

Lynn Public Schools

District Handbook

2023-2024

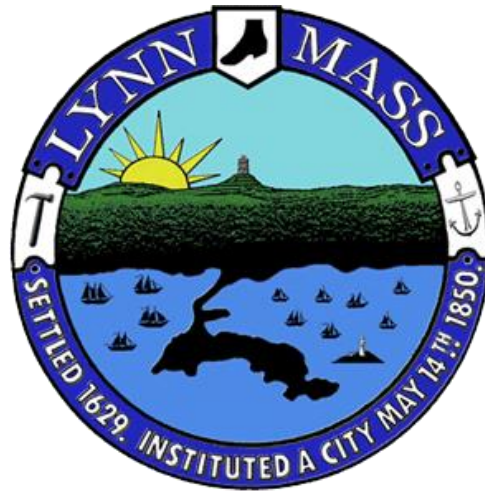


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SCHOOL CONTACT INFORMATION

LYNN PUBLIC SCHOOLS

ADMINISTRATION BUILDING - 100 Bennett St., Lynn, MA 01905

781.593.1680

ABORN ELEMENTARY 409 Eastern Avenue, Lynn Ma 01902	Sarah McIsaac, Principal	781- 477-7320
BRICKETT ELEMENTARY 123 Lewis Street, Lynn, MA 01902	Shirley Albert-Benedict, Principal	781- 477-7333
CALLAHAN ELEMENTARY 200 O'Callaghan Way Lynn, MA 01905	James Kennison, Principal	781- 477-7340
COBBET ELEMENTARY 40 Franklin Street, Lynn MA 01902	Peter Viselli, Principal	781- 477-7341
CONNERY ELEMENTARY 50 Elm Street Lynn, MA 01905	Kendwy Valdez, Principal	781- 477-7344
DREWICZ ELEMENTARY 34 Hood Street Lynn, MA 01905	Patricia Hebert, Principal	781- 477-7350
FALLON ELEMENTARY 100 Robinson St., Lynn, MA 01905	Nancy Takis-Conway, Principal	781-477-7401
FORD ELEMENTARY 49 Hollingsworth St., Lynn, MA 01902	Amy Nerich, Principal	781- 477-7475
HARRINGTON ELEMENTARY 21 Dexter St., Lynn, MA 01902	Lissa Jussaume, Principal	781- 477-7380
HOOD ELEMENTARY 24 Oakwood Avenue, Lynn, MA 01902	Jessica Ekhomu, Principal	781- 477-7390
INGALLS ELEMENTARY 1 Collins Street Terrace Lynn, MA 01902	Frangie Cruz, Principal	781- 477-7400
LINCOLN-THOMSON ELEMENTARY 115 Gardiner Street, Lynn, MA 01905	Mary Foster, Principal	781- 477-7460
LYNN WOODS ELEMENTARY 31 Trevett Avenue, Lynn, MA 01904	Ellen Fritz, Principal	781- 477-7433
SEWELL ANDERSON ELEMENTARY 25 Ontario Street, Lynn, MA 01905	Elizabeth Daily-Ortega, Principal	781- 477-7444
SHOEMAKER ELEMENTARY 26 Regina Road, Lynn, MA 01904	Christina Colella, Principal	781- 477-7450
SISSON ELEMENTARY 58 Conomo Avenue, Lynn, MA 01904	Jane Franklin, Principal	781- 477-7455
TRACY ELEMENTARY 35 Walnut Street, Lynn, MA 01905	Carrie Nicosia, Principal	781- 477-7466
VIRGINIA BARTON EARLY CHILDHOOD CENTER 25 Bessom Street, Lynn, MA 01902	Mary Kinahan, Principal	(781) 477-7220, ext. 2983
WASHINGTON ELEMENTARY 58 Blossom Street, Lynn, MA 01902	Anthony Frye, Principal	339-883-1414
PECTEAU – LEARY MIDDLE/HIGH 33 North Common Street, Lynn, MA 01902	Maura Durgin-Scully, Principal	781-268-3007
BREED MIDDLE 90 O'Callaghan Way, Lynn, MA 01905	Julie Louf, Principal	781-477-7330
THURGOOD MARSHALL MIDDLE 100 Brookline Street, Lynn, MA 01902	Stephanie Doucette, Interim Principal	781-477-7360
PICKERING MIDDLE 70 Conomo Avenue, Lynn, MA 01904	Kevin Rittershaus, Principal	781-477-7440
CLASSICAL HIGH 235 O'Callaghan Way, Lynn, MA 01905	Amy Dunn, Principal	781-477-7404
ENGLISH HIGH 50 Goodridge Street, Lynn, MA 01902	Rardy Peña, Principal	781-477-7366
FREDERICK DOUGLASS COLLEGIATE ACADEMY 300 Broad Street, Lynn, MA 01901	Heather Fabiano, Principal	781-477-2292
L.V.T.I. LYNN VOCATIONAL TECHNICAL INSTITUTE 80 Neptune Blvd. Lynn, MA 01905	Fred Gallo, Director	781-477-7420

PARENT INFORMATION

Welcome Center

The Lynn Public Schools Welcome Center offers parents and guardians information about their school system. The Welcome Center guides families through the process of registering students for school, and helps all of our culturally and linguistically diverse families to find local resources and services necessary to support their child's education so they can thrive and impact the greater community and the world.

Regular office hours are:

- Monday through Thursday 7:45 a.m. - 3:45 p.m.
- Tuesday extended hours 7:45 a.m. - 7:45 p.m. (April to September)
- Friday 7:45 a.m. - 2:45 p.m.

Summer and school vacation week office hours are:

- Monday, Wednesday, and Thursday 7:45 a.m. - 2:45 p.m.
- Tuesday extended hours 7:45 a.m. - 7:45 p.m. (April to September)
- Friday 7:45 a.m. - 12:00 p.m.

Please visit or telephone us at 781-592-8796 for information regarding the voluntary desegregation plan / student assignment policy, and within system school choice.

Registration Procedures

For the most up to date information, please visit the Welcome Center Website:

https://www.lynnschools.org/departments/welcome_center

Family Engagement

The Welcome Center connects families to culturally responsive resources during registration and supports families to play an active role in their children's education.

For updated information on resources such as health, food, and many other community resources, please visit "Welcome Center/Centro de Bienvenida Lynn Public Schools" on Facebook.

Immunization of Students

The Lynn Public Schools requires compliance with current Massachusetts Department of Public Health immunization schedules for school entry and attendance (unless there is a medical or religious exemption or the student is identified as homeless and does not have proper documentation of immunizations or medical records).

Please submit a copy of updated immunizations and current physical (including Tuberculosis documentation) to the Welcome Center at the time of registration. Additionally, students registering for pre-kindergarten or kindergarten must provide proof of screening for lead poisoning.

Massachusetts school immunization requirements are published annually on the following website:
<https://www.mass.gov/info-details/school-immunizations#school-and-camp-requirements->

Requirements published in March 2023 are on the following pages. Please check the website above for updates.

Massachusetts School Immunization Requirements 2023-2024⁵

Massachusetts school immunization requirements are created under authority of [105 CMR 220.000 Immunization of Students Before Admission to School](#)

Requirements apply to all students including individuals from another country attending or visiting classes or educational programs as part of an academic visitation or exchange program. Requirements apply to all students, even if over 18 years of age.

Childcare/Preschool^{¶†}

Attendees <2 years should be immunized for their age according to the [ACIP Recommended Immunization Schedule](#). Requirements listed in the table below apply to all attendees ≥2 years. These requirements also apply to children in preschool classes called K0 or K1.

Hib	1-4 doses; the number of doses is determined by vaccine product and age the series begins
DTaP	4 doses
Polio	3 doses
Hepatitis B	3 doses; laboratory evidence of immunity acceptable
MMR	1 dose; must be given on or after the 1 st birthday; laboratory evidence of immunity acceptable
Varicella	1 dose; must be given on or after the 1 st birthday; a reliable history of chickenpox* or laboratory evidence of immunity acceptable

Grades Kindergarten – 5^{¶†}

In ungraded classrooms, Kindergarten requirements apply to all students ≥5 years.

DTaP/Tdap	5 doses; 4 doses are acceptable if the fourth dose is given on or after the 4 th birthday. DT is only acceptable with a letter stating a medical contraindication to DTaP
Polio	4 doses; fourth dose must be given on or after the 4 th birthday and ≥6 months after the previous dose, or a fifth dose is required. 3 doses are acceptable if the third dose is given on or after the 4 th birthday and ≥6 months after the previous dose
Hepatitis B	3 doses; laboratory evidence of immunity acceptable
MMR	2 doses; first dose must be given on or after the 1 st birthday and second dose must be given ≥28 days after first dose; laboratory evidence of immunity acceptable
Varicella	2 doses; first dose must be given on or after the 1 st birthday and second dose must be given ≥28 days after first dose; a reliable history of chickenpox* or laboratory evidence of immunity acceptable

[¶] Meningococcal vaccine requirements (see Grades 7-10 and 11-12) also apply to residential students in Grades Pre-K through 8 if the school combines these grades in the same school as students in Grades 9-12.

[†] Medical exemptions (statement from a physician stating that a vaccine is medically contraindicated for a student) must be renewed annually at the start of the school year and religious exemptions (statement from a student, or parent/guardian if the student is <18 years of age, stating that a vaccine is against sincerely held religious beliefs) should be renewed annually at the start of the school year.

* A reliable history of chickenpox includes a diagnosis of chickenpox, or interpretation of parent/guardian description of chickenpox, by a physician, nurse practitioner, physician assistant, or designee.

See following pages for Grades 7-10, Grades 11-12, and College (Postsecondary Institutions)

Massachusetts School Immunization Requirements 2023-2024⁵

Requirements apply to all students including individuals from another country attending or visiting classes or educational programs as part of an academic visitation or exchange program. Requirements apply to all students, even if over 18 years of age.

Grades 7 – 12[†]

In ungraded classrooms, Grade 7 requirements apply to all students ≥ 12 years.

Tdap	1 dose; and history of DTaP primary series or age-appropriate catch-up vaccination. Tdap given at ≥ 7 years may be counted, but a dose at age 11-12 is recommended if Tdap was given earlier as part of a catch-up schedule. Td or Tdap should be given if it has been ≥ 10 years since last Tdap
Polio	4 doses; fourth dose must be given on or after the 4 th birthday and ≥ 6 months after the previous dose, or a fifth dose is required. 3 doses are acceptable if the third dose is given on or after the 4 th birthday and ≥ 6 months after the previous dose
Hepatitis B	3 doses; laboratory evidence of immunity acceptable. 2 doses of HepIsav-B given on or after 18 years of age are acceptable
MMR	2 doses; first dose must be given on or after the 1 st birthday and second dose must be given ≥ 28 days after first dose; laboratory evidence of immunity acceptable
Varicella	2 doses; first dose must be given on or after the 1 st birthday and second dose must be given ≥ 28 days after first dose; a reliable history of chickenpox* or laboratory evidence of immunity acceptable

Meningococcal Requirements

Grade 7-10	1 dose; 1 dose MenACWY (formerly MCV4) required. Meningococcal B vaccine is not required and does not meet this requirement
Grade 11-12 [‡]	2 doses; second dose MenACWY (formerly MCV4) must be given on or after the 16th birthday and ≥ 8 weeks after the previous dose. 1 dose is acceptable if it was given on or after the 16th birthday. Meningococcal B vaccine is not required and does not meet this requirement

[†]Medical exemptions (statement from a physician stating that a vaccine is medically contraindicated for a student) must be renewed annually at the start of the school year and religious exemptions (statement from a student, or parent/guardian if the student is < 18 years of age, stating that a vaccine is against sincerely held religious beliefs) should be renewed annually at the start of the school year.

* A reliable history of chickenpox includes a diagnosis of chickenpox, or interpretation of parent/guardian description of chickenpox, by a physician, nurse practitioner, physician assistant, or designee.

[‡]Students who are 15 years old in Grade 11 are in compliance until they turn 16 years old.

Physical Exams

The Massachusetts state education regulations found at 105 CMR 200 require physical examinations of school children within one year prior to entrance to school or within 30 days after school entry and at intervals of 3 or 4 years thereafter.

In the Lynn Public Schools, all kindergarten, 4th, 7th, and 10th grade students and new entrants must have a copy of an updated physical exam in their health record. Pre-sports physicals are required annually prior to a student's participation in competitive athletics

Health Screenings

The following health screenings are performed in Lynn Public Schools:

- **Height and Weight.** The Massachusetts state education regulations found at 105 CMR 200 require height and weight measurement of all 1st, 4th, 7th and 10th grade students. If parents/guardians do not want their child's measurement taken, they should send a written request to the school nurse at the start of school year.
- **Vision.** The Massachusetts state education regulations also require that upon entering kindergarten or within 30 days after school entry, the parent or guardian shall present a certificate that the student has passed a vision screening within the previous 12 months. If the student has failed or has a neuro-developmental delay, evidence of a comprehensive eye exam must be provided to the school nurse. In-school vision screening will be conducted in the year of school entry and annually through grade 5, once in grades 6 through 8 (typically grade 7), and once in grades 9 through 12 (typically grade 10).
- **Hearing.** The Massachusetts state education regulations additionally require that a hearing screening be conducted in the year of school entry and annually through grade 3, once in grades 6 through 8 (typically grade 7), and once in grades 9 through 12 (typically grade 10).
- **Postural Screening Exams.** Pursuant to Massachusetts General Laws Chapter 71, § 57, 5th through 9th grade students will be screened yearly by the school nurse for scoliosis. Information and opt out notices will be sent home prior to screening.
- **Screening, Brief Intervention and Referral for Treatment.** Pursuant to Massachusetts General Laws Chapter 71, § 97, SBIRT is a confidential screening for the use of alcohol, marijuana and other substances. The goal is to let students know that we are available to reinforce healthy decisions and to assist them in obtaining support if needed for substance use. 7th and 9th grade students will be screened. Information and opt out notices will be sent home prior to screening. Students can also opt out on the day of screening.

Emergency Closings

No outdoor school sponsored activities will be allowed during thunderstorms.

Parents/guardians will be contacted by NTI Connect-Ed (a school-to-parent communication system.) All announcements will also be posted on the Lynn Public Schools website – www.lynnschools.org. A “no school announcement” in elementary grades includes Pre K and Kindergarten.

In addition, the Superintendent may close school early on the grounds of weather hazards. The Superintendent will keep the Chairperson of the School Committee informed of developments and decisions during days of weather emergencies. Parents retain their responsibility for the safety of their children on bad weather days when school may be in session.

In stormy weather resulting in NO SCHOOL announcements, the information can be found on the Lynn Public Schools website; <http://www.lynnschools.org>.

Radio and television announcements will be made as follows:

- Radio Stations WBZ, WCVB, WRKO, WBUR
- TV/Local Channels 4, 5, and 7 between 6:45 & 8:00 A.M.
- The Community TV Channels:
Comcast Channels 3, 15, & 22 - Verizon Channels 36, 37, & 38
www.letv15.net - <https://lynntv.org/>

Students should not call the school, the police, or 911 about school cancellations.

Lynn Educational Channel

Lynn Educational Channel – www.letv15.net – broadcasts School Committee meetings, school events and activities, parent meetings, and educational programs.

Comcast Channel 15, Verizon Channel 36.

Regularly scheduled School Committee meetings are held at the Lynn Public Schools Administration Building on the second and last Thursday of each month during the school year.

**Lynn School Department
Administrative Building
100 Bennett St., Lynn, MA 01905
www.lynnschools.org**

School Committee meetings will be aired Live

- **Webcast Live Stream**
- **Comcast Channel 22**
- **Verizon Channel 37**

Parent Involvement/Volunteers

Parents and community members are encouraged to become involved in our schools. We welcome your participation and support during the school year. Working together, we will be able to celebrate the achievements of our students. If you would like to help with PTA-PTO/School Improvement Council, school-improvement planning, or special projects/events, contact the principal of your child's school.

School Improvement Councils

By law, the School Improvement Council (SIC) is made up of parents, teachers, the principal, and a community representative. All meetings are open to the public and your attendance is welcome. SIC elections are held to fill vacancies each fall. Interested candidates may contact the school's office to inquire about openings.

Translations and Interpreters

Lynn Public Schools recognizes that communication and partnership with parents and guardians is vital for the educational success of students. We are committed to provide quality and professional translation (written) and interpretation (oral) services to families so that they can have an active role in their children's education.

To enable effective communication with Limited English Proficient parents and guardians, interpretation and translation services are available at no cost to parents and guardians. A parent or guardian does not have to be of limited English proficiency in speaking, reading, writing, and comprehending English to be eligible for interpretations or translation, but rather, it is only necessary that a parent or guardian be limited in at least one of these areas to receive services.

To request an interpreter of a spoken language or translation of a school department document, please contact the main office at your child's school.

Annual Asbestos Notification Letter

A copy of the Lynn Public Schools Asbestos Management Plan for each school is available in the schools office and at the Inspectional Services Department at Lynn City Hall.

The Lynn Public School District, through the Inspectional Services Department, continues to update and improve Asbestos Hazard Emergency Response Act (AHERA) Asbestos Management Plans. Any inquiries regarding the management of asbestos-containing materials in our schools should be directed to the district's AHERA Designated

Person, Lisa Tobin, who can be reached at Lynn City Hall, Inspectional Services Department, by email at ltobin@lynnma.gov , or by phone at 781-586-6794.

Parental Notification Relative to Sex Education

In accordance with General Laws Chapter 71, Section 32A, the Lynn School Committee has adopted this policy on the rights of parents and guardians of our students in relation to curriculum that primarily involves human sexual education or human sexuality issues.

At the beginning of each school year, all parents/guardians of students in our schools will be notified in writing of the courses and curriculum we offer that primarily involve human sexual education or human sexuality issues. The Superintendent of Schools will determine the administrator(s) responsible for sending the notice(s). Parents/guardians of students who enroll in school after the start of the school year will be given the written notice at the time of enrollment. If the planned curriculum changes during the school year, to the extent practicable, parents/guardians will be notified of this fact in a timely manner before implementation.

Each such notice to parents/guardians will include a brief description of the curriculum covered by this policy, and will inform parents/guardians that they may:

(1) exempt their child from any portion of the curriculum that primarily involves human sexual education or human sexuality issues, without penalty to the student, by sending a letter to the school principal requesting an exemption. Any student who is exempted by request of the parent/guardian under this policy may be given an alternative assignment.

(2) inspect and review program instruction materials for these curricula, which will be made reasonably accessible to parents/guardians and others to the extent practicable. Parents/guardians may arrange with the principal to review the materials at the school, and may also review them at other locations that may be determined by the Superintendent of Schools.

A parent/guardian who is dissatisfied with a decision of the principal concerning notice, access to instructional materials, or exemption for the student under this policy may send a written request to the Superintendent for review of the issue. The Superintendent or designee will review the issue and give the parent/guardian a timely written decision, preferably within two weeks of the request. A parent/guardian who is dissatisfied with the Superintendent's decision may send a written request to the School Committee for review of the issue. The School Committee will review the issue and give the parent/guardian a timely written decision, preferably within four weeks of the request. A parent/guardian who is still dissatisfied after this process may send a written request to the Commissioner of Education for review of the issue in dispute.

The Superintendent of Schools will distribute a copy of this policy to each principal by September 1 of each year.

STUDENT DISCIPLINE

Preface to Lynn Public Schools Discipline Code

The Lynn School Committee has adopted the following Discipline Code in order to promote a high standard of behavior in the Lynn Public Schools, while also balancing the rights of students. By adopting the Discipline Code, the School Committee hopes to provide all students with a safe and caring learning environment, which fosters academic, behavioral, and social-emotional development.

The School Committee recognizes the importance of the core values of the Lynn Public Schools, including inclusiveness, high expectations, collaboration, shared responsibility, and inspiring life-long learning, as they relate to discipline. Disciplinary consequences included in the Discipline Code are consistent with those set forth in applicable law. While the laws allow for flexibility in the administration of discipline, the Discipline Code should be administered with fairness and equity, while taking into account the individual circumstances in each incident of student misconduct.

The degree, frequency, and circumstances surrounding each incident should impact the methods used in enforcing the Discipline Code, and disciplinary actions shall be progressively applied. For example, disciplinary actions that are available but should be used carefully include out of school suspension, expulsion, and notice to local law enforcement or other appropriate legal authorities.

In addition to the Discipline Code, the Lynn Public Schools also uses support, prevention, and similar measures to promote a high standard of behavior. While these measures may exist outside of the Discipline Code, they are no less important.

Recognizing that discipline is the dual responsibility of the home and school, the School Committee has adopted the Discipline Code with input from various stakeholders, including school district leadership, educators, and administrators, as well as parents and students themselves.

Finally, students are reminded that they are subject to the Discipline Code in school buildings, on school property, on the way to or from school, on buses or other school transportation, and at school-sponsored or school-related events such as field trips, athletic events, and non-athletic events. Students also are subject to the Lynn Public Schools District Policy Manual. Students additionally are subject to any criminal or civil law(s) that may exist and apply to their actions at any given time.

Discipline Code

Students are subject to the Discipline Code in school buildings, on school property, on the way to or from school, on buses or other school transportation, and at school-sponsored or school-related events such as field trips, athletic events, and non-athletic events.

Students also are subject to the Lynn Public Schools District Policy Manual, whether or not specifically referenced below.

Students additionally are subject to any criminal or civil law(s) that may exist and apply to their actions at any given time, whether or not specifically referenced below.

Support, prevention, and similar measures are used in the Lynn Public Schools in addition to the Discipline Code, in order to promote a high standard of behavior.

1.0 Attendance-Related Problems

The following infractions are subject to MGL c. 71, § 37H ¾ and may result in: Detention (of any kind), parent conference, suspension, and/or Court proceeding through a CRA (Child Requiring Assistance) Application.

- 1.1 Truancy
- 1.2 Skipping Class
- 1.3 Absences in violation of Attendance Policy (See District Policy Manual File JH and/or any similar and/or successor Policy Manual document. Also contained in this Handbook.)
- 1.4 Tardiness (Unexcused)
- 1.5 Dismissals (unless granted by the Principal or their designee)
- 1.6 Use of automobile during school hours
- 1.7 Violation of closed campus rule (All students shall remain on school property the entire school day.)
- 1.8 Failure to report to homeroom
- 1.9 Failure to report to office upon arriving late to school

2.0 School Incidents

The following infractions are subject to MGL c. 71, § 37H ¾ and may result in: Detention (of any kind), parent conference, suspension, and/or notice to local law enforcement or other appropriate legal authorities.

