parties, and their advisor(s) (if they have one) evidence directly related to the allegation, in electronic format or hard copy. Parties shall be afforded ten (10) calendar days to inspect, review and respond to the evidence. The School shall not require,

allow, rely upon, or otherwise use evidence that constitutes information protected from disclosure by a legally recognized privilege, unless it has been waived by the holder of the privilege.

- (1) Prior to providing evidence to the parties, the investigator may redact confidential information that is not directly related to the allegations or that is otherwise barred from use under Title IX or by privilege (e.g., treatment records), the Family Educational Rights and Privacy Act and/or 603 CMR 23.00. Information that is directly related to the investigation, and that is not expressly barred from disclosure under Title IX (e.g., treatment records), the Family Educational Rights and Privacy Act, and/or 603 CMR 23.00, must be made available for review by both parties.
- (2) The parties and their advisors shall be prohibited from dissemination of any of the evidence for any purpose not directly related to this grievance procedure.

**Step 7:** Completion of the Investigative Report: The School must send the parties, and their advisor, an Investigative Report that fairly summarizes relevant evidence but does not reach any conclusions regarding responsibility, in electronic format or hard copy, within twenty-five (25) school days of receipt of the Formal Complaint, unless otherwise extended for good cause. A copy of the Investigative Report will also be sent to the decision-maker.

**Step 8:** Parties' Opportunity to Respond to Investigative Report: The School shall provide each party ten (10) calendar days for the parties to respond to the investigative report. The Investigative Report will notify the parties of the opportunity to submit to the decision-maker directed questions of the other party and/or any witness within that same ten (10) calendar days. (See Step 9).

**Step 9:** Directed Written Questions from the Parties: After the Investigative Report has been sent to the parties, but prior to reaching a determination regarding responsibility, the decision-maker shall afford both the complainant and the respondent the opportunity to submit to the decision-maker written, relevant questions of the other party or any witness, provide the party with the other party's and/or witness's written responses to said written questions, and allow for additional, limited follow-up questions from each party in writing. Questions that seek disclosure of information protected under a legally recognized privilege, Family Educational Rights and Privacy Act, and/or 603 CMR 23.00 shall not be permitted, unless the person holding the privilege has waived the privilege.

- (1) The complainant shall be protected from answering questions about the complainant's prior sexual behavior unless offered to prove that someone other than the respondent committed the alleged misconduct or offered to prove the complainant's consent to the conduct under investigation.
- (2) Upon receipt of the Investigative Report, each party shall have ten (10) calendar days to submit directed relevant questions to the decision-maker in writing.
  - a. All questions must be posed in a respectful manner (e.g., without profanity and without attacking a person's character or motivations).
  - b. Questions that are not relevant will be excluded, and the decision-maker shall explain to the party posing the question the reason(s) for excluding any question.
- (3) Upon receipt of the directed questions from the School, each party and witness shall have five (5) calendar days to respond to those questions in writing.<sup>25</sup>
- (4) After receipt of the answers by the parties, any follow-up questions by the parties shall be submitted to the decision-maker in writing within three (3) calendar days, and those follow-up questions shall be responded to in writing within three (3) calendar days of receipt.
- (5) Each party will be provided a copy of the other party's or witness's written answers.

**Step 10:** Determination of Responsibility/Findings of Fact by the Decision-Maker:

- (1) The decision-maker shall issue a written determination regarding responsibility with a description of the procedural steps taken, findings of fact, conclusions about whether the alleged conduct occurred, rationale for the result as to each allegation, the range of disciplinary sanctions to which the respondent may be subject, whether remedies will be provided to the complainant, and procedures and bases for

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<sup>25</sup> The parent or guardian may act on behalf of the party in drafting questions and submitting written answers. In the case of young children, reasonable accommodation based on disability, and/or other good cause, either party and/or any witness may request and have their oral responses reduced to writing by the investigator or Title IX Coordinator.

appeal. The decision-maker's written determination shall not be completed by the Title IX Coordinator or the investigator.

- (2) Standard of Proof: The decision-maker shall make factual findings based on a preponderance of the evidence standard.
- (3) The decision-maker's findings shall be based on an objective review of all relevant evidence, inculpatory and exculpatory, and avoid credibility determinations based on a person's status as a complainant, respondent, or witness.
- (4) The decision-maker shall not draw inferences about the determination of responsibility based solely on a party's failure or refusal to answer questions.
- (5) The written determination must be sent simultaneously to both parties.
- (6) This determination shall be sent within twenty (20) school days of the issuance of the investigative report unless an extension is agreed upon by the parties or if the process is otherwise reasonably delayed. Except where the parties have agreed to an extension of the timeline or where the process is otherwise reasonably delayed, the written determination shall be issued within sixty (60) school days of receipt of the Formal Complaint.

C. Remedies: If the decision-maker determines that sexual harassment has occurred, the School administration shall take steps to eliminate the harassing environment, which may include but not be limited to providing remedies to a complainant that are designed to restore or preserve the complainant's equal access to the School's education programs and/or activities. These remedies may be the same individualized services as the supportive measures outlined in Section I(D) above and/or may consist of alternative interventions and/or punitive or disciplinary sanctions that burden the respondent.

D. Discipline: Persons who engage in sexual harassment or retaliation may be subject to disciplinary action, including, but not limited to, reprimand, suspension, termination, expulsion (if applicable under M.G.L. c. 71, §§ 37H or 37H ½), or other sanctions as determined by the School administration, subject to applicable procedural requirements.

- (1) Although the respondent may, in accordance with Title IX, be subject to emergency removal at any time, the respondent may not be subject to disciplinary sanctions for the misconduct defined under this procedure until after this grievance process has been completed.

E. Informal Process: Only after a Formal Complaint is filed may the School opt to offer and facilitate informal resolution options, such as mediation or restorative justice. Both parties must give voluntary, informed, written consent to attempt any offered informal resolution. Any informal resolution under this procedure will be facilitated by trained personnel.

- (1) The informal resolution process is not available to resolve allegations that an employee sexually harassed a student.
- (2) The informal process is voluntary, and the alleged victim and/or respondent may terminate or decline any informal process at any time and resume the Formal Complaint grievance process.
- (3) The informal process shall not exceed thirty (30) calendar days.

Participation in the informal process will stay the timelines of the Formal Complaint process.

F. Emergency Removal under Title IX: The School may remove a respondent on an emergency basis at any time provided that the School: (1) undertakes an individualized safety and risk analysis; (2) determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal and that there is no alternative to the respondent's emergency removal to mitigate the threat presented; and (3) provides the respondent with notice and the opportunity to challenge the decision immediately following the removal.

G. Anonymous Reports: The School may be on notice of an allegation of sexual harassment through receipt of an anonymous report. In cases of anonymous reports, the School's obligation is to respond in a manner that is not clearly unreasonable in light of the known circumstances. If the anonymous reporter is the complainant and they request confidentiality, the School can and should offer supportive measures to the extent consistent with maintaining the request for confidentiality. If an anonymous report is received without a disclosure of the

complainant's identity, the School will be unable to provide the complainant supportive measures in response to that report. The School may in conformance with applicable state laws and regulations be required to report sexual harassment identified in an anonymous complaint to state and/or local authorities such as the Massachusetts Department of Children and Families in conformance with state statutes and regulations and/or take actions to protect the safety of the school community (contacting the police, for example) that may result in the identity of the reporting person being disclosed. Although the School shall respond to anonymous reports of sexual harassment in accordance with this Procedure, a Formal Complaint cannot be filed anonymously.

- H. Appeals: The complainant or respondent may appeal from a determination regarding responsibility and/or from the School's dismissal of a Formal Complaint or any allegations therein, only on the following bases:
- (1) procedural irregularity that affected the outcome of the matter;
  - (2) newly discovered evidence that could affect the outcome of the matter; and/or
  - (3) Title IX personnel had a conflict of interest or bias that affected the outcome of the matter.

