



Boston Public Schools Code of Conduct

September 2021

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Revised and Approved 1992

Revised 1993, 1994, 1995, 2006, 2010, 2013, 2014 to bring the Code into compliance with:

- M.G.L. Chapter 71, Acts of 1993
- M.G.L. Chapter 380, Acts of 1993
- M.G.L. Chapter 92, Acts of 2010
- M.G.L. Chapter 222, Acts of 2012
- P.L. 103-382 (Gun-Free Schools Act of 1994)
- Individuals with Disabilities Education Act (IDEA)

Revised 1997, 1998, 1999, 2001, 2002, 2005, 2006, 2010, 2013, 2014, 2016, and 2020 to include revisions required by federal and state laws and regulations, to align the Code with Boston Public Schools organizational structure, and to include policy changes approved by the School Committee of the City of Boston.

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FOREWARD

The Boston Public Schools (“District” or “BPS”) deeply believes that a safe, positive, just, mutually supportive, and restorative school community fosters learning, childhood, and youth development, and reduces the need to resort to school exclusion. Addressing student conduct includes working to understand the context and systems in which the behavior manifested. This Code of Conduct is one of Boston’s continued efforts to develop, support, and improve our school community for all students.

BPS’s goal is to foster a culture and community that are anti-racist, that encourage the free exchange of ideas, that maximize personal growth, and that develop students’ self-agency while upholding their constitutional rights.

Boston is taking steps to reimagine its approach to creating equitable, safe, and collaborative spaces to resolve conflicts, learn, and grow within our school communities. Through evolving its practices and embracing a variety of methods to enhance community building, including restorative justice circles and social and emotional skill building, BPS seeks to identify the root causes of why students experience different discipline outcomes. BPS has tried to tackle those root causes by increasing training in de-escalation strategies for staff members, along with promoting trauma-sensitive approaches that better support students’ abilities to identify and navigate situations that they find triggering.

Everyday, BPS aims to develop all students’ social emotional learning skills. This begins by crafting policies and procedures that are grounded in these goals. Through this Code of Conduct and its policies, Boston Public Schools aims to establish its expectations and standards for behavior for all community members. To support this expectation, BPS will seek to resolve disruptions and conflicts in accordance with progressive discipline measures and with the goal of keeping students in the classroom and engaged in their learning. To that end, the Code of Conduct is structured as a progressive document that outlines incremental interventions and supports to address student behavior, beginning with prevention efforts, transitioning into suspension alternatives, and ending with removal as a last resort.

When it is determined that a disciplinary hearing is necessary, BPS is committed to ensuring that each student receives a fair hearing in accordance with established rules, regulations, and procedures outlined in this Code of Conduct and provided under the law. BPS further recognizes that students have fundamental legal rights and that these rights may not be abridged, obstructed, or altered. The Boston School Committee and the Superintendent intend that the procedures outlined in the Code of Conduct will always be in compliance with all relevant laws, ordinances, regulations, and policies as they are written and as they are intended to be executed.¹

This Code is the sole document issued on behalf of the Boston Public Schools that codifies the rules and regulations governing the conduct of all Boston Public Schools students. This edition of the Code supersedes all school-based rules and all prior editions of the Boston Public Schools Code of Conduct.

¹ This edition of the Code of Conduct is in compliance with the mandates of St. 93, C. 71, also known as the Massachusetts Education Reform Act of 1993, as amended by St. 93, C. 380; P.L.103-382, §14601 (Improving America’s Schools Act of 1994); 8 USC, §921 et seq. (United States Code); the federal Individuals with Disabilities Education Act, Amendments of 2004 (IDEA-04); and Chapter 222 of the Acts of 2012.

Boston Public Schools Mission Statement

As the birthplace of public education in this nation, the Boston Public Schools is committed to transforming the lives of all students and youth through exemplary teaching in a world-class system of innovative, just, welcoming schools. We partner with the community, families and students to develop within every learner the knowledge, skill, and character to excel in college, career, and life.

Equal Educational Opportunity

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

GUIDING PRINCIPLES

BPS recognizes the importance of maintaining a safe, healthy, equitable, and welcoming school environment. The following principles are essential beliefs that will guide Boston Public Schools staff and partners, students, and families in the shared work of ensuring safe and supportive school environments:

1. Commitment to every student, regardless of race, ethnicity, gender, disability, sexual orientation, religion, citizenship status, socioeconomic status, or zip code, an opportunity to receive a culturally and linguistically relevant education.
2. Commitment to work to eliminate disproportionality within the Code of Conduct and its implementation by ensuring the use of alternatives to discipline methods, which include restorative practices, and utilizing interventions aimed at resolving conflicts, meeting students' needs, and reducing the need for exclusion, whenever appropriate.
3. The Code of Conduct is intended to be instructive, not punitive. Factors such as age and grade level of the student, the student's social, emotional and intellectual development, and overall student rights and responsibilities shall also be considered at all times.
4. Commitment to being an anti-racist school district.
5. Commitment to provide all students with equitable educational opportunities and a safe learning environment free from harassment, bullying, discrimination, and bias-based conduct, where all community members treat each other with respect and appreciate the rich diversity in our schools.
6. Commitment to ensure students are treated in a fair, consistent, and nondiscriminatory manner.
7. Commitment to create safe, healthy, and supportive school environments by continuing to provide proactive support to address students' areas of need.
8. Commitment to affirming that students have the full rights deriving from the above-listed sources

of legal authority, and that these rights may not be abridged, obstructed, or altered.

RIGHTS AND RESPONSIBILITIES RELATED TO BPS CODE OF CONDUCT

Promoting quality education and safe and supportive schools depends not only upon the responsibilities and rights of students, but also upon the quality of interaction among students, parents/guardians/caregivers, teachers, administrators, and BPS staff.

A. Rights of Students

It is not possible to list exhaustively all of the rights of students, but the following are fundamental to ensure that students have access to a safe, welcoming, and just school community. As this list does not capture every right afforded to students, this list may not be used to deny a student a right that they are otherwise entitled to solely because it is not listed here.

1. Under state and federal law, no student shall be excluded from, or be discriminated against, based on their actual or perceived race, color, ethnicity, national origin, religion, sex, sexual orientation, gender identity, handicap, disability, age, socioeconomic status, active military status, or genetics.
2. Students have the right to use the restrooms, locker rooms, and other facilities consistent with their gender identity, or to use gender-neutral facilities if a student prefers.
3. Students have the right to be addressed by the name and pronoun of their choice.
4. Students have the right to equitable educational opportunities free from bullying, harassment, discrimination, prejudice, and bias-based conduct.
5. Students have the right to participate in certain school activities (*e.g.*, field trips, recess, and electives). If a field trip or school activity is a required learning experience and will result in a graded assignment, students shall not be deprived of the opportunity to participate. The Boston Public Schools strongly believe in supporting and improving the health, as well as the social and emotional development, of our students. As such, it is prohibited for any BPS staff member to stop a student from participating in physical activity (including recess) or extracurricular academic support as a disciplinary consequence, or for any other reason other than illness or safety or as approved by the school leader.
6. Students have the right not to be subjected to unreasonable searches or seizures, unless supported by reasonable suspicion. Searches and seizures must be in compliance with the policies and procedures set forth in the Superintendent's Circulars [Student Searches, # SAF-1](#), and [Locker Policy, #SAF-3](#).
7. Students have the right to certain limitations on Boston Public Schools' creation of school police reports and Boston Police Reports related to student conduct, as outlined in the [Policy Regarding Preparing and Sharing Incident Reports and Other Student Information](#).
8. Students have the right to consult with teachers, counselors, and administrators, and other school staff upon reasonable request.
9. Students have the right to free and fair election by secret ballot of their peers in student government and the right to hold office, if elected.
10. Students have the right to have their voices heard in matters affecting them.
11. Students have the right to participate in the development of rules and regulations to which they are subject and the right to be notified of such rules and regulations.
12. Parents/guardians/caregivers and/or students have various rights under state and federal student

records laws, including the right to see all of their student's records and to control who outside the school may see them. (See Superintendent's Circular, # [LGL-07](#)).

13. Students with disabilities may have additional rights and protections under federal and state special education law as it relates to the application of the Code of Conduct.

Students in school may exercise their rights to free speech, assembly, press, and association, which are both granted to them and limited by state and federal law. Students are prohibited from expressions that are obscene, according to current legal standards, likely to incite the commission of illegal acts, or are otherwise likely to cause a substantial disruption or materially interfere with the operation of the school. Absent a substantial disruption to the school environment and subject to relevant law, students have the right to:

1. Wear political buttons, armbands, and other badges of symbolic expression.
2. Distribute printed materials and to circulate petitions on school property, including inside school buildings, without prior authorization by school administrators, except that:
 - a. materials distributed and petitions circulated on school property must display the name and address of the individual or sponsoring organization (including the name and address of at least one member of the group) that is distributing or circulating the material or petition; and
 - b. the person(s) distributing or circulating materials or petitions must be (a) student(s) in the school involved; and
 - c. the time for such distribution or circulation shall be limited to periods before school begins, after dismissal, and during lunchtime to prevent interference with the school program; and
 - d. the places for such distribution or circulation in each school shall be reasonably restricted so as to permit the normal flow of traffic within the school and at exterior doors; and
 - e. the manner of such distribution or circulation shall be reasonably restricted so as to prevent undue levels of noise and disruption; and
 - f. students shall be subject to reasonable requirements for removing litter resulting from such distribution or circulation.
3. Use their own bulletin board(s) without censorship, provided:
 - a. all materials, notices, and other communications posted by a student shall include the name and email address of the poster. If the posting relates to a third party, the post must include the student's name and email address and the name and email address of at least one member of the third-party organization; and
 - b. all materials, notices, and other communications shall be dated before posting and removed after a reasonable time to assure full access to the bulletin board(s).
4. Reasonable use of the public address systems and other school media facilities, except that announcements shall be limited to before school, after dismissal, and other times when classes are not in session.
5. Form political and social organizations and to conduct activities in connection with their formed organization, provided that group membership shall be open to any student and must comply with BPS policies and procedures.