- 2.1 Cheating
- 2.2 Forgery of school documents

- 2.3 Disruptive behavior
- 2.4 Repeated and/or continual misbehavior
- 2.5 Refusal to meet behavioral standards of the class
- 2.6 Failure to return loaned school equipment, books, or any other school property
- 2.7 Failure to report for detention
- 2.8 Failure to report back to school staff
- 2.9 Failure to return official school documents requiring a signature
- 2.10 Insubordination
- 2.11 Sent to office twice in one day
- 2.12 Habitual school offender
- 2.13 Gambling
- 2.14 Unauthorized demonstration
- 2.15 Dangerous operation of vehicles or other modes of transportation on school property (including, but not limited to cars, trucks, motorcycles, bicycles, skateboards, roller blades/skates, etc.)
- 2.16 Use of gang symbols or other display of gang membership (See also District Policy Manual File JICF and/or any similar and/or successor Policy Manual document)

3.0 Student Appearance

The following infractions are subject to MGL c. 71, § 37H ¾ and may result in: Parental notification to bring proper attire, detention (of any kind), parent conference, and/or suspension. Dress Code violations also may result in the student having to change, cover, or remove attire.

- 3.1 Violation of Student Dress Code (See District Policy Manual File JICA and/or any similar and/or successor Policy Manual document. Also contained in this Handbook.)

4.0 Electronic Devices and Other Objects

The following infractions are subject to MGL c. 71, § 37H ¾ and may result in: Confiscation of device/object, detention (of any kind), parent conference, and/or suspension.

- 4.1 Violation of Student Electronic Devices Policy (See District Policy Manual File ____ and/or any similar and/or successor Policy Manual document. Also contained in this Handbook.)
- 4.2 Possession of any electronic device or other electronic or non-electronic object that causes any disruption or distraction from the learning process or endangers health or safety

5.0 Vandalism and Property Damage

The following infractions are subject to MGL c. 71, § 37H ¾ and may result in: Detention (of any kind), parent conference, suspension, and/or notice to local law enforcement or other appropriate legal authorities.

- 5.1 Property damage or destruction of any kind
- 5.2 Graffiti, defacing property, or vandalism of any kind

6.0 Assault and Similar Conduct

The following infractions are subject to MGL c. 71, § 37H and may result in: Detention (of any kind), parent conference, suspension, expulsion, and/or notice to local law enforcement or other appropriate legal authorities.

- 6.1 Assault and/or battery on a school department employee or other educational staff on school premises or at a school-sponsored or school-related event
- 6.2 Use or possession of a dangerous object or weapon (See also District Policy Manual File JICI and/or any similar and/or successor Policy Manual document; Note: Firearms also subject to MGL c. 269 § 10)

The following infractions are subject to MGL c. 71, § 37H $\frac{3}{4}$ and may result in: Detention (of any kind), parent conference, suspension, and/or notice to local law enforcement or other appropriate legal authorities.

- 6.3 Assault, battery, or any other unwanted or inappropriate physical contact or mental/emotional harm on a pupil
- 6.4 Fighting between pupils
- 6.5 Verbal threat to persons and/or property
- 6.6 Swearing at a school employee or other educational staff
- 6.7 Hazing (See also District Policy Manual File JICFA and/or any similar and/or successor Policy Manual document); Note: Hazing also subject to MGL c. 269 § 17)
- 6.8 Unwanted or inappropriate physical contact or mental/emotional harm on a school department employee or other educational staff

7.0 Harassment / Bullying

The following infractions are subject to MGL c. 71, § 37H $\frac{3}{4}$ and may result in: Detention (of any kind), parent conference, suspension, and/or notice to local law enforcement or other appropriate legal authorities.

- 7.1 Harassment (whether sexual harassment or any other form of harassment) on a school department employee or other educational staff or pupil (See also District Policy Manual File ____ and/or any similar and/or successor Policy Manual document. Policy also contained in this Handbook.)
- 7.2 Bullying (See also District Policy Manual File JICFB and/or any similar and/or successor Policy Manual document); Note: Bullying also subject to MGL c. 71, § 370. Policy also contained in this Handbook.)

8.0 Arson and Fire-Related Incidents

The following infractions are subject to MGL c. 71, § 37H $\frac{3}{4}$ and may result in: Detention (of any kind), parent conference, suspension, and/or notice to local law enforcement or other appropriate legal authorities.

- 8.1 Setting a fire
- 8.2 Causing a false fire alarm or other alarm, or falsely calling 911
- 8.3 Inappropriate use of a fire extinguisher
- 8.4 Possession, use, sale, or distribution of fireworks

9.0 Stealing

The following infractions are subject to MGL c. 71, § 37H $\frac{3}{4}$ and may result in: Detention (of any kind), parent conference, suspension, and/or notice to local law enforcement or other appropriate legal authorities.

- 9.1 Stealing, larceny, or theft of any kind

10.0 Trespassing

The following infractions are subject to MGL c. 71, § 37H ¾ and may result in: Detention (of any kind), parent conference, suspension, and/or notice to local law enforcement or other appropriate legal authorities.

- 10.1 Trespassing at student's own school during non-school hours
- 10.2 Trespassing at a school other than student's own school during school hours or non-school hours
- 10.3 Trespassing on public or private property during school hours or in connection with school transportation

11.0 Drugs, Alcohol, Tobacco, Nicotine, Controlled Substances, and Paraphernalia

The following infractions are subject to MGL c. 71, § 37H and may result in: Detention (of any kind), parent conference, suspension, expulsion, and/or notice to local law enforcement or other appropriate legal authorities.

- 11.1 Possession of a controlled substance (drugs)

The following infractions are subject to MGL c. 71, § 37H ¾ and may result in: Detention (of any kind), parent conference, suspension, and/or notice to local law enforcement or other appropriate legal authorities.

- 11.2 Possession of alcohol
- 11.3 Being under the influence of controlled substance or alcohol
- 11.4 Smoking, vaping, or other use of tobacco or nicotine (See also District Policy Manual File JICG and/or any similar and/or successor Policy Manual document) Possession of drug, smoking, or vaping paraphernalia

12.0 Felonies

The following may result in suspension if school principal determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school under MGL c. 71, § 37H ½. May also result in: Detention (of any kind) and/or parent conference.

- 12.1 Upon the issuance of a criminal complaint charging a student with a felony or issuance of a felony delinquency complaint against a student

The following may result in expulsion if school principal determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school under MGL c. 71, § 37H ½. May also result in: Detention (of any kind), parent conference, and/or suspension.

- 12.2 Upon a student being convicted of a felony or upon an adjudication or admission in court of guilt with respect to such a felony or felony delinquency

Definition of Terms

1. **Teacher Detention** – Disciplinary time enforced by teacher.
2. **Office Detention** – Disciplinary time assigned after school enforced by principal or their designee.
3. **Suspension** – (Short term and long term suspension; in-school and out-of-school suspension).
 - a. Short term suspension means the removal of a student from the school premises and regular classroom activities for (10) or fewer consecutive or cumulative school days.
 - b. Long term suspension means the removal of a student from the school premises and regular classroom activities for more than ten (10) consecutive or cumulative school days, or for more than ten (10) school days cumulatively for multiple disciplinary offenses in any school year.

Suspensions may happen in school or out of school. An in-school suspension means the removal of a student from regular classroom activities, but not from the school premises, for no more than ten (10) consecutive school days, or no more than ten (10) school days cumulatively for multiple infractions during the school year.

4. **Expulsion** –The removal of a student from the school premises, regular classroom activities, and school activities for more than 90 school days, indefinitely, or permanently, pursuant to MGL c. 71, § 37H or 37H ½.
5. **Restitution** – Payment for loss or damage to personal or school property.
6. **Saturday Detention Program** – An academic study program provided on designated Saturday mornings during the school year.

Alcohol, Tobacco, and Drug Use Prohibited

A student shall not, regardless of the quantity, use or consume, possess, buy or sell, or give away any beverage containing alcohol; any tobacco product, including vapor/E-cigarettes; marijuana; steroids; or any controlled substance. The School Committee prohibits the use or consumption by students of alcohol, tobacco products, or drugs on school property or at any school function.

Additionally, any student who is under the influence of drugs or alcoholic beverages prior to, or during attendance at or participation in a school-sponsored activity, will be barred from that activity and may be subject to disciplinary action.

This policy shall be posted on the district's website and notice shall be provided to all students and parents in accordance with state law. Additionally, the district shall file a copy of this policy with DESE in accordance with law in a manner requested by DESE.

Laws

Hazing

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

Chapter 269

Section 17

Whoever is a principal organizer or participant in the crime of hazing, as defined herein, shall be punished by a fine of not more than three thousand dollars or by imprisonment in a house of correction for not more than one year, or by both such fine and imprisonment.

The term "hazing" as used in this section and in section eighteen and nineteen, shall mean any conduct or method of initiation into any student organization, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person. Such conduct shall include whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug or other substance, or any other brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of any such student or other person, or which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation.

Notwithstanding any other provisions of this section to the contrary, consent shall not be available as a defense to any Prosecution under this section.

Section 18

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

Section 19

Each institution of secondary education and each public and private institution of postsecondary education shall issue to every student group, student team or student organization which is part of such institution or is recognized by the institution or permitted by the institution to use its name or facilities or is known by the institution to exist as an unaffiliated student group, student team or student organization, a copy of this

section and sections seventeen and eighteen; provided, however, that an institution's compliance with this section's requirements that an institution issue copies of this section and sections seventeen and eighteen to unaffiliated student groups, teams or organizations shall not constitute evidence of the institution's recognition or endorsement of said unaffiliated student groups, teams or organizations.

Each such group, team or organization shall distribute a copy of this section and sections seventeen and eighteen to each of its members, plebes, pledges or applicants for membership. It shall be the duty of each such group, team or organization, acting through its designated officer, to deliver annually, to the institution an attested acknowledgement stating that such group, team or organization has received a copy of this section and said sections seventeen and eighteen, that each of its members, plebes, pledges, or applicants has received a of sections seventeen and eighteen, and that such group, team or organization understands and agrees to comply with the provisions of this section and sections seventeen and eighteen.

Each institution of secondary education and each public or private institution of postsecondary education shall, at least annually, before or at the start of enrollment, deliver to each person who enrolls as a full time student in such institution a copy of this section and sections seventeen and eighteen.

Each institution of secondary education and each public or private institution of postsecondary education shall file, at least annually, a report with the regents of higher education and in the case of secondary institutions, the board of education, certifying that such institution has complied with its responsibility to inform student groups, teams or organizations and to notify each full time student enrolled by it of the provisions of this section and sections seventeen and eighteen and also certifying that said institution has adopted a disciplinary policy with regard to the organizers and participants of hazing, and that such policy has been set forth with appropriate emphasis in the student handbook or similar means of communicating the institution's policies to its students. The board of regents and, in the case of secondary institutions, the board of education shall promulgate regulations governing the content and frequency of such reports, and shall forthwith report to the attorney general any such institution which fails to make such report.

Smoking

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

The Gun Law (MGL c. 269 § 10(j))

"Whoever, not being a law enforcement officer, and notwithstanding any license obtained by him under the provisions of Chapter one hundred and forty, carries on his person a firearm as hereinafter defined, loaded or unloaded, or other dangerous weapon, in any building or on the grounds of any elementary or secondary school, college or university without the written authorization of the board or officer in charge of such elementary or secondary school, college or university shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year, or both. For the purpose of this paragraph, "firearm" shall mean any pistol, revolver, rifle or smoothbore arm from which a shot, bullet or pellet can be discharged by whatever means". Any officer in charge of an elementary or secondary school, college or university, or any faculty member or administrative officer of an elementary or secondary school, college or university failing to report violations of this paragraph shall be guilty of a misdemeanor and punished by a fine of not more than five hundred dollars.

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

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

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

- (a) Any student who is found on school premises or at school-sponsored or school-related events, including athletic games, in possession of a dangerous weapon, including, but not limited to, a gun or a knife; or a controlled substance as defined in Chapter 94C, including, but not limited to, marijuana, cocaine, and heroin, may be subject to expulsion from the school or school district by the Principal.

- (b) Any student who assaults a teacher, teacher's aide or other education- al staff or administrator on school premises or at school-sponsored or school-related events, including athletic games, may be subject to expulsion from the school or school district by the Principal.
- (c) Any student who is charged with a violation of either paragraph (a) or (b) shall be notified in writing of an opportunity for a hearing, provided, however, that the student may have representation, along with the opportunity to present evidence and witnesses at said hearing before the Principal. After said hearing, a Principal may, in his discretion, decide to suspend rather than expel a student who has been determined by the Principal to have violated either paragraph (a) or (b);
- (d) Any student who has been expelled from a school district pursuant to these provisions shall have the right to appeal to the Superintendent. The expelled student shall have ten days from the date of the expulsion in which to notify the Superintendent of his appeal. The student has the right to counsel at a hearing before the Superintendent. The subject matter of the appeal shall not be limited solely to a factual determination of whether the student has violated any provisions of this section.
- (e) Any school district that suspends or expels a student under this section shall continue to provide educational services to the student during the period of suspension or expulsion under section 21 of chapter 76. If the student moves to another district during the period of suspension or expulsion, the new district of residence shall either admit the student to the school or provide educational services to the student in an education service plan, under section 21 of chapter 76.

Suspension/Expulsion for a Felony Charge or Conviction

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

- (1) Upon the issuance of a criminal complaint charging a student with a felony or upon the issuance of a felony delinquency com- plaint against the student, the Principal of the school in which the student is enrolled may suspend such student for a period of time determined appropriate by said Principal, if said Principal determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school. The student shall receive written notification of the charges and the reasons for such suspension prior to such suspension taking effect. The student shall receive written notification of his right to appeal and the process for appealing such suspension, provided, however, that such suspension shall remain in effect prior to any appeal hearing conducted by the Superintendent.

The student shall have the right to appeal the suspension to the Superintendent. The student shall notify the Superintendent in writing of his request for an appeal no later than five calendar days following the effective date of the suspension. The Superintendent shall hold a hearing with the student and the student's parent or guardian within three calendar days of the student's request for an appeal. At the hearing, the student shall have the right to present oral and written testimony on his behalf, and shall have the right to counsel. The Superintendent shall have the right to overturn or alter the decision of the principal, including recommending an alternate educational program for the student. The Superintendent shall render a decision on the appeal within five calendar days of the hearing. Such decision shall be the final decision of the town with regard to the suspension.

- (2) Upon a student's being convicted of a felony or upon adjudication or admission in court of guilt with respect to such a felony or felony delinquency, the Principal of a school in which a student is enrolled may expel said student if such Principal determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school. The student shall receive written notification of the charges and reasons for the expulsion prior to such expulsion taking effect. The student shall also receive written notification of his right to appeal and the process for appealing such expulsion, provided, however, that the expulsion shall remain in effect prior to the appeal hearing conducted by the Superintendent. The student shall have the right to appeal the expulsion to the Superintendent. The student shall notify the Superintendent, in writing, of his request for an appeal no later than five calendar days following the effective date of the expulsion. The Superintendent shall hold a hearing with the student and the student's parent or guardian within three calendar days of the student's request for an appeal. At the hearing, the student shall have the right to present oral and written testimony on his behalf, and shall have the right to counsel. The Superintendent shall have the right to overturn or alter the decision of the Principal, including recommending an alternate educational program for the student. The Superintendent shall render a decision on the appeal within five calendar days of the hearing. Such decision shall be the final decision of the town with regard to the expulsion.

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

Massachusetts General Laws Chapter 71, Section 37H ¾

- a) This section shall govern the suspension and expulsion of students enrolled in a public school in the commonwealth who are not charged with a violation of subsections (a) or (b) of section 37H or with a felony under section 37H ½.
- b) Any principal, headmaster, Superintendent or other person acting as a decision-maker at a student meeting or hearing, when deciding the consequences for the student, shall exercise discretion; consider ways to re-engage the student in the learning process; and avoid using expulsion as a consequence until other remedies and consequences have been employed.
- c) For any suspension or expulsion under this section, the principal or headmaster of a school in which the student is enrolled, or a designee, shall provide, to the student and to the parent or guardian of the student, notice of the charges and the reason for the suspension or expulsion in English and in the primary language spoken in the home of the student. The student shall receive the written notification and shall have the opportunity to meet with the principal or headmaster, or a designee, to discuss the charges and reasons for suspension or expulsion prior to the suspension or expulsion taking effect. The principal or headmaster, or a designee, shall ensure that the parent or guardian of the student is included in the meeting, provided that such meeting may take place without the parent or guardian only if the principal or headmaster, or a designee, can document reasonable efforts to include the parent or guardian at that meeting.
- d) If a decision is made to suspend or expel the student after the meeting, the principal or headmaster, or a designee, shall update the notification for the suspension or expulsion to reflect the meeting with the student. If a student has been suspended or expelled for more than 10 school days for a single infraction or for more than 10 school days cumulatively for multiple infractions in any school year, the student and the parent or guardian of the student shall also receive, at the time of the suspension or expulsion decision, written notification of a right to appeal and the process for appealing the suspension or expulsion in English and in the primary language spoken in the home of the student; provided, however, that the suspension or expulsion shall remain in effect prior to any appeal hearing. The principal or headmaster or designee shall notify the Superintendent in writing, including, but not limited to, by electronic means, of any out-of-school suspension imposed on a student enrolled in kindergarten through grade 3 prior to such suspension taking effect. That notification shall describe the student's alleged misconduct and the reasons for suspending the student out-of school. For the purposes of this section, the term "out-of-school suspension" shall mean a disciplinary action imposed by school officials to remove a student from participation in school activities for 1 day or more.
- e) A student who has been suspended or expelled from school for more than 10 school days for a single infraction or for more than 10 school days cumulatively for multiple infractions in any school year shall have the right to appeal the suspension or expulsion to the Superintendent. The student or a parent or guardian of the student shall notify the Superintendent in writing of a request for an appeal not later than 5 calendar days following the effective date of the suspension or expulsion; provided, that a student and a parent or guardian of the student may request, and if so requested, shall be granted an extension of up to 7 calendar days. The Superintendent or a designee shall hold a hearing with the student and the parent or guardian of the student within 3 school days of the student's request for an appeal; provided that a student or a parent or guardian of the student may request and, if so requested, shall be granted an extension of up to 7 calendar days; provided further, that the Superintendent, or a designee, may proceed with a hearing without a parent or guardian of the student if the Superintendent makes a good faith effort to include the parent or guardian. At the hearing, the student shall have the right to present oral and written testimony, cross-examine witnesses and shall have the right to counsel. The Superintendent shall render a decision on the appeal in writing within 5 calendar days of the hearing. That decision shall be the final decision of the school district with regard to the suspension or expulsion.
- f) No student shall be suspended or expelled from a school or school district for a time period that exceeds 90 school days, beginning the first day the student is removed from school.

Due Process

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

I. IN-SCHOOL SUSPENSION

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

1. The administrator will inform the student of the disciplinary offense charged, the basis for the charge, and provide the student an opportunity to respond. If the administrator determines that the student committed the disciplinary offense, the administrator will inform the student of the length of the student's in-school suspension, which may not exceed 10 days, cumulatively or consecutively, in a school year.
2. On the same day as the in-school suspension decision, the administrator will make reasonable efforts to notify the parent orally of the disciplinary offense, the reasons for concluding that the student committed the infraction, and the length of the in-school suspension. The administrator will also invite the parent to a meeting to discuss the student's academic performance and behavior, strategies for student engagement, and possible responses to the behavior. Such meeting will be scheduled on the day of the suspension if possible, and if not, as soon thereafter as possible. If the administrator is unable to reach the parent after making and documenting at least (2) attempts to do so, such attempts will constitute reasonable efforts for purposes of orally informing the parent of the in-school suspension.
3. The administrator will send written notice to the student and parent about the in-school suspension, including the reason and the length of the in-school suspension, and inviting the parent to a meeting with the principal for the purpose set forth above, if such meeting has not already occurred. The administrator will deliver such notice on the day of the suspension by hand-delivery, certified mail, first-class mail, or email to an address provided by the parent for school communications, or by other method of delivery agreed to by the administrator and the parent.

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

II. SHORT TERM OUT-OF-SCHOOL SUSPENSION

1. Except in the case of an Emergency Removal (see below), prior to imposing a short term out-of-school suspension (10 days or less in a school year) for conduct covered by MGL c. 71, § 37H½ an administrator will provide the student and their parent oral and written notice and an opportunity to participate in an informal hearing.

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

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

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

2. **Efforts to Involve Parent:** The administrator will make reasonable efforts to notify the parent of the opportunity to attend the hearing. To conduct a hearing without the parent present, the administrator must be able to document reasonable efforts to include the parent. The administrator is presumed to have made reasonable efforts if the administrator has sent written notice and has documented at least two (2) attempts to contact the parent in the manner specified by the parent for emergency notification.
3. **Format of Hearing:** The administrator will discuss the disciplinary offense, the basis for the charge, and any other pertinent information. The student also will have an opportunity to present information, including mitigating facts, that the administrator should consider in determining whether other remedies and consequences may be appropriate. The administrator will provide the parent, if present, an opportunity to discuss the student's conduct and offer information, including mitigating circumstances, that the administrator should consider in determining consequences for the student.
4. **Decision:** The administrator will provide written notice to the student and parent of their determination and the reasons for it, and, if the student is suspended, the type and duration of suspension and the opportunity to

make up assignments and such other school work as needed to make academic progress during the period of removal. The notice of determination may be in the form of an update to the original written notice of hearing.

III. LONG TERM SUSPENSION

Except in the case of an Emergency Removal (see below), prior to imposing a long-term suspension (more than 10 days of suspension, whether in-school or out-of-school, whether consecutive or cumulative for multiple offenses during a school year), in addition to the rights afforded the student in a short-term suspension hearing, the student will have the following rights:

1. Notice: The notice will include all of the components for a short-term suspension in Section C above, plus the following:
 - a) In advance of the hearing, the opportunity to review the student's record and the documents upon which the administrator may rely in making a determination to suspend the student or not;
 - b) the right to be represented by counsel or a lay person of the student's choice, at the student's/parent's expense;
 - c) the right to produce witnesses on their behalf and to present the student's explanation of the alleged incident, but the student may not be compelled to do so;
 - d) the right to cross-examine witnesses presented by the school district;
 - e) the right to request that the hearing be recorded by the administrator, and a copy of the audio recording provided to the student or parent upon request; and
 - f) the right to appeal administrator's decision to impose long-term suspension to the Superintendent.
2. Format of Hearing: The Hearing will afford the rights set forth in the notice above. The administrator will also provide the parent, if present, an opportunity to discuss the student's conduct and offer information, including mitigating circumstances, that the administrator should consider in determining consequences for the student.
3. Decision: Based on the evidence, the administrator will determine whether the student committed the disciplinary offense, and, if so, after considering mitigating circumstances and alternatives to long-term suspension, what remedy or consequence will be imposed, in place of or in addition to a long-term suspension. The administrator will send the written determination to the student and parent by hand-delivery, certified mail, first-class mail, email to an address provided by the parent for school communications, or any other method of delivery agreed to by the school and the parent. If the administrator decides to suspend the student on a long-term basis, the written determination will:
 1. Identify the disciplinary offense, the date on which the hearing took place, and the participants at the hearing;
 2. Set out the key facts and conclusions reached;
 3. Identify the length and effective date of the suspension, as well as a date of return to school;
 4. Include notice of the student's opportunity to receive education services to make academic progress during the period of removal from school (if more than 10 cumulative days);
 5. Inform the student of the right to appeal the administrator's decision to the Superintendent or designee. Notice of the right of appeal will be in English and the primary language of the home if other than English, or other means of communication where appropriate, and will include the following information stated in plain language:
 - a) the process for appealing the decision, including that the student or parent must file a written notice of appeal with the Superintendent within five (5) calendar days of the effective date of the long-term suspension; provided that within the five (5) calendar days, the student or parent may request and receive from the Superintendent an extension of time for filing the written notice for up to seven (7) additional calendar days; and that
 - b) the long-term suspension will remain in effect unless and until the Superintendent decides to reverse the administrator's determination on appeal.