An appeal may be made to the Executive Director or designee within five (5) calendar days after receiving the determination of responsibility or dismissal. The Executive Director will decide the appeal no later than thirty (30) calendar days of the date of receipt of the written appeal. In cases in which it has been determined that a respondent student is subject to long-term suspension as a result of a finding of sexual harassment in accordance with this procedure, the respondent may elect to exercise their appeal under the disciplinary due process requirements applicable to the circumstances (e.g., M.G.L. c. 71, §§ 37H, 37H ½ or 37H ¾) in place of this appellate procedure. Appeals must be made in writing (email is sufficient) to the Executive Director, Francis W. Parker Charter Essential School, 49 Antietam Street, Devens, Massachusetts 01434.

The Title IX Formal Complaint grievance process is deemed complete when either the time period for appeal has lapsed or upon the issuance of the Executive Director's decision on a timely filed appeal.

- I. Recordkeeping: Records related to this Procedure will be maintained for a period of seven (7) years.
- J. Employment Agencies: The contact information for state and federal employment discrimination enforcement agencies is as follows: 1) Federal - United States Equal Employment Opportunity Commission (EEOC); John F. Kennedy Federal Building; 15 New Sudbury Street, Room 475; Boston, MA 02203-0506; 1-800-669-4000; EEOC Boston Area Office Website: <https://www.eeoc.gov/field-office/boston/location>; 2) State: Massachusetts Commission Against Discrimination (MCAD); Boston Headquarters; One Ashburton Place; Sixth Floor, Room 601; Boston, MA 02108; (617)-994-6000; MCAD Website <https://www.mass.gov/orgs/massachusetts-commission-against-discrimination>.
- K. Identification of key personnel involved in Title IX process for reports and/or Formal Complaints of sexual harassment:

- Title IX Coordinator: **Human Resources, Cameo Restrepo, [crestrepo@sabis.net](mailto:crestrepo@sabis.net)  
2200 Northampton Street, Holyoke, MA 01040 (413)533-0111**
- Investigator(s): **Academic Deputy, Benjamin Torres, [btorres@sabis.net](mailto:btorres@sabis.net)  
Student Management Coordinator, Kyle Callender, [kcallender@sabis.net](mailto:kcallender@sabis.net)**
- Decision-maker: **School Director, Dr. Sonia Correa, [spope@sabis.net](mailto:spope@sabis.net)**
- Appeal Officer: **Data and Compliance Coordinator, Elizabeth Pawlowski, [epawlowski@sabis.net](mailto:epawlowski@sabis.net)**
- Informal Resolution Facilitator: **Facilities Director, Tom Paquin, [tpaquin@sabis.net](mailto:tpaquin@sabis.net)**

The School will notify students, employees, applicants for admission or employment, parents and legal guardians of students, and unions of the name, title, office address, email address and telephone number of the Title IX Coordinator. This information will be prominently displayed on the School's website.

Legal Refs: Section 504 of the Rehabilitation Act of 1973; Title II of the Americans with Disabilities Act of 1990; Title VI of the Civil Rights Act of 1964; Title VII of the Civil Rights Act; Title IX of the Education Amendments of 1972; the Age Act; M.G.L. c. 151B and c. 151C; and M.G.L. c. 76, § 5; SC Policy JICFB, Bullying Prevention; SC Policy AC, Nondiscrimination.

### **Student Concerns and Grievances:**

Any student of the Holyoke Community Charter School who believes he or she has been discriminated against, denied a benefit, or excluded from participation in any educational program or activity on the basis of sex, color, religion, national origin or disability in violation of this policy, may file a written complaint with the school's Civil Rights Administrator:

Name:	Dr. Sonia Correa Pope
Address:	2200 Northampton Street Holyoke, MA 01040
Phone number	(413) 533-0111
Email	slope@sabis.net

The Civil Right Administrator coordinates compliance under Title IX and Section 504 and cause a review of written complaint within 10 working days after receipt of the written complaint. If the complainant is not satisfied with such a response, he or she may submit a written appeal to the Board of Trustees indicating with particularity the nature of the disagreement with the response and his or her reasons for such disagreement.

The Chairman of the Board of Trustees shall permit the complainant to address the Board of Trustees or its sub-committee concerning his or her complaint and shall provide the complainant with a written decision in the matter as expeditiously as possible following the completion of the hearing. Any individual has the right at any time to address inquiries regarding their civil rights to the Office of Civil Rights in Boston, Massachusetts.

Reports or complaints alleging sexual harassment as Defined under Title IX of the Education Amendments of 1972 shall not be subject to this grievance procedure and shall be addressed through HCCS' separate Title IX Sexual Harassment Grievance Procedure.

### **Students Rights and Responsibilities:**

The Holyoke Community Charter School has the responsibility to afford students the rights that are theirs by virtue of guarantees offered under the federal and state constitutions and statues. In connection with rights there are responsibilities that must be assumed by students. Among these rights and responsibilities are the following:

1. Civil Rights – including the rights to equal educational opportunity and freedom from discrimination; the responsibility not to discriminate against others.
2. The right to attend free public schools; the responsibility to attend school regularly and to observe school rules essential for permitting others to learn at school.
3. The right to due process of law with respect to suspension, expulsion, and decisions the student believes injure his/her rights.
4. The right to free inquiry and expression; responsibility to observe reasonable rules regarding these rights.
5. The right to privacy, which includes privacy in respect to the student's school records.

**Student responsibilities include regular school attendance, promptness to school and to classes, academic honesty, and conscientious effort in classroom work, and conformance to school rules. Students share with the administration and faculty a responsibility to maintain a school climate that is safe, secure, and conducive to learning.**

### **Legal References:**

Holyoke Community Charter School intends to follow all mandates of state and federal law and all provisions issued by the Board of Education. The following legal references apply:

- Title II, of the Americans with Disabilities Act of 1990
- Title VI, Civil Rights Act of 1964
- Title VII, Civil Rights Act of 1964 as amended by the Equal Employment Opportunity Act of 1972
- Executive Order 11246, as amended by E.O. 11375
- Title IX, Education Amendments of 1972
- MGLA C. 76:5; 76:16 (Chapter 622 of the Acts of 1971)
- MGLA C. 71; Sec. 37H, 37H½, and 37H¾ (student handbooks required to state disciplinary measures applicable to “violations of other students’ civil rights”)
- MGLA C. 76; Sec 5 (prohibition of discrimination “on account of race, color, sex, religion, national origin, or sexual orientation”, in access to “advantages, privileges, and courses of study of [local] public school”.)
- MGLA C. 151C (Fair Education Practices Act, includes prohibition of sexual harassment)
- MGLA C. 214; Sec 1B (right of privacy)
- MGLA C. 214; Sec 1C (right of freedom from sexual harassment)
- MGLA C. 12; Sec 11H and 11I (prohibition of threats, intimidation, or coercion interfering with someone’s legal rights)
- MGLA C. 265; Sec 37 (criminal penalties for the use of force or threats to interfere with someone’s legal rights)
- MGLA C. 265; Sec 39 (increasing penalties for assaults, batteries, and property damage motivated by bias on grounds of race, religion, ethnicity, disability and sexual orientation)
- MGLA C. 266; Sec 127A (criminal penalties for vandalism of a school)
- Board of Education Chapter 622 Regulations Pertaining to Access to Equal Educational Opportunity, adopted 6/24/75, amended 10/24/78
- Board of Education, Chapter 766 Regulations 10/74 – amended through 3/28/78, 603 CMR 26:00
- Section 504 of the Rehabilitation Act of 1973
- 20 U.S.C. Sec 4071-74