6. Present petitions, complaints, or grievances to appropriate school authorities regarding disciplinary and other school-related issues, except where this Code provides for the formal right of appeal.
7. Personal privacy, including the right to determine their own appearance and select their own style of hair and clothing, subject to reasonable rules.

A. RESPONSIBILITIES OF STUDENTS

Responsibilities are not a substitute for rules that are included in the Code of Conduct. However, students have the responsibility to:

- Respect the rights of others.
- Respect the diversity of staff and students.
- Contribute to a safe and supportive educational environment.
- Apply their abilities and interests to the improvement of their education and advocate for positive change.
- Exercise the highest degree of self-agency, to the best of their ability, in following the Code of Conduct while meaningfully and positively participating in building the school community.

BOSTON PUBLIC SCHOOLS STATEMENT AGAINST BULLYING FOR STUDENTS

Boston Public Schools will not tolerate bullying or cyberbullying, in any form and type, towards others, whether online or in person. Boston Public Schools will promptly investigate all reports and complaints of bullying, and take prompt, effective action to end that behavior and prevent its recurrence. Boston Public Schools seeks to prevent bullying through the use of prevention workshops that build students social and emotional skills and understanding of differences. Students who are concerned or want to report bullying may confidently talk to a trusted staff member or may call the *Safe Space and Bullying Prevention Hotline* 617-592-2378. Additional resources and [support can be found here](#).

RESPONSIBILITIES OF ADMINISTRATOR

Principals and Heads of School have the responsibility to ensure that the educational needs of all students are met and that all members of the school community are treated fairly and equitably. School leaders must provide all members of their school communities with a safe learning environment free from harassment, bullying, discrimination, and bias-based conduct and where all community members are invested in creating a vibrant and diverse setting for academic success. (See Superintendent's Circular, [SSS #18](#))

Administrators have the responsibility to:

1. Create supportive school environments and promote collaborative services to improve educational outcomes for all students.
2. Protect the mental health and physical well-being of all students and staff.
3. Protect the legal rights of school staff, students, and parents/guardians/caregivers.

4. Support school personnel in the fulfillment of their disciplinary responsibilities as defined by the Code of Conduct and individual school-based rules, by the provision of training on the Code to administrators, teachers, and other school staff.
5. Provide a broad-based and varied curriculum that is consistent with the Massachusetts Curricular requirements and that meets individual needs.
6. Develop and implement preventive and positive disciplinary policies in cooperation with students, parents/guardians/caregivers, and teachers and in conformance with School Committee policy and the Code of Conduct.
7. Contact and involve parents/guardians/caregivers in dealing with disciplinary matters.
8. Inform the community, students, parents/guardians/caregivers, and school staff about policies relating to student conduct.
9. Collect the appropriate information on student conduct and interventions, provide the proper Information Management custodianship so the information can be made available to parents/guardians/caregivers upon request or as otherwise required by law.
10. If the School Administrator determines that student activity may qualify as a violation of the Code of Conduct, the School Administrator must document such activity in the BPS Student Information System (SIS). Additional reporting responsibilities beyond documentation in SIS may be found in the [Policy Regarding Preparing and Sharing Incident Reports and Other Student Information](#).
11. Provide qualified staff to meet the needs of students and to accomplish school goals and objectives.
12. Collaborate with community and government agencies on programs that promote safe, healthy and supportive learning environments.
13. The Building Administrator or designee shall periodically review conduct data with their school based teams by selected student populations (*e.g.*, race and ethnicity, gender, socioeconomic status, and status as a student with a disability). In reviewing the data, the Principal/Head of School shall monitor for any potential disproportionality in the implementation of emergency removals, suspensions, and expulsions and the impact of such disciplinary action on selected student populations. The Principal/Head of School shall further determine whether it is necessary or appropriate to modify disciplinary practices. The Principal/Head of School shall report the data and the data review results to the school site council or governing board.

RESPONSIBILITIES OF TEACHERS

Teachers and other school personnel are vital to the success of the school. As such, as it relates to the Code of Conduct, Teachers have the responsibility to:

1. Maintain a safe and supportive learning atmosphere.
2. Model qualities of competency, creativity, self-management, and promote self agency of students.
3. Respect each student as a person and maintain professional ethics in relationships with fellow teachers and administrators, and school personnel to support students.
4. Demonstrate understanding and concern for the individual students and his or her needs, including referring students for special education evaluations in compliance with the requirements of state and federal special education law.

5. Inspire students to have a desire for personal growth.
6. Remain informed about latest professional development trainings on cultural and linguistically sustaining practice, de-escalation strategies, transformational social and emotional learning, restorative practices, progressive discipline, and alternatives to exclusion
7. Uphold the policies, rules, and regulations of the School Committee and Code of Conduct, including the use of preventive and positive disciplinary practices in partnership with students, parents/guardians/caregivers, and administrators.
8. Record data on student conduct as required by the administration and utilize the District approved Student Information System.
9. Supervise students in their charge.

RIGHTS AND RESPONSIBILITIES OF PARENTS, GUARDIANS, AND CAREGIVERS

A. RIGHTS OF PARENTS, GUARDIANS, AND CAREGIVERS

Parents, guardians, and caregivers are vital partners to the success of the school. As such, parents, guardians, and caregivers have the **right** to be included in all aspects of their student’s education. This includes the following:

1. The right to a free public school education for their students in a safe and supportive learning environment.
2. The right to access information about their student’s educational records, which includes disciplinary records, as authorized by law.
3. The right to meaningfully participate in their student's education, which includes requesting and receiving school-based communications translated and/or interpreted into the preferred language of the home.
4. The right to file complaints and/or appeals regarding matters affecting their student’s education, where applicable.
5. The right to participate in decision-making processes affecting school policies and procedures (*e.g.*, school site council/governing board, parent council, school-based equity roundtable).
6. The right to request certain limitations on Boston Public Schools’ creation of school police reports and Boston Police Reports related to student conduct, as outlined in the policy.

B. RESPONSIBILITIES OF PARENTS, GUARDIANS, AND CAREGIVERS

Parents, guardians, and caregivers have the **responsibility** to:

1. Support and encourage positive behavior of their student in school, at school-sponsored activities, and on the way to and from school.
2. Support the student to attend school and exercise appropriate self agency.
3. Affirm the student’s positive attitudes toward himself /herself/themselves, others, school, and the community.
4. Communicate with school personnel about their student.
5. Recognize that the school staff has the right to enforce the policies, rules, and regulations of the Boston School Committee.
6. Engage in a positive, non-disruptive manner when visiting school(s).

7. Reinforce that their student brings to school only things that are appropriate in a school setting.

C. RESPONSIBILITIES OF THE COMMUNITY AND SCHOOL SUPPORT AGENCIES

The community has the responsibility to:

1. Help shape identified goals.
2. Be informed about school goals, BPS' Strategic Plan, and policies.
3. Support an effective, safe, and welcoming supportive school system.

Agencies working on behalf of Boston Public Schools to provide support to students and/or their families have the responsibility to, with informed parents/guardian/caregiver consent:

1. Address the educational and related needs of those student(s).
2. Collaborate with school(s) to deliver effective, safe, and supportive services.
3. Promptly report any behavior that is concerning to the relevant BPS staff member(s), which may include the student's teacher, classroom staff, and/or school leader.

D. RESPONSIBILITIES OF THE COMMUNITY AND SCHOOL SUPPORT AGENCIES

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2. Collaborate with school(s) to deliver effective, safe, and supportive services.
3. Promptly report any behavior that is concerning to the relevant BPS staff member(s), which may include the student's teacher, classroom staff, and/or school leader.

The community has the responsibility to:

1. Help shape school identified goals.
2. Be informed about school goals, BPS' Strategic Plan, and BPS policies.
3. Support an effective, safe and welcoming school system.

Agencies charged by the Boston Public Schools with providing support to students and their families have the responsibility to, with informed parents/guardian/caregiver consent:

1. Address the needs of their clients that interfere with the learning process.
2. Collaborate with schools to deliver effective, safe, and supportive support services.

The Code of Conduct

Section 1 INTERPRETATION AND TRANSLATION RIGHTS

- 1.1 All written and oral notices required by this Code shall be in English *and* in the primary language spoken in the home, or other means of communication (i.e. texts or emails) used by the parents/guardians/caregivers. These means of communication may include assistive technology, American Sign Language, or other accommodations.
- 1.2. All notices shall be made in simple and commonly understood words to the greatest extent possible.
- 1.3. Students shall not interpret for parents/guardians/caregivers or BPS staff.
- 1.4 Students and parents/guardians/caregivers have a right to an interpreter in their primary language at all hearings and conferences held under this Code.
- 1.5. Meetings must be held, and translated documents must be provided, to caregivers and students who speak a language other than English within the same timeframe that they are held or provided to families who speak English.