Except for students who are charged with a disciplinary offense under MGL c. 71, § 37H or 37H ½, no student may be placed on long-term suspension for one or more disciplinary offenses for more than 90 school days in a school year beginning with the first day that the student is removed from school. No long-term suspension shall extend beyond the end of the school year in which such suspension is imposed.

IV. EXPULSION

Students are subject to expulsion (i.e, permanent exclusion) by the Principal for the conduct listed below. (See also, MGL c. 71, § 37H)

- Possession of a dangerous weapon

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

Students are also subject to long term suspension/expulsion by the Principal when charged/convicted of a felony based upon the standards and procedures set forth in MGL c.71, §37H½ if it is determined that the student's continued presence would have a substantial detrimental effect on the general welfare of the school.

Any student who is removed from school for a disciplinary offense for more than ten consecutive or cumulative days will have the opportunity to complete assignments, tests, papers and other school work as needed to make academic progress. In addition, if the suspension is for more than 10 consecutive days, the student will be eligible to continue to receive educational services under a school-wide education plan.

V. ALTERNATIVE REMEDIES

Notwithstanding the foregoing, effective November 8, 2022, for all discipline covered by MGL c. 71, § 37H¾ (for every out-of-school suspension, short-term or long-term), any principal, headmaster, superintendent or person acting as a decision-maker at a student meeting or hearing, when deciding the consequences for the student, shall consider ways to re-engage the student in the learning process; and shall not suspend or expel a student until alternative remedies have been employed and their use and results documented, following and in direct response to a specific incident or incidents, unless specific reasons are documented as to why such alternative remedies are unsuitable or counter-productive, and in cases where the student's continued presence in school would pose a specific, documentable concern about the infliction of serious bodily injury or other serious harm upon another person while in school. Alternative remedies may include, but shall not be limited to: (i) mediation; (ii) conflict resolution; (iii) restorative justice; and (iv) collaborative problem solving. The principal, headmaster, superintendent or person acting as a decision-maker shall also implement school- or district-wide models to re-engage students in the learning process which shall include but not be limited to: (i) positive behavioral interventions and supports models and (ii) trauma sensitive learning models; provided, however, that school- or district-wide models shall not be considered a direct response to a specific incident.

PROCEDURES APPLICABLE TO CONDUCT COVERED BY MGL c. 71, § 37H AND 37H ½

When considering the exclusion of a student from school for possession of a dangerous weapon, possession of a controlled substance (such as marijuana, cocaine, or prescription drugs not authorized by the school nurse), or assault on a school department employee or other educational staff, an administrator may initially remove a student from school in a short-term basis (ten days or less) following an informal hearing. A formal hearing will be held before the administrator within that period of suspension to determine whether to take additional disciplinary action, up to and including expulsion from school.

1. The informal hearing will be in the form of a conference between the student and the administrator. At this conference, the student (1) shall be informed of the reason for the conference, (2) shall be given the opportunity to present his or her side of the story, and (3) shall be given a decision on the initial removal from school. If the administrator deems delay of the hearing necessary to avoid danger or substantial disruption, this process may occur immediately after, rather than before, the initial suspension.
2. A written notice will be provided to the parent/guardian stating:
 - a) The reason for the suspension
 - b) A statement of the effective date and duration of the suspension
 - c) A statement regarding a formal hearing with the Principal to consider further discipline, up to and including expulsion from school in accordance with MGL c. 71, § 37H

When considering a suspension/expulsion of a student charged with/convicted of a felony, the Principal will use the standards and procedures set forth in MGL c.71, § 37H ½.

EXCEPTION FOR EMERGENCY REMOVAL

Notwithstanding the provisions for short or long-term suspension set forth above, a student who is charged with a disciplinary offense under MGL ch. 71, §37H¾ may be removed temporarily from school if the continued presence of the student poses a danger to persons or property, or materially and substantially disrupts the order of the school, and, in the administrator's judgment, there is no alternative available to alleviate the danger or disruption.

The administrator should, in a timely manner, notify the Superintendent in writing of the removal and the reason for it, and describe the danger [or disruption] by the student.

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

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

An administrator may not remove a student from school on an emergency basis for a disciplinary offense until adequate provisions have been made for the student's safety and transportation.

APPEALS TO THE SUPERINTENDENT

Long-Term Suspensions and Expulsions may be appealed to the Superintendent of Schools as described below. The appeal decision of the Superintendent shall constitute the final decision of the school district, and the long term suspension or expulsion will remain in effect unless and until the Superintendent or the Superintendent's designee reverses the determination. The Superintendent may choose not to consider any matter due to failure to file an appeal or seek an extension in a timely manner. At the appeal hearing, the student has the right to present oral and written testimony on their behalf, and has the right to be represented by counsel of his/her/their own choosing and at their own expense.

- MGL ch. 71, §37H – Expulsions and Long Term Suspensions
 - Under M.G.L. ch. 71, § 37H, students who are expelled by their school principal have a right to appeal their expulsion to the Superintendent of Schools. The student or parent/guardian has ten (10) calendar days from the date of the expulsion in which to notify the Superintendent of their request for appeal, and should do so by submitting a written appeal to the Superintendent's office. Students who are suspended for more than 10 school days under MGL ch. 71, §37H are given the same right to request an appeal in the Lynn Public Schools.
- MGL ch. 71, §37H½ – Suspensions and Expulsions
 - The student or parent/guardian must submit a written appeal to the Superintendent's office within five (5) calendar days following the effective date of the suspension or expulsions.
- MGL ch. 71, §37H¾ – Long Term Suspensions
 - The student or parent/guardian must submit a written appeal to the Superintendent's office within five (5) calendar days following the effective date of the suspension. The student or parent/guardian may also request an extension for up to seven (7) additional calendar days.

Discipline of Students Eligible for Special Education and/or Section 504 Students

Students eligible for special education and/or Section 504 students are subject to the same disciplinary action as all other students, provided that the student's behavior is not a manifestation of his/her qualifying disability. A Special Education Team or 504 Team (whichever applies) must conduct a manifestation determination whenever a student eligible for special education or a Section 504 student is subject to out-of-school suspension for 10 consecutive days or more than 10 cumulative days (if there is a pattern of exclusion) in any school year. If the Team concludes that the violation is a manifestation of the student's qualifying disability, the discipline process must end and the student cannot be suspended. If the violation is not a manifestation, the student is subject to the same disciplinary action that any other student would receive for the same violation.

Procedures Regarding the Suspension of Students Eligible for Special Education

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

1. At the manifestation determination meeting, the Team must review all relevant information in the student's file, including the student's IEP, past evaluation results, any teacher observation and any relevant information provided by the parents. After a review of the above information, the Team must answer the following questions:

- a. Was the conduct in question caused by, or did the conduct have a direct and substantial relationship to the student's disability?
- b. Was the conduct in question the direct result of the school's failure to implement the IEP?

If the Team determines that the behavior was not a manifestation of the child's disability or the result of the school's failure to implement the IEP, the relevant disciplinary procedures applicable to students without disabilities may be applied to the student in the same manner in which they would be applied to students without disabilities. However, the student must also be able to make progress towards his/her IEP goals.

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

2. Regardless of the outcome of the manifestation determination, school personnel may remove a student from his or her educational program for 45 school days for the following:
 - a. carrying or possessing a weapon to or at school, on school premises or at school functions
 - b. knowingly possessing or using illegal drugs, or selling or soliciting the sale of controlled substances at school, on school premises or at school functions; or
 - c. inflicting serious bodily injury while at school, on school premises or at a school function where there is:
 1. substantial risk of death
 2. extreme physical pain
 3. protracted/obvious disfigurement
 4. protracted loss or impairment of function of the bodily member, organ or mental faculty
 - d. Or, on the authority of a hearing officer if the officer orders the alternative placement after the district provides evidence that the student is "substantially likely" to injure him/herself or others.

The Interim Alternative Educational Setting is determined by the student's IEP Team. The Team must choose a setting that allows the student to participate in the general education curriculum, although in another setting, and to progress toward meeting his or her IEP goals. Additionally, a functional behavioral assessment must be conducted and a behavioral intervention plan drafted.

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

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

DISTRICT POLICIES / PROCEDURES

Student Dress Code

The Student Dress Code has been adopted by the Lynn School Committee in order to promote an appropriate standard of dress in the Lynn Public Schools, while also balancing the rights of students.

The Dress Code should be administered fairly and equitably. Application of the Dress Code should be made by the school principal or principal's designee, taking into account the core values of the Lynn Public Schools, as they may relate to dress.

Dress Code violations may result in the student having to change, cover, or remove attire. Violations also may be subject to the Discipline Code. The degree, frequency, and circumstances surrounding any violation should impact the methods used in enforcement, and disciplinary actions shall be progressively applied.

1. Each student must wear the following:
 - a. Shirt or other clothing top that covers the midriff, and chest.
 - b. Pants, shorts, dress, skirt, or other clothing bottom.
 - c. Footwear (other than prohibited below).

2. Students may not wear the following:
 - a. Face coverings, hats, hoods, or bandanas, unless worn as part of a sincerely held religious belief or for a medical purpose.
 - b. Gloves or mittens, unless for a medical purpose.
 - c. Pajamas.
 - d. See-through fabric, partially see-through fabric, or mesh that exposes areas of the body expected to be covered by the visual below.
 - e. Sunglasses or dark glasses, unless worn for a medical purpose.
 - f. Clothing, jewelry, accessories or visible tattoos that promote illegal activity, display violence or weapons, or are obscene, vulgar, or lewd.
 - g. Clothing, jewelry, accessories or visible tattoos that are gang-related.
 - h. Clothing, jewelry, accessories or visible tattoos that promote or display controlled substances, such as tobacco, alcohol, or drugs.
 - i. Clothing, jewelry, accessories or visible tattoos that are distracting, disruptive, or detrimental to the purpose or conduct of the school.
 - j. Clothing, jewelry, accessories or visible tattoos that contain hate speech or imagery that targets others on the basis of race, color, national origin, creed/religion, sex, gender identity, ethnicity, sexual orientation, mental or physical disability, age, ancestry, marital status, homelessness, special need, proficiency in the English language or academic achievement or any other consideration made unlawful by any federal, state or local laws or regulations.
 - k. Undergarments may not be visible.
 - l. Rips or tears in clothing may not expose undergarments or areas of the body expected to be covered by the visual below.
 - m. Clothing that may cause danger to other students or school personnel, danger to oneself, or may cause damage to school or personal property, is not allowed. Examples include, but are not limited to, metal spikes, studs, or chains, or clothing or footwear that contains metal spikes, studs or chains.
 - n. Flip-flops, slippers, footwear that poses a safety concern, and footwear that contains metal cleats, taps, or wheels is not allowed.

3. Exceptions to the Dress Code may be made by the school for school-sponsored athletics, vocational or other specialized classes, or other school-required reasons. Attire must be suitable for any scheduled class that may have unique requirements. Schools may also require certain attire to be worn for physical education classes.

(Visual below depicts areas of the body that may not be exposed by see-through fabric, partially see-through fabric, or mesh. Additionally, rips or tears in clothing may not expose undergarments or areas of the body covered by the visual. See subparagraphs (d) and (l) above.)



Protective Sweeps, Student Searches, Questionings, and Interrogations

Protective Sweeps

The right of inspection of students' school lockers, desks, school-issued technology devices, and other school-owned property or school-owned areas is inherent in the authority granted to public schools.

In order to best protect the safety of students and staff, the Lynn Public Schools allows "protective sweeps" of such school-owned property or areas, whether announced or unannounced, at regular intervals or at random.

Protective sweeps may encompass all or some such school-owned property or areas, however they may not be used to target any individual student(s).

Protective sweeps will be conducted at the discretion of the Lynn Public Schools, and will be conducted and/or overseen by building-based and/or district level administrators.

Searches of Individual Students and Student-Owned Property by School Staff

In order to protect the constitutional rights of students, care must be taken by school principals, their designed administrators, and other appropriate school or district personnel when conducting searches of individual students or student-owned property including, but not limited to, backpacks, purses, or automobiles, as follows:

- The school must have reasonable suspicion to believe that the search will disclose evidence that the student has violated or is violating either the law or the rules of the school;
- There must be reasonable suspicion that contraband will be found in the place to be searched;
- If the school is relying on information from another person as the basis for the search, the school may conduct the search if the information shared appears to be reliable;
- Police, SROs, and other law enforcement authorities may not assist school staff in conducting searches of individual students or of student-owned property, nor may they direct school staff to conduct searches of individual students or of student-owned property.

Questioning Students by School Staff

Nothing in this policy shall limit the fact that the laws of the United States of America and the Commonwealth of Massachusetts permit school staff to question students about violations of school rules and violations of criminal laws without advising them of their constitutional rights.

Police Interrogations

Schools have legal custody of students during the school day and during hours of approved extracurricular activities. It is the responsibility of the school administration to make an effort to protect each student's rights with respect to interrogations by law enforcement officials, as follows:

- When law enforcement officials find it necessary to question students during the school day or periods of extracurricular activities, the school principal or their designee may request to be present for the interrogation.
- The school may contact the student's parent or guardian so that the responsible individual may be notified of the situation.
- In order to protect all students regardless of immigration status, all actions under this policy will comply with Lynn Public School Policy JIAAA, Resolutions to Affirm Lynn Public Schools as Safe and Welcoming Sanctuaries for All Students.

Guidance, Protocols, Procedures and Practices; Training; Student Support; Data

The Superintendent of Schools or their designee may, from time to time, issue guidance, protocols, procedures and practices relative to this policy including, for example:

- Identifying appropriate school staff to search students or property;
- Creating protocols to keep staff safe from weapons or sharp objects;
- Establishing practices that protect staff from false accusations;
- Establishing practices that safeguard the dignity of students, regardless of whether they do or do not possess contraband, and regardless of their sex, gender, gender identity, sexual orientation, creed/religion, ethnicity, or national origin.

The Superintendent of Schools or their designee is additionally empowered to:

- Provide for trainings of any kind that are relevant to this policy;
- Develop administrative procedures to ensure student support in matters where this policy is applied; and
- Arrange for the keeping of data regarding the application of this policy.

Policy # JIH

Adopted by the Lynn School Committee

September 14, 2023

Attendance Policy

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

Student Absence Notification Program

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

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

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

1. All school absences require a note explaining the absence. School absences are defined as follows:
 - Documented Absence (JUSTIFIED):
Illness covered by a doctor's note, a note regarding illness from the parent or guardian (no more than two per trimester/quarter), death in the family, religious holiday, school sponsored activities as approved by administration, college or military recruiter visits with approval from the administration, absence occurring when a student is in custody of Court or law enforcement authorities, and absence resulting from participation in a work-study program under the supervision of the public school. The administration reserves the right to request a doctor's note. In case of an emergency a waiver may be granted by a school administrator.
 - Documented Absence (NON-JUSTIFIED) and Undocumented Absence (NON-JUSTIFIED):
Four (4) documented absences (non-justified) or four (4) undocumented absences (non-justified) will result in maximum grade of "D-" for the course in a given quarter. All other absences not covered above, including truancy, class cuts, and family vacations are not considered legitimate reasons for class absences in a given quarter.

Grade Recovery Opportunity
If a student receives a D- as a result of 4 or more unexcused absences in a grading quarter, he/she will have one opportunity to recover the original grade. To recover the original grade, a student must not exceed 3 unexcused absences in the subsequent quarter.

There is no opportunity to recover an original grade for the fourth quarter in full year courses or the second quarter in half year courses.

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

Selected Attendance Laws and Regulations

Below are selected provisions from Massachusetts General Laws Chapter 76: School Attendance. The full law may be found at www.malegislature.gov.

Additionally, state guidance on the topic of school attendance may be published from time to time by the Massachusetts Department of Elementary and Secondary Education. At this time, such guidance may be found at <https://www.doe.mass.edu/sfs/attendance/>

Mass. General Laws Chapter 76: School Attendance

Section 1. Requirements and exceptions. Every child between the minimum and maximum ages established for school attendance by the board of education (ages 6 – 16) shall...attend a public day school in the town the student resides, or some other day school approved by the school committee, during the number of days required by the board of education in each school...

Section 2. Duties of parents; penalty. Every person in control of a child... shall cause them to attend school as therein required...

Section 4. Inducing absences; penalty. Whoever induces or attempts to induce a minor to absent himself unlawfully from school, or unlawfully employs him or harbors a minor who, while school is in session, is absent unlawfully therefrom, shall be punished by a fine...

Section 5. Place of attendance; violations; discrimination. Every person shall have a right to attend the public schools of the town where he actually resides... No school committee is required to enroll a person who does not actually reside in the town unless said enrollment is authorized by law or by the school committee. Any person who violates or assists in the violation of this provision may be required to remit full restitution to the town of the improperly-attended public schools. No person shall be excluded from or discriminated against in admission to a public school of any town, or in obtaining the advantages, privileges and courses of study of such public school on account of race, color, sex, gender identity, religion, national origin or sexual orientation.

Section 13. Transfer cards. When any child... leaves the school or institution where he is being educated because of change of residence to another town in the commonwealth, the Superintendent of schools, in the case of a public school, or otherwise the person in charge, shall furnish such child a transfer card in a form prescribed by the department of education which shall contain, in addition to any other information relative to him, his name, age, grade in school, and in every case possible, his new street and number, and shall forthwith send a duplicate thereof to the Superintendent of schools of the town where the child is to reside.

Section 20. Powers and duties of supervisors of attendance. Supervisors of attendance shall inquire into all cases arising under sections two and eight of chapter seventy-two, sections one, two, four to eleven, inclusive, and fifteen of chapter seventy-six, and sections ninety, ninety-two, ninety-three, and ninety-five of chapter one hundred and forty-nine, and may apply for petitions under the provisions of section thirty-nine E of chapter one hundred and nineteen. They shall, if the court so orders, have oversight of children placed on probation; of minors licensed by the school committee under section nineteen of chapter one hundred and one; and of children admitted to or attending shows or entertainments in violation of section one hundred and ninety-seven of chapter one hundred and forty. They may apprehend and take to school without a warrant any truant or absentee found wandering in the streets or public places.

Mass. General Laws Chapter 119: Protection and care of children, and proceedings against them.

Section 39E. Petitions seeking determination that child is in need of services; jurisdiction; standing. ...A school district may initiate an application for assistance in (Juvenile Court) stating that said child is not excused from attendance in accordance with the lawful and reasonable regulations of such child's school, has willfully failed to attend school for more than 8 school days in a quarter or repeatedly fails to obey the lawful and reasonable regulations of the child's school...

Mass. General Laws Chapter 72: School Registers and Returns.

Section 8. School registers; maintenance and use. ... A pupil who is not present during at least half of a session shall be marked and counted as absent for that session.

Minimum School Age.

603 CMR 8.02. Mandatory Minimum Age for School Attendance. Each child must attend school beginning in September of the calendar year in which they attain the age of six.

Maximum Age for School Admission and Attendance Policy

The Lynn Public Schools does not unlawfully discriminate on the basis of race, color, national origin, creed/religion, sex, gender identity, ethnicity, sexual orientation, mental or physical disability, age, ancestry, marital status, homelessness, special need, proficiency in the English language, academic achievement or any other unlawful consideration in making admission, readmission, or attendance decisions.

Maximum Admission Age

All persons admitted or readmitted to the Lynn Public Schools shall be under twenty years of age as of the day of admission, unless otherwise eligible for admission or readmission on the basis of applicable Special Education criteria or upon approval by the Superintendent.

The Superintendent shall report to the School Committee once every six months or thereabouts how many persons who have attained the age of twenty years requested admission or readmission in the preceding six months and of those students, how many were approved by the Superintendent. The Superintendent shall base approval, in large measure, on the whether the student is reasonably able to attain a diploma by the end of the current or next school year and the advisory recommendation of the Principal of the school that may receive the student.

Regardless of age, no person may be admitted or readmitted to the Lynn Public Schools who has:

- Graduated from the twelfth grade of any public or private school in the United States;
- Earned a GED, HiSET, or similar alternative to graduation; or
- Completed a reasonably equivalent secondary curriculum inside or outside of the United States, as based upon any documentation provided by the applicant to the Welcome Center. Such documentation may include written transcripts from the other country, information about the other country's educational system, whether printed or verbally through interview, and any other relevant information or documentation.

Such persons shall be denied admission to the Lynn Public Schools and/or diverted to an appropriate alternative program, as explained further below.

Should any person be denied admission and/or diverted on the basis of having completed a reasonably equivalent secondary curriculum inside or outside of the United States, they may request review and a determination shall be made by the Superintendent in consultation with the Director of the Welcome Center and/or any other applicable District staff.

Maximum Attendance Age

Unless admitted or readmitted to the Lynn Public Schools upon approval by the Superintendent as described above, no person may attend the Lynn Public Schools if they attain the age of twenty years on or before August 31st, effective for the following school year. (To illustrate, a person who turns twenty on January 1, 2022, may complete the 2021-2022 school year. Such person may not, however, continue to attend the Lynn Public Schools as of September 2022, or such earlier start of the 2022-2023 school year, except as provided below.)

The provision above shall not apply if the student is otherwise eligible to attend on the basis of applicable Special Education criteria. Additional exceptions may be made for continued attendance for regular education students if approved by the Superintendent, on a case by case basis. The Superintendent shall base approval, in large measure, on the whether the student is reasonably able to attain a diploma by the end of the current or next school year and the recommendation of the Principal.

Ineligibility for Admission or Attendance

The Lynn Public Schools Welcome Center may assist any person who is denied admission, readmission, or attendance based upon age or prior educational attainment. Assistance may include suggestions for educational options that best meet the person's needs and educational goals. Such options may include educational opportunities through alternative programs within the Lynn Public Schools, if appropriate, and space permitting. Such options may also include opportunities through agencies affiliated or unaffiliated with the Lynn Public Schools, whether public or private, for profit or non-profit, and within or outside of the Greater Lynn area.