**APPENDIX A**  
**Holyoke Community Charter School**  
**Sample Discipline Referral Form**



**HOLYOKE COMMUNITY CHARTER SCHOOL**  
**PREEMPTIVE DISCIPLINE REFERRAL FORM**



Date \_\_\_\_\_ Issuing Staff \_\_\_\_\_

Student Name \_\_\_\_\_ Grade \_\_\_\_\_ Time \_\_\_\_\_

**Infraction:**

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Abusive language                    | <input type="checkbox"/> False alarm/bomb threat           | <input type="checkbox"/> Drawing inappropriate illustrations    |
| <input type="checkbox"/> Physical/verbal aggressive behavior | <input type="checkbox"/> Use of drugs/controlled substance | <input type="checkbox"/> Disruption of the learning environment |
| <input type="checkbox"/> Bullying                            | <input type="checkbox"/> Possession of drugs               | <input type="checkbox"/> Inappropriate display of affection     |
| <input type="checkbox"/> Harassment                          | <input type="checkbox"/> Skipping/truancy                  | <input type="checkbox"/> Inappropriate use of technology        |
| <input type="checkbox"/> Theft                               | <input type="checkbox"/> Inappropriate language            | <input type="checkbox"/> Inappropriate behavior                 |
| <input type="checkbox"/> Disrespect                          | <input type="checkbox"/> Not in appropriate place          | <input type="checkbox"/> Horseplay                              |
| <input type="checkbox"/> Cheating                            | <input type="checkbox"/> Vandalism                         | <input type="checkbox"/> Other _____                            |

Reason for Referral \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Location (check one)	Others Involved (check one)	Comments
<input type="checkbox"/> Classroom	<input type="checkbox"/> None	
<input type="checkbox"/> Hallway	<input type="checkbox"/> Peers	
<input type="checkbox"/> Common Area	<input type="checkbox"/> Staff	
<input type="checkbox"/> Outside Area	<input type="checkbox"/> Substitute	
<input type="checkbox"/> Lunch Room	<input type="checkbox"/> Administration	
<input type="checkbox"/> Bathroom	<input type="checkbox"/> Other	
<input type="checkbox"/> Gym		

Previous behavioral interventions implemented:

- Behavior Chart
- Met with parents Date: \_\_\_\_\_ Time: \_\_\_\_\_
- Mediation Date: \_\_\_\_\_ Time: \_\_\_\_\_
- Called parents Date: \_\_\_\_\_ Time: \_\_\_\_\_
- Social Worker/School Adjustment Counselor intervention plan
- Positive break
- Other \_\_\_\_\_

**Administrative Action:**

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> After School Detention<br>Date: _____ Time: _____       | <input type="checkbox"/> Phoned Parent<br>Date: _____ Time: _____          | <input type="checkbox"/> Parent Conference<br>Date: _____ Time: _____ |
| <input type="checkbox"/> Suspension<br>Date: _____ Time: _____                   | <input type="checkbox"/> Referred to Legal Authority                       | <input type="checkbox"/> Saturday School<br>Date: _____ Time: _____   |
| <input type="checkbox"/> In-house Alternative Program<br>Date: _____ Time: _____ | <input type="checkbox"/> Referred to Counselor                             | <input type="checkbox"/> Other _____                                  |
|  | <input type="checkbox"/> Student Life Detention<br>Date: _____ Time: _____ |   |

\_\_\_\_\_  
*Administrative Signature*



\_\_\_\_\_  
*Student Signature*

If a check is entered in this box, Parent please sign and return:

\_\_\_\_\_  
*Parent Signature*



**APPENDIX B**  
**Holyoke Community Charter School**  
**Notification of Short-term Suspension**

 <b>HOLYOKE COMMUNITY CHARTER SCHOOL</b> NOTIFICATION OF SUSPENSION 	Student Name: _____	Number of Days Suspended: _____
	Date: _____ Date of Incident: _____	From: _____ To: _____
	Staff: _____	Return on: _____
	<b>Reason for Suspension</b> Category 1 Section _____ # Offense _____ <input type="checkbox"/> Unruly conduct <input type="checkbox"/> Profanity <input type="checkbox"/> Physical contact <input type="checkbox"/> Leaving class without permission <input type="checkbox"/> Truancy <input type="checkbox"/> Ditching <input type="checkbox"/> Horseplay <input type="checkbox"/> Scholastic Dishonesty	
Category 2 Section _____ # Offense _____ <input type="checkbox"/> Endangering behavior <input type="checkbox"/> Harassment <input type="checkbox"/> Sexual Harassment <input type="checkbox"/> Bullying <input type="checkbox"/> Verbally aggressive <input type="checkbox"/> Assault against staff/student <input type="checkbox"/> Fighting <input type="checkbox"/> Vandalism <input type="checkbox"/> Possession of drugs/illegal material <input type="checkbox"/> Use of drugs <input type="checkbox"/> Possession/distribution of pornographic material <input type="checkbox"/> Possession of knife/gun or any weapon <input type="checkbox"/> Stealing <input type="checkbox"/> Making bomb threat <input type="checkbox"/> Pulling fire alarm or dialing 911 falsely <input type="checkbox"/> Inappropriate sexual conduct <input type="checkbox"/> Other _____		

Please check this box if you are requiring a satisfactory parent conference to be held prior to the student returning.

I have read and understand the notice of suspension \_\_\_\_\_  
Student Signature \_\_\_\_\_ Date \_\_\_\_\_

I acknowledge receipt of notice of suspension \_\_\_\_\_  
Parent Signature \_\_\_\_\_ Date \_\_\_\_\_

Administrator's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**APPENDIX C**  
**Holyoke Community Charter School**  
**Student Infraction Form**



**HOLYOKE COMMUNITY CHARTER SCHOOL**  
**STUDENT INFRACTION FORM**



Date \_\_\_\_\_

Student Name \_\_\_\_\_ Grade \_\_\_\_\_ Time \_\_\_\_\_

- |  |   |                                     |
|--|---|-------------------------------------|
| <input type="checkbox"/> Late to class       | <input type="checkbox"/> Line violation | <input type="checkbox"/> Cell phone |
| <input type="checkbox"/> Out of uniform      | <input type="checkbox"/> Without pass   | <input type="checkbox"/> Unprepared |
| <input type="checkbox"/> Disruptive Behavior | <input type="checkbox"/> Other _____    |                                     |

Comments \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

<b>Action</b>	<b>Number of Offenses</b> _____
<input type="checkbox"/> Student Life Detention _____ Date _____ Time _____	<input type="checkbox"/> After School Detention <input type="checkbox"/> Parent Meeting
<input type="checkbox"/> Phone call home _____ Date _____ Time _____	<input type="checkbox"/> Saturday Detention <input type="checkbox"/> Other _____

\_\_\_\_\_ Administrative Signature \_\_\_\_\_ Student Signature

Form **SP5344** School Service, Inc. (800) 747-9549      White Copy – Administrative      Blue Copy – Teacher      Green Copy – Parent

**APPENDIX D**  
**NOTIFICATION OF LONG-TERM SUSPENSION/EXPULSION \***

To: School Director  
 Special Education Coordinator  
 Parent(s)/Legal Guardian(s)/Student  
 Data Entry

From: \_\_\_\_\_  
 \_\_\_\_\_  
 (Name of School)

STUDENT'S NAME: \_\_\_\_\_ Grade: \_\_\_\_\_

Proposed suspension for \_\_\_\_\_ days from: \_\_\_\_\_ to: \_\_\_\_\_  
 Proposed expulsion for \_\_\_\_\_ days from: \_\_\_\_\_ to: \_\_\_\_\_  
 Return to school on \_\_\_\_\_

.....  
 PARENTS: The purpose of this notice is to inform you of a violation(s) of the Code of Conduct resulting in a suspension/expulsion of your child. The ground(s) for the suspension/expulsion is the following violation(s) of the Code of Conduct: \_\_\_\_\_. Serious behavioral problems result in poor learning for your child and often for others. If suspended, your child will be allowed to make up any schoolwork missed as established by the Attendance Policy. Please call the school office to arrange for making up schoolwork. If suspended, your child should report directly to the administration office upon returning to school.

.....  
 The proposed suspension/expulsion will result in the exclusion of the student from school for more than ten (10) days.