Section 2: BUILDING SAFE, SUPPORTIVE, AND EQUITABLE SCHOOL COMMUNITIES

The school community includes students, teachers, administrators, counselors, social workers, school staff, families, and members of the surrounding neighborhood. In order to create safe, healthy, equitable, and supportive environments within the school setting, schools must provide support at three levels of care and instruction. These three levels are:

Promotion. Schools foster the emotional well-being of *all* students through school-wide approaches to support positive behavioral health.

Prevention. Schools provide early, targeted, and collaborative supports, to minimize the escalation of identified behavioral health symptoms.

Intervention. Schools provide and participate in coordinated care for the small number of students demonstrating considerable need.

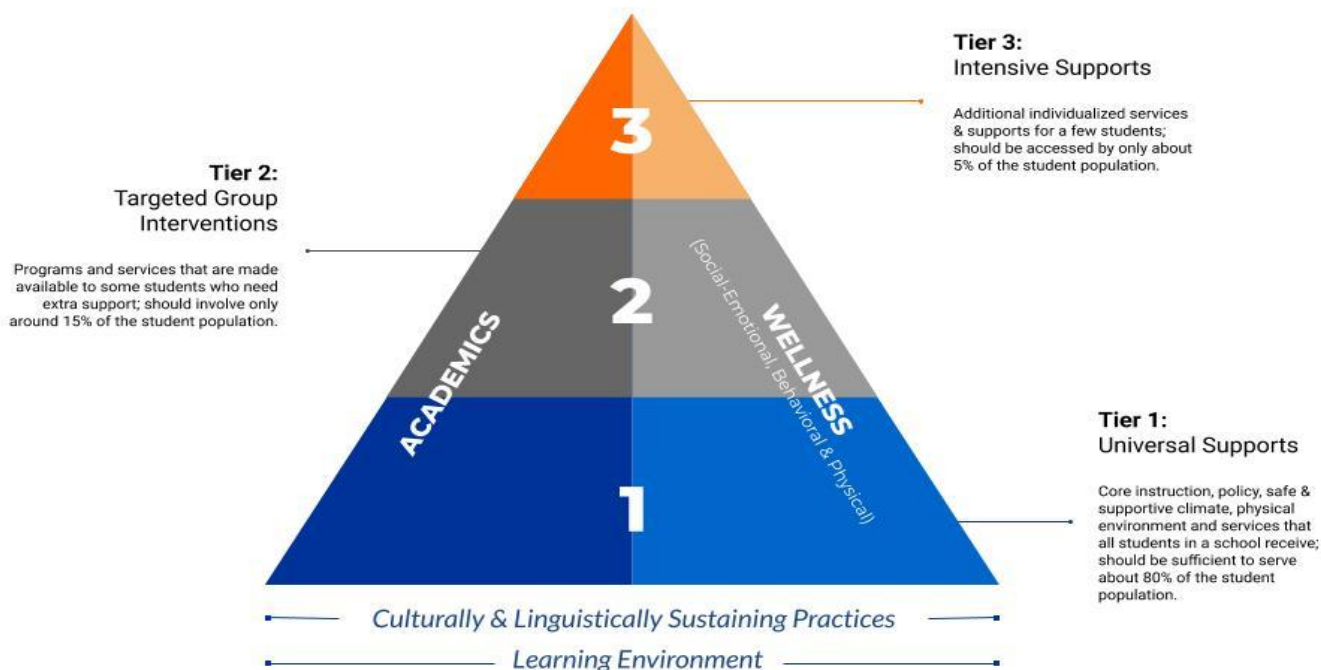
These three levels should not be treated as silos; activities to address each level must take place throughout

the whole school, including in classrooms, in small groups, and with individual students and families. Services may be school based or community based, offered in the classroom or outside of the classroom, and should embody culturally and linguistically-sustaining practices.

There are a variety of approaches to promote safe and supportive schools. Any supports that are adopted should build upon students' strengths, promote success in school, maximize time spent in the classroom, and minimize suspensions, expulsions, and other disciplinary removals. Schools may choose to adopt proven school-wide positive and preventive approaches that best fit the needs of their unique school community along with the use of the Multi-Tiered System of Support (MTSS).

With the District's focus on equitable outcome for all students we utilize MTSS, which is an approved evidence-based framework that addresses students' overall wellness, including their academic and social-emotional/behavioral health needs. MTSS uses data-based problem-solving to integrate/deliver instruction and interventions to students in varying intensities, which are categorized across three-tiers, based on student need. At each tier of support, school teams use a data-based decision making process to make collaborative decisions about core targeted and intensive supports for students. Need-driven decision-making seeks to ensure that students get the support they need and when they need it, so that all students can be successful in school.

The diagram below is a visual depiction of how MTSS tiers address students' wellness (social-emotional, behavioral, and physical) and academic needs across the learning environment, to support students collectively and individually.



2

² Note (Adapted) from, *About Student Support Services: Multi-Tiered System of Supports (MTSS)*, AMERICAN ACADEMY (2017)

<i>What does each Tier mean?</i>	<i>Tier 1 (Universal)</i>	<i>Tier 2 (Targeted Support)</i>	<i>Tier 3 (Intensive Support)</i>
<i>Who is served?</i>	ALL STUDENTS	SMALL GROUPS of STUDENTS	INDIVIDUAL or SMALL GROUPS of STUDENTS <i>Please note: this does not mean a special education referral is needed</i>
<i>What does it look like?</i>	<p><i>Universal, inclusive culturally and linguistically sustaining instruction and support.</i></p> <p>Includes core curricula that are aligned with content frameworks, along with supplemental supports aimed toward differentiating instruction for all learners in the classroom.</p> <p>Building relationships that create safe and welcoming classrooms where all students can be successful and thrive.</p>	<p>In addition to the <i>universal, inclusive, culturally and linguistically sustaining</i> instruction and supports of Tier 1, some students will require more support to practice and develop skills.</p> <p>These intensive interventions, programs, and services that are provided over a limited period of time to individuals or small groups of students, either in or out of the classroom.</p>	<p>In addition to the universal <i>inclusive, culturally and linguistically sustaining</i> instruction and supports of Tiers 1 and 2, Tier 3 provides intensive, targeted, solution-focused supports for individual students.</p>
<i>What is the goal?</i>	<p>To promote success and ensure that all students achieve their academic goals, their social, emotional and physical development, that support their overall academic, behavioral, and health outcomes.</p>	<p>To intervene and address more acute student needs when necessary.</p> <p>To provide targeted, solution-focused instruction to address their identified area(s) of need before they impact the student's progress.</p>	<p>To deploy intensive instruction and learning supports over longer periods of time to support students whose significant needs prevent them from meeting their learning goals.</p> <p>To improve student outcomes and school engagement by identifying and developing students</p>

		To improve student performance toward expected levels of proficiency.	social and emotional skills.
<i>Examples</i>	Social and emotional skill building, restorative practices, bullying and/or cyberbullying prevention related training, health education, conflict resolution interventions, Attendance Intervention Plans, healthy relationships curriculum related training, health education, conflict resolution interventions, Attendance Intervention Plans, healthy relationships curriculum	Restorative and trauma-informed practices, verbal de-escalation (Safety Cares), mentoring, Attendance Intervention Plan, Cognitive Behavioral Intervention for Trauma in Schools (CBITS), social and emotional skill building, voluntary Succeed Boston workshops, lunch groups Attendance Intervention Plan, Cognitive Behavioral Intervention for Trauma in Schools (CBITS), social and emotional skill building, voluntary Succeed Boston workshops, lunch groups	Counseling, crisis support, community referrals, restorative and trauma informed practices, voluntary referrals to Succeed Boston , individualized academic support plans, conflict resolution, Functional Behavior Assessment, Behavioral Intervention Plan, Fire Sense Program

Section 3: APPLICABILITY OF THE CODE

- The Code governs student conduct in any school-related setting. For the purpose of the Code, “school-related” refers to a violation of the Code occurring:
 - While the student is on school grounds;
 - During remote and/or online based learning;
 - During a school-sponsored activity and/or program;
 - While on school-provided transportation en route to or from a school or a school-sponsored activity;
 - While walking to or from school, waiting for school-provided transportation, or waiting for or riding on public transportation to and from school;
 - While traveling between buildings for schools with multiple buildings and/or open campuses;
 - Consistent with current legal standards, certain internet usage and/or social media outside of school that caused, or is likely to cause, a substantial disruption or material interference with school activities and/or school related parties (e.g., students, staff, administrators.);
 - A school-related disciplinary offense may also include circumstances in which evidence exists that serious misconduct occurred outside the school—for example, a student being charged with or convicted of the commission of a felony or felony

- delinquency complaint--that has a substantial detrimental effect on the general welfare of the school.
- a) School-Based Rules
 - Individual school rules and policies must be approved by their School Site Councils and/or Governing Boards.
 - School-based rules may not conflict with any BPS Superintendent Circular or the BPS Code of Conduct.

Section 4: ALTERNATIVE STUDENT INTERVENTIONS

This section describes alternative, student-targeted interventions that a Principal/School Leader may consider to support acute student needs.