*Policy # JEBA
Adopted by the Lynn School Committee
June 23, 2022*

Assignment of Students to Schools Policy

The following table is intended to illustrate the Lynn Public Schools Assignment of Students to Schools Policy in a basic and user-friendly manner. Scenarios are covered in more detail within the policy provisions below.

Move Type	Time of Year	Rule	Exception/Appeal
Within Lynn (elementary/middle)	During school year	May transfer immediately or may choose to complete current school year at current school (if adequate attendance). Must transfer thereafter.	Superintendent may allow student to complete any number of additional school years at current school.
Within Lynn (elementary/middle)	During summer recess	Transfer immediately.	Superintendent may allow student to complete any number of additional school years at current school.
Lynn to another Mass city/town (any grade)	April, May, June (while school is in session)	May transfer immediately or may choose to complete current school year at current school (if adequate attendance). Must transfer thereafter.	None.
Lynn to another Mass city/town (any grade)	Months other than April, May, June (while school is in session)	Transfer immediately.	Superintendent may allow student to complete current year only at current school.
Lynn to another state or country (any grade)	Any	Transfer immediately.	None.

Introduction

Residence means the place where a student dwells permanently. Generally, students will be required to attend school based upon where they reside. This is the case as it relates to city/town of attendance, and as it relates to the multiple elementary/middle school districts within the City of Lynn.

Pursuant to Massachusetts General Laws Chapter 76 § 1, each student shall attend school in the city/town the student resides... unless the student attends school in another city/town. Pursuant to Massachusetts General Laws Chapter 76 § 5, students have the right to attend the public schools of the city/town where they actually reside, and no school committee is required to enroll a person who does not actually reside in the city/town unless said enrollment is authorized by law or by the school committee.

Consistent with said Laws, this policy governs the following circumstances:

- Lynn Public Schools elementary/middle school students who change residences from one elementary/middle school district to another elementary/middle school district within Lynn (hereinafter referred to as “Lynn Students”);
- Lynn Public Schools students in any grade who change residences from Lynn to another Massachusetts city/town (hereinafter referred to as “Non-Lynn Students”); and
- Students who change residences from Lynn to another state or country.

This policy does not govern any other circumstances not referenced above including, without limitation, the following examples: Lynn residents attending school outside of their area of residence on the basis of Special Education criteria/disability, homelessness, foster care, voluntary desegregation, due to participation in a dual language program, or due to disciplinary removal/change of placement.

Lynn Students

1. In the case of Lynn Students who change residences within Lynn at any point during the school year, parents/guardians may choose to transfer to the elementary/middle school of their new Lynn neighborhood. Should parents/guardians choose not to transfer them, such Lynn Students shall be allowed to complete their current school year at their current school, so long as their attendance remains

regular and punctual. Continued attendance at their current school for the remainder of their current school year shall not require any special permission, appeal, or request of any kind. Transportation will not, however, be provided, unless the student otherwise qualifies on the basis of Special Education criteria/disability.

- a. Notwithstanding the foregoing, should any such Lynn Student's attendance at their current school not remain regular and punctual, the Principal may request that the Superintendent transfer the student to the elementary/middle school of their new Lynn neighborhood at any point. The Superintendent (or their designee) shall have the discretion to allow or deny the Principal's request.
 - b. All Lynn Students who change residences within Lynn at any point during the school year shall attend the elementary/middle school of their new Lynn neighborhood by the start of the next school year. They may not continue at their current school beyond the current school year in which they change residences, unless for cause satisfactory to the Superintendent (or their designee), as described below.
2. Lynn Students who change residences within Lynn during the summer recess between school years shall attend the elementary/middle school of their new Lynn neighborhood, effective immediately for the start of the upcoming school year. They may not return to their current school, unless for cause satisfactory to the Superintendent (or their designee), as described below.

Appeal to Superintendent by Lynn Students

In the discretion of the Superintendent (or their designee), Lynn Students described in paragraphs 1(b) and 2 above may be allowed to continue at their current school for one or more years beyond the school year in which they change residences. If such permission is granted, transportation will not be provided (except if the student otherwise qualifies on the basis of Special Education criteria/disability).

Parents/guardians should request such permission in writing to the Superintendent, and the Superintendent (or their designee) may consider the following in making a determination:

- Best interests of the student, current school, and new neighborhood school;
- Student's grade level (in particular, as it relates to students who will be entering grades 5 or 8 in the next year);
- Student's ability to maintain good attendance, including arriving to school on time;
- Student's behavior (if not related to Special Education criteria/disability);
- Input of the Principals of the current school and new neighborhood school;
- Class sizes at the current school and new neighborhood school; and/or
- Any other relevant non-discriminatory factors.

Should the Superintendent (or their designee) grant such permission, the Superintendent (or their designee) may later revoke such permission, on any reasonable basis, at any time.

Non-Lynn Students

1. In the case of Non-Lynn Students who change residences from Lynn to another Massachusetts city/town in the months of April, May, or June (while school is in session), parents/guardians may choose to transfer to the school of their new city/town of residence. Should parents/guardians choose not to transfer them, such Non-Lynn Students shall be allowed to complete their current school year at their current school, so long as their attendance remains regular and punctual. Continued attendance at their current school for the remainder of their current school year shall not require any special permission, appeal, or request of any kind from the Lynn Public Schools. Transportation will not, however, be provided. Additionally, it shall be the exclusive responsibility of the parent/guardian to ensure that continued attendance at the current school in Lynn is permissible by the new city/town of residence.
 - a. Notwithstanding the foregoing, should any such Non-Lynn Student's attendance at their current school not remain regular and punctual, the Principal may request that the Superintendent transfer the student out of the Lynn Public Schools at any point. The Superintendent (or their designee) shall have the discretion to allow or deny the Principal's request.
 - b. All Non-Lynn Students who change residences from Lynn to another Massachusetts city/town in the months of April, May, or June shall transfer out of the Lynn Public Schools before the start of the upcoming school year. No exception may be made to this provision by the Superintendent or any other person.

2. Non-Lynn Students who change residences from Lynn to another Massachusetts city/town in months other than April, May, or June (while school is in session), shall transfer immediately out of the Lynn Public Schools, unless for cause satisfactory to the Superintendent (or their designee), as described below.

Appeal to Superintendent by Non-Lynn Students

In the discretion of the Superintendent (or their designee), Non-Lynn Students described in paragraph 2 above may be allowed to continue at their current school through the end of the school year in which they change residences, but not for any longer. If such permission is granted, transportation will not be provided.

Parents/guardians should request such permission in writing to the Superintendent, and the Superintendent (or their designee) may consider the following in making a determination:

- Best interests of the student and current school;
- Student's grade level (in particular, as it relates to students currently in grades 5, 8, or 12);
- Student's ability to maintain good attendance, including arriving to school on time;
- Student's behavior (if not related to Special Education criteria/disability);
- Input of the Principal of the current school;
- Class sizes at the current school;
- Parent/guardian's acknowledgment that it shall be the exclusive responsibility of the parent/guardian to ensure that continued attendance at the current school in Lynn is permissible by the new city/town of residence.
- Any other relevant non-discriminatory factors.

Should the Superintendent (or their designee) grant such permission, the Superintendent (or their designee) may later revoke such permission, on any reasonable basis, at any time.

In no instance may such permission extend beyond the current school year in which the Non-Lynn Student changes their residence.

Out-of-State/Country Transfers

1. Students who change residences from Lynn to another state or country shall transfer immediately out of the Lynn Public Schools. No exception may be made to this provision by the Superintendent or any other person.

Obligation of Families and Questions of Residency

1. Should any Lynn Public Schools student change residences (whether within Lynn or outside of Lynn), such student's parent/guardian shall inform the Principal within ten (10) school days.
2. Should there be any question of residency, the Lynn Public Schools reserves the right to conduct an investigation. School officials will use reasonable discretion in deciding how to determine the circumstances of a child's residence. Because residency may change during the course of a school year, the Lynn Public Schools may continue to verify residency by any reasonable means.
3. Prior to the Lynn Public Schools making a final determination that a student is not a resident of Lynn, the parent/guardian of the student shall have the right to notice of the belief that the student is not a resident of Lynn, an explanation for the basis of that belief, and an opportunity to present any evidence to the contrary to the Office of the Lynn Public Schools Supervisors of Attendance.

Effective Date

This Policy shall be effective immediately and prospectively as of the date of adoption by the Lynn School Committee. This policy shall not apply retroactively to students who have been granted prior permission to continue at their current school of attendance. Such students shall be grandfathered.

*Policy # JCA
Adopted by the Lynn School Committee
October 13, 2022
Replaces former Policy # JECC*

Harassment

Harassment on the basis of race, color, national origin, creed/religion, sex, gender identity, ethnicity, sexual orientation, mental or physical disability, age, ancestry, marital status, homelessness, special need, proficiency in the English language or academic achievement or any other consideration made unlawful by any federal, state or local laws or regulations will not be tolerated in the Lynn Public Schools. The District expects all students, employees, parties contracted by the Lynn Public Schools, and other members of the school community to conduct themselves in an appropriate manner and treat all people with respect, dignity, courtesy and fairness.

Any individual who is found, after appropriate investigation, to have engaged in any form of verbal or physical harassment will be subjected to disciplinary action up to and including termination of employment or appropriate disciplinary action, including but not limited to, reprimand, suspension, termination/expulsion or other sanctions. Any student who believes that they have been subjected to harassment should feel free to discuss the matter with a trusted adult and/or file a complaint in person or in writing.

Please refer to the Nondiscrimination and Anti-Harassment Policy and the Title IX/Sexual Harassment Policy below for reporting and investigation procedures.

Sexual Harassment

Sexual harassment means unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature from anyone with whom a student may interact in the course of receiving an education in school or at school-sponsored activities. It is a verbal, physical or visual behavior where the purpose or effect is to create an offensive, hostile or intimidating environment. Some examples are:

1. Acceptance of or submission to such conduct is made as a term of education, whether explicitly or implicitly.
2. The individual's response to such conduct is used as a basis for educational, disciplinary, or other decisions affecting a student.
3. Such conduct interferes with a student's education or participation in extra-curricular activities.
4. The conduct creates an intimidating, hostile or offensive work or school environment.

The legal definition of sexual harassment is broad and in addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating an environment that is hostile, offensive, intimidating, or humiliating to students may also constitute sexual harassment. Furthermore, sexual violence perpetrated against a person's will or where a person is incapable of giving consent (e.g., due to the student's age, use of drugs or alcohol, or intellectual disability), including rape, sexual assault, sexual battery and sexual coercion are forms of sexual harassment.

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

Please note that Title IX prohibits sexual harassment, but the conduct considered to be "sexual harassment" under Title IX is limited and does not capture all conduct that amounts to sexual harassment under school policy, and other state and federal laws. For these reasons, LPS will investigate all allegations of sexual harassment in accordance with its Title IX/Sexual Harassment Policy, and if it determines that the alleged conduct falls outside of Title IX's scope but still constitutes sexual harassment, LPS will implement appropriate remedial and/or disciplinary action.

For all other harassing conduct, including harassing conduct that is not covered by Title IX, the District will address the conduct pursuant to its Nondiscrimination and Anti-Harassment Policy. In all cases, a high degree of confidentiality will be maintained by school authorities. Every effort will be made to protect the alleged victim, the complainant, students and employees during the investigation and disposition of the incident.

Sexual Harassment by a Student

Any student who feels that they have been the victim of sexual harassment by another student should report the incident to the below named Lynn Public Schools Title IX Coordinator, or designee:

Charles Gallo, Compliance Officer
Lynn Public Schools Administrative Offices
100 Bennett Street
Lynn, MA 01905
781-477-7220

GalloC@LynnSchools.org

Nothing in this policy is intended to limit the ability to report the alleged harassment to any District staff member. Students should feel comfortable in seeking the help of a responsible adult. Any staff member receiving such information must immediately report the incident to the Title IX Coordinator.

All reported incidents will be investigated in accordance with the District's Title IX/Sexual Harassment Policy. If it is determined that a student has been sexually harassed by another student in violation of District's Title IX/Sexual Harassment Policy or in violation of the Nondiscrimination and Anti-Harassment Policy the offending student will be subjected to appropriate disciplinary action, including but not limited to, reprimand, suspension, expulsion or other sanctions as determined by the school administration, subject to applicable procedural requirements.

Sexual Harassment by an Adult

Any student who feels that they have been the victim of sexual harassment by an adult should report the incident to the below named Lynn Public Schools Title IX Coordinator, or designee:

Charles Gallo, Compliance Officer
Lynn Public Schools Administrative Offices
100 Bennett Street
Lynn, MA 01905
781-477-7220
GalloC@LynnSchools.org

Nothing in this policy is intended to limit the ability to report the alleged harassment to any District staff member. Students should feel comfortable in seeking the help of a responsible adult. Any staff member receiving such information must immediately report the incident to the Title IX Coordinator.

All reported incidents will be investigated in accordance with the District's Title IX/Sexual Harassment Policy. If it is determined that a student has been sexually harassed by an adult in violation of District's Title IX/Sexual Harassment Policy or in violation of the Nondiscrimination and Anti-Harassment Policy included, serious disciplinary action toward the adult may occur.

Under certain circumstances, sexual harassment/violence may constitute sexual abuse. School staff (as mandated reporters) must comply with state regulations regarding child abuse/neglect. At the school level, the principal is responsible for gathering reports, maintaining a written record of all reports of sexual harassment and informing the Title IX Coordinator of all reports of sexual harassment. If the complaint involves the building principal, the complaint must be filed directly with Title IX Coordinator. All allegations involving school staff members must be immediately reported to the Superintendent of Schools.

Notice of Nondiscrimination

It is the policy of the Lynn Public Schools not to discriminate on the basis of race, color, national origin, creed/religion, sex, gender identity, ethnicity, sexual orientation, mental or physical disability, age, ancestry, marital status, homelessness, special need, proficiency in the English language or academic achievement or any other consideration made unlawful by any federal, state or local laws or regulations, including Title VI and VII of Civil Rights Act of 1964, Title IX of the 1972 Amendments to the Civil Rights Act, Section 504 of the Rehabilitation Act of 1973, The Age Discrimination in Employment Act, and MGL Ch. 76:5, MGL, Ch.151

Inquiries regarding the application of the Lynn Public Schools' policy against discrimination may be referred to the Lynn Public Schools Title IX Coordinator, or the Assistant Secretary for Civil Rights, U.S Department of Education, Washington, D.C. 20202, or the Regional Director, U.S. Department of Education, Office for Civil Rights, 5 Post Office Square, Boston, Massachusetts 02109, Telephone: (617) 289-0011, Facsimile: (617) 289-0150, Email: OCR.Boston@ed.gov. The Lynn Public Schools Title IX Coordinator is Charles Gallo, Compliance Officer, Lynn Public Schools Administrative Offices, 100 Bennett Street, Lynn, MA 01905, 781-477-7220, GalloC@LynnSchools.org.

For reporting and grievance procedures, please refer to the Nondiscrimination and Anti-Harassment Policy below.

Nondiscrimination and Anti-Harassment Policy

The Lynn Public Schools is committed to maintaining a school environment free of discrimination and/or harassment based on race, color, national origin, creed/religion, sex, gender identity, ethnicity, sexual orientation, mental or physical disability, age, ancestry, marital status, homelessness, special need, proficiency in the English

language or academic achievement or any other consideration made unlawful by any federal, state or local laws or regulations, including Title VI and VII of Civil Rights Act of 1964, Title IX of the 1972 Amendments to the Civil Rights Act, Section 504 of the Rehabilitation Act of 1973, The Age Discrimination in Employment Act, and MGL Ch. 76:5, MGL, Ch.151C. Discrimination and/or harassment by administrators, certified and support personnel, students, vendors, and other individuals at school or at school-sponsored events is unlawful and is strictly prohibited. The Lynn Public Schools requires all employees and students to conduct themselves in an appropriate manner, with respect for their fellow employees, students, and all members of the school community.

DEFINITION OF HARASSMENT

In General. Harassment, on any level, is a form of discrimination. Harassment is defined as advances, requests or conduct having the purpose or effect of unreasonably interfering with an individual's education or employment by creating an intimidating, hostile, humiliating, offensive, or unsafe educational or professional environment. Harassment includes but is not limited to communications such as name calling, teasing, jokes, rumors, comments, innuendos, or other derogatory remarks; pulling at clothing or other possessions; graffiti; notes or cartoons; unwelcome touching of a person or a person's clothes; any words or actions which might provoke feelings of discomfort, embarrassment, or hurt; mental, emotional or physical harassment, as well as threats to a person's safety or position in school or work environment; display of pictures or symbols communicated in any form, including orally, in writing, or electronically via the Internet, cell phones, text messaging or in any other way, that shows disrespect to others based upon any consideration made unlawful by any applicable law or regulation.

The forgoing list is provided to give some concrete examples of conduct which constitute harassment based upon an impermissible basis. However, all members of the Lynn school community must assess their conduct in light of the following definitions of the various forms of harassment. If certain conduct is not previously listed, but does fall into one of the following definitions of harassment, then the conduct shall be considered harassment and prohibited conduct.

By law, what constitutes harassment is determined from the perspective of a reasonable person with the characteristic on which the harassment is based. What one person may consider acceptable behavior may reasonably be viewed as harassment by another person. Therefore, individuals should consider how their words and actions might reasonably be viewed by other individuals. It is also important for individuals to make it clear to others when a particular behavior or communication is unwelcome, intimidating, hostile, or offensive.

Sexual Harassment. While all types of harassment are prohibited, sexual harassment requires particular attention. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature in the way described under the Sexual Harassment heading in this handbook.

Forms of Harassment

A non-exhaustive list of examples of various forms of harassment is included below.

A. Sexual/Gender Harassment includes but is not limited to:

- Unwelcome verbal harassment or abuse;
- Unwelcome pressure for sexual activity;
- Unwelcome sexually motivated or inappropriate touching, patting, pinching, or other sexual contact other than reasonable and necessary restraints of students by teachers, administrators, or other school personnel to avoid physical harm to persons or property;
- Unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt threats concerning an individual's educational or work status;
- Unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt promises of preferential treatment with regard to an individual's educational or work status;
- Unwelcome behavior or words directed at an individual because of gender.

Sexual/Gender Harassment can include prohibited conduct as defined above which may occur between members of the same sex or gender.

Please note that Title IX prohibits sexual harassment, but the conduct considered to be "sexual harassment" under Title IX is limited and does not capture all conduct that amounts to sexual harassment under school policy, and other state and federal laws. For these reasons, the District will investigate all allegations of sexual harassment in accordance with its Title IX/Sexual Harassment Policy, and if it determines that the alleged conduct falls outside of Title IX's scope but still constitutes sexual harassment under this anti-harassment policy, the District will implement appropriate remedial and/or disciplinary action in accordance with this Nondiscrimination and Anti-Harassment Policy.

B. Gender Identity Harassment consists of physical, verbal, graphic or written or other verbal or physical related conduct or communication that is sufficiently severe,

pervasive or persistent so as to interfere with or limit the ability of an individual to participate in or benefit from the districts programs or activities.

- C. Gender Identity Harassment** includes but is not limited to:
1. Denying raises, benefits, promotions, leadership opportunities or performance evaluations on the basis of a person's gender, gender identity or gender expression.
 2. Preventing any person from using facilities or services because of that person's gender, gender identity or gender expression
 3. Making determinations regarding a person's salary based on gender, gender identity, gender expression
 4. Denying access to an educational program based on that person's gender, gender identity, or gender expression.
 5. Instigating or allowing an environment that is unwelcoming or hostile base on a person's gender, gender identity, or gender expression
- D. Race/Color Harassment** consists of racial slurs, offensive or derogatory remarks about a person's race or color, display of racially offensive symbols :
1. Has the purpose or effect of creating an intimidating, hostile, or offensive academic or work environment
 2. Has the purpose or effect of substantially or unreasonable interfering with and individual's academic or work performance
 3. Otherwise adversely affects an individual's academic work opportunities
- E. National Origin Harassment** consists of physical or verbal conduct, which is related to an individual national origin when the conduct:
1. Has the purpose or effect of creating an intimidating, hostile, or offensive academic or work environment;
 2. Has the purpose or effect of substantially or unreasonably interfering with an individual's academic or work performance;
 3. Otherwise adversely affects an individual's academic or work opportunities.
- F. Religious Harassment** consists of physical or verbal conduct which is related to an individual's religion when the conduct:
1. Has the purpose or effect of creating an intimidating, hostile, or offensive academic or work environment;
 2. Has the purpose or effect of substantially or unreasonably interfering with an individual's academic or work performance;
 3. Otherwise adversely affects an individual's academic or work opportunities.
- G. Age Harassment** consists of physical or verbal conduct which is related to an individual's Age when the conduct:
1. Has the purpose or effect of creating an intimidating, hostile, or offensive academic or work environment
 2. Has the purpose or effect of substantially or unreasonably interfering with and individual's academic or work performance;
 3. Otherwise adversely affects an individual's academic or work opportunities.
- H. Sexual Orientation Harassment** consists of physical or verbal conduct which is related to an individual's sexual orientation when the conduct:
1. Has the purpose or effect of creating an intimidating, hostile, or offensive academic or work performance
 2. Has the purpose or effect of substantially or unreasonably interfering with an individual's academic or work environment
 3. Otherwise adversely affects and individual's academic or work opportunities
- I. Handicap and /or Disability Harassment** consists of physical or verbal conduct which is related to an individual's handicap and /or disability when the conduct:
1. Has the purpose or effect or creating an intimidating, hostile or offensive academic or work environment;
 2. Has the purpose or effect of substantially or unreasonably interfering with an individual's academic or work environment;
 3. Otherwise adversely affects an individual's academic or work opportunities;

DISCRIMINATION, HARASSMENT AND RETALIATION PROHIBITED

Discrimination or harassment in any form or for any reason is absolutely forbidden, including, without limitation, as it relates to athletics or school based transportation. This includes discrimination or harassment by administrators, certified and support personnel, students, vendors, and other individuals in school or at school-related events. In addition, retaliation against any individual who has brought discrimination, harassment or other inappropriate behavior to the attention of the school or who has cooperated in an investigation of a complaint under this policy is unlawful and will not be tolerated by the Lynn Public Schools.

Persons who engage in discrimination, harassment or retaliation may be subject to disciplinary action, including, but not limited to, reprimand, suspension, termination/expulsion or other sanctions as determined by the school administration, subject to applicable procedural requirements.

REPORTING AND INVESTIGATION PROCEDURES

A person who feels that they have been discriminated against or harassed must make every effort to institute proceedings within thirty (30) school days of the event or events giving rise to the grievance or within thirty (30) school days from the date the aggrieved party had knowledge or reasonably should have had knowledge of the event or events giving rise to the grievance.