In addition to the minimal protections afforded to a student where a short-term suspension is imposed, additional due process hearing rights arise under federal and Massachusetts law when a long-term suspension or an expulsion is sought.

Prior to the imposition of a long-term suspension or an expulsion, the school principal shall ensure that the parent(s) or legal guardian(s) (or student if he or she is eighteen (18) years or older) receive timely written notice, in the language of the home, by certified and first class mail, postage prepaid, of the following:

- |    |   |       |     |       |    |
|----|---|-------|-----|-------|----|
| a. | intent to hold hearing  | _____ | yes | _____ | no |
| b. | date/time/place of hearing  | _____ | yes | _____ | no |
| c. | nature of evidence against the student                                    | _____ | yes | _____ | no |
| d. | section(s) of the Code of Conduct allegedly violated                      | _____ | yes | _____ | no |
| e. | list of school's witnesses  | _____ | yes | _____ | no |
| f. | summary of the procedures/rights<br>(See Notice Attachment which follows) | _____ | yes | _____ | no |
| g. | right to appeal to Director   | _____ | yes | _____ | no |

A copy of this Notice in the language of the home is attached hereto. \_\_\_\_\_ yes \_\_\_\_\_ no

\_\_\_\_\_  
 Authorized Signature - Title Date

**APPENDIX E**

**NOTIFICATION OF LONG-TERM SUSPENSION/CUMULATIVE SUSPENSION OF MORE THAN TEN (10) DAYS OR EXPULSION OF STUDENT WITH DISABILITIES**

To: School Director  
Special Education Coordinator  
Parent(s)/Legal Guardian(s)/Student  
Data Entry

From: \_\_\_\_\_  
\_\_\_\_\_  
(Name of School)

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

Proposed suspension for \_\_\_\_\_ days from: \_\_\_\_\_ to: \_\_\_\_\_

Proposed expulsion for \_\_\_\_\_ days from: \_\_\_\_\_ to: \_\_\_\_\_

Return to school on \_\_\_\_\_

.....  
Parents: The purpose of this notice is to inform you of a violation(s) of the Code of Conduct resulting in a suspension/expulsion of your child. The ground(s) for the suspension/expulsion is the following violation(s) of the Code of Conduct: \_\_\_\_\_. Serious behavioral problems result in poor learning for your child and often for others. If suspended, your child will be allowed to make up any schoolwork missed as established by the Attendance Policy. Please call the school office to arrange for making up schoolwork. If suspended, your child should report directly to the administration office upon returning to school.  
.....

The proposed suspension/expulsion will result in the exclusion of the above named student for more than ten (10) cumulative days in the school year.

In addition to the minimal protections afforded to a student where a short-term suspension is imposed, **prior** to the imposition of a long-term suspension/expulsion or a suspension resulting in exclusion for more than ten (10) cumulative days, additional rights arise. I attest to the following:

Prior to the imposition of a long-term suspension or an expulsion, the school principal shall ensure that the parent(s) or legal guardian(s) (or student if he or she is eighteen (18) years or older) receive timely written notice, in the language of the home, by certified and first class mail, postage prepaid, of the following:

- |    |   |                 |
|----|---|-----------------|
| a. | intent to hold hearing  | _____yes_____no |
| b. | date/time/place of hearing  | _____yes_____no |
| c. | nature of evidence against the student                                    | _____yes_____no |
| d. | section(s) of the Code of Conduct allegedly violated                      | _____yes_____no |
| e. | list of school's witnesses  | _____yes_____no |
| f. | summary of the procedures/rights<br>(See Notice Attachment which follows) | _____yes_____no |
| g. | right to appeal to Director   | _____yes_____no |

A copy of this Notice in the language of the home is attached hereto. \_\_\_\_\_yes\_\_\_\_\_no

2. I have provided immediate notice to the educational programmer to schedule a TEAM meeting as the students' infraction might result in a cumulative suspension of more than ten (10) days from the beginning of the School year. A TEAM meeting was scheduled and Notice of the TEAM Meeting, in the language of the home, was sent to the parent(s)/legal guardian(s) and other TEAM participants (student's service providers, administrative representatives, and other qualified personnel). \_\_\_\_\_yes\_\_\_\_\_no

3. The TEAM met on \_\_\_\_\_, completed a functional behavioral assessment, developed or reviewed a behavioral intervention plan and concluded that the misconduct was NOT related to the student's

handicapping condition(s) or the result of an inappropriate special education placement, was NOT the result of a failure to fully implement the student's IEP, was NOT the result of the student's disability causing an inability to understand the impact and consequences of the behavior, and was NOT the result of the student's disability causing an inability to control the behavior.

4. The TEAM considered:
- (a) evaluation and diagnostic results  yes  no
  - (b) relevant information supplied by the parent(s)/legal guardian(s)  yes  no
  - (c) observations of the student  yes  no
  - (d) Student's IEP and placement  yes  no

5. I have ensured that the parent(s)/legal guardian(s)/student have been provided with copies of the current IEP and the Amendment to the IEP (Alternative Plan) developed by the TEAM, which describes the special education services to be provided during this period of exclusion, including services designed to address the behavior so that it does not recur, provision for continued participation in the general education curriculum, along with the applicable parent/legal guardian notice of procedural safeguards and rights as required by state and federal regulations. I have also provided them with written notice of their right to mediation or hearing before the Bureau of Special Education Appeals if they do not accept the alternate plan. A copy of this notice is attached hereto.  yes  no

6. Telephone notice of the proposed suspension has been made to the Department of Education, Program Quality Assurance Liaison (optional).  yes  no

7. The following required documentation has been placed in the student's file and is available to the Department of Education upon request:

- a. Copy of the student's current IEP  yes  no
- b. Copy of alternate plan  yes  no
- c. Copy of written notice to parent's of procedural safeguards  yes  no

8. The special needs student was found in possession of or was using a dangerous weapon or illegal drugs in school or at a school-sponsored event in violation of school policy; therefore, the student has been placed in an appropriate interim alternative educational setting, as determined by the TEAM, for up to 45 days, pursuant to 20 U.S.C. 1415 (k), regardless of parental consent.  yes  no

9. The parent(s)/legal guardian(s)/student has/have consented to the alternate plan.  yes  no

or

As a result of the parent(s)/legal guardian(s)/student's rejection of the proposed Alternate Plan, the school has requested a hearing and shall seek an order to change the student's placement based on a showing that both the student's continued presence in the school presents a substantial likelihood of injury or harm to him/herself or others and that the school has taken reasonable steps to minimize the likelihood of harm.

yes  no

10. The parent(s)/legal guardian(s) student has/have requested a hearing or filed a lawsuit to challenge the school district's action.  yes  no

or

As a result of the parent(s)/legal guardian(s)/student(s) rejection of the proposed alternate plan, the school has requested a hearing to uphold the proposed educational program.  yes  no

\_\_\_\_\_  
Authorized Signature - Title

\_\_\_\_\_  
Date

## **APPENDIX F**

### **NOTICE FOR LONG-TERM SUSPENSION AND EXPULSION HEARINGS**

During the course of the hearing, the school will first present direct and corroborative evidence from the above-named individual(s). After presentation of the school's evidence, you will be able to present any evidence related to the above-alleged acts on behalf of your son/daughter. You will then be able to present an argument concerning the information presented followed by a brief argument by the school.

At the hearing, you and your son/daughter have the right to be represented by counsel or an advocate of your choice. Depending upon the nature of the individual, you may have the right to cross-examine school witnesses (note: in some cases, the need to protect an individual may outweigh a student's right to cross-examine a witness, for example, another student.) In addition, you may present witnesses on behalf of your son/daughter, and have your son/daughter, if you so choose, testify in his/her own behalf if you so desire. You are entitled to a copy of the tape recording of the hearing. In addition, you or your counsel or advocate may review any and all statements by proposed school witnesses prior to said hearing. Arrangements for such review can be made by contacting the building principal. Finally, you have the right to a reasonably prompt written decision, including the specific grounds for the decision, after the hearing is concluded.