- *Temporary Removal from Class and Student Planning Centers*
 - After positive and responsible approaches have been tried, documented, but are unsuccessful within the classroom, a student who is struggling may be referred to a Student Planning Center. The student remains in the planning center only long enough to be assisted in assessing their immediate needs and to make a plan for the student to successfully re-enter and remain in class.
 - The planning center provides the opportunity for the student to maintain classroom assignments, address the student's re-entry plan, and provides an opportunity for the Planning Center to collaborate with the classroom teacher to support the student's successful return to class.
 - Removal to a Student Planning Center shall constitute an in-school suspension, requiring schools to follow suspension procedures, if a student is removed for 90 minutes or two class periods, whichever is shorter.
- *Behavior Management Systems*
 - Staff and students may collaboratively design behavior management systems for classes, cohorts, programs, buses, and/or schools, based on progressive levels of privileges and restrictions.
 - Examples of behavior management systems include: agreed-upon behavior contracts, functional behavioral assessments with positive reinforcement or incentives, or assigned seating.
- *Referral from Academic Employee Conference³*
 - If a member of the educational staff sees or becomes aware of any behavior that is concerning, they are encouraged to promptly talk to the student, call/text/email the student's parent/guardian/caregiver, and/or consult with their school leader as necessary and appropriate. If it would be helpful, the employee may suggest meeting with the parent/guardian/caregiver and student together.
- *Building Administrator Informal Conference*
 - The School Leader or their designee may call a meeting with the student or students involved to discuss any behavior that is concerning and identify supports as applicable. The school leader or designee may call a meeting with the student and their and/or parent/guardian/caregiver to discuss any behavior that is concerning and identify supports as applicable.
 - This meeting shall not involve more than one student.
- *Contracting*
 - School staff may create agreements with students to discuss alternatives to concerning behaviors,

³ *Referral by Non-Educational Staff and Non-BPS Employees* - If an individual working in a BPS school, who is not a BPS employee, (i.e., BPS Partner, contractor, volunteer, etc.) sees any behavior that is concerning, they are encouraged to promptly report their observation(s) to the relevant BPS staff member(s), which may include the student's teacher, classroom staff, and/or school leader.

solidify behavior expectations, and describe consequences. These contracts are voluntary and are written to support students' behavior while in school, going to and from school, on school-provided transportation, and at school-sponsored activities, and during and beyond the regular school day. These contracts may involve other staff, parents/guardians/caregivers, or administrators.

- *Adjustment of Class Schedule*
 - Parent/guardian/caregiver must be notified by the end of the school day of any change to their student's schedule. After a phone call, the notification must be made in writing in English, as well as in the home language. This intervention must be documented in the BPS-approved Student Information System.
 - Short-term schedule adjustments may occur if there is evidence of an ongoing conflict between students and/or a student and a teacher. A short term schedule adjustment may be made for up to three (3) school days, *after* notice has been provided to the student and their parent/guardian/caregiver, which shall include the reason for the proposed adjustment.
 - A long-term schedule adjustment would be for a period longer than 3 days and only after the school and the parent/guardian/caregiver attempt a mediation session.

- Succeed Boston *Voluntary Individual and Group Support Workshops* - an alternative approach that prevents suspension by addressing root causes of discipline disparities through the use of holistic, culturally, and linguistically sustaining practices for students in grades 1-5 and 6-12.
 - All students attending voluntary workshop(s) at Succeed Boston @ the Counseling and Intervention Center shall have the opportunity to make academic progress in their school setting. While they are attending the workshops, students must be provided the opportunity to make up assignments and earn credits missed including, but not limited to, homework, quizzes, exams, papers, and projects missed.
 - The Substance Use Program (SUP) is a voluntary program for students whose use of drugs or alcohol is of concern. The program provides education and counseling about the effects of drugs, alcohol, and vaping and provides students with alternative ways to deal with stress. Referral for outside services will be provided as needed.
 - Please contact [Succeed Boston](#) for clarification about voluntary support options.

a) DISCIPLINARY ACTIONS - ALTERNATIVES TO SUSPENSION

Consistent with progressive measures of discipline, this section describes possible alternatives to suspension that a School Leader may consider rather than pursuing a suspension in accordance with Section 7 of the Code. These alternatives are intended to be a non-exhaustive list of options to maximize time spent in the classroom and minimize exclusions for students.

- *Detention (before or after-school)*
 - Schools should use detention as an opportunity to provide educational support to students.
 - A phone call, email, and/or written notice to the student and their parent/guardian/caregiver, in the preferred language of the home, must be provided to inform them of this decision within a reasonable amount of time.

- *Timing of Detention*
 - *After School* - A student may serve detention for not more than one hour after school on each day of their detention, which may last up to three (3) school days.
 - *Before School* - A student may be required to arrive early for a definite number of days, provided the total detention time does not exceed three (3) hours per offense.
 - If the parent/guardian/caregiver cannot be reached by telephone, the student may serve their detention the following school day if the Principal/School Leader has sent a written notice home with the student.
 - Provision must be made for students who receive “yellow bus” transportation. Notice is to be provided within a reasonable time prior to the detention.
 - Before/after school detentions are not always appropriate, (e.g., if the student has to work or care for family after school). Principals/School Leaders are encouraged to consider other alternatives to discipline options. Students will be allowed to complete classwork and/or homework assignments during their detention.
- *Loss of Additional Privileges such as After-School Activities, Field Trips, Open Campus Lunch, Assemblies, Prom, Graduation, and Ceremonies*
 - At the beginning of each school year, the Principal/School Leader will inform all parents/guardians/caregivers of the individual school’s privileges, e.g., assemblies, use of school store, off-campus lunches, approved-tardy passes, student dress code, etc., and how they relate to the general expectations of students.
 - As an alternative to suspension, a student who fails to meet these identified student expectations and/or who leave the school building, school-sponsored activities, including field trips or school campus without permission, may be subject to a loss of privileges.
 - To deny a student school privileges, the school must send written notice of the loss of privilege(s) to the student and parent/guardian/caregivers, in the preferred language of the home.
 - A student’s attendance on a field trip may not be conditioned on their parent/guardian/caregiver’s chaperoning the field trip.
 - The school shall not permanently deny the student the right to participate in a continuing school activity. *A student may be denied school privileges for no longer than one week at a time, or a total of three (3) weeks in a marking period, unless a hearing is held as defined in Section 9.5.*
 - A parent may request a conference with the school leader to reconsider the denial of the privilege.
 - *Denial of School-Provided Transportation* (See Superintendent’s Circular [#TRN 2](#))
 - Students whose actions endanger or will continue to endanger others or themselves on school-provided transportation, including the MBTA or school buses, may be denied transportation to and/or from school on a temporary basis. Removing a student from a bus will be used as a last resort to keep students safe. Students may be denied transportation only to allow BPS, the student, and the student’s parent, guardian, or caregiver to develop a Bus Safety Plan that may include, but is not limited to, a seating plan.
 - If a parent, guardian, or caregiver is unable to provide transportation, then this removal will be counted as an out-of-school suspension and suspension procedures must be followed.
 - Students with a disability may have additional protections related to transportation. (See Superintendent’s Circular [#SPE-15](#))
 - *Restitution*
 - As part of our restorative practices, following a conference with the student and

parent/guardian/caregiver, the school will provide written notice if the student is responsible for repairing, restoring, or replacing the damaged property of a staff member, another student, or BPS property (as approved by the appropriate BPS Department, e.g., Facilities or OIIT).

- BPS may not require a student or family to pay money in order to repair, restore, or replace property.
- *Voluntary Fire Sense Partnership Program* for students in grades 2-5. Provides education and counseling to help students understand the impact and consequences of fire setting and prevent future issues related to fire. See FSE#2 for more information. The two hour workshop will be conducted online with Succeed Boston clinicians, and a Boston Fire Marshall. Referrals may be made [here](#).

Section 5 TEMPORARY REMOVAL FROM CLASS

Whenever possible, safe, supportive, and non-exclusionary strategies should be attempted prior to removal from class.

- 5.2 No student shall be excluded from class for more than ninety minutes or two class periods, whichever is shorter, without the time out of the class being classified as an in-school suspension and triggering due process protections (please refer to Superintendent's Circular [# SUP-5](#)) for guidance on best-practices for supporting students during a temporary removal from class). This applies to Career and Technical Education (CTE) classes. A student shall return to class as soon as they are able to do so.
- 5.3 Whenever a student has been removed from a class, the Building Administrator or Designee shall notify the parent(s)/guardian(s)/caregiver(s) to explain why the student has been removed from that class.
- The parent(s)/guardian(s)/caregiver(s), school staff, and the student shall meet with the parent(s)/guardian(s)/caregiver(s) if the student has been removed from the same class more than two (2) times per week or four (4) times per marking period to develop a plan of how to better support the student in their current class or consider, along with their parent(s)/guardian(s)/caregiver(s), a long-term schedule change for the student.
 - No student may be removed from the same class more than two (2) times per week or four (4) times per marking period unless due process procedures are followed.

Section 6 EXPECTATIONS FOR SUSPENSION

- 6.1 Expectations regarding the suspension of students in grades K0 through grade 5
- 6.1.1 The suspension of students in grades K0 - 2 is prohibited
- 6.1.2 Students in grades 3-5 may be suspended only when:
- The District has followed all legally required due process procedures, AND

- *Appropriate notice and/or approval⁴ has been given:*
 - *Grades 3-5: The Operational Leader approves the Principal/Head of School moving forward for possible exclusion from school AND*
 - *For Grade 3 only: the Superintendent has been notified in writing of an out-of-school suspension, including a description of the misconduct and the reason for suspending the student out-of-school.*
 - Suspension may only be imposed on 3rd-5th graders for the following reasons:
 - Student has assaulted a classmate or member of the educational staff, and the principal/school leader has specific, articulable facts whereby the principal/school leader concludes the student would cause serious physical harm to a classmate or member of educational staff if the student remained in school;
 - Student possessed a dangerous weapon or controlled substance;
 - Sexual misconduct;
 - Biased-based conduct or speech; or
 - Repeated bullying.