Reporting Discrimination and/or Harassment

A person who feels that they have been discriminated against or harassed for any of the reasons cited above, or any individual who has witnessed or learned about the discrimination or harassment of another person in the school environment, should inform the Principal as soon as possible. If the individual does not wish to discuss the issue with the Principal, or if the Principal does not address the problem in an effective manner, the individual should inform the Superintendent or the Title IX Coordinator, Charles Gallo, Compliance Officer, Lynn Public Schools Administrative Offices, 100 Bennett Street, Lynn, MA 01905, 781-477-7220, GalloC@LynnSchools.org. The school district encourages the complainant to use the form included in this handbook.

Reporting Sexual Harassment

A person who feels that they have been subjected to discrimination on the basis of sex, including sexual harassment, sexual violence and/or gender-based harassment by a District employee or volunteer, another student at Lynn Public Schools or a third party should immediately report the incident to the Title IX Coordinator, Charles Gallo, Compliance Officer, Lynn Public Schools Administrative Offices, 100 Bennett Street, Lynn, MA 01905, 781-477-7220, GalloC@LynnSchools.org, or the Principal of the school. The school district encourages the complainant to use the form included in this handbook.

The District will investigate all allegations of sexual harassment in accordance with its Title IX/Sexual Harassment Policy, and if it determines that the alleged conduct falls outside of Title IX's scope but still constitutes sexual harassment, the District will implement appropriate remedial and/or disciplinary action.

Nothing in this policy statement shall prevent any person from reporting alleged prohibited conduct directly to the Superintendent of Schools. Further, nothing in this report shall prevent any person from reporting alleged prohibited conduct to an administrator other than the designated district school officials, or, in the case of a student, to a teacher or counselor.

Designated Personnel

The Lynn Public Schools designates the Title IX Coordinator and/or their designee as having the responsibility to oversee administration of these procedures and to monitor compliance.

In each school, the school Principal and/or a designee is the person, responsible for receiving and investigating verbal or written reports of alleged prohibited conduct. Any school personnel who receive a report of alleged prohibited conduct shall inform the Principal and/or the designee as soon as possible. If the complaint involves the school Principal, the report should be filed directly with the Superintendent.

In district-wide departments, the administrator or his/her designee is the person responsible for receiving and investigating verbal or written reports of alleged prohibited conduct. Any school district personnel who receive a report of alleged prohibited conduct shall inform the administrator or the designee as soon as possible. If the complaint involves the district wide administrator, the complaint shall be filed directly with the Superintendent.

Investigation

Upon receipt of a report or complaint of alleged prohibited conduct, the responsible administrator or designee shall initiate a timely investigation of the alleged incident. The investigation may consist of personal interviews with the complainants(s), the individual(s) against whom the complaint is made, and others who have knowledge of the alleged incident or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigating party.

All reasonable efforts will be made to complete the investigation and respond in writing within ten (10) school days of receipt of the written complaint. Delays for good cause may occur.

In determining whether "alleged conduct" constitutes a violation of this policy, the investigating party shall consider the surrounding circumstances: the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationship between the parties involved, and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all facts and surrounding circumstances.

CORRECTIVE ACTION/RESOLUTION

Upon completion of an investigation, the administrator or designee shall take the appropriate corrective action. If it is proved, after investigation, that an individual has filed an intentionally false complaint, appropriate disciplinary action will be taken against that individual. (See below for examples.)

If it is proved, after investigation, that the incident reported constituted any form of prohibited conduct, the administrator will take appropriate action to end the prohibited conduct and to ensure that it is not repeated. (See below for examples.)

In certain cases, the harassment of a student may constitute child abuse under state law. The Lynn Public Schools will comply with all legal requirements governing the reporting of suspected cases of child abuse and will report suspected criminal activity to the appropriate authorities.

Examples of Corrective/Disciplinary Action: Depending upon the severity of the prohibited conduct, such action may include, but is not limited to, an apology, direction to stop the offensive behavior, parental notification and/or conference, counseling or training, remediation, warning about more severe corrective action if behavior persists, suspension, exclusion, expulsion, transfer, termination of employment. (Corrective/Disciplinary action taken will be consistent with provisions of collective bargaining agreements, state and federal laws, and school district policies.)

Upon resolution of incidents prohibited by this policy statement, all Complaints of Discrimination and/or Harassment Forms shall be forwarded to the Superintendent of School

Appeal Process

If the matter is not resolved, the complainant may appeal in writing to the Title IX Coordinator, Charles Gallo, Compliance Officer, Lynn Public Schools Administrative Offices, 100 Bennet Street, Lynn, MA 01905, 781-477-7220, GalloC@LynnSchools.org. The Coordinator or designee will meet with the complainant and respond in writing within ten (10) school days of receipt of the written complaint.

If, at the end of ten (10) school days following the written response from the Title IX Coordinator or designee, the matter remains unresolved the complainant has the right to appeal to the Superintendent of schools in writing. The Superintendent of schools shall investigate the complaint and respond in writing to the complainant no later than ten (10) school days after having received the complaint.

If the matter still remains unresolved for the complainant, they have the right to appeal directly to the District Office of Civil Rights for a review of the District's investigation, and to further their case or terminate same with guidance and instruction from said office.

Failure to investigate a complaint as provided herein or failure to forward the Complaint of Discrimination and/or Harassment form to the Superintendent of Schools in a timely manner will result in disciplinary action as determined by the Superintendent of Schools. Such disciplinary action may include, but is not limited to, verbal or written reprimand, suspension, transfer, or termination of employment. (Disciplinary action will be consistent with provisions of collective bargaining agreements, state and federal laws, and school district policies.)

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

Right to Alternative Complaint

These procedures do not deny the right of any individual to pursue other avenues of recourse. A grievant may file a complaint with the following agencies:

U.S. Department of Education, Office for Civil Rights, 5 Post Office Square, Boston, Massachusetts 02109, Telephone: (617) 289-0011, Facsimile: (617) 289-0150, Email: OCR.Boston@ed.gov as follows:

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

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

John Kennedy Federal Building, 15 New Sudbury Street, Room 475, Boston, MA 02203, Telephone: (800) 669-4000

Massachusetts Commission Against Discrimination (MCAD) – 300 days:

One Ashburton Place, Suite 601, Boston, MA 02108, Telephone: (617) 994-6000

Massachusetts Department of Elementary and Secondary Education, 75 Pleasant Street, Malden, MA 02148, Telephone: (781-388-3000)

REPRISAL/RETALIATION

The school district shall take appropriate disciplinary action against any individual who retaliates against any person who reports or assists in the investigation of an alleged violation of this policy. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment. (See IV for examples of disciplinary action. Disciplinary action will be consistent with provisions of collective bargaining agreements, state and federal laws, and school district policies.)

IV. CLOSURE OF A COMPLAINT

When an investigation has been completed, school personnel will inform the complainant of the results and file a report with the Title IX Coordinator or their designee.

The Lynn Public Schools urges all individuals in the school community to bring any concerns or complaints of discrimination or harassment to the attention of school personnel so that they can resolve the issue. The state agency responsible for enforcing laws prohibiting discrimination or harassment is the Massachusetts Department of Elementary and Secondary Education, 75 Pleasant Street, Malden, MA 02148, Telephone: (781-388-3000) or the Massachusetts Commission Against Discrimination (MCAD), One Ashburton Place, Suite 601, Boston, MA 02108, Telephone: (617) 994-6000. The agency responsible for enforcing federal law prohibiting harassment in the employment context is the United States Equal Employment Opportunity Commission (EEOC), John Kennedy Federal Building, 15 New Sudbury Street, Room 475, Boston, MA 02203, Telephone: (800) 669-4000. The agency responsible for enforcing federal law prohibiting harassment on the basis of sex in relation to education is: U.S. Department of Education, Office for Civil Rights, 5 Post Office Square, Boston, Massachusetts 02109, Telephone: (617) 289-0011, Facsimile: (617) 289-0150, Email: OCR.Boston@ed.gov

LEGAL REFS.: Title VI, Civil Rights Act 1964

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

Title IX, Education Amendments of 1972

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

Rehabilitation Act of 1973

Education for all Handicapped Children Act of 1975

Title IX/Sexual Harassment Policy

Introduction

Title IX of the Education Amendments Act of 1972 and various state and federal laws protect all students and school employees from sex-based harassment that occurs during an educational activity, regardless of the sex of the parties. In school systems, sexual harassment may cross many lines, and may involve staff member and staff member, staff member and student, student and student, third party and staff member, or third party and student. All students and school employees can experience sex-based harassment, including male and female

students/employees, LGBT students/employees, students/employees with disabilities, and students/employees of different races, national origins, and ages.

Any person who believes that a student, teacher, administrator, other school personnel or third party has engaged in conduct prohibited by this policy, whether such conduct has been directed at him/her or some other person, should report the alleged prohibited conduct as soon as possible to the appropriate Lynn Public Schools ("LPS") official (as designated by this policy) verbally or in writing. Nothing in this policy shall prevent any person from reporting alleged prohibited conduct to a different LPS employee than the one designated in this policy.

Policy Statement

LPS does not discriminate against individuals on the basis of sex, or any other category protected by state and federal law, in the administration of its educational and employment policies, and in its administered programs and activities, and provides equal access to all designated youth groups. LPS is committed to maintaining an educational and work environment free from all forms of discrimination, including sexual harassment and retaliation.

Goals

LPS is committed to providing equal educational opportunities and a safe learning and workplace environment free from discrimination, including sexual harassment and retaliation. LPS will not tolerate any form of discrimination, including sexual harassment and retaliation, within the school community. LPS will promptly and fairly investigate and respond to all allegations and complaints of sexual harassment and retaliation. During the investigation process, LPS will provide equitable treatment to complainants and respondents, ensure objective evaluation of all relevant evidence, and designate investigators and decision makers who are free from bias or conflict of interest. Following an investigation where it is determined that sexual harassment has occurred, LPS will take prompt, appropriate disciplinary, corrective and remedial measures necessary to ensure a safe and equitable learning and workplace environment for all school community members.

Definitions

Title IX identifies three separate types of conduct that would constitute "sexual harassment":

- An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct ("quid pro quo harassment");
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity ("hostile environment harassment"); or
- "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

Examples of unwelcome conduct that may establish a hostile environment include but are not limited to unwelcome sexual advances; requests for sexual favors; verbal, nonverbal or physical conduct of a sexual nature; sex discrimination; threats of violence; and/or physical assault.

The following additional definitions apply:

"Actual knowledge" means notice of sexual harassment or allegations of sexual harassment to any employee of LPS, except that this standard is not met when the only official of LPS with actual knowledge is the respondent (where the respondent is an employee). Title IX provides that imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. Complaints will be addressed whenever LPS has actual knowledge of the allegation.

"Administrative leave" means placing an employee on leave pursuant to state law. Nothing in the Title IX regulations precludes a recipient from placing a non-student employee respondent on administrative leave during the pendency of a grievance process, provided that Massachusetts laws are followed.

"Consent" means cooperation in act or attitude pursuant to an exercise of free will of a conscious person with informed knowledge of the nature of the act or actions. A current or previous relationship shall not be sufficient to constitute consent. Consent will not be found when submission to the act or actions is undertaken due the influence of fear, fraud, forcible compulsion, threats, and/ or the complainant possessed any legal incapacity to consent at the time of the act or actions. Consent is a defense to all types of sexual harassment.

"Complainant" means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

“Deliberate indifference” means a response to sexual harassment that is clearly unreasonable in light of the known circumstances.

“Emergency removal” means the suspension or expulsion of a student on an emergency basis, consistent with state law. Nothing in the Title IX regulations precludes LPS from removing a respondent from LPS’s education program or activity on an emergency basis, provided that LPS follows all procedures under Massachusetts law, undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal.

“Formal complaint” means a document filed by a complainant (or the complainant’s parent or guardian if the complainant is a student) or signed by the Title IX Coordinator alleging sexual harassment and requesting that LPS investigate the allegation of sexual harassment.

“Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

“Supportive measures” means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the recipient’s educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. LPS must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

Application of Title IX/Sexual Harassment Policy

To be covered by Title IX, the sexual harassment must have occurred in the school’s education program or activity and the complainant must have been participating in or attempting to participate in an education program or activity at the school at the time the complaint is filed. The complainant must also have been in the United States when the conduct occurred.

LPS will investigate all allegations of sexual harassment of which it has actual knowledge and which are alleged to occur in the school’s programs and activities, including locations, events, and/ or circumstances in which the LPS exercises substantial control, in accordance with this policy and in a way that is not deliberately indifferent.

While Title IX covers the above-described definition of “sexual harassment”, LPS recognizes that the Title IX standard does not capture all conduct that amounts to sexual harassment under school policy and other state and federal laws. Therefore, while LPS prohibits “sexual harassment” as defined by Title IX, it also prohibits sexually harassing conduct that may fall outside of Title IX’s definition and includes other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating an environment that is hostile, offensive, intimidating, or humiliating to students or employees.

If LPS determines that the alleged conduct falls outside of Title IX’s scope but still constitutes sexual harassment under other school policies, LPS will implement appropriate remedial and/or disciplinary action in accordance with those policies.

Please note that incidents of sexual harassment may constitute child abuse under state law and may also violate criminal laws. LPS will also comply with all legal requirements governing the reporting of suspected cases of child abuse and criminal violations to the appropriate authorities, including the Department of Children and Families.

Complaint and Reporting Process:

For allegations of sex-based discrimination, including sexual harassment, sexual violence, and gender-based harassment by a LPS employee or volunteer, another student at LPS or a third party, immediately report the incident to LPS’s Title IX Coordinator and /or the Principal of the school building. The Title IX Coordinator’s contact information is as follows:

Charles Gallo, Compliance Officer

Lynn Public Schools Administrative Offices
100 Bennett Street
Lynn, MA 01905
781-477-7220
GalloC@LynnSchools.org

Nothing in this policy shall prevent any person from reporting alleged prohibited conduct to a different LPS employee than the one designated in this policy.

Upon receiving actual notice of alleged sexual harassment, all non-student members of the LPS community (including LPS School Committee members, administration, faculty, staff, volunteers in schools and/or parties contracted to perform work for LPS, subject to school authority) must notify the Title IX coordinator as soon as practicable, but no later than 24 hours after becoming aware of the incident. Failure to comply with this mandatory reporting requirement or this Protocol may lead to disciplinary action.

The Title IX coordinator, and/or designated school administrator and/or employee, must then contact the complainant within two days of receiving the complaint and do the following:

- Promptly offer and discuss supportive measures with the complainant.
- Consider the complainant's wishes with respect to supportive measures;
- Explain that supportive measures may be received with or without filing a formal complaint;
- Explain the process of filing a formal complaint and determine whether the complainant wishes to file a formal complaint; and
- Explain to the complainant the purpose of filing a formal complaint.

The Title IX Coordinator or their designee must document in writing the supportive measures offered/provided or why no supportive measures were offered/provided. Complainant and respondents must be offered supportive measures even if they do not file a formal complaint.

If the complainant declines to file a formal complaint, the Title IX Coordinator or designee must consider whether to sign a formal complaint and start an investigation despite the complainant's preferences. This decision may be appropriate when safety or similar concerns lead LPS to conclude that a non-deliberately indifferent response to actual knowledge of Title IX sexual harassment could reasonably require LPS to investigate and potentially sanction a respondent. A Title IX Coordinator's decision to override the complainant's decision not to file a formal complaint must be documented in writing along with an explanation of why this decision was necessary in order to avoid deliberate indifference. If a formal complaint is not made, LPS may still investigate the report of sexual harassment in accordance with its Nondiscrimination and Anti-Harassment Policy, taking the complainant's wishes into consideration.

Formal complaints may also be filed directly with the Title IX Coordinator by a complainant in person, by mail, by email, or by telephone at any time, including during non-business hours.

The complaint may be written by the complainant, or it will be reduced to writing by either the school employee who receives the complaint, the building Principal, or the Title IX Coordinator. Whether the complaint is reduced to writing by a student, parent, or staff member, the written complaint should include the name of the complainant, the name of the alleged victim (if different), the name of the respondent, the location of the school/department where the alleged discriminatory action occurred, the basis for the complaint, witnesses (if any), and the corrective action the complainant is seeking. This information will be made on or transferred to a discrimination/ harassment complaint form maintained by LPS.

There is no time limit or statute of limitation on timing to file a formal complaint. However, at the time of filing a formal complaint, an alleged victim must be participating or attempting to participate in a program or activity of LPS. Additionally, LPS has discretion to dismiss a formal complaint where the passage of time would result in LPS's inability to gather evidence sufficient to reach a determination regarding responsibility, or when LPS loses responsibility for the respondent (e.g., the respondent no longer attends or is employed by LPS).

If the conduct alleged in the formal complaint would not constitute sexual harassment as defined in this policy even if proved, did not occur in LPS's education program or activity, or did not occur against a person in the United States, then LPS must dismiss the formal complaint under these procedures, but could investigate it under other policies and procedures. LPS will send written notice of any dismissal.

Written Notice of Formal Complaint

Upon receiving a formal complaint of sexual harassment, LPS will provide the complainant and the respondent written notice of the allegations, the grievance process, the appeal process, available supportive measures, and possible disciplinary sanctions and remedies. The written notice will also include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process. The written notice must inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence. The written notice must inform the parties that the LPS's code of conduct prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If additional allegations are added during the course of the investigation, additional written notice must be provided.

Informal Resolution

Where appropriate, and only after a formal complaint has been filed and written notice has been issued, the Title IX Coordinator should also consider offering the parties an option for informal resolution (e.g., mediation). Participation in an informal resolution process may only occur where both parties give voluntary, informed, written consent to attempt informal resolution, and either party has the right to withdraw from the informal process at any time. The informal complaint option is not available for reports of employee-on-student sexual harassment; in this context a formal investigation is required. Where an informal resolution process is agreed to, it will be facilitated by a facilitator designated by the Title IX Coordinator who does not have a conflict of interest and/or bias for or against complainants or respondents and who has received proper training.

Informal resolution is entirely voluntary. Parties may elect to pursue formal procedures and decline informal resolution at any step in the process, even if informal resolution has already begun.

If the parties are not satisfied with the resolution from the informal process, or if he/she/they do not choose informal resolution, then he/she/they can begin the formal complaint procedure described below.

Investigation

If informal resolution is not offered to or accepted by the parties, the Title IX Coordinator will designate an investigator and a decision maker, who may not be the same person.

All formal complaints will require a full investigation in accordance with the Title IX grievance process. For formal complaints of sexual harassment, the investigator will conduct and complete a thorough and impartial investigation into the reported conduct within a reasonably prompt timeframe, with delays for good cause only. Good faith efforts will be made to complete the investigation within 15 school days of the initiation of the formal complaint, except for good cause, as documented in the investigation file. Where feasible, the formal process will be completed within a ninety (90) day timeframe from the date a formal complaint is filed with LPS. There may be a temporary delay of the grievance process or the limited extension of time frames for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include, but is not limited to, considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

- Gathering Evidence

The investigation will include personal interviews with the complainant(s), the individual(s) against whom the complaint is filed, and others who have knowledge of the alleged incident(s) or circumstance(s) giving rise to the complaint. The investigation may also consist of other methods deemed pertinent by the investigator, including but not limited to gathering physical evidence. The investigator will find facts and making determinations related to credibility, all of which will be incorporated into a written report. The investigator must avoid all questions that are protected by legal privilege, unless the privilege has been waived, and should avoid asking about the complainant's sexual history unless it is directly relevant to prove consent to the conduct at issue or to prove that the conduct was committed by someone other than the respondent.

LPS will keep confidential the identity of complainants, respondents, and witnesses, except as may be permitted by FERPA, as required by law, or as necessary to carry out a Title IX proceeding.

For Title IX purposes, if a student requests that his or her name not be revealed to the alleged perpetrator, honoring the request may limit LPS's ability to respond fully to the incident, including pursuing disciplinary action against the alleged perpetrator. Title IX includes protections against retaliation, including retaliatory actions taken

by the school and school officials, and school officials will not only take steps to prevent retaliation but will also take strong responsive action if it occurs. Confidentiality concerns should be brought to the attention of the Title IX Coordinator, whose contact information is provided below, and/or the Principal of the school building.

Charles Gallo, Compliance Officer
Lynn Public Schools Administrative Offices
100 Bennett Street
Lynn, MA 01905
781-477-7220
GalloC@LynnSchools.org

LPS has the burden of gathering the evidence, not the parties. However, parties may gather and present evidence of their own. All parties will be provided with an equal opportunity to review and respond to evidence gathered during the investigation.

All parties whose participation is invited or expected will be provided with written notice of the date, time, location, participants, and purpose of all investigative interviews, or other meetings with a party, with sufficient time for the party to prepare to participate.

All parties will be provided with the opportunity to be accompanied to any related meeting, interview or proceeding by an advisor of their choice, who may be, but is not required to be, an attorney.

LPS will not require, allow or rely upon privileged information, unless privilege is waived in writing by the holder.

All parties will be provided with an equal opportunity to review and respond to evidence gathered during the investigation. Prior to completion of the investigative report, LPS will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have ten (10) days to submit a written response to the evidence, which the investigator will consider prior to completion of the investigative report.

- Investigative Report & Written Questions

Upon its completion, the parties will be provided with a copy of the investigative report for their review and, if desired, written response. Written responses from the parties will be required within ten (10) days of receipt of the investigative report and will be incorporated into the investigative report.

After the parties' responses to the investigative report, if any, have been incorporated into the investigative report, but prior to reaching a determination regarding responsibilities, the decision-maker(s) – who will not be the same person(s) as the investigator and/or Title IX Coordinator – will afford each party the opportunity to submit written questions for the other parties and witnesses to answer, provide each party with the answers, and allow for additional, limited follow-up questions from each party. If any questions are determined not to be relevant, the decision-maker may exclude the questions and will explain to the party proposing the questions any decision to exclude questions as not relevant. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

- Written Determination & Standard of Evidence

After this process, the decision-maker will issue a written determination simultaneously to the parties regarding whether sexual harassment has occurred using a preponderance of the evidence standard, as it does for all conduct code violations that do not involve sexual harassment but carry the same maximum disciplinary sanctions. Resolution proceedings are conducted to take into account the totality of all evidence available, from all relevant sources.

A "preponderance of the evidence" means that it is more likely than not that the alleged conduct occurred. The decision-maker shall further recommend what action, if any, is required. If it is determined that sexual harassment occurred, LPS will take steps to prevent the recurrence of the harassment and correct its discriminatory effect on the complainant and others if appropriate. Such remedies may include supportive measures.

The written determination must be issued to both parties simultaneously and must include:

- Identification of the allegations potentially constituting sexual harassment;

- A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, etc.;
- Findings of fact supporting the determination;
- Conclusions regarding the application of the recipient's code of conduct to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the recipient imposes on the respondent, and whether remedies designed to restore or preserve equal access to the recipient's education program or activity will be provided by the recipient to the complainant; and
- LPS's procedures and permissible bases for the complainant and respondent to appeal (a copy of, or direct reference to, this policy will suffice).