**Arrangements for the translation of witness statements or other school documents will be provided upon request.**

Please be advised that all reasonable efforts will be made to protect the confidentiality of the hearing.

Please note that the allegations against the student must be supported by a preponderance of the evidence before a long-term suspension/expulsion is imposed.

Please also note that this is not a court proceeding. Evidence which is relevant, though hearsay, may be admitted.

Please further note that you have the right to appeal the decision to the school director within ten (10) days.

**APPENDIX G**

**HOLYOKE COMMUNITY CHARTER SCHOOL  
Grievance Form**

To be completed by parent(s)/guardian(s) or student age 18 or older. Assistance will be provided upon request to enable an individual to complete this Grievance Form.

Student: \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
School: \_\_\_\_\_ Grade: \_\_\_\_\_  
Parent(s)/Guardian(s): \_\_\_\_\_ Phone: (H) \_\_\_\_\_  
Address: \_\_\_\_\_ Phone: (W/C) \_\_\_\_\_  
Grievance made by: \_\_\_\_\_ Date: \_\_\_\_\_

**Basis of Complaint**

Alleged Discriminatory Conduct under:

- |                           |                          |  |
|---------------------------|--------------------------|--|
| Section 504/ADA           | <input type="checkbox"/> | (disability)                                   |
| Title IV/ Title VI        | <input type="checkbox"/> | (race, color, national origin)                 |
| Title IX                  | <input type="checkbox"/> | (sex/gender)                                   |
| M.G.L. c. 151C            | <input type="checkbox"/> | (religion)                                     |
| M.G.L. c. 76, 5           | <input type="checkbox"/> | (sexual orientation, gender identity, housing) |
| Physical Restraint Policy | <input type="checkbox"/> | (violation of physical restraint policy)       |

Alleged Conduct that is Not discriminatory:

- By another Student/Students
- By teacher(s)/other school staff

Please explain your grievance/complaint: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Attach additional sheets as necessary, and return completed Grievance Form alleging discriminatory conduct to the District's Titles II, IV, VI, IX, ADA and Section 504 Coordinator.  
Return your completed Grievance Form alleging a violation of the Physical Restraint Policy or nondiscriminatory conduct to your child's School Director.

Signature(s): \_\_\_\_\_

## APPENDIX H

### **HOLYOKE COMMUNITY CHARTER SCHOOL PHYSICAL RESTRAINT AND BEHAVIOR SUPPORT POLICY**

*This policy complies with the revised physical restraint regulations  
at 603 CMR 46.01 et seq., effective on January 1, 2016*

#### **BACKGROUND AND PURPOSE**

The Massachusetts Department of Elementary and Secondary Education (DESE) established regulations governing the use of physical restraints on students. These regulations supersede all previously established procedures. The Holyoke Community Charter School is required to follow the provisions of 603 CMR 46.00 which regulates the use of physical restraint on students in Massachusetts public school districts, charter schools, virtual schools, collaborative and special education schools. The purpose of this policy is to ensure that every student participating in a Holyoke Community Charter School (HCCS) program is free from the intrusive use of physical restraint that is inconsistent with 603 CMR 46.00 and that such an intervention is used only in emergency situations of last resort after other less intrusive alternatives have failed or have been deemed inappropriate, and with extreme caution. Physical restraint should be administered only when needed to protect a student or other students and staff from assault or imminent, serious physical harm. Physical restraint should be administered in the least intrusive manner possible and should be used to prevent or minimize harm to the student.

#### **DEFINITIONS**

The following terms as used in 603 CMR 46.00 shall have the following meanings:

**Physical restraint:** Direct physical contact that prevents or significantly restricts a student's freedom of movement. Physical restraint does not include brief physical contact to promote student safety, providing physical guidance or prompting when teaching a skill, redirecting attention, providing comfort, or a physical escort.

**Physical escort:** A temporary touching or holding, without the use of force, of the hand, wrist, arm, shoulder, or back for the purpose of inducing a student who is agitated to walk to a safe location.

**Mechanical restraint:** The use of any device or equipment to restrict a student's freedom of movement. The term does not include devices implemented by trained school personnel, or utilized by a student; that have been prescribed by an appropriate medical or related services professional; and are used for the specific and approved positioning or protective purposes for which such devices were designed.

**Medication Restraint:** The administration of medication for the purpose of temporarily controlling behavior. Medication prescribed by a licensed physician and authorized by the parent for administration in the school setting is not medication restraint.

**Consent:** Consent shall mean agreement by a parent who has been fully informed of all information for which agreement is sought, in his or her native language or other mode of communication that the parent understands and agrees in writing to carrying out of the activity, and understands that the agreement is voluntary and may be revoked at any time. The agreement describes the activity and lists the records (if any) which will be released and to whom. In seeking parental consent, a public education program shall not condition admission or continued enrollment upon agreement to the proposed use of any restraint.

**Time Out:** A behavioral support strategy developed pursuant to 603 CMR 46.04(1) in which a student temporarily separates from the learning activity or the classroom, either by choice or by direction from staff, for the purpose of calming. During time-out, a student must be continuously observed by a staff member. Staff shall be with the student or immediately available to the student at all times. The space used for time-out must be clean, safe, sanitary, and appropriate for the purpose of calming. Time-out shall cease as soon as the student has calmed. At the Holyoke Community Charter School a time-out under this policy excludes disciplinary related



removal from classroom or structured breaks. In the case a student is in need of calming, a multidisciplinary team (of a minimum of two), including the social worker, student adjustment counselor, student management, administrators or support staff, will lead the student to a time-out space (administrator's office or other space without an audience) and the student will be continuously supervised.

**Prone Restraint:** Prone restraint shall mean a physical restraint in which a student is placed face down on the floor or another surface, and physical pressure is applied to the student's body to keep the student in the face-down position.

**Extended restraint:** A physical restraint the duration of which is more than twenty (20) minutes. Extended restraints increase the risk of injury and therefore, require additional written documentation.

**School working day:** Any day or partial day that students are in attendance at the public education program for instructional purposes.

**Seclusion:** The involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving. Seclusion does not include a time-out as defined in 603 CMR 46.02.

Physical restraint is defined as direct physical contact that prevents or significantly restricts a student's freedom of movement. Physical restraint shall be used only in emergency situations of last resort, after other lawful and less intrusive alternatives have failed or been deemed inappropriate, and with extreme caution. Physical restraint shall only be used when needed to protect a student and/or a member of the Holyoke Community Charter School community from assault or imminent, serious, physical harm. Furthermore, any such physical restraint shall be administered so as to prevent or minimize any harm to the student.

This policy shall be reviewed annually and provided to Holyoke Community Charter School staff and made available to the Parents of enrolled students. Nothing in this policy precludes any teacher, employee, or agent of the Holyoke Community Charter School from using reasonable force to protect students, other persons, or themselves from assault or imminent, serious, physical harm.

### **1. Methods for Preventing Student Violence, Self-Injurious Behavior, and Suicide**

- a. The Crisis Intervention Team is trained and certified to utilize Crisis Prevention Institute non-violent crisis intervention and de-escalation techniques.

### **2. Methods for Engaging Parents**

- a. Holyoke Community Charter School will conduct an annual workshop, open to the entire school community, concerning restraint prevention and the use of restraint solely as an emergency. This workshop may be coordinated with the special education parent advisory council and the Parent Connection.
- b. Any parent with concerns about the use of physical restraint at Holyoke Community Charter School may request a meeting with the School Director to discuss such concerns. Any individual who believes that a physical restraint of a student may have been unwarranted or conducted inappropriately may also make use of the Grievance Procedure described in Section 10, below.