6.2 Expectations regarding the suspension of ALL students in grades 3 through grade 12

6.2.1. Prior to taking disciplinary action for offenses described in Section 7, the School will review and follow Section 3 of the Code of Conduct and document interventions and prevention strategies used with students in the approved BPS Student Information System in use at the time. This practice is mandatory prior to the imposition of all exclusions.

Exception: These requirements may not apply in cases related to certain serious offenses and with the approval of the assigned Operational Leader. These requirements may not apply when the student is facing suspension pursuant to MGL c. 71 § 37H and § 37H ½. A student is facing suspension under those law(s) if the student is alleged to have possessed a dangerous weapon (see 7.1.1), possessed a controlled substance (see 7.1.2), assaulted educational staff (see 7.1.3), or suffered a felony conviction (7.1.4).

6.2.2 When a student is removed from any class beyond ninety minutes or two class periods, whichever is shorter, the removal will constitute a suspension and require suspension procedures to be initiated as the result of misconduct as a consequence for a Section 7 Code violation. This applies to removals that may occur in BPS-sponsored Career and Technical Education (CTE programs).

6.2.3 Removal solely from participation in extracurricular activities or school-sponsored events, or both, shall not count as suspension days.

- Exception: This excludes field trips or school activities that are required for teaching and learning and will result in a graded assignment.

⁴ The notification must include a description of the alleged conduct and the reason for a suspension. The Operational Leader shall review the circumstances leading to the request for the disciplinary hearing and, if appropriate, grant approval for the School Leader (or their designee) to move forward with the disciplinary hearing.

6.2.4 No school is required to suspend a student.

6.2.5 No student shall be suspended twice for the same incident (e.g., 2 days in house suspension and 1 days out of school suspension for the same incident).

6.2.6 No student shall be the subject of more than one disciplinary hearing for the same incident.

6.2.7 For all students suspended from school (suspension) or excluded from school (expulsion), the Building Administrator or Designee shall ensure the student has the opportunity to make academic progress during the period of suspension or exclusion, make up assignments, and earn credits missed work including, but not limited to, homework, quizzes, exams, papers and projects.

6.2.8 Students who have been suspended from school may not attend school or any school sponsored activities, including but not limited to school sporting practices, events, games, or any extracurricular activities during the suspension period. Any attempt to return to school or a school-sponsored event/activity prior to the end of the imposed suspension period may be considered trespassing on school property.

- Exception: This prohibition on participation in all school sponsored activities does not apply to students who have voluntarily sought services from Succeed Boston.

Section 7 **■** **FOUNDATIONS FOR SHORT-TERM SUSPENSION, LONG-TERM SUSPENSION, INDEFINITE SUSPENSION, OR EXPULSION**

This section describes the school-related violations for which a student may be subject to discipline in accordance with other sections of the Code. For any short-term suspension, long-term suspension, indefinite suspension, or expulsion covered in this section, a student is entitled to a disciplinary hearing, which must be held within 10 school days from the day the incident was reported.

- Following the disciplinary hearing, pursuant to Supt. #5, for a long-term suspension, indefinite suspension, or expulsion, the school leader must submit their recommended removal to their Operational Leader. The student may only be removed if the Operational Leader reviews the recommended disposition, approves and signs the required notification, and a copy of that signed notification has been provided to the parent(s)/guardian(s)/caregiver(s) in English and in the primary language spoken in the home.

Serious offenses that *MAY* result in expulsion from school for up to one calendar year (Section 7.1 *ONLY*).

7.1 *General Provisions for School Related Discipline*

- 7.1.1 Possession of a dangerous weapon, including, but not limited to, a firearm, a knife, or electrical weapon (e.g., a Taser). Please refer to Section 14.13 for a definition of a “dangerous weapon”.

- 7.1.2 Possession of a controlled substance including, but not limited to, marijuana (including edibles and THC oils), cocaine, and heroin. Please see Section 14.11 for a definition of “controlled substance”.
- 7.1.3 Assault on educational staff.
- 7.1.4 Felony Conviction – if the Building Administrator determines the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school.

A student *MAY* be subject to indefinite suspension for the following offense:

7.2 *Felony or Felony Delinquency Complaint / Charges*

- 7.2.1 Felony Complaint (or felony delinquency for a student **under 18**) is issued against a student and the School Leader finds that the student’s continued presence would have a substantial detrimental effect on the general welfare of the school (see Section 14.22 for a definition of “felony complaint”).

The following offenses *MAY* result in short-term or long-term suspension consistent with progressive measures (Sections 7.3 - 7.11):

7.3 *Assault & Battery / Bodily Harm / Threats*

- 7.3.1 Assault on school staff (see Section 14.3).
- 7.3.2 Sexual Misconduct (see Section 14.38).
- 7.3.3 Assault on any person (see Section 14.3).
- 7.3.4 Assault and battery on any person causing physical injury, except when the student’s actions are reasonably believed necessary to protect himself or herself as determined by the School Leader (or designee) on the evidence presented.
- 7.3.5 Endangering the physical safety or mental/emotional health of another by the use of force or threats of force communicated by any means including written, spoken, physical gesture, or through the use of technology or any electronic means. This offense includes threats of force made by an overt act, expressed by any means, which reasonably places the victim in fear of imminent bodily injury, hazing (see Section 14.28), graffiti, and other threats communicated by any means: written, spoken, or through the use of technology or any electronic means.
- 7.3.6 Endangering the safety of others by setting or attempting to set a fire.
- 7.3.7 Encouraging a physical fight by staging and/or instigating the fight, or by posting and/or disseminating a video or photo of the physical fight, if said encouragement has a substantial detrimental effect on the general welfare of the school.

Exception: Sharing a video or photo of a physical fight with a school official shall not constitute a violation of this section of the Code.

7.4 *Possession of Firearms, Dangerous Weapons and Objects of No Reasonable Use*

The following offenses may result in short-term or long-term suspension consistent with progressive measures:

- 7.4.1 Possession of any firearm (see Section 14.23) may result in suspension of not more than 90 school days within an academic school year, to be determined by the Building Administrator.
- 7.4.2 Possession of a dangerous weapon (see Section 14.13) , or object of no reasonable use (see Section 16.32), which is used in a threatening manner in school and/or at a school-sponsored activity.
- 7.4.3 Possession of any knife or dangerous weapon prohibited by law, other than a firearm (see Section 14.13), or object of no reasonable use (see Section 14.34).
- 7.4.4 Use of any object in a dangerous or threatening manner (see Section 14.34)].
- 7.4.5 Possession of an object of no reasonable use (see Section 14.34).

7.5 *Bullying and Cyber-Bullying*

- 7.5.1 Bullying/Cyber-Bullying (see section 14.8, Superintendent’s Circular [SSS-18](#))

7.6 *Bias-Based Conduct and Sexual Misconduct*

The following offenses must be reported to the Office of Equity (Please refer to Superintendent Circulars [EQT-1 through EQT-6](#)):

- 7.6.1 Bias-Based Conduct (see Superintendent’s Circular [EQT-2](#)).
- 7.6.2 Committing acts of sexual misconduct (see Section 14.38).
- 7.6.3 Committing acts of harassment related to actual or perceived membership in a protected class (race, color, age, disability, sex/gender, gender identity, religion, national origin, ancestry, retaliation, sexual orientation, genetics, military status, or homelessness).
- 7.6.4 Using racial, ethnic, and/or homophobic slurs in a persistent and/or abusive manner.

7.7 *Possession and Use of Alcohol, Tobacco and other Prohibited Substances*

- 7.7.1 Distribution or possession of any prescribed or non-prescribed controlled substance, including but not limited to opioids, narcotic drugs, hallucinogenic drugs, amphetamines, barbiturates, marijuana alcoholic beverages, or intoxicants of any kind. The violation is considered to impede upon the general welfare and safety of the other students and staff at the school.

7.7.2 Use of tobacco products, including but not limited to e-cigarettes, drug paraphernalia, and vaping products on school property, at school-sponsored activities, or while on school-provided transportation is prohibited. MGL C. 270, § 29(a) (see Superintendent’s Circular HWD-06).

7.7.3 Distribution or use of vaping products is prohibited MGL C. 270 § 29(b); MGL C. 270, § 6.

7.8 *Theft and Vandalism*

7.8.1 Attempting by force or threat of force to steal private property.

7.8.2 Damaging or stealing school or private property, including tampering with school records.

7.9 *Unacceptable Use of Networks, Including Internet Platforms and Electronic Mail (Email)*

Exception: The following violations of the Boston Public Schools Acceptable Use Policy may result in loss of Internet privileges, email privileges, and/or discipline.

7.9.1 Use of the network for any illegal or commercial activity.

7.9.2 Sending information and/or the use of language that is offensive in a school setting, if such sending information/use of language causes or is likely to cause a substantial disruption or materially interfere with the operation of the school.

7.9.3 Academic Misconduct

7.9.4 Revealing personal information about another individual, such as an address, telephone number, credit card numbers, social security number, etc.