Disciplinary Action, Corrective Action, and Remedial Measures

If the respondent is ultimately found responsible, the complainant will be made aware of any sanctions imposed on the respondent that directly relate to the complainant. The respondent will not be notified of individual remedies offered or provided to the complainant. If the respondent is ultimately found responsible, LPS will effectively implement remedies for the respondent, complainant and where appropriate, for the broader student population. The remedies will be designed to restore or preserve equal access to the educational program or activity for a complainant, end the harassment, eliminate the hostile environment, prevent its recurrence, and remedy its effects. Remedies may include, but are not limited to, disciplinary sanctions against the respondent, up to an including termination and/or expulsion, counselling for the respondent, an escort for the complainant, ensuring that complainant and respondent do not share classes or extracurricular activities, providing comprehensive victim services, training or retraining school employees, changes to LPS's policies and/or services, etc. Any disciplinary action will be in accordance with due process rights under State law and any applicable collective bargaining agreement.

As indicated above, these procedures do not limit LPS from removing a student or employee from a program or activity on an emergency basis based on immediate threats to people's physical health or safety or placing an employee on administrative leave during the pendency of the investigation.

Appeal Process

Parties may appeal the decision issued as a result of the investigation, or from LPS's dismissal for a formal complaint or any allegations therein, within 15 school days of receipt of the findings of the formal procedure or a dismissal. The decision-maker(s) for the appeal will not be the same person as the decision-maker(s) who reached the determination regarding responsibility or dismissal, the investigator(s), and/or the Title IX Coordinator. Parties may appeal on the basis of procedural deficiencies; bias or conflict of interest; newly discovered evidence; and/or other good cause.

LPS will notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties. Both parties will have a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.

The appeal decision-maker will review the comprehensiveness and accuracy of the investigation and the conclusions, and issue written findings to both the complainant and respondent within thirty (30) school days of the appeal.

Training

LPS will ensure that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, receive training on the definition of sexual harassment, the scope of the recipient's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

LPS will ensure that decision-makers receive training on any technology to be used in interviews and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant,.

LPS also must ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

Any materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment.

These training materials will be posted on LPS's website.

Records

A record will be maintained for a period of seven years of any actions, including supportive measures, taken in response to a report or formal complaint of sexual harassment and LPS staff will document the basis for LPS's conclusion that its response was not deliberately indifferent.

Referral to Law Enforcement, Other Agencies

Some alleged conduct may constitute both a violation of LPS policies and criminal activity. The building Principal, coordinator, Superintendent, or designee will refer matters to law enforcement and other agencies as appropriate under the law or LPS policy and inform the complainant/ alleged victim of the right to file a criminal complaint.

Retaliation

Retaliation against an individual who has brought good faith allegations of sexual harassment to the attention of LPS or who has cooperated in an investigation of a complaint under this policy is unlawful and will not be tolerated by LPS. If a student/employee believes that he/she/they has/have been retaliated against in connection with any good-faith report of inappropriate conduct or harassment, the student/employee should immediately report such conduct to the Title IX Coordinator and/or Principal of the school building. The Title IX Coordinator and/or designee will investigate reports of retaliation and, where retaliation is found, take separate remedial and disciplinary action.

In addition to the above, if an individual believes that he or she has been subjected to unlawful harassment and/or retaliation, he or she may file a complaint with either or both of the following local government agencies. Each of the agencies has a short time period for filing a claim.

United States Equal Employment Opportunity Commission (EEOC)
John Kennedy Federal Building
15 New Sudbury Street, Room 475
Boston, MA 02203
Telephone: (800) 669-4000

Massachusetts Commission Against Discrimination (MCAD)
One Ashburton Place, Suite 601
Boston, MA 02108
Telephone: (617) 994-6000

U.S. Department of Education
Office for Civil Rights
5 Post Office Square
Boston, Massachusetts 02109
Telephone: (617) 289-0011
Facsimile: (617) 289-0150
Email: OCR.Boston@ed.gov

Complaints also may be filed directly with the Office of Program Quality Assurance at the Department of Elementary and Secondary Education or seek outside counsel.

Procedures for Handling Student to Student Sexual Harassment, Dating Violence, and Sexual Assault

- I. Goals:
 1. safe, swift, and effective resolutions which maximize safety and confidentiality;
 2. resolutions which enable students, where possible, to change their attitudes and behaviors;
 3. a school atmosphere which makes it safe and important for a student to confide in an adult;
 4. responses to incidents which acknowledge cultural differences but continue to adhere to school policy;
 5. full utilization of all resources, inside and outside the school, to help staff and students deal with these issues.

Considerations:

- maximum confidentiality must be established for all students involved; safety must always be a key issue;
- peer mediation is never appropriate for these situations;
- never bring students involved together before an investigation of the incident;
- a decision to establish a meeting between the reporting student, the aggressor, and the appropriate school administration and faculty can be made only in cases of sexual harassment after an investigation has taken place and with the full agreement of the reporting student and with safety measures in place.

II. Procedure for responding to student to student sexual harassment, dating violence, sexual assault or rape incidents: When an incident, past or present, is reported to any school staff member, he or she must immediately:

1. establish physical or emotional safety of the reporting student; get her/him to a safe, comfortable place;
2. call security if there is ongoing danger or the school nurse if there are any injuries;
3. do not bring the reporting student and aggressor together;
4. notify the principal/director or his/her designee;
5. notify the principal/director or his/her designee of any other student involved.

III. The principal/director, his/her designee, and team members are key persons for the report of every incident. The principal/director who receives the report will:

1. inform any other principal whose student(s) were involved;
2. investigate the complaint: meet separately with students involved;
3. talk with witnesses if necessary;
4. determine the facts;
5. assess the level of intervention indicated;
6. notify the Superintendent within 24 hours of any incident; sexual harassment, dating violence; or sexual assault which does not violate confidentiality.

IV. Levels of Intervention

1. Level I - Resolution at the School Level:

Appropriate for sexual harassment involving verbal or written language or unwanted touching; a single incident in which fear is not involved; complaint does not rise to conditions in Level II.

- If harassment is found, the key person involved asks the victim about the desired resolution and also evaluates the attitude of the aggressor.
- A meeting between the reporting student and the aggressor can be part of the resolution only if the reporting student desires a meeting and feels safe, if both or all parties agree to the meeting and an adult is present.
- Parents will be notified when appropriate.
- Discipline is involved if deemed appropriate.

2. Level II - Case Conference:

Appropriate for sexual harassment or dating violence complaints that involve a pattern of harassment, stalking, physical or emotional intimidation, non-homicidal threats (see Level III), and/or fear for safety on the part of the reporting student. The goal of Level II is to assess how best to approach each student with the hope of de-escalation of the violence and an outcome, which helps the aggressor, deal with and change behavior.

- Key personnel will consult, when necessary, with Help for Abused Women and Children (HAWC), Project COPE Batteries Program, and school security staff to evaluate factors of danger or lethality and the most promising intervention, including possible referral of reporting student and/or aggressor for counseling.
- The victim's parent(s) will be notified after working with the victim and developing a plan that ensures his/her safety. Parent(s) will be notified within 24 hours.
- Key personnel who are involved will develop a plan of intervention that takes into account information about students involved; a review of all possible resources; the victim's confidentiality.

- The principal/director will make the final decision about intervention and/or discipline. Discipline can include mandating participation in a batterer's program, private counseling, or a requirement that the aggressor and his/her friends stay away from the reporting student. Discipline may also include one or more of the following: detention, suspension, parental conference, or referral to the police.

3. Level III - Police/ Court Assistance:

Appropriate for dating violence involving physical harm which rises to the level of criminal assault, threats of homicide or suicide, particularly by a known violent person, violation of an existing restraining order, or sexual assault or rape. The goal of Level III is to intervene immediately in a violent situation, interrupt serious threats of harm to self or others, and involve specially trained police officers in sexual assault incidents.

- Key personnel will call the principal/director, and if necessary, school security. In cases of sexual assault or rape, the police will conduct an appropriate interview of students and make a written report and file formal charges if necessary; the court advocate may be notified;
- The principal/director will decide the appropriateness of notifying parents/guardians (confidentiality/incest).
- Student safety will be ensured.
- The principal/director, with the assistance of key personnel, will consult with the police, HAWC, Project COPE, school counselors or outside counseling to determine the best intervention for all involved students. A 51A will be filed.
- Discipline may include one or more of the following: detention, suspension, parental conference, referral to police and possible expulsion.

Child Abuse and Neglect

Section 51 A. (a) A mandated reporter who, in his professional capacity, has reasonable cause to believe that a child is suffering physical or emotional injury resulting from: (i) abuse inflicted upon him which causes harm or substantial risk of harm to the child's health or welfare, including sexual abuse; (ii) neglect, including malnutrition; (iii) physical dependence upon an addictive drug at birth, shall immediately communicate with the Department of Children and Families (DCF) orally and, within 48 hours, shall file a written report with the Department of Children and Families (DCF) detailing the suspected abuse or neglect; or (iv) being a sexually exploited child; or (v) being a human trafficking victim as defined by section 20M of chapter 233.

If a mandated reporter is a member of the staff of a medical or other public or private institution, school or facility, the mandated reporter may instead notify the person or designated agent in charge of such institution, school or facility who shall become responsible for notifying the Department of Children and Family Services in the manner required by this section.

Department of Children and Family Services

330 Lynnway, Suite 201

Lynn, MA 01901

Telephone 781-477-1600

Child-at-Risk Hotline

800-792-5200

<https://www.mass.gov/locations/dcf-lynn-area-office>

Lynn Public Schools Restraint Policy

To the extent required by law, Lynn Public Schools (hereinafter "Lynn") complies with the Department of Elementary and Secondary Education (hereinafter "DESE") restraint regulations, which can be found at 603 CMR 46.00 et seq. (hereinafter "Regulations"). According to their terms, the Regulations apply not only at school but after school-sponsored events and activities, whether or not on school property.

A brief overview of the Regulations is provided below.

Purpose. Physical restraint¹ shall be considered an emergency procedure of last resort, and shall be prohibited in public education programs except when a student's behavior poses a threat of assault, or imminent, serious, physical harm to self or others and the student is not responsive to verbal directives or other lawful and less intrusive behavior interventions and/or alternatives, or such interventions and/or alternatives are deemed to be inappropriate under the circumstances. Prone restraint² shall be prohibited in public education programs except

to the extent allowed by law. All physical restraints, including prone restraints where permitted, shall be administered in compliance with 603 CMR 46.05.

Physical restraint shall not be used:

- (a) As a means of discipline or punishment;
- (b) when the student cannot be safely restrained because it is medically contraindicated for reasons including, but not limited to, asthma, seizures, a cardiac condition, obesity, bronchitis, communication-related disabilities, or risk of vomiting;
- (c) as a response to property destruction, disruption of school order, a student's refusal to comply with a policy or directive, or verbal threats when those actions do not constitute a threat or assault, or imminent, serious, physical harm;
- (d) as a standard response for any individual student. No written individual behavior plan or individualized education program (IEP) may include use of physical restraint as a standard response to any behavior. Physical restraint is an emergency procedure of last resort.

Proper Administration of Physical Restraint. Only Lynn Public Schools personnel who have received training pursuant to the Regulations shall administer physical restraint on students. Whenever possible, the administration of a restraint shall be witnessed by at least one adult who does not participate in the restraint. Nothing in this policy shall preclude a teacher, employee or agent of Lynn Public Schools from using reasonable force to protect students, other persons or themselves from assault or imminent, serious, physical harm. When administering a physical restraint, trained staff shall comply with the requirements regarding use of force, method, duration of the restraint, and safety, as set forth in the Regulations.

Staff Training. All school staff must receive training with respect to the district's restraint prevention and behavior support policy and requirements when restraint is used. Training shall include information on the role of various individuals in preventing restraint, the restraint prevention and behavior support policy and procedures, interventions that may preclude the need for restraint, types of permitted physical restraints and related safety considerations, and administering physical restraint in accordance with medical or psychological limitations, known or suspected trauma history, and/or behavioral intervention plans applicable to an individual student. Additionally, the school must identify specific staff who are authorized to serve as school-wide resources to assist in ensuring proper administration of physical restraint. These individuals must participate in in-depth training in the use of physical restraint and implementation of the Regulations.

Reporting Requirements. Program staff shall report the use of any physical restraint, as required by the Regulations. The staff member who administered the restraint shall notify the principal verbally as soon as possible and in writing no later than the next school working day. The report shall be maintained by the school and made available for review by the Parent(s) or the DESE upon request. The principal or designee shall make reasonable efforts to inform the Parent(s) of the restraint within 24 hours of the event, and shall notify the Parent(s) by written report within three school working days of the restraint. The information in the report shall be in conformance with 603 CMR 46.06(4). The written restraint report must be provided to the Parent(s) in the language in which report cards and other necessary school-related information are customarily provided.

The Principal or designee shall review restraint data and determine necessary next steps, if any, as set forth in the Regulations.

As required by Regulations, all physical restraints must be reported to DESE.

Prevention of Dangerous Behavior. As set forth in the Regulations, Lynn Public Schools shall develop methods for preventing student violence, self-injurious behavior, and suicide, including individual crisis planning and de-escalation of potentially dangerous behavior occurring among groups of students or with an individual student.

Parent Engagement. In accordance with the regulations, Lynn Public Schools shall engage Parents in discussion about restraint prevention and the use of restraint solely as an emergency procedure.

Complaints. A Parent/guardian who has concerns regarding a specific use of physical restraint, may seek to resolve his/her concerns regarding a specific use of a physical restraint by raising the issue with the principal of the school. The student's parent/guardian should direct their concerns regarding a specific use of a physical restraint to the principal within ten (10) days of the parent/guardian's receipt of the written report from the school. The principal shall attempt, within his/her authority to work with the individual to resolve the complaint fairly and expeditiously. If the student's parent/guardian is not satisfied with the resolution then the parent/guardian may file a written complaint to the Office of the Superintendent.

The student's parent/guardian who has concerns regarding a specific use of physical restraint, may seek to resolve his/her concerns regarding a specific use of physical restraint by submitting a written complaint to the Office of the Superintendent. The student's parent/guardian should submit a letter to the Office of the Superintendent within twenty (20) days of the parent/guardian's receipt of the written report from the school. The written complaint shall include (a) the name of the student; (b) the name of the school where the physical restraint allegedly occurred; (c) the name of the individuals involved in the alleged physical restraint; (d) the basis of the complaint or concern; and (e) the corrective action being sought.

The Office of the Superintendent, through its designees, shall conduct an investigation into the complaint promptly after receiving the complaint. In the course of its investigation, the Office of the Superintendent and/or its designees shall contact those individuals that have been referred to as having pertinent information related to the complaint. Strict timelines cannot be set for conducting the investigation because each set of circumstances is different. The Office of the Superintendent and/or its designees will make sure that the complaint is handled as quickly as feasible. After completing the formal investigation, the Office of the Superintendent shall contact the individual who filed the complaint regarding the outcome of its investigation and its determination as to whether any corrective action is warranted.

Additional Information. A copy of Lynn Public School's Restraint Policy may be obtained from the Principal's Office at any school. The Regulations may be obtained from the Department of Elementary and Secondary website at www.doe.edu/lawsregs/603cmr45.html.

¹ **Physical restraint** shall mean direct physical contact that prevents or significantly restricts a student's freedom of movement. Physical restraint does not include: brief physical contact to promote student safety, providing physical guidance or prompting when teaching a skill, redirecting attention, providing comfort, or a physical escort.

² **Prone restraint** shall mean a physical restraint in which a student is placed face down on the floor or another surface, and physical pressure is applied to the student's body to keep the student in the face-down position. Mechanical restraint³, medication restraint⁴, and seclusion⁵ shall be prohibited in public education programs. Seclusion does not include a time-out, as defined within the Regulations.⁶

The Regulations do not limit the protection afforded publicly funded students under other state or federal laws, including those laws that provide for the rights of students who have been found eligible to receive special education services.

³**Mechanical restraint** shall mean the use of any device or equipment to restrict a student's freedom of movement.

⁴ **Medication restraint** shall mean the administration of medication for the purpose of temporarily controlling behavior.

⁵ **Seclusion** shall mean the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving.

⁶ **Time-out** shall mean a behavioral support strategy developed pursuant to 603 CMR 46.04(1) in which a student temporarily separates from the learning activity or the classroom, either by choice or by direction from staff, for the purpose of calming. During time-out, a student must be continuously observed by a staff member. Staff shall be with the student or immediately available to the student at all times. The space used for the time-out must be clean, safe, sanitary, and appropriate for the purpose of calming. Time –out shall cease as soon as the student has calmed.

STUDENT RECORDS

The Family Educational Rights and Privacy Act – FERPA

Lynn Public Schools Annual Notice The Family Education and Privacy Act Massachusetts Student Records Regulations

The Family Educational Rights and Privacy Act (FERPA) and the Massachusetts Student Records Regulations together provide parents and eligible students (those who have reached that age of 14 or who have entered ninth grade) certain rights with respect to the student's education records. A general overview of those rights is provided below. Parents and students may obtain a complete copy of their rights under the Massachusetts Student Record Regulations by contacting the Lynn Public Schools Compliance Officer at 781-477-7220 Ext. 3177.

(a) **The right to access the student's education records.** Parents or eligible students should submit their request for access to the building principal or to the Lynn Public Schools Supervisors of Attendance, and may do so through www.LynnSchools.org. Access is generally provided within ten days of a request. However, Massachusetts General Laws Chapter 71 Section 34H and 603 Code of Massachusetts Regulations 23.07(5) provide specific procedures that must be followed prior to release of records to a parent who does not have physical custody of a child. Information about these procedures can be obtained from the Lynn Public

Schools Supervisor of Attendance by calling 781-477-7220 Ext. 1816 or 1809.

(b) **The right to request amendment of the student's education records.** Parents or eligible students should direct their request to the principal, clearly identifying the part of the record they wish to have amended, and why.

(c) **The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA and the Massachusetts regulations authorize disclosure without consent.**

One exception that permits disclosure without consent is disclosure to school officials with legitimate educational interests in the records. Such school officials include professional, administrative and clerical staff who are employed by or under agreement with the Lynn Public Schools and who need access to a record in order to fulfill their duties. Such school officials may also include a volunteer or contractor outside of the school who performs an institutional service or function for which the school would otherwise use its own employees and who is under the direct control of the school with regard to the use and maintenance of education records. In addition, when the school or district "has outsourced institutional services or functions" to a School Resource Officer (SRO), consistent with 34 C.F.R. § 99.31(a)(1)(i)(B) of FERPA and 603 CMR 23.07(3) of the Massachusetts Student Records Regulations, the SRO can qualify as a "school official" who can access, without consent, student personally identifiable information contained in education records about which the SRO has a "legitimate educational interest." To demonstrate compliance with 34 C.F.R. § 99.31(a)(1)(i)(B), the following is stated: 1) School safety is an institutional service for which the District would otherwise use its employees; 2) Student personally identifiable information will only be disclosed to SROs for purposes consistent with the District's then-in-force School Resource Officer Memorandum of Understanding; 3) The SRO is subject to use and re-disclosure requirements in FERPA and the Massachusetts Student Records Regulations, 34 C.F.R. §99.33(a), 603 CMR 23.07(4). The SRO will use personally identifiable information contained in education records only for the purposes described above and will not re-disclose personally identifiable information contained in education records to outside parties, who are not "school officials," without consent or unless the disclosure satisfies an exception to FERPA or the Massachusetts Student Records Regulations. The Lynn Public Schools also discloses student records without parent/eligible student consent to officials of other elementary or secondary schools in which a student enrolls, or seeks, intends, or is instructed to enroll upon receipt of a request from such school officials, so long as the disclosure is for purposes related to the student's enrollment or transfer. Notice is hereby given pursuant to 603 CMR 23.07(4)(g) that authorized school personnel of the school to which a student seeks or intends to transfer may have access to such student's record without the consent of the eligible student or parent.

(d) **Directory Information.** In addition, the Lynn Public Schools has a practice of releasing directory information without consent. Directory information is defined under 34 CFR § 99.3 as information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. Under federal law, directory information includes, but is not limited to, the student's name, address, telephone listing, electronic mail address, photograph, date and place of birth, major, field of study, grade level, enrollment status, dates of attendance, participation in officially recognized activities and sports, weight and height of members of athletic teams, degrees, honors, and awards received, and the most recent educational agency or institution attended.

(e) **Opt out Procedures.** In the event a parent or eligible student objects to the release of any of the above information, the parent/eligible student may state that objection in writing to the building Principal. Absent receipt of a written objection by October 1st of the school year, the directory information will be released without further notice or consent.

As required by law, the Lynn Public Schools routinely releases the a name, address and telephone listing of secondary school students to military recruiters and to institutions of higher learning upon request and (2) the name and address of students to third party mail service that has been approved the Department of Elementary and Secondary Education upon the request of a district or charter school. In the event a parent or eligible student objects to the release of any of the above information, the parent/eligible student may state that objection in writing to the Building Principal. Absent receipt of a written objection for the parent or eligible student by October 1st, this information will be released without further notice or consent.

(f) **The right to file a complaint concerning alleged failures by the District to comply with the regulations and laws governing student records.** Complaints may be filed at the Massachusetts Department of Elementary and Secondary Education, 75 Pleasant Street Malden, MA 02148. In addition, complaints relative to federal statutes and regulations governing student records may be filed with the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue SW, Washington DC.

Regulations Pertaining to Student Records

The Lynn Public Schools strictly adhere to the provisions of the Family Educational Rights and Privacy Act (FERPA) and the Massachusetts Student Records Regulations (Regulation 603 CMR 23.00) which together provide parents and eligible students (those who have reached the age of 14 or who have entered the ninth grade) certain rights with respect to the student's educational record.

Student Record

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

Transcript

The transcript shall contain administrative records that constitute the minimum data necessary to reflect the student's educational progress and to operate the educational system. These data shall be limited to the name, address, and phone number of the student; his/ her birthdate; name, address, and phone number of the parent or guardian; course titles, grades (or the equivalent when grades are not applicable), course credit, grade level completed, and the year completed, and highest performance level achieved on all MCAS tests required for the competency determination. The transcript is kept by the school district for at least sixty years after the student leaves the system.

Temporary Record

The temporary record (Cum) consists of all information in the student record that is not contained in the transcript. This information may include such things as standardized test results; school-sponsored extracurricular activities; evaluations and comments by teachers, counselors, and other persons; disciplinary records; and other information pertinent to the educational process.

Destruction of Temporary Record

Destruction of the student's temporary record, in general, occurs within five years after the student transfers, graduates or withdraws from the Lynn Public Schools, and shall occur no later than seven years after the student transfers, graduates or withdraws from the school system, pursuant to 603 CMR 23.06. The principal or designee is also allowed to destroy misleading, outdated or irrelevant information in the temporary record while the student is enrolled in the school system.