### **3. Alternatives to Physical Restraint and Methods of Physical Restraint**

#### **a. Alternatives**

Physical restraint shall not be used unless the following, less intrusive behavior interventions and supports have been unsuccessful or deemed inappropriate by school staff:

- Positive behavioral interventions
- Verbal redirection or directives
- Opportunity for a break

- De-escalation techniques
- Loss of earned tokens/rewards/privileges
- Opportunity for time-out
- Physical escort to a separate space for time-out
- Referral to school counselor
- Communication with guardian(s)

b. Methods of Physical Restraint:

Physical restraint shall not be used as a means of discipline or punishment; if the student cannot be safely restrained due to medical contraindications which have been documented by a licensed physician and provided to the District; as a response to property destruction, disruption, refusal to comply with rules or staff directives, or verbal threats when those actions do not constitute a threat of assault or imminent, serious, physical harm. Physical restraint shall not be used as a standard response for any individual student. Physical restraint is an emergency procedure of last resort.

The following forms of physical restraint shall only be administered by trained personnel, using only the amount of force necessary to protect the student or other member(s) of the school community from assault or imminent, serious, physical harm. The staff member(s) administering physical restraint shall use the safest method available and appropriate to the situation. Staff shall continuously monitor the physical status of the student during restraint, and the student shall be immediately released from the physical restraint if the student expresses or demonstrates significant physical distress.

All physical restraints must terminate as soon as the student is no longer an immediate danger, or if the student indicates that he/she cannot breathe, or if the student is observed to be in severe distress. If any physical restraint approaches twenty (20) minutes, staff will obtain the approval of the building Principal to continue the restraint based upon the student's continued agitation. All physical restraints shall be administered in compliance with 603 CMR 46.00.

- i. CPI Team Control Position
- ii. CPI Transport Position
- iii. CPI Children's Control Position
- iv. CPI Interim Control Position

**4. Prohibited Forms of Restraint**

- a. Medication restraint, mechanical restraint, and seclusion restraint, as defined in 603 CMR 46.02, are prohibited in the Holyoke Community Charter School.
- b. Any form of physical restraint used in a manner inconsistent with 603 CMR 46.00 is prohibited in the Holyoke Community Charter School.
- c. Given the risk of positional asphyxia and inherent of prolonged and intended floor restraint, prone restraint (as defined in 603 CMR 46.02) will not be used at the HCCS.  
HCCS uses the Crisis Prevention Institute Classroom Models as the procedure for providing for the safety and well-being of all individuals in the school setting. As such, only those staff members with in-depth Applied Physical Training will engage in extended restraint. If at any time a student in distress goes to the floor, temporary emergency floor techniques will be used to safely move the

student to the Classroom Model as soon as possible. Restraint and hold techniques are never designed to bring a student to the floor or “take down” a student.

## **5. Staff Training, Physical Restraint Reporting, and Follow-Up Process**

### **a. Staff Training:**

- i. All staff/faculty will receive training regarding the District's physical restraint policy within the first month of each school year, and employees hired after the school year begins will receive training within one month of starting their employment.
- ii. Required training for all staff will include review of the following:
  - 1) Holyoke Community Charter School Physical Restraint and Behavior Support Policy
  - 2) School building-level physical restraint procedures, including the use of time-out as a behavior support strategy;
  - 3) The role of the student, family, and staff in preventing physical restraint;
  - 4) Interventions which may preclude the need for restraint, including de-escalation of problematic behaviors and alternatives to restraint;
  - 5) When in an emergency, the types of permitted physical restraints and related safety consideration, including information regarding the increased risk of injury to a student when any restraint is used;
  - 6) Identification of Holyoke Community Charter Schools' staff who have received in-depth training (as set forth below in section (a)(iii)) in the use of physical restraint.
- iii. In-Depth Training
  - 1) At the beginning of the school year, the School Director will identify those designated staff who will participate in in-depth training and who will then be authorized to serve school-wide resources to assist in ensuring proper administration of physical restraint.
  - 2) Designated staff members shall participate in approximately sixteen (16) hours of in-depth training in the use of physical restraint, with at least one refresher training annually.
  - 3) In-depth training will include:
    - A. Appropriate procedures for preventing the need for physical restraint, including the de-escalation of problematic behavior, relationship building and the use of alternatives to restraint;
    - B. A description and identification of specific dangerous behaviors on the part of students that may lead to the use of physical restraint and methods for evaluating the risk of harm in individual situations in order to determine whether the use of restraint is warranted;
    - C. The simulated experience of administering and receiving physical restraint, instruction regarding the effect(s) on the person restrained, including instruction on monitoring physical signs of distress and obtaining medical assistance;
    - D. Instruction regarding documentation and reporting requirements and investigation of injuries and complaints;
    - E. Demonstration by participants of proficiency in administering physical restraint; and
    - F. Instruction regarding the impact of physical restraint on the student and family, including but not limited to psychological, physiological, and social-emotional effects.

### **b. Physical Restraint Reporting**

- i. Report to Principal or Designee:

- 1) Staff shall verbally inform the Principal of any physical restraint as soon as possible, and by written report within one (1) school day.
- 2) The Principal or designee shall maintain an ongoing record of all reported instances of physical restraint.
- ii. Report to Parent(s) of Physically Restrained Student:
  - 1) The Principal or designee shall make reasonable efforts to verbally inform the student's Parent of the physical restraint within twenty-four (24) hours.
  - 2) The Principal or designee shall provide the Parent a written report of the physical restraint within three (3) school days. This written report may be provided via email, if the Parent has provided the District with an email address (see Attachment A).
  - 3) The Parent and/or student may respond to the Principal or designee to comment on the use of the physical restraint and the information in the written report (see Attachment B). The Parent and/or student may also pursue the Grievance Procedure described in Section 10, below.
- iii. Report to Department of Elementary and Secondary Education (DESE):
  - 1) Whenever a physical restraint results in injury to the student or any school community member, the District shall send a copy of the written report to DESE within three (3) school days. A copy of the ongoing physical restraint log from the past thirty (30) days will also be provided to DESE.
  - 2) Holyoke Community Charter School shall also report physical restraint data annually to DESE, as directed by DESE.

c. Follow-Up Procedures

- i. After a student is released from a physical restraint, staff shall implement follow-up procedures, including:
  - 1) Reviewing the incident with the student to address the behavior that precipitated the physical restraint;
  - 2) Reviewing the incident with the staff member(s) who administered the physical restraint to ensure proper restraint procedures were followed; and
  - 3) Consideration of whether any follow-up is appropriate for students who witnessed the physical restraint, if any.

**6. School director has developed and implemented procedures for period review of physical restraint data.**

- a. These procedures include weekly review of physical restraint data to identify individual students who have been restrained multiple times during the week, and if any such student(s) is identified, to convene a review team to assess the student's needs.
- b. These procedures include monthly, administrative review of school-wide physical restraint data.

**7. School Director has developed and implemented procedures to ensure that the Reporting Requirements of this Policy and 603 CMR 46.06 are met.**

**8. School Director has developed and implemented procedures for providing timely, oral and written notice to the parents of any student who undergoes physical restraint. (See Attachment A)**

**9. School director has developed and implemented a procedure for the use of time-out.**

- a. This procedure includes the process by which staff will obtain the Director's approval for any time-out lasting longer than thirty (30) minutes. Such approval shall be based on the student's continuing agitation.

**10. Grievance Procedures.**

This grievance procedure is established to ensure procedures are in place for receiving and investigating complaints regarding physical restraint practices. Any individual who believes that a physical restraint of a student may have been unwarranted or conducted inappropriately may file a complaint by utilizing this procedure:

The complaint must be submitted in writing or on audiotape to School Director.

The School Director will meet with the complainant within ten (10) school days of receipt of the complaint.

A thorough investigation will be conducted which may include interviewing witnesses, staff involved and/or the student; reviewing all written documentation leading up to and pertaining to the incident and all reports filed with the School Director and the Department of Elementary and Secondary Education.

A written report will be developed by the School Director and provided to the complainant.