7.9.5 Tampering with any BPS electronic system.

7.9.6 Altering, deleting, or destroying files or data belonging to another user.

7.9.7 Sharing or sending sexually explicit messages or photos using BPS equipment or while on a BPS server. This may be considered dissemination of underage or minor pornography in violation of M.G.L. C. 272, § 28.

7.10 *Other Disruptions*

7.10.1 Presence in a part of the school building or grounds that are considered off-limits to students.

7.10.2 Leaving the school building, school-sponsored activities, including field trips or school campus without permission.

Exception: This violation may result in a loss of privileges (i.e., attendance at extracurricular events, etc.) (See Section 3(a)) and/or discipline.

- 7.10.3 Allowing any person unauthorized entry or re-entry into a school building, which includes propping doors open, with the intent to avoid school safety protocols.
- 7.10.4 Preventing or attempting to prevent, by physical act, the safe functioning of any part of any school, e.g., blocking the entrance or exit of any school building, corridor, or room preventing access of others.
- 7.10.5 Intentionally causing a substantial disruption or materially interfering with the operation of the school or the teaching of other students. This includes repeated, unauthorized use of cellular phones consistent with Superintendent's Circular SUP- 9.
- 7.10.6 Making a bomb threat.
- 7.10.7 Pulling/Reporting a false fire alarm.

Section 8 EMERGENCY REMOVAL (Offenses under MGL c. 71 § 37H and § 37H ¾ .)

In rare circumstances, the Principal/Head of School may emergently remove a student **only if the following four requirements are met:**

1. Student is charged with a disciplinary offense; **AND**
2. The student's continued presence in the school poses a danger to persons or property, or materially and substantially disrupts the order of the school **AND**
3. In the Principal/Head of School's judgment, there is no alternative available to alleviate the danger or disruption; **AND**
4. The school makes adequate provisions for the student's safety and transportation.

The emergency removal may not exceed one (1) school day following the day of the emergency removal. Parent(s)/guardian(s)/caregiver(s) must be offered an opportunity for a hearing during this time. The Disciplinary Hearing should take place the next day following the removal, unless the parents/guardians/caregivers request a postponement of one day. The situation that led to an emergency removal must be present in order for the emergency removal to continue into the 2nd day. (See Superintendent's Circular SUP-5) for procedures and required notifications for emergency removals.

The BPS' Universal Emergency Removal Sign-Out system in the BPS Student Information System must be used.

Section 9 APPEALS TO SHORT-TERM AND LONG-TERM SUSPENSION

- Any student who has been short or long term suspended from school pursuant to sections 7.3 - 7.10.7 of this Code shall have the right to appeal to the Superintendent or his/her designee within ten (10) days from the date of suspension. Parent(s)/guardian(s)/caregiver(s) may request one extension of the appeal hearing of up to seven (7) calendar days.
 - Within ten (10) school days of the imposition of a suspension, a student or their parent(s)/guardian(s)/caregiver(s) may lodge a request for an appeal with the Superintendent's Hearing Officer.
 - Parent(s)/Guardian(s)/Caregiver(s) may request one extension of the appeal hearing of up to seven (7) calendar days.

Section 10 APPEALS TO INDEFINITE SUSPENSIONS AND EXPULSIONS

- Any student who has been indefinitely suspended or expelled from school pursuant to sections 7.1 - 7.2 of this Code shall have the right to appeal to the Superintendent (see MGL c. 71 §37H or §37H½).
 - Within ten (10) school days of the imposition of a suspension, a student or their parent(s)/guardian(s)/caregiver(s) may lodge a request for an appeal with the Superintendent.
 - Parent(s)/Guardian(s)/Caregiver(s)/may request one extension of the appeal hearing of up to seven (7) calendar days.

Section 11 EXPUNGING AND DISCLOSING RECORDS

- If upon review, the Principal/Head of School, in consultation with the Operational Leader and/or the Appeals Officer determines that a student did not commit a violation that s/he was accused of, then all references to the incident and the disciplinary proceedings will be expunged immediately from the student's record. The hearing officer shall inform parent(s)/guardian(s)/caregiver(s) and students in writing that these records will be expunged. A suspension or appeal overturned for procedural errors shall result in the days of suspension/expulsion being expunged from the student record, but the Hearing Officer will determine the extent to which additional references to the incident will be removed from the student record. The hearing officer shall inform parent(s)/guardian(s)/caregiver(s) and students in writing these records will be expunged.
- School employees shall not disclose to institutions of post-secondary education any portions of a student's record that include information about in-school suspensions, out-of-school suspensions, dismissals, expulsions, or any other disciplinary violation or misconduct. No school employee, including college or guidance counselors, shall release to or discuss with any institution of post-secondary education any information pertaining to a student's disciplinary history unless required by law (see Superintendent's Circular LGL-07).

Section 12 STUDENTS WITH DISABILITIES

- Students with disabilities have additional due process rights to those rights outlined in this Code.
 - A student with a disability refers to any student:
 - who has an IEP,
 - who has a 504 plan,
 - who is currently being evaluated for special education services,
 - whose parent(s)/guardian(s)/caregiver(s) has/have requested a special education evaluation,
 - whose parent(s)/guardian(s)/caregiver(s) has/have expressed concern in writing to supervisory or administrative personnel that the student is in need of special education and related services, and/or
 - about whom school or district staff have expressed specific concerns regarding a pattern of behavior directly to supervisory personnel.
- Prior to proceeding with a disciplinary hearing for a student with a disability, the Principal/Head of School or their designee shall determine if the student with a disability is entitled to a Team meeting called a

Manifestation Determination Review (“MDR”) (see Superintendent’s Circular **SPE-15** for criteria and procedures for holding MDR meetings).

- If the student is entitled to an MDR, the student’s Special Education Team must convene to answer two questions. First, was the conduct in question caused by, or had a direct and substantial relationship to, the student’s disability? Second, was the conduct the result of the district’s failure to implement the student’s IEP?
- A student with a disability may not be suspended or expelled if the student’s Team determines that the answer to either of those two questions is yes.
 - ***Exception:*** In certain, serious circumstances, regardless of the decision of the student’s Team, the student may be placed at an Interim Alternative Education Setting for a period of up to 45 calendar days (see Superintendent’s Circular **SPE-15**)
- A free appropriate public education (“FAPE”) must be provided to students with disabilities during any period of suspension that lasts more than ten (10) school days either consecutively or cumulatively.

Section 13 PROMULGATION AND DISTRIBUTION

This Code is the sole document of rules and regulations of Boston Public Schools governing the conduct of all Boston Public Schools students. This Code supersedes all school-based rules and all prior editions of the Boston Public Schools Code of Conduct. This Code shall be effective upon approval by the Boston School Committee.

Section 14 DEFINITIONS

As used in this Code, the following words shall have the meanings set forth below:

- 14.1 **504 PLAN:** refers to an Accommodation Plan developed for a student who has been determined to have a disability as defined under Section 504 of the 1973 Rehabilitation Act. The purpose of a 504 Plan is to ensure that no individual with a qualified disability which substantially limits one or more major life activities is excluded from participation in, denied the benefits of, or denied the same level of access to any instruction, school based activity, or school building as students without disabilities.
- 14.2 **ACADEMIC MISCONDUCT:** the use or attempted use of dishonest or unfair method(s) or practice(s) used to gain advantage in academic(s) by means including, but not limited to, cheating, plagiarizing, copyright infringement, or unauthorized use of problem solving websites/applications.
- 14.3 **ACCEPTABLE USE POLICY FOR NETWORKS, INCLUDING THE INTERNET:** a BPS policy to insure that BPS students and staff use school-owned technology to access the network in a responsible, legal, and ethical manner.
- 14.4 **ASSAULT:** an attempt or threat to physically harm another person with the present ability to do

so and the victim has reasonable fear or apprehension of immediate bodily harm. Assault is committed without physical contact. *A completed assault is typically referred to as a battery.*

- 14.5 **BEHAVIORAL SUPPORT INTERVENTION PLAN (BSIP):** a plan developed by a Special Education Team based on information obtained from the Functional Behavioral Assessment and employed to identify and address the causes of student's behavior.
- 14.6 **BIAS-BASED CONDUCT:** any action taken or derisive statement made based on actual or perceived differentiating characteristics, including a person's race, color, national origin, ancestry, physical appearance, academic status, ethnicity, religion, sex, sexual orientation, gender identity or expression, disability, age, genetics, active military status, pregnancy or parenting status, physical, developmental or sensory disability, economic status, homelessness, or by association with a person who has or is perceived to have one or more of these characteristics.
- 14.7 **BOSTON PUBLIC SCHOOLS Succeed Boston @ the Counseling and Intervention Center** (previously named the Barron Assessment & Counseling Center): a program that provides counseling services, decision-making, and social-emotional skill building to students who have committed applicable violations of the Code of Conduct.
- 14.8 **BUILDING ADMINISTRATOR:** the person primarily responsible for carrying out the administration of school policy in the school building: the Principal, Head of School, or Program Director.
- 14.9 **BULLYING/CYBERBULLYING:** a pattern, which may be a single serious incident, of use by one or more students or by a member of a school staff uses written, verbal or electronic expression or a physical act or gesture or any combination thereof that is directed at a victim and:
- (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 themselves or of damage to their property;
 - (iii) creates a hostile environment at school for the victim (ex. such as if conduct creates a real or perceived power imbalance between students and/or staff);
 - (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.
- Bullying shall include **cyber-bullying**, which refers to bullying through the use of technology or any electronic communication, including but not limited to, electronic mail, Internet communications, instant messages, or social media 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; or

- (iii) 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; AND
- (iv) the distribution or posting creates any of the conditions listed in items (i) to (v) in the definition of bullying.