Privacy and Security of Student Records

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

Confidentiality of Student Records

Authorized school personnel shall have access to the student record of those students to whom they are providing services, when such access is required in the performance of their official duties. No individual or organization other than the parent/legal guardian, eligible student, and authorized school personnel are allowed to have access to information in the student's record without specific, informed, written consent of the parent/legal guardian or eligible student. When granting consent, the parent or eligible student shall have the right to designate which part of the student record shall be released to a third party. A copy of the consent form is retained as part of the temporary record. Notwithstanding the foregoing, Regulations found at 603 CMR 23.07(4) specifically authorize access to third parties without parent or eligible student consent in the following cases:

- Directory Information.
- Upon receipt of a court order or lawfully issued subpoena (provided that the school makes a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance).
- Upon request from the Massachusetts Department of Children and Families (formerly Department of Social Services) or its equivalent), a probation officer, a justice of any court, or the Department of Youth Services.
- Federal, state and local education officials and their authorized agents in connection with the audit, evaluation or enforcement of federal and state education laws or programs.

- A health or safety emergency if knowledge of the information is necessary to protect the health and safety of the student or other individuals.
- Authorized school personnel of the school to which a student seeks or intends to transfer.
- School health personnel and local and state health department personnel.
- Upon notification by law enforcement authorities that a student has been reported missing, a mark shall be placed in the student's record. The school shall report any request concerning the records of such student to the appropriate law enforcement authority.

Access to Student Records

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

1. Inspect and review all the student's education records within two consecutive weekdays after the principal or designee has received a written request for access unless the requesting party consents to a delay. Parents or eligible students should submit to the principal a written request that they wish to inspect the records.
2. Receive a copy of any part of their student record. The school may charge a fee for duplication of materials. Any student or former student, regardless of age, shall have the right to receive a written transcript of his/her record as a student. There shall be no charge for any duplicate or additional transcripts furnished.
3. Have parts of the record interpreted by a qualified professional from the school, or may invite anyone else of their choice to inspect or interpret the record.
4. Request an amendment to the student's educational records that the parent or eligible student believes to be inaccurate or misleading. Parents of eligible students have the right to appeal the principal's decision in writing to the Superintendent of schools.
5. File a complaint with the United States Department of Education concerning alleged failures by the District to comply with the requirements of FERPA. The name and address of the office that administers FERPA is: Family Policy Compliance Office, U. S Department of Education, 400 Maryland Avenue, SW, Washington, DC 20245.
6. According to 603 CMR 23.10, schools shall annually publish and distribute to students and their parents: (a) The standardized testing programs and research studies to be conducted during the year and other routine information to be collected or solicited from the student during the year; (b) The general provisions of 603 CMR 23.00 regarding parent and student rights, and that copies of 603 CMR 23.00 are available to them from the school.

Non-Custodial Parent Access to Student Records

The Student Record regulations concerning access to records by non-custodial parents (a parent who does not have physical custody of a student) are found at 603 CMR 23.07(5). A non-custodial parent may have access to the student record unless the school has been given documentation that:

The non-custodial parent has been denied legal custody or has been ordered to supervised visitation, based on a threat to the safety of the student and the threat is specifically noted in the order pertaining to custody or supervised visitation, or

The non-custodial parent has been denied visitation, or

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

In order to obtain access, the non-custodial parent must submit a written request for the student record to the school principal. Upon receipt of the request the school must immediately notify the custodial parent by certified and first class mail, in English and the primary language of the custodial parent, that it will provide the non-custodial parent with access after 21 days, unless the custodial parent provides the principal with documentation that the non-custodial parent is not eligible to obtain access as set forth in 603 CMR 23.07(5)(a).

BULLYING INTERVENTION & PREVENTION PLANS

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

Additionally, in accordance with An Act Relative to Bullying in Schools, Chapter 86 of the Acts of 2014, this anti-bullying plan recognizes that certain students, including LGBTQ students, may be more vulnerable to becoming a target of bullying or harassment based on actual or perceived differentiating characteristics.

Additionally, Chapter 86 requires school districts, charter schools, approved private day or residential schools, and collaborative schools, to administer a Department-developed student survey at least once every four years to assess "school climate and the prevalence, nature and severity of bullying in schools." In accordance with An Act Relative to Bullying in Schools, Chapter 86 of the Acts of 2014, the Lynn Public Schools will ensure that specific steps are taken to "support vulnerable students and to provide all students with the skills, knowledge and strategies needed to prevent or respond to bullying or harassment." The sections that follow address these very topics.

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I. Leadership

The Lynn Public School Department is committed to providing a safe, positive and productive educational environment where students can achieve the highest academic standards. No student shall be subjected to harassment, intimidation, bullying, or cyber-bullying. The Assistant Director of Curriculum and Instruction, Health/PE will coordinate the Plan centrally for the district. The principal of each school will ensure the Lynn Public Schools Plan is followed. Each school will also have a bullying coordinator to assist the principals.

A. Public involvement in developing the Plan

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

B. Assessing needs and resources

The Lynn Public School Department relies on the Youth Risk Behavior Survey, student behavioral incident data, and Massachusetts Aggression Reduction Center (MARC) parent, student and staff surveys to help assess our bullying needs. The bullying task force, along with the school leadership teams will review the data biannually and make any necessary changes. This information will help to identify patterns of behaviors and areas of concern, and will inform decision-making for prevention strategies including, but not limited to, adult supervision, professional development, age-appropriate curricula, and in-school support services.

C. Planning and oversight

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

- receiving reports on bullying;
- collecting and analyzing building- and/or school-wide data on bullying to assess the present problem

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

D. Developing priority statements

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

II. Training and Professional Development

All of the Lynn Public Schools have a bullying coordinator. The bullying coordinators are there to assist the principals in all bullying investigations and are responsible for providing the professional development at each of their schools. All of the coordinators are certified through the MARC center bullying training. The professional development is held once a year on the first or second professional development day. The Assistant Director of Curriculum and Instruction- Health/PE will provide the professional development district wide to anyone who missed the training. The district wide professional development courses will be offered many times throughout the school year. All professional development will be reviewed annually to address identified additional areas of training based on needs and concerns identified by school and district staff. The Lynn Public School system is has created a professional development course that combines de-escalation techniques, classroom management and bullying professional development.

A. Annual staff training on the Plan

The Lynn Public School district will provide annual professional development to all staff members, including, but not limited to, educators, administrators, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities and paraprofessionals, to prevent, identify and respond to bullying.

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

B. Ongoing professional development

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

- developmentally (or age-) appropriate strategies to prevent bullying;
 - developmentally (or age-) appropriate strategies for immediate, effective interventions to stop bullying incidents;
 - information regarding the complex interaction and power differential that can take place between and among an aggressor, target, and witnesses to the bullying;
 - research findings on bullying, including information about specific categories of students who have been shown to be particularly at risk for bullying in the school environment;
 - information on the incidence and nature of cyber-bullying; and
 - internet safety issues as they relate to cyber-bullying.
- Professional development will also address ways to prevent and respond to bullying or retaliation for students with disabilities that must be considered when developing students' Individualized Education

Programs (IEP's). This will include a particular focus on the needs of the students with autism or students whose disability affects social skills development.

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

- promoting and modeling the use of respectful language;
- fostering an understanding of and respect for diversity and difference;
- building relationships and communicating with families;
- managing classroom behaviors constructively;
- using positive behavioral intervention strategies;
- applying constructive disciplinary practices;
- teaching students skills that include positive communication, anger management, and empathy for others;
- engaging students in school or classroom planning and decision-making; and
- maintaining a safe and caring classroom for all students.

C. Written notice to staff

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

III. Access to Resources and Services

A. Identifying resources

The Lynn Public School Department works with the bullying taskforce, principals, bullying coordinators and the special education department to survey and map all of the available resources. As appropriate, the Lynn Public School Department develops recommendations and action steps to fill resource and service gaps.

B. Counseling and other services

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

C. Students with disabilities

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

D. Referral to outside services

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

IV. Academic and Non-Academic Activities

A. Specific bullying prevention approaches

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

- using scripts and role plays to develop skills;
- empowering students to take action by knowing what to do when they witness other students engaged in acts of bullying or retaliation, including seeking adult assistance;
- helping students understand the dynamics of bullying and cyber-bullying, including the underlying

- power imbalance;
- emphasizing cyber-safety, including safe and appropriate use of electronic communication technologies;
- enhancing students' skills for engaging in healthy relationships and respectful communications; and
- engaging students in a safe, supportive school environment that is respectful of diversity and difference.

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

B. General teaching approaches that support bullying prevention efforts

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

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

V. Policies and Procedures for Reporting and Responding to Bullying and Retaliation

A. Reporting bullying or retaliation

Reports of bullying or retaliation may be made by staff, students, parents, guardians, or others, and may be oral or written. Oral reports made by or to a staff member shall be recorded in writing by the teacher, bullying coordinator, and/or the principal. A school or district staff member is required to report immediately to the principal or designee any instance of bullying or retaliation the staff member becomes aware of or witnesses. Reports made by students, parents or guardians, or other individuals who are not school or district staff members, may be made anonymously. The Lynn Public Schools have a variety of reporting resources available to the school community, including an Incident Reporting Form, an anonymous online reporting system linked to our website (www.lynnschools.org) and dedicated mailing address (100 Bennett Street, Lynn, MA 01905), with attention to the Assistant Director of Health and Physical Education.

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

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

1. Reporting by staff

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

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

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

3. Reporting a false allegation

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

B. Responding to a report of bullying or retaliation

1. Safety

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

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

2. Obligations to notify others

- a. Notice to parents or guardians. Upon determining that bullying or retaliation has occurred, the principal or designee will promptly notify the parents or guardians of the target and the aggressor of this, and of the procedures for responding to it. There may be circumstances in which the principal or designee contacts parents or guardians prior to any investigation. Notice will be consistent with state regulations at 603 CMR 49.00.
- b. Notice to another school or district. If the reported incident involves students from more than one school district, charter school, non-public school, approved private special education day or residential school, or collaborative school, the principal or designee first informed of the incident will promptly notify by telephone the principal or designee of the other school(s) of the incident so that each school may take appropriate action. All communications will be in accordance with state and federal privacy laws and regulations, and 603 CMR 49.00.
- c. Notice to law enforcement. At any point after receiving a report of bullying or retaliation, including after an investigation, if the principal or designee has a reasonable basis to believe that criminal charges may be pursued against the aggressor, the principal will notify the local law enforcement agency. Notice will be consistent with the requirements of 603 CMR 49.00 and locally established agreements with the local law enforcement agency. Also, if an incident occurs on school grounds and involves a former student under the age of 21 who is no longer enrolled in school, the principal or designee shall contact the local law enforcement agency if he or she has a reasonable basis to believe that criminal charges may be pursued against the aggressor.

In making this determination, the principal will, consistent with the Plan and with applicable school or district policies and procedures, consult with the School Safety Liaison or the School Attendance and Discipline Officer as well as other individuals the principal or designee deems appropriate.

C. Investigation

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

During the investigation the principal or designee will, among other things, interview students, staff, witnesses, parents or guardians, and others as necessary. The principal or designee (or whoever is conducting the investigation) will remind the alleged aggressor, target, and witnesses that retaliation is strictly prohibited and will result in disciplinary action.

Interviews may be conducted by the principal or designee, other staff members as determined by the principal or designee, and in consultation with the school counselor, as appropriate. To the extent practicable, and given his/her obligation to investigate and address the matter, the principal or designee will maintain confidentiality during the investigative process. The principal or designee will maintain a written record of the investigation.

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

D. Determinations

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

Depending upon the circumstances, the principal or designee may choose to consult with the students' teacher(s) and/or school counselor, and the target's or aggressor's parents or guardians, to identify any underlying social or emotional issue(s) that may have contributed to the bullying behavior and to assess the level of need for additional social skills development.

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

E. Responses to bullying

1. Teaching appropriate behavior through skills-building

Upon the principal or designee determining that bullying or retaliation has occurred, the law requires that the school or district use a range of responses that balance the need for accountability with the need to teach appropriate behavior. MGL c 71, § 370(d)(v). Skill building approaches that the principal or designee may consider include:

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

2. Taking disciplinary action

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

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

If the principal or designee determines that a student knowingly made a false allegation of bullying or retaliation, that student may be subject to disciplinary action.

3. Promoting safety for the target and other

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

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

VI. Collaboration with Families

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

VII. Prohibitions against Bullying and Retaliation

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

Acts of bullying, which include cyberbullying, are prohibited:

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

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

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

VIII. Definitions

Aggressor or Perpetrator is a student or a member of a school staff including, but not limited to, an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional who engages in bullying or retaliation.

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

Bullying is defined in MGL c. 71, § 37O(a) and is the repeated use by one or more students or by a member of a school staff including, but not limited to, an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional of a written, verbal or electronic expression or a physical act or gesture or any combination thereof, directed at a victim that: (i) causes physical or emotional harm to the victim or damage to the victim's property; (ii) places the victim in reasonable fear of harm to himself or of damage to his property; (iii) creates a hostile environment at school for the victim; (iv) infringes on the rights of the victim at school; or (v) materially and substantially disrupts the education process or the orderly operation of a school. For the purposes of this policy, bullying shall include cyber-bullying.

Cyberbullying is bullying through the use of technology or any electronic communication, which shall include, but shall not be limited to, any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo electronic or photo optical system, including, but not limited to, electronic mail, internet communications, instant messages or facsimile communications. Cyber-bullying shall also include (i) the creation of a web page or blog in which the creator assumes the identity of another person or (ii) the knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in clauses (i) to (v), inclusive, of the definition of bullying. Cyber-bullying shall also include the distribution by electronic means of a communication to more than

one person or the posting of material on an electronic medium that may be accessed by one or more persons, if the distribution or posting creates any of the conditions enumerated in clauses (i) to (v), inclusive, of the definition of bullying.

Differentiating Characteristics that may make certain students more vulnerable to bullying include: race, color, religion, ancestry, national origin, sex, socioeconomic status, homelessness, academic status, gender identity or expression, physical appearance, pregnant or parenting status, sexual orientation, mental, physical, developmental or sensory disability or by association with a person who has or is perceived to have 1 or more of these characteristics.

Hostile environment is a situation in which bullying causes the school environment to be permeated with intimidation, ridicule or insult that is sufficiently severe or pervasive to alter the conditions of the student's education.

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

IX. Relationship to other Laws

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

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

X. Reporting to the Department of Elementary and Secondary Education

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

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

FOOD SERVICES POLICIES AND PROTOCOLS

The following policy is intended to develop practices and guidelines to manage the risk of food allergies with the goal of preventing severe life-threatening allergic reactions.

Policy Statement on Life Threatening Food Allergies

The Lynn Public Schools recognize the need to have protocols in place which reduce the risk of exposure to allergens for students who have life-threatening food allergies, while protecting their right to participate in all school activities. These protocols may be adapted to non-food allergens such as insects, latex, fragrances and other materials. In the event of exposure, comprehensive district emergency response protocols will be enacted which will include procedures for the administration of epinephrine to manage a life threatening allergic reaction.

Goals for the policy include:

- Individually manage food allergies by a) Identifying children with food allergies b) Developing individual health care plans, medication plans and allergy action plans. c) Helping students move towards self-managing their own food allergies.
- Prepare for food allergy emergencies by a) Establishing communication systems specific to each setting and identified in the (MERP) Medical Emergency Response Plan for each building. b) Making sure staff can get to epinephrine auto-injectors quickly and easily. c) Making sure that epinephrine is used when needed and someone immediately contacts emergency medical services. d) Identifying the role of each staff member in an emergency. e) Preparing for food allergy reactions in children without a prior history of food allergies. f) Documenting the response to a food allergy emergency.
- Provide professional development on food allergies for staff by a) Providing general training on food allergies for all staff. b) Providing in-depth training for staff that have frequent contact with children with

- food allergies. c) Providing specialized training for staff that are responsible for managing the health of children with food allergies on a daily basis.
- Educate children and family members about food allergies by a) Teaching all children about food allergies. b) Teaching all parents and families about food allergies.
- Create and maintain a healthy and safe educational environment by a) Creating an environment that is as safe as possible from exposure to food allergens. b) Developing food handling policies and procedures to prevent food allergen contact. c) Making outside groups aware of food allergy policies and rules when they use school program facilities before or after hours. d) Creating a positive, supportive and respectful climate.
- Ongoing monitoring, evaluating and updating of protocols.

Protocols for Life Threatening Food Allergies

- A. IDENTIFICATION OF STUDENTS WITH FOOD ALLERGIES
- School nurse will obtain information about food allergies from physicals, emergency sheets, parents or other sources.
 - School nurse will obtain medical verification of allergies.
 - School nurse will enter food allergy information as an unrestricted medical alert on ESchool Plus.
- B. INDIVIDUAL HEALTH CARE PLANS
- School nurse will develop a written individual health care plan, emergency care plan and/or allergy action plan in collaboration with the student's parent/guardian and in accordance with the health care provider's orders.
 - 504's and IEP's will be instituted if appropriate.
 - A description of the student's past reactions, including triggers and warning signs should be included.
- C. MEDICATION PROTOCOLS, STORAGE, ACCESS AND ADMINISTRATION
- Medication orders must comply with the medication policies already in place for the Lynn Public Schools
 - School nurses will obtain a licensed provider's order for administration of emergency medications.
 - Medications must be renewed at least annually.
 - Parent/guardian's consent must be obtained to administer all medications
 - If developmentally appropriate and approved by licensed care provider, parent, and school nurse, student may carry emergency medication on person and self-administer in the event of a life-threatening reaction.
 - All Epipens must be stored in a safe and secure location, accessible by authorized personnel at all times.
 - Location of the student's Epipen should be identified in the individual health care plan and may be in classroom or other location.
 - A second Epipen should always be available in the nurse's office.
 - A plan for monitoring expiration dates should be in place for all locations.
 - The LPS will continue to register with the Department of Public Health to train non-licensed personnel to administer epinephrine by auto injector to students with diagnosed life threatening allergic conditions.
 - The LPS will continue to stock Epipens in all schools to be administered (by school nurses only) to students/staff in the event of an undiagnosed life threatening reaction per standing orders.
- D. SCHOOL EMERGENCY RESPONSE PLAN
- Coordinate Epipen administration into building MERP plan.
 - All students using Epipen must have 9-1-1 call placed and be transported to the hospital to monitor for a bi-phasic reaction (secondary reaction when epi wears off)
- E. STAFF TRAINING
- General training-All staff who may interact with students with food allergies should have general training by the school nurse on the first in-service day. Outreach to building personnel who may not be in attendance on that day will be the responsibility of the school nurse.
 - In-depth training for staff that have frequent contact with children with food allergies such as teachers, coaches, bus drivers and food service staff should be provided by the school nurse including how to respond to a food allergy emergency, how to administer epinephrine for those delegated to do so, and specific strategies to reduce exposure.
 - Specialized training for nurses shall include medication management, creating individual health care plans, programs for training staff, and methods of documentation.
- F. STUDENT TRAINING

- Students should be trained on the importance of hand washing, not sharing food, allergy safe zones.
- Students should have a basic understanding of food allergies, when to notify an adult, and the importance of not teasing or food bullying.
- Whenever possible, lessons regarding food allergies can be built into general or science curriculum if health is not taught.

G. PARENT/GUARDIAN/FAMILY TRAINING

- Policies and guidelines will be communicated to parents through website and school handbooks.
- Letters to parents regarding need for food safe zones, restrictions, substitutions will be distributed whenever necessary.

H. CLASSROOM

- Substitute teachers will be informed of allergy guidelines should there be a child in their class that has severe allergies.
- If students eat snack and/or lunch in the classroom request in a letter to parents that they voluntarily refrain from sending food items containing the allergen.
- Identify areas or desks that will be allergen safe.
- Avoid cross contamination by wiping down food surfaces with soap and water before and after eating.
- Reinforce handwashing before and after eating.
- Avoid use of foods for classroom activities or use only pre-packaged food items with complete ingredient lists for projects, activities and celebrations.
- Prohibit sharing of food items among students with food allergies.

I. CAFETERIA

- All school menu items will be peanut and nut free
- Develop a procedure(may be individualized for each school) to identify students with life threatening food allergies (eg-photo behind lunch counter, flagging or sticker on meal card.)
- Work with custodial services to assure that tables are properly cleaned and cross-contamination does not occur.
- Identify table(s) that will be allergen safe; encourage non-food allergic students with safe lunches to join their food allergic peers

J. BUSES

- Enforce no eating policies (except for diabetics)
- Require bus drivers to have CPR/First Aid training which includes Epipen training
- Identify, (but protect confidentiality) students with life threatening allergic disorders and inform bus driver if student carrying own Epipen.

K. FIELD TRIPS/BEFORE AND AFTER SCHOOL ACTIVITIES/COMMUNITY USE OF FACILITIES

- Notify nurse as soon as possible of any planned field trip to allow time to prepare for field trip
- Delegate administration of Epipen to trained school staff, review Epipen procedures, obtain and sign appropriate paperwork, give a copy of the student's health care plan with emergency contacts to the staff member.
- Assure that staff can communicate with EMS from any field trip location.
- Restrict use of foods that are known allergens in classrooms during after school or community events.

L. EVALUATION AND MONITORING

- Report use of Epipens to MADPH on required on-line form.
- Review any allergen exposure and modify policy or practices necessary to prevent future exposures
- Review and revise policy at least every two years.

References:

FDA Food Safety Modernization Act. Public L No. 111-353
 Managing Life Threatening Food Allergies in Schools. Malden, MA: Massachusetts Department of Education; 2002
 Safe at School and Ready to Learn: A Comprehensive Policy Guide for Protecting Students with Life Threatening Food Allergies. Alexandria, VA: National School Boards Association; 2011
 Voluntary Guidelines for Managing Food Allergies in Schools and Early Care and Education Programs. US Department of Health and Human Services Centers for Disease Control and Prevention;

Civil Rights Complaints in School Meals

For information on filing a complaint alleging civil rights discrimination with the school meals program, please visit the Lynn Public Schools Food Services Dept. Website: https://www.lynnschools.org/departments/food_service

Request for Special Meals and/or Food Accommodations

The Lynn Public Schools Medical Statement to Request Special Meals and/or Accommodations follows below. For the most up to date forms and information, please visit the Lynn Public Schools Food Services Dept. Website.

**LYNN PUBLIC SCHOOLS
MEDICAL STATEMENT TO REQUEST SPECIAL MEALS AND/OR ACCOMMODATIONS
CHILD NUTRITION PROGRAMS**

INSTRUCTIONS

Note: According to 7 CFR, part 226.20 and FNS Instruction 783-2, Rev.1, food substitutions for medical reasons can be made only when there is a written statement from a medical authority. This written statement must include the medical reason and recommended alternate foods.