**Attachment A**

**Physical Restraint Report  
603 CMR 46.06(5)**

**NOTE: This report is required to be submitted to the Department of Elementary and Secondary Education, Director of Program Quality Assurance Services, by a publicly funded education day program after 1) physical restraint of a Massachusetts student lasting longer than twenty (20) minutes or 2) physical restraint of a Massachusetts student that results in serious injury requiring emergency medical intervention to a student or staff member. This report must be sent to the ESE within five (5) school working days of the restraint.**

**IDENTIFYING INFORMATION:**  
Name of Student: \_\_\_\_\_ Date of restraint: \_\_\_\_\_  
Date of birth: \_\_\_\_\_ Age: \_\_\_\_\_ Gender: M / F \_\_\_\_\_ Grade level: \_\_\_\_\_  
Does student currently receive special education services? Yes:  No:   
Date of this report: \_\_\_\_\_ Site of restraint: \_\_\_\_\_  
This report prepared by: \_\_\_\_\_ Position: \_\_\_\_\_  
Address: \_\_\_\_\_ Telephone: ( ) \_\_\_\_\_  
Staff administering restraint:  
Name: \_\_\_\_\_ Title: \_\_\_\_\_ Completed in-depth restraint training program:  Yes  No  
Name of restraint methodology: \_\_\_\_\_  
Name: \_\_\_\_\_ Title: \_\_\_\_\_ Completed in-depth restraint training program:  Yes  No  
Observers (if any):  
Name: \_\_\_\_\_ Title: \_\_\_\_\_  
Name: \_\_\_\_\_ Title: \_\_\_\_\_  
Principal or designee who was verbally informed following the restraint:  
Name: \_\_\_\_\_ Title: \_\_\_\_\_  
Reported by: \_\_\_\_\_ Title: \_\_\_\_\_  
Parent who was informed of this restraint:  
Name: \_\_\_\_\_ Telephone: ( ) \_\_\_\_\_  
Called by: \_\_\_\_\_ Title: \_\_\_\_\_

**PRECIPITATING ACTIVITY:**  
Thorough description of activity in which the restrained or other students were engaged immediately preceding use of physical restraint:  
  
  
  
Behavior that prompted and justified the restraint:  
  
  
  

Attachment A page 2 of 3

Thorough description of efforts made to deescalate and alternatives to restraint that were attempted:

**DESCRIPTION OF PHYSICAL RESTRAINT:**

Justification for initiating physical restraint (*check all that apply*):

- Non-physical interventions were not effective
- To protect student from imminent, serious, physical harm
- To protect other student/staff from imminent, serious, physical harm
- To implement necessary restraint in accordance with the student's IEP or other written plan (*describe pertinent provisions of the IEP or other written plan*):

Describe holds used and why such holds were necessary:

Student's behavior and reaction during restraint:

Time restraint began: \_\_\_\_\_ Time restraint ended: \_\_\_\_\_

**CESSATION OF RESTRAINT:**

How restraint ended (*check all that apply*):

- Determination by staff member that student was no longer a risk to himself or others
- Intervention by administrator(s) to facilitate de-escalation
- Law enforcement personnel arrived
- Staff sought medical assistance
- Other (*describe*):

**Description of any injury to student and/or staff and any medical or first aid care provided:**

Incident report was filed with the following school district official: \_\_\_\_\_

**FOR RESTRAINTS LASTING BEYOND 20 MINUTES:**

Alternatives to extended restraint that were attempted:

Outcome of those efforts:

Justification for administering extended restraint:

Principal or Designee who approved continuation of the restraint:

Name: \_\_\_\_\_ Title: \_\_\_\_\_

**FURTHER ACTION TO BE TAKEN: (Attach separate page if necessary.)**

Attachment A page 2 of 3

The school will take the following action and/or disciplinary sanctions (*check as many as apply*).

- Review incident with student to address behavior that precipitated the restraint.
- Review incident with staff to discuss whether proper restraint procedures were followed.
- Consider whether follow-up is necessary for students who witnessed the incident.
- Conduct a local investigation of any complaint regarding this restraint (*describe investigation procedures*):
- Disciplinary action/sanctions taken by the program (*describe*):
- Contact with parents, responsible school district, other state agency (*describe*):

**PARENT/GUARDIAN NOTIFICATION (*required for all reported restraints*):**

Verbally informed of physical restraint on \_\_\_\_\_ by teacher/administrator/other or documented attempts to contact verbally (*describe*):

Written report sent within 3 school working days of administration of restraint to parent/guardian on \_\_\_\_\_ by \_\_\_\_\_ (*teacher/administrator/other*) at the following address:

Sent in native language of the parent/guardian (*language*): \_\_\_\_\_

Parent/guardian was offered opportunity to discuss the administration of physical restraint and/or disciplinary sanctions with teacher/administrator. Results of discussion (*Attach separate page if necessary*):



**Attachment B**  
**Parent Notification**

*Date*

*Parent/Guardian Name*  
*Street Address*  
*City, State, Zip*

Dear *Parent/Guardian Name*,

This is to inform you that on *date of incident* it was necessary for our staff to intervene and perform a restraint on your daughter/son, *name of student*. This intervention took place after all other attempts to de-escalate the behavior either failed, or were deemed inappropriate at the time.

If you would like to comment in writing about the use of the intervention or the information in the report, please use the space provided on the next page and return to the school director. If you would like to discuss the use of this intervention, please call the school at 413-533-0111.

Sincerely,  
*School Director*

Physical Restraint Report Parent/Guardian Comment and Feedback form

Student Name: _____	Date _____
Parent/Guardian Name: _____	Phone _____

Parent/Guardian Comment: _____
---

*Please return this form to the Holyoke Community Charter School’s main office.*

**APPENDIX I**

**Holyoke Community Charter School  
BULLYING PREVENTION AND INTERVENTION INCIDENT REPORTING FORM**

**1. Name of Reporter/Person Filing the Report:** \_\_\_\_\_

(Note: Reports may be made anonymously, but no disciplinary action will be taken against an alleged aggressor solely on the basis of an anonymous report.)

**2. Check whether you are the: Target of the behavior Reporter (not the target)**

**3. Check whether you are a: Student Staff member (specify role)** \_\_\_\_\_

Parent Administrator Other(specify)\_\_\_\_\_

**Your contact information/telephone Number:** \_\_\_\_\_

**4. If student, state your school:** \_\_\_\_\_ **Grade:** \_\_\_\_\_

**5. If staff member, state your school or work site:** \_\_\_\_\_

**6. Information about the Incident:**

**Name of Target (of behavior):** \_\_\_\_\_

**Name of Alleged Aggressor (Person who engaged in the behavior):** \_\_\_\_\_

**Date(s) of Incident(s):** \_\_\_\_\_

**Time When Incident(s) Occurred:** \_\_\_\_\_

**Location of Incident(s) (Be as specific as possible):** \_\_\_\_\_

**7. Witnesses (List people who saw the incident or have information about it):**

**Name:** \_\_\_\_\_  Student  Staff  Other \_\_\_\_\_

**Name:** \_\_\_\_\_  Student  Staff  Other \_\_\_\_\_

**Name:** \_\_\_\_\_  Student  Staff  Other \_\_\_\_\_

**8. Describe the details of the incident (including names of people involved, what occurred, and what each person did and said, including specific words used). Please use additional space on back if necessary.**

FOR ADMINISTRATIVE USE ONLY

**9. Signature of Person Filing this Report:** \_\_\_\_\_ **Date:** \_\_\_\_\_

(Note: Reports may be filed anonymously.)