Retaliation against a person who reports bullying, provides information during an investigation of bullying, witnesses an incident of bullying, or has reliable information about bullying is prohibited under section 7.6.3 of this Code. (See Superintendent Circular [#SSS-18.](#))

- 14.10 **CAREGIVER:** individual who has completed the notarized “Caregiver Authorization Affidavit” and has been granted medical and education decision-making rights for a limited period of time by the student’s parent(s)/legal guardian(s).
- 14.11 **CONTROLLED SUBSTANCE:** any drug or substance listed in M.G.L. c. 94C.
- 14.12 **DANGEROUS OBJECT:** any item, object, or device used in a dangerous or threatening manner, such as pencils, rulers, hair picks, etc.
- 14.13 **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. The term dangerous weapon shall include, but is not limited to:
- Firearm, loaded or unloaded;
 - BB gun or air rifle;
 - Stiletto, dagger, or a device or case which enables a knife with a locking blade to be drawn at a locked position;
 - Ballistic knife, or any knife with a detachable blade capable of being propelled by any mechanism;
 - Dirk knife, any knife having a double-edged blade, or a switch knife;
 - Knife having an automatic spring release device by which the blade is released from the handle;
 - Slingshot, blowgun, blackjack, metallic knuckles or knuckles of any substance which could be put to the same use with the same or similar effect as metallic knuckles;
 - Nunchaku, zoo bow (also known as klackers) or Kung Fu sticks, or any similar weapon consisting of two sticks of wood, plastic, or metal connected at one end by a length of rope, chain, wire or leather;
 - Shuriken, or any similar pointed star-like object intended to injure a person when thrown;
 - Any armband made with leather which has metallic spikes, points, or studs, or any similar device made from any other substance, or a cestus or similar material weighted with metal or other substance and worn on the hand;
 - A manrikigusari or similar length of the chain having weighted ends;
 - Chemical spray, *i.e.*, OC (Oleoresin Capsicum {active ingredient in **pepper spray**} Spray);
 - Electric weapon of any kind (i.e. stun gun or taser)

The term dangerous weapon shall not include a pocket knife with a blade less than 2 ½ inches. The assessment of whether an object is a dangerous weapon as defined here is a determination that is at the discretion of the Principal/School Leader, in consultation with their Operational Leader, in light of the facts and circumstances.

- 14.14 **DAY, BUSINESS:** any day when Boston School Department administrative offices are open, *i.e.*, Monday through Friday, excluding federal, state, and county holidays.
- 14.15 **DAY, CALENDAR:** any day.
- 14.16 **DAY, SCHOOL:** any day on which school is in session and students are required to be present. Unless otherwise specified, references to “day” or “days” in this Code shall mean “school day” or “school days.”
- 14.17 **DESIGNEE:** a person specifically assigned by the Building Administrator or Superintendent to act in his or her place (Assistant Principal/Assistant Head of School, Dean of Students, Community Field Coordinator, School Climate Coordinator, Student Support Team staff, Special Education and Student Services Coordinator, etc.) to fulfill the requirements of this Code.
- 14.18 **DUE PROCESS:** refers to the legal protections that students who are facing certain school removals as a result of disciplinary action are entitled to receive (see Superintendent’s Circular SUP-5 and Superintendent’s Circular SPE-15).
- 14.19 **EDUCATIONAL STAFF:** all BPS staff or staff contracted by BPS who are directly or indirectly tasked with educating students and all BPS staff responsible for ensuring District’s compliance with state school discipline law. Educational staff includes but is not limited to Operational Leaders, instructional and academic superintendents, deans of students, Principals/Heads of School, assistant principals/assistant heads of school, special education directors and coordinators, teachers, behavioral health specialists, and paraprofessionals. Educational Staff shall not include custodial staff or cafeteria staff.
- 14.20 **EMERGENCY REMOVAL:** a temporary removal imposed for a period no longer than the day of the alleged incident and one (1) additional days of school. It may be imposed when the student has allegedly committed a suspendable offense *and* his/her presence poses a continuing danger to persons or property or of interference with the instructional process, *and* there is no alternative available to alleviate the danger or interference, *and* it is impossible because of the student’s behavior to provide the student with notice and hearing prior to the emergency removal.
- 14.21 **EXPULSION:** Expulsion means 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 M.G.L. c. 71, § 37H or 37H½ for:

- possession of a dangerous weapon; or
- possession of a controlled substance; or
- assault on a member of the educational staff; or
- a felony complaint or felony delinquency complaint or conviction, or adjudication or admission of guilt in a court of law 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.

14.22 **FELONY COMPLAINT:** a charging document issued by a court charging an individual with a felony criminal offense. In the case of a juvenile, this document is referred to as a delinquency complaint.

14.23 **FIREARM:** any of the following, as defined by the federal Gun-Free Schools Act, 18 U.S. Code § 921:

- any weapon which will or is designed to or may readily be converted to expel a projectile by the action of an explosive
- the frame or receiver of any weapon described above;
- any firearm muffler or firearm silencer;
- any explosive, incendiary, or poison gas:
- bomb;
- grenade;
- rocket having a propellant charge of more than four (4) ounces;
- missile having an explosive or incendiary charge of more than one-quarter ounce mine or similar device;
- any weapon which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellants, and which has any barrel with a bore of more than one-half inch in diameter;
- any combination of parts either designed or intended for use in converting any device into any destructive device described in the two immediately preceding examples, and from which a destructive device may be readily assembled.

14.24 **FREE APPROPRIATE PUBLIC EDUCATION (FAPE):** Special Education and related services as consistent with the provisions set forth in 20 U.S.C. 1400 *et seq.*, its accompanying regulations, and which meet the education standards established by statute or established by regulations promulgated by the Massachusetts Department of Elementary and Secondary Education.

14.25 **FUNCTIONAL BEHAVIORAL ASSESSMENT (FBA) :** an assessment of behavior conducted by members of a Special Education Team, which assists them in developing appropriate behavioral strategies to address the student's behavior in the future. This should take place within ten (10) school days of receipt of parental/guardian/caregiver consent.

- 14.26 **GENDER IDENTITY:** a person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance, or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth. Gender-related identity may be shown by providing evidence including, but not limited to, medical history, care or treatment of the gender-related identity, the consistent and uniform assertion of the gender-related identity, or any other evidence that the gender-related identity is sincerely held as part of a person's core identity; provided, however, that gender-related identity shall not be asserted for any improper purpose (see M.G.L. Chapter 4, Section 7).]
- 14.27 **GUARDIAN:** a person is legally responsible for a student and who may make educational decisions on behalf of said student.
- 14.28 **HAZING:** any conduct or method of initiation into any student organization, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person (see M.G.L. c. 269, §17-19, and 603 C.M.R. 33.03).
- 14.29 **HEARSAY:** An oral or written statement made by a person not testifying at a hearing/trial, which is offered at the hearing/trial to prove the truth of the matter(s) asserted in the statement.
- 14.30 **IMITATION GUN:** any device that looks reasonably like a firearm and is intended to put the victim in fear.
- 14.31 **MANIFESTATION DETERMINATION REVIEW (MDR):** a type of IEP Team meeting, held within ten (10) school days of a recommended removal of a student with disabilities that would constitute a change in student's placement, at which the IEP Team must determine if the conduct that serves as the basis for the discipline was caused by, or had a direct and substantial relationship to, the student's disability or whether the conduct in question was the direct result of a failure to implement the student's IEP.
- 14.32 **MISDEMEANOR:** a crime that is less serious than a felony and is usually punishable by fine, penalty, forfeiture, or confinement in a place other than state prison.
- 14.33 **NOT YET ELIGIBLE FOR SPECIAL EDUCATION:** under state and federal laws and regulations, a student who has not been determined to be eligible for special education and related services, and who has engaged in behavior that violates the Code of Conduct. A student with this status may assert any of the protections provided to students with disabilities if the school has reason to believe that the student may be a student with a disability. BPS will be deemed to have knowledge of a student with a disability if, before the behavior that caused the disciplinary action occurred, the parent(s)/guardian(s)/caregiver(s) of the student expressed concern in writing to BPS supervisory or administrative personnel

or a teacher of the child, that the child needs a special education evaluation, OR a teacher or other personnel of the district has expressed specific concerns about a pattern of behavior demonstrated by the student directly to the Assistant Superintendent of Special Education or to other supervisory personnel. BPS will not be deemed to have knowledge of a student with a disability if the parent(s)/guardian(s)/caregiver(s) of the student have not allowed a special education evaluation, have refused special education services, or when the student has been evaluated and it was determined that the student was not a student with a disability (see Superintendent's Circular SPE-15).