1. **School/Agency:** Print the name of the school or agency that is providing the form to the parent.
2. **Site:** Print the name of the site where meals will be served (e.g., school site, child care center, community center, etc.)
3. **Site Telephone Number:** Print the telephone number of site where meal will be served. See #2.
4. **Name of Participant:** Print the name of the child or adult participant to whom the information pertains.
5. **Age of Participant:** Print the age of the participant. For infants, please use Date of Birth.
6. **Name of Parent or Guardian:** Print the name of the person requesting the participant's medical statement.
7. **Telephone Number:** Print the telephone number of parent or guardian.
8. **Check One:** Check (✓) a box to indicate whether participant has a disability or does not have a disability.
9. **Disability or Medical Condition Requiring a Special Meal or Accommodation:** Describe the medical condition that requires a special meal or accommodation (e.g., juvenile diabetes, allergy to peanuts, etc.)
10. **If Participant has a Disability, Provide a Brief Description of Participant's Major Life Activity Affected by the Disability:** Describe how physical or medical condition is affected by the disability. For example: "Allergy to peanuts causes a life-threatening reaction."
11. **Diet Prescription and/or Accommodation:** Describe a specific diet or accommodation that has been prescribed by a physician, or describe diet modification requested for a non-disabling condition. For example: "All foods must be either in liquid or pureed form. Participant cannot consume any solid foods."
12. **Indicate Texture:** Check (✓) a box to indicate the type of texture of food that is required. If the participant does not need any modification, check "Regular".
13. **a. Foods to Be Omitted:** List specific foods that must be omitted. For example, "exclude peanut butter."
b. Suggested Substitutions: List specific foods to include in the diet. For example, "sunflower seed spread."
14. **Adaptive Equipment:** Describe specific equipment required to assist the participant with dining. (Examples may include a sippy cup, a large handled spoon, wheel-chair accessible furniture, etc.)
15. **Signature of Preparer:** Signature of person completing form.
16. **Printed Name:** Print name of person completing form.
17. **Telephone Number:** Telephone number of person completing form.
18. **Date:** Date preparer signed form.
19. **Signature of Medical Authority:** Signature of medical authority requesting the special meal or accommodation.
20. **Printed Name:** Print name of medical authority.
21. **Telephone Number:** Telephone number of medical authority.
22. **Date:** Date medical authority signed form.

The American with Disabilities Act Amendment Act defines a "disability," in part, as a physical or mental impairment that substantially limits a major life activity or major bodily function of an individual.

(For additional information on the definition of disability, please refer to Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act Amendments Act of 2008)

Information regarding the ADA, which expanded the definition of disability, can be found at:
<http://www.law.georgetown.edu/archivveada/documents/ComparisonofADAandADAAA.pdf>

This institution is an equal opportunity provider.

**LYNN PUBLIC SCHOOLS
MEDICAL STATEMENT TO REQUEST
CHILD NUTRITION PROGRAMS
SPECIAL MEALS AND/OR ACCOMMODATIONS**

1. School/Agency Name Lynn Public Schools	2. School Name	3. School Telephone Number											
4. Name of Participant			6. Age or Date of Birth										
8. Name of Parent or Guardian			7. Telephone Number										
<p>8. Check One:</p> <p><input type="checkbox"/> Participant has a disability or a medical condition and requires a special meal or accommodation. (Refer to definitions on reverse side of this form.) Schools and agencies participating in federal nutrition programs must comply with requests for special meals and any adaptive equipment. A licensed physician must sign this form.</p> <p><input type="checkbox"/> Participant does not have a disability, but is requesting a special meal or accommodation due to food intolerance(s) or other medical reasons. Food preferences are not an appropriate use of this form. Schools and agencies participating in federal nutrition programs are encouraged to accommodate reasonable requests. A licensed physician, physician's assistant, or nurse practitioner must sign this form.</p> <p><input type="checkbox"/> Participant does not have a disability, but is requesting a special accommodation for a fluid milk substitute that meets the nutrient standards for non-dairy beverages offered as milk substitutes. Food preferences are not an appropriate use of this form. Schools and agencies participating in federal nutrition programs are encouraged to accommodate reasonable requests. A licensed physician, physician's assistant, nurse practitioner, parent, or guardian may sign this form.</p>													
9. Disability or medical condition requiring a special meal or accommodation:													
10. If participant has a disability, provide a brief description of participant's major life activity affected by the disability:													
11. Diet prescription and/or accommodation: (please describe in detail to ensure proper implementation-use extra pages as needed)													
<p>12. Indicate texture:</p> <p><input type="checkbox"/> Regular <input type="checkbox"/> Chopped <input type="checkbox"/> Ground <input type="checkbox"/> Pureed</p>													
<p>13. Foods to be omitted and substitutions: (please list specific foods to be omitted and suggested substitutions. you may attach a sheet with additional information as needed)</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; text-align: center; border: none;">A. Foods To Be Omitted</td> <td style="width: 50%; text-align: center; border: none;">B. Suggested Substitutions</td> </tr> <tr> <td style="border: none;"> <table border="1" style="width: 100%; height: 40px; border-collapse: collapse;"> <tr><td style="width: 100%;"></td></tr> <tr><td style="width: 100%;"></td></tr> <tr><td style="width: 100%;"></td></tr> </table> </td> <td style="border: none;"> <table border="1" style="width: 100%; height: 40px; border-collapse: collapse;"> <tr><td style="width: 100%;"></td></tr> <tr><td style="width: 100%;"></td></tr> <tr><td style="width: 100%;"></td></tr> </table> </td> </tr> </table>				A. Foods To Be Omitted	B. Suggested Substitutions	<table border="1" style="width: 100%; height: 40px; border-collapse: collapse;"> <tr><td style="width: 100%;"></td></tr> <tr><td style="width: 100%;"></td></tr> <tr><td style="width: 100%;"></td></tr> </table>				<table border="1" style="width: 100%; height: 40px; border-collapse: collapse;"> <tr><td style="width: 100%;"></td></tr> <tr><td style="width: 100%;"></td></tr> <tr><td style="width: 100%;"></td></tr> </table>			
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14. Adaptive Equipment:													
15. Signature of Preparer*	18. Printed Name	17. Telephone Number	18. Date										
19. Signature of Medical Authority*	20. Printed Name	21. Telephone Number	22. Date										

* Physician's signature is required for participants with a disability. For participants without a disability, a licensed physician, physician's assistant, or nurse practitioner must sign the form. Parent/legal guardian signature is acceptable for fluid milk substitution for a child with special medical or dietary needs other than a disability.

The information on this form should be updated to reflect the current medical and/or nutritional needs of the participant.

This institution is an equal opportunity provider.

MA ESE July 2017/USDA February 2015

TRANSPORTATION POLICY

It is the intent of the Lynn School Department to comply with rules and regulations pertinent to the transportation of students. These rules and regulations are from the General Laws of the Commonwealth of Massachusetts, the Massachusetts Registry of Motor Vehicles and the Massachusetts Department of Education. These shall govern any questions not covered by specific declaration of the policies herein.

As educational requirements permit, school schedules shall be adjusted to allow maximum use of each vehicle in the system.

Vehicle routes have been established with safety, efficiency and fairness in mind. They are designed to get the students to school in the shortest possible time.

Please familiarize yourself with the following guidelines and policies. They are there to assist in servicing all students and guardians involved in the transportation program.

II. TRANSPORTATION POLICY OVERVIEW

A. Definitions

1. "Homeless Student Transportation" - For those that have been defined as homeless under the guidelines of the McKinney-Vento Act and are located outside of the Lynn Public School District, documentation must be provided by an appropriate agency. Transportation for these students will be provided in accordance with the McKinney-Vento Act. If placement is within the Lynn Public School District then transportation eligibility will be determined using the same criteria for all other students.

2. "Regular Education Transportation" is meant to refer to routes that service qualifying non-Special Education students, traditional routes, field trips, athletic trips, or any combination of the above.

3. "Special Education Transportation" refers to specific transportation requirements as stated in the students' Individual Education Plan, here in after referred to as I.E.P.

B. Elementary students eligible for transportation and attending a school other than school of residence, will receive transportation by first walking to the neighborhood school or designated stop and then receiving transportation to the school of attendance or designated stop.

C. All eligible elementary students who live over one mile from the assigned school will be transported. The computer in the Transportation Department will be used to assist in determining eligibility. Lynn Public Schools will not be required to transport to an address other than residence, designated bus stop or school.

D. Elementary students may be transported if a designated hazardous area exists between home and school and walking around it is greater than one mile.

E. Only secondary students who are attending an out-of-district school for desegregation reasons or a bilingual program and live two miles or more from assigned school will either be issued an MBTA Charlie Card or receive contracted transportation. (School Department discretion)

F. All special education students will receive transportation in accordance with their I.E.P.

G. Students will not be required to walk down primary streets that do not provide adequate sidewalks. Secondary roads may be acceptable for such passage.

H. Vehicle assignments and routes have been set up in accordance with School Committee policy. Routes and schedules along with the lists of eligible students will be distributed to schools before the opening of the school year.

I. There will not be any transportation for any student that does not have a telephone number or an emergency telephone number for contact purposes.

J. Pre-school and Special Education Policies:

1. A.M. Session Pre-Kindergarten and Kindergarten students transported from school of attendance at midday will be dropped off at home or to a person designated by the guardian. P.M. Session Pre-Kindergarten and Kindergarten students at the end of the school session will be dropped off at home or stop to a person designated by the guardian. In both cases, guardians are to have an adult waiting at the designated stop or residence for the bus. If no adult is present, in the case of the A.M. Session student, the student will be returned to the school and the guardian will have to arrange for transportation. If the student is in the P.M. session, the student will be brought to the Lynn Public Schools or designated agency and again the guardian will be responsible to arrange transportation. Students enrolled in full day Pre-Kindergarten or Kindergarten will be picked up and dropped off at their assigned stop. If at any time a guardian is not available and the student has to be taken to any alternate site, the guardian will be put on notice that if it should occur any additional times, then they will be reported to the proper authority and that transportation will be suspended for a definite or indefinite time period, depending on the individual case.

2. If a guardian feels the student is capable of walking home alone from the bus stop, notification, in writing, must be made to the Transportation Department

3. On early-release days, there will be no midday kindergarten buses. Kindergarten children will go home on regular buses and will be dropped off at the regular morning bus stop. Guardians are responsible for meeting the bus and insuring that the student arrives home safely.

K. Homeless students will be provided transportation following the same criteria as the other students contained herein.

III. DISTRICT RESPONSIBILITIES

It is the responsibility of the Lynn Public School Department to provide safe, economical transportation to all eligible students living in the Lynn Public School District. Vehicle routes shall be established over the most direct roads feasible for vehicle travel to serve those entitled to transportation service. Where an alternative route may be selected without sacrifice of efficiency and economy, preference will be given to that route serving the larger number of students more directly. Routes will be designed to employ as nearly as practical the full carrying capacity of each vehicle trip. New routes will be established only when full capacity of the trips on existing routes has been reached or is imminent.

Buses will not be required to back down a street or execute a three-point turn while in route.

Vehicle routes will be established so that an authorized vehicle stop will be available within a reasonable walking distance of the home of every resident pupil entitled to transportation service.

Vehicles will not be expected to operate over roads that are not passable or on roads where adequate turnarounds are not provided.

Walking to and from school when distances are reasonable is recognized as good for student's health provided, however, that safety hazards can be reasonably controlled. It is also recognized that there is no possible way to control hazards completely in a city even if the student lives only a few blocks from school. Risk is involved whether or not a child is transported. Through cooperation with the guardians, the Lynn Police Department, Lynn School Department and other city personnel, risks will be controlled to the fullest extent possible. Students can be required to walk up to one mile to a bus stop.

Bus routes are published in the Lynn Daily Item and the Lynn Journal approximately one – two weeks before school opens and are always available on the Lynn Public Schools website at www.lynnschools.org.

A. Communications between Transportation Contractors and Lynn School Department

Contractors should communicate with the Transportation Department on all issues regarding vehicles, drivers, monitors, business, etc.

1. Student changes: Additions or deletions of special education students will be submitted by the Special Education Department. Except in cases of emergency, there will be a minimum of a three-day wait for transportation to begin. Presently, the Special Education Department provides the Transportation Department with a Letter of Authorization with any addition or change.

2. Parent/Staff Complaint Form: Guardians or staff formal complaints will be recorded by the Special Education Department on the Special Education Transportation Complaint Record and they will follow up to obtain a resolution of the problems. Copies of this form showing the resolution will be given to the Parent Liaison, who will distribute to the person making the complaint as well as other persons designated to receive a copy. Guardians are encouraged to file or call in a complaint if they believe the service is unsatisfactory. The Transportation Department will investigate and take appropriate action.

3. Guardians of children picked up at home should notify the Transportation Department at (781) 477-7220 extension 1813 or 1814 before 6:45 A.M. if a student will not be going to school. Voice mail is available twenty-four hours a day.

4. Transportation contractors must submit a list of drivers, monitors and substitute personnel to the Superintendent of Schools or his designee for approval by the School Committee.

5. Contractors are subject to all statutes of the Commonwealth of Massachusetts governing vehicles, drivers, inspections and licensing.

B. Student Lists

Desegregation students shall be determined by the Welcome Center. Desegregation students who may be entitled to transportation will have transportation arranged through the Transportation Department. By the end of July, the list of special education students will be sent to the transportation vendor for routing. This list will include student's name, address, telephone number, emergency telephone number, assigned school, and other information. Regular Education lists (including Transitional Bilingual Education and Desegregation) will be made available during the first week of school and periodically updated.

C. School Schedules

School schedules will be available on or about August 15. This information will include the name and address of the school, opening and closing times, delivery and pick-up windows, and any other special information.

D. Evaluation and Reporting

The Transportation Department expects to obtain ratings of service from school staff on effectiveness and timeliness of service on a rating scale of "Excellent, Very Good, Good, Fair and Poor" on a weekly basis.

E. Safety Hazards

Every effort will be made to insure the safety of all students that are transported on vehicles contracted by Lynn Public Schools.

This will include, that in the event of dead-end and narrow roads, if it is deemed by the vehicle's driver, contractor's safety personnel and Lynn Public Schools Transportation Department that the vehicle should not attempt to negotiate the vehicle onto said road, then the guardians will have to meet the vehicle at the nearest corner closest to the stop, but again keeping the safety of all students in mind.

In the event that the Superintendent of Schools cancels school due to weather conditions, including but not limited to snow, rain, flooding, etc. for the students attending Lynn schools, this will also apply to students leaving the city to an outside placement school. None of the vehicles will run that day.

If a city or school district where a child is attending as an out of district student cancels school or has a delayed opening, then that student will not be transported or will be transported in accordance with the delayed opening.

In the event of inclement weather, including but not limited to snow, rain, flooding, etc. in which school is still in session, the Superintendent has the option to cancel transportation services. If the guardian chooses to send the student to school, they would be responsible for transportation to and from school. If transportation is available, in the interest of the safety of children and at the discretion of the driver, if any street is considered unsafe, the guardians will be contacted and asked to meet the bus at the corner closest to the stop, but again keeping the safety of all students in mind.

SCHOOL VISITORS GUIDELINES

It is School Committee policy to welcome all parents and other visitors to our schools and to encourage their active support of and involvement in the schools. This policy permits parents and others to visit schools and classrooms and utilize school facilities including school parking lots, so long as the visits do not interfere with the work of students, teachers and/or other school employees.

All visitors, including School Department personnel, are expected to report to the school main office before going elsewhere in the building. They will be required to sign in, noting their name, affiliation and reason for the visit, and wear a visitor badge. As part of the registration process, all visitors will be asked to provide their driver's license or other photo-identification, which will be held by the main office for the duration of the visit. Car keys may be accepted in lieu of a driver's license or photo ID at the discretion of the main office.

Upon conclusion of the visit, the visitor must return to the main office, sign out and return the visitor badge. Once the visitor has checked out, the main office staff will return the visitor's driver's license, ID, or keys as applicable. Visitors may be required to park in certain designated spaces or at certain designated times in school parking lots. All parents should be informed of these procedures through such means as is determined by the school. Occasionally, visitors may disrupt school activities: by behaving inappropriately; by harassing staff; by shouting; or by insisting on visiting at inappropriate times. Every effort should be made to work with such visitors to inform them of established procedures in an effort to eliminate future disruptions. When such disruptions occur, however, the building administrator may issue the offender a Trespass Warning pursuant to MGL c. 266, § 120. Attachment A provides an example of such a letter, with appropriate fields to be filled in by the building administrator. Such a Warning requires the offending party to contact the building administrator, or a designee, prior to appearing at school for any school-related matter. Additionally, depending upon the nature of the inappropriate behavior, a building administrator may choose to substitute any of the following restrictions in the third paragraph of Attachment A:

1. The visitor may be required to telephone prior to visiting the building to inform the building administrator of their intent in visiting the building.
2. The visitor may be required to be accompanied by the building administrator or his/her designee to classrooms.
3. Advance scheduling of consultations with teachers or other providers may be required.
4. Parents delivering student(s) to school may be required to leave the student(s) at the front door and not be permitted to accompany them to the classroom.

This Warning should expire at the end of the academic year. As is noted on the Trespass Warning, it is appealable through the Superintendent's Office.

Additionally, by issuing the Trespass Warning, the building administrator is placing the disruptive visitor on notice that any further inappropriate behavior will result in the issuance of a Trespass Notice. If inappropriate behaviors continue, Attachment B provides an example of such a trespass notice, again with fields to be completed by the building administrator. The Trespass Notice will be effective for one year from the date it was issued and may, in the reasonable exercise of the building administrator's discretion, be renewed thereafter. Failure to comply with any restriction imposed by the Trespass Notice may result in the visitor's arrest and prosecution for criminal trespass. It, like the Trespass Warning, is appealable at the visitor's election through the Superintendent's Office. In instances of extreme behavior, such as assault or battery of an administrator, faculty member, staff member or student, a building administrator may issue a Trespass Notice without prior issuance of a Trespass Warning. Attachment C is an example of such a notice. Such a Trespass Notice as is contained in Attachment C should be reserved, however, for particularly egregious behavior where there is a particularized apprehension for the safety or wellbeing for a member(s) of the school community. Once issued, or until such time it is vacated, the named visitor is prohibited, under penalty of law, from entering or using school grounds for any reason. This Trespass Notice is effective immediately and its duration is indefinite. A copy of this Notice must be provided to the Lynn Police Department, the School Security Office, and the Office of Legal Advisor [Atty. Mihos] and also maintained in the school's file. A visitor's failure to comply with this Notice will result in immediate arrest and prosecution for trespassing if it is violated. This Notice is likewise appealable through the Superintendent's Office.

STUDENT SERVICES

Section 504 Students

Section 504 is a part of the Rehabilitation Act of 1973 that prohibits discrimination based upon disability. Section 504 is an anti-discrimination, civil rights statute that requires the needs of students with disabilities to be met as adequately as the needs of the non-disabled are met.

Section 504 states that "No otherwise qualified individual with a disability in the United States, as defined in section 706(8) of this title, shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance..."

Special Education

The Lynn Special Education Department's philosophy is to provide quality educational services geared to the individual needs of our students. Our goal is to maximize the intellectual, social, emotional, and physical potential of our special learners in a safe, nurturing and least restrictive environment. We foster respect and appreciation for cultural diversity through collaboration of staff, students, families, and the community and our policies are consistent with the Federal and State special education guidelines.

Today there are approximately 2, 300 students in the Lynn Public Schools receiving services via Individualized Education Plans (IEP). To meet their needs, the district employs over 300 special education teachers, therapists and paraprofessionals.

We provide a continuum of programs and services to meet the individual special needs of our students while providing access to the Massachusetts Curriculum Frameworks. The District provides programming for each of the elements of the IEP for students from 3 to 22 years of age.

The Special Education Department approaches the challenges of educating students identified with disabilities with a passion for their fundamental rights. We provide an equitable, quality education so that our students may take their rightful place in the world.

Social Emotional Learning (SEL) Student Support Personnel

Students thrive and achieve when their academic, social and emotional needs are supported in a safe and supportive school environment. The SEL Department supports all Clinical Supervisors and Clinicians to provide ongoing support and intervention via a multi-tiered system of support and includes services that strengthen school, family and community partnerships. The school based SEL teams work collaboratively to assess and address barriers impacting student learning and achievement. We work together to ensure our students learn to thrive emotionally, as well as academically, to advance and impact their greater community.

Student Study Team (SST)

Student Study Teams are school based problem-solving teams utilized to review students' strengths, lack of academic progress, ability to access the general education program, and other concerns. Student Study Teams are collaborative teams that recommend and review alternative strategies to be implemented in the general education classroom. As such, Student Study Teams are a function of general education. Student Study Teams' purposes include, but are not limited to, the following:

- Identify and assist students;
 - Help teachers to educate students using the collective expertise of other school staff;
 - Support parents/guardians and/or students who need additional strategies and support;
 - Promote the use of the Lynn Public Schools District Curriculum Accommodation Plan;
 - Document time-tested interventions before referring a student for possible special education eligibility, or for a potential Section 504 Plan.
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STUDENT ELECTRONIC DEVICE POLICY (CELL PHONES AND SIMILAR DEVICES)

Non-educational use of electronic devices, including but not limited to cell phones, is generally prohibited during school hours. Electronic devices must remain out of sight and off during school hours unless being used for educational purposes, or otherwise allowed below.

Violation of this policy may result in confiscation of the item and/or parental notification. Violations also may be subject to the Discipline Code. The degree, frequency, and circumstances surrounding any violation should impact the methods used in enforcement, and disciplinary actions shall be progressively applied.

An exception to this policy may be made by schools to allow for the responsible use of electronic devices, such as cell phones, by the class at appropriate times during school hours. An exception to this policy also may be made by the school due to any student's medical need.

MASSACHUSETTS STATE SEAL OF BILITERACY

Graduating seniors will have the opportunity to obtain the Massachusetts Seal of Biliteracy, following a national movement to recognize graduates who speak, listen, read, and write proficiently in English and at least one other language other than English. By offering the MA Seal of Biliteracy to our students, we hope to honor the multilingual student community in the Lynn Public Schools and encourage more students to pursue language proficiency in more than one language. Bilingualism and biliteracy are critical 21st century skills that recipients of the MA Seal of Biliteracy can highlight in both college and job applications.

In order to earn the MA Seal of Biliteracy, students must demonstrate proficiency in English and an additional language, in addition to meeting all graduation requirements. MCAS scores in English Language Arts (ELA) are used to demonstrate English proficiency. An additional language test (Ex. Spanish) documents proficiency in reading, writing, listening, and speaking in the additional language. The additional language tests will be administered at your child's high school during the school day at no charge. Students are eligible to take the partner language exams in their junior and senior year.

If you have any questions about how your child can participate in