**10: Form Given to:** \_\_\_\_\_ **Position:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Signature:** \_\_\_\_\_ **Date Received:** \_\_\_\_\_

## II. INVESTIGATION

1. Investigator(s): \_\_\_\_\_ Position(s): \_\_\_\_\_

### 2. Interviews:

Interviewed aggressor Name: \_\_\_\_\_ Date: \_\_\_\_\_

Interviewed target Name: \_\_\_\_\_ Date: \_\_\_\_\_

Interviewed witnesses Name: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_ Date: \_\_\_\_\_

3. Any prior documented incidents by the aggressor?  Yes  No

If yes, have incidents involved target or target group previously?  Yes  No

Any previous incidents with findings of BULLYING, RETALIATION  Yes  No

Summary of Investigation: (Please use additional paper and attach to this document as needed)

## III. CONCLUSIONS FROM THE INVESTIGATION

### 1. Finding of bullying or retaliation:

YES  NO

Bullying  Incident documented as \_\_\_\_\_

Retaliation  Discipline referral only \_\_\_\_\_

### 2. Contacts:

Target's parent/guardian Date: \_\_\_\_\_  Aggressor's parent/guardian Date: \_\_\_\_\_

District Civil Rights Coordinator Date: \_\_\_\_\_ Law Enforcement Date: \_\_\_\_\_

### 3. Action Taken:

Loss of Privileges \_\_\_\_\_  Detention (SL/ After School)  Counseling Referral

Suspension  Education  Other \_\_\_\_\_

4. Describe Safety Planning: \_\_\_\_\_

Follow-up with Target: scheduled for \_\_\_\_\_ Initial and date when completed: \_\_\_\_\_

Follow-up with Aggressor: scheduled for \_\_\_\_\_ Initial and date when completed: \_\_\_\_\_

Report forwarded to Principal: Date \_\_\_\_\_

Report forwarded to Superintendent: Date \_\_\_\_\_

(If principal was not the investigator)

Signature and Title: \_\_\_\_\_ Date: \_\_\_\_\_

**APPENDIX J**

**Head Injuries and Concussions in Extracurricular Athletic Activities Forms**

**PRE-PARTICIPATION HEAD INJURY/CONCUSSION REPORTING FORM**

This form should be completed by the student's parent or legal guardian. It must be submitted to the School Director or coach *prior* to the start of *each sport season* a student plans to participate in.

Student's Name	Sex	Date of Birth
Address	Telephone	
Sport	Grade	

**Concussion Regulations and Parent/Student-Athlete Education**

In June of 2011, the state passed new **MANDATORY** concussion regulations that require parents and athletes to be aware of the signs and symptoms of concussions. By checking one of the options below and signing this form, you attest to the fact that you have viewed one of these links or if unable to view the link; have picked up a paper copy at the school's Main Office office.

\_\_\_\_\_ [http://www.cdc.gov/concussion/HeadsUp/online\\_training.html](http://www.cdc.gov/concussion/HeadsUp/online_training.html)

\_\_\_\_\_ <http://www.nfhslearn.com/electiveDetail.aspx?courseID=15000>

\_\_\_\_\_ [http://www.cdc.gov/concussion/pdf/Parents\\_Fact\\_Sheet-a.pdf](http://www.cdc.gov/concussion/pdf/Parents_Fact_Sheet-a.pdf)\*

\_\_\_\_\_ I have picked up a copy of Heads Up parent fact sheet

**YOU MUST HAVE CHECKED ONE OPTION ABOVE TO BE ELIGIBLE TO PARTICIPATE IN SPORTS**

**Has student ever experienced a traumatic head injury (a blow to the head)?**

Yes \_\_\_ No \_\_\_ If yes, when? Dates (month/year) \_\_\_\_\_

**Has student ever received medical attention for a head injury?**

Yes \_\_\_ No \_\_\_ If yes, when? Dates (month/year) \_\_\_\_\_

If yes, please describe the circumstances:

**Was student diagnosed with a concussion? Yes \_\_\_ No \_\_\_**

Yes, when? Dates (month/year) \_\_\_\_\_

Duration of symptoms (headache, concentration issues, fatigue, etc) for most recent concussion:

Parent/Guardian: Name (please print) \_\_\_\_\_

Signature/Date \_\_\_\_\_

Student: Name (please print) \_\_\_\_\_

Signature/Date \_\_\_\_\_

## Report of Head Injury During Sports Season Form

This form is to report a head injury (other than minor cuts or bruises) that occurs during an athletic event. It should be returned to the School Director and reviewed by the school nurse.

**For Coaches:** Please complete this form immediately after the game or practice for head injuries that result in the student being removed from play due to *possible* concussion.

**For Parents/Guardians:** Please complete this form if your child has a head injury outside of school related athletic activities.

Student's Name	Sex	Date of Birth
Address	Telephone	
Sport	Grade	

Date of injury: \_\_\_\_\_

Did the incident take place during a school activity? Yes \_\_\_ No \_\_\_

If so, where did the incident take place? \_\_\_\_\_

Please describe the nature and extent of injuries to the student:

**For Parents/Guardians:**

Did the student receive medical attention? Yes \_\_\_ No \_\_\_

If yes, was a concussion diagnosed? Yes \_\_\_ No \_\_\_

**I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, MY ANSWERS TO THE ABOVE QUESTIONS ARE COMPLETE AND CORRECT.**

Name of person completing the form: \_\_\_\_\_  
(Please Print)

Signature/Date: \_\_\_\_\_

Relationship to student: (please circle one) Coach \_\_\_ Parent \_\_\_

**PLEASE RETURN THIS FORM TO THE SCHOOL DIRECTOR**

**POST SPORTS-RELATED HEAD INJURY MEDICAL CLEARANCE AND  
AUTHORIZATION FORM**

2020-2021

*The student must be completely symptom free at rest, during exertion, and with cognitive activity prior to returning to full participation in extracurricular athletic activities. Do not complete this form until a graduated return to play plan has been completed and the student is found to be symptom free at rest, during exertion and with cognitive activity.*

Student's Name	Sex	Date of Birth	Grade
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Date of injury: \_\_\_\_\_ Nature and extent of injury: \_\_\_\_\_

Symptoms (check all that apply):

- Nausea or vomiting                       Headaches                                       Light/noise sensitivity
- Dizziness/balance problems               Double/blurry vision                               Fatigue
- Feeling sluggish/"in a fog"               Change in sleep patterns                               Memory problems
- Difficulty concentrating                       Irritability/emotional ups and downs                               Sad or withdrawn
- Other

Duration of Symptom(s): \_\_\_\_\_

Diagnosis:  Concussion     Other: \_\_\_\_\_

If concussion diagnosed, date student completed graduated return to play plan without recurrent symptoms:  
\_\_\_\_\_

Prior concussions (number, approximate dates): \_\_\_\_\_

Please turn to page 2 —————>

***I HEREBY AUTHORIZE THE ABOVE NAMED STUDENT FOR RETURN TO EXTRACURRICULAR ATHLETIC ACTIVITY AND ATTEST THAT I HAVE RECEIVED CLINICAL TRAINING IN POST-TRAUMATIC HEAD INJURY ASSESSMENT AND MANAGEMENT APPROVED BY THE DEPARTMENT OF PUBLIC HEALTH\* OR HAVE RECEIVED EQUIVALENT TRAINING AS PART OF MY LICENSURE OR CONTINUING EDUCATION.***

Physician or Practitioner signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

Physician  Licensed Athletic Trainer  Nurse Practitioner  Neuropsychologist  Physician Assistant

License Number: \_\_\_\_\_

Address: \_\_\_\_\_ Phone number: \_\_\_\_\_

Physician providing consultation/coordination (if not person completing this form):  
\_\_\_\_\_

***I ATTEST THAT I HAVE RECEIVED CLINICAL TRAINING IN POST-TRAUMATIC HEAD INJURY ASSESSMENT AND MANAGEMENT APPROVED BY THE DEPARTMENT OF PUBLIC HEALTH\* OR HAVE RECEIVED EQUIVALENT TRAINING AS PART OF MY LICENSURE OR CONTINUING EDUCATION.***

Practitioner's initials: \_\_\_\_\_

Type of Training:  CDC on-line clinician training  Other MDPH approved Clinical Training  Other

(Describe) \_\_\_\_\_

\* MDPH approved Clinical Training options can be found at: [www.mass.gov/dph/sports concussion](http://www.mass.gov/dph/sports%20concussion)  
This form is not complete without the practitioner's verification of such training.