- 14.34 **OBJECT OF NO REASONABLE USE:** any object that is of no reasonable use to a student in school, including but not limited to any knife not defined as a dangerous weapon, an electrical weapon, drug paraphernalia (*e.g.*, grinders, rolling papers, hookah pipes), a rock, brick, imitation gun, fireworks, or laser pointer. Note that under a City Ordinance, laser pointers are not permitted in school buildings. (see Ord. 1999 c. 2 § 4)
- 14.35 **PARENT:** a student's mother(s) and/or father(s).
- 14.36 **PLANNING CENTER:** after positive and responsible approaches have been tried, documented, and unsuccessful within the classroom, the disruptive student may be referred to a student-planning center. The student remains in the planning center only long enough to be assisted in assessing present behavior and making a plan for more responsible behavior. The planning center provides the opportunity for the student to maintain classroom assignments and provides support for school staff to develop and implement a follow-up plan for the student. Removal to a student-planning center shall constitute an in-school suspension if a student is removed for 90 minutes or two class periods, whichever is shorter. Because removal constitutes an in-school suspension, it requires notice, a hearing, an opportunity to make academic progress, and the use of non-exclusionary alternative conduct.
- 14.37 **SCHOOL-WIDE EDUCATION SERVICE PLAN:** refers to the unique plans developed by the Principal/Head of School for their school community to ensure that students who are expelled or suspended from school for more than 10 consecutive school days, whether in or out of school, have an opportunity to make academic progress. The plan must include, but is not limited to, a system for students to make up assignments and earn credits missed for homework, quizzes, exams, and papers and projects.
- 14.38 **SEXTING:** the act of sharing or sending sexually explicit messages or photos electronically, usually via computers, cell phones, or other electronic devices. Sexting may be considered dissemination of student pornography in violation of M.G.L. c. 272, § 28. This also includes the sharing or sending of sexually explicit messages or photos over the Internet and/or on social media platforms outside of the

traditional school day and which disrupts the normal functioning of the school day.

14.39 **SEXUAL MISCONDUCT:** any unwelcome, forced, coerced, or unwanted conduct of a sexual nature. Sexual misconduct also includes any sexual act against another person who is incapable of giving consent, either because of their temporary or permanent mental or physical incapacity or because they are a minor. **Consent** is defined as clear, active agreement and permission to engage in any form of verbal or nonverbal sexual communication or activity with another person. The initiator of sexual contact is responsible for obtaining consent before engaging in any sexual contact. Consent can be withdrawn by either party at any point. Consent must be voluntary and may not be valid if a person is being subjected to an emotional, psychological, physical, reputational, or financial threat, intimidation, or coercion. Consent to engage in one sexual activity, or past agreement to engage in a particular sexual activity, cannot be presumed to constitute consent to engage in a different sexual activity or to engage again in a sexual activity. Consent cannot be validly given by a person who is incapacitated or under the age of sixteen.

Sexual misconduct may include criminal acts, such as indecent assault and battery, rape, abuse, or assault with intent to rape. Any acts that may be criminal will be referred to law enforcement.

Examples of sexual misconduct may include, but are not limited to, the following:

- Unwelcome sexual touching;
- Non-consensual sexual contact that occurs during school or non-school hours, on or off school grounds, including dating violence;
- Recruiting, transporting, obtaining, or providing a student of any gender for the purpose of sex;
- Sexual advances, whether or not they involve touching;
- Requests for sexual favors;
- Offensive public sexual display of affection, including groping, fondling, gestures, or inappropriate touching of one's self or others;
- Consensual groping, fondling, sexual touching, or sex on school property or at any school-sponsored activity;
- Sexual jokes or references;
- Comments regarding a student's body or a student's sexual activity or orientation;
- Offensive name calling or profanity that is sexually suggestive, sexually degrading, or based on sexual stereotypes or sexual orientation;
- Displaying or distributing sexually explicit drawings, pictures, or other materials in any form (such as sexting);
- Trafficking of youth for sexual purposes, such as recruiting, transporting, or otherwise exploiting a minor in exchange for money, shelter, or food;
- Sexual activity between students in a school, or any building where BPS business is conducted; or
- Other verbal, nonverbal, or physical conduct of a sexual nature.

14.40 **SHORT-TERM SCHEDULE ADJUSTMENTS:** any change to a student's schedule that is

for three (3) or fewer school days and is done to minimize contact between the student and a teacher or between the student and another student where there is evidence of an ongoing conflict between them. Parents/guardians/caregivers must be notified by the end of the day of any change to the student's schedule that is to take effect by the next school day.

14.41 STUDENT-CENTERED RESTORATIVE JUSTICE CONFERENCES: upon noticing or becoming aware of any behavioral incidents, educational staff members shall attempt to resolve the problems prior to referral to the Building Administrator or designee. Academic employees are expected to confer privately with the student at the earliest opportunity, and to hold a conference with the parents/guardians/caregivers by telephone or by written correspondence. An academic employee or a student may invite the parent(s)/guardian(s)/caregiver(s) to attend. The conference with the student and the employee shall be at a mutually convenient time, place or manner (*e.g.*, conference call). School administrators must be made aware of such conferences and document any attempts to conference in the BPS approved student information system.

If a member of the educational staff notices that a student is struggling, the first step is for the employee to talk to the student privately at the earliest opportunity and then to call/text/email the student's parent(s)/guardian(s)/caregiver(s). If it would be helpful, the employee may suggest meeting with the parent and student together.

14.42 STUDENT LED CONFERENCES: students who have any concerns related to student voice, due process rights, and/or other students' rights may request a meeting with their Building Administrator or their designee. The conference should be held in a timely manner, at a mutually convenient time and place, and documented in the BPS student information system for every student who participates. At the student's request, or at discretion of the Building Administrator or their designee, parent(s)/guardian(s)/caregiver(s) may be invited to the conference. Building Administrators must be made aware of such conferences and the outcome.

14.43 STUDENT RECORDS: all information concerning a student maintained in any form by the Boston Public Schools that is organized on the basis of the student's name or in a way that the student can be individually identified (see Superintendent's Circular LGL-7).

14.44 STUDENT WITH A DISABILITY: a student who, because of a disability consisting of a developmental delay or any intellectual, sensory, neurological, emotional, communication, physical, specific learning or health impairment or combination thereof, is unable to progress effectively in regular education and requires special education services, including a school age student who requires only a related service or related services if said service or services are required to ensure that student is able to access the general education curriculum and

receive a Free Appropriate Public Education (FAPE). This term includes students not yet identified as special education students, as defined above.

14.45 **SUSPENSION:** the removal of a student from the school premises and/or regular classroom activities that exceeds 90-minutes, cumulatively, or two class periods in one day.

“Suspension” applies to short-term suspension and long-term suspension, in-school and out of-school, unless otherwise stated.

- A single short-term suspension may not exceed three (3) school days for a student age 15 or younger or five (5) school days for a student age 16 or older.
- A long-term suspension is a removal for more than ten (10) consecutive or cumulative school days.

14.46 **SUSPENSION, IN-SCHOOL:** removal of a student from regular classroom activities, but not from the school premises, for no more than ten (10) consecutive school days, or for more than ten (10) cumulative school days, for multiple infractions during the school year.

In-school suspension exceeding ten (10) consecutive or cumulative days shall be considered a long-term suspension for due process, appeal, and reporting purposes.

14.47 **SUSPENSION, INDEFINITE:** a suspension that may be imposed when:

- a student (18 or older) is charged with a felony complaint (or felony delinquency charge for a student **under 18**);
- if the Principal or Head of School of the school where the student is enrolled determines that the student’s continued presence in school would have a substantial detrimental effect on the general welfare of the school. If a student is suspended under this section, the suspension will remain in effect until the felony case has been adjudicated or resolved, which may extend beyond the current school year. Once the felony complaint serving as the basis of the indefinite suspension is adjudicated, a School Administrator may proceed to an expulsion under Section 7.1 of this Code, if appropriate (see M.G.L. c 71, § 37H ½).

14.48 **TEAM:** in reference to Special Education, a group of individuals responsible for creating and implementing a student's Individualized Education Plan (IEP) at the school level.

Team membership can and should vary depending upon the educational needs of individual students. Participants usually include:

- the classroom teacher(s)
- the school administrator or designee (COSE)
- parents/guardians/caregivers or legal guardians and, if appropriate, the student
- other school-based and district support staff if they have been involved in assessing the student's strengths and needs, or are going to be involved in the delivery of the IEP.

14.49 **TEMPORARY REMOVAL FROM CLASS:** no student shall be held out of class for more than ninety minutes or two class periods, whichever is shorter, without the time out of class

being classified as an in-school suspension and triggering the due process protections outlined in Section 5 of the Code (see Superintendent's Circular SUP-5).

14.50 **VAPING**: the use of e-cigarettes or other devices that allow individuals to inhale nicotine or other drugs such as THC, CBD, or K2, as a vapor rather than inhaling nicotine or the other drugs by sucking on the end of a lit cigarette, pipe, or other smoking device. (MGL Chapter 270 Section 29).

14.51 **WEAPON**: see 16.13, "Dangerous Weapon," and 16.22, "Firearm."

Insert page of ADDITIONAL RESOURCES:(with links)

COC Attachments - Once Sam approves

MTSS

Student Support

Guide to BPS

Suffolk County Resource Guide to Services

If someone is requesting a hard copy of this document, then please provide them with the following Superintendent's Circulars:

1. Superintendent's Circular SPE-15
2. Superintendent's Circular TRN-2
3. Superintendent's Circular SUPT-18
4. Superintendent's Circular FSE-06
5. Superintendent's Circular SUP-5
6. Superintendent Circulars EQT - 1 through EQT-6
7. Superintendent's Circular HWD-06
8. Superintendent's Circular SUP- 9
9. Superintendent's Circular LGL-07
10. Superintendent's Circular SSS-18
11. Superintendent's Circular SAF- 1 and SAF-3
12. NEW Policy Regarding Preparing and Sharing Incident Reports and Other Student Information
13. Succeed Boston Referral Contact - One Pager
14. NEW Substance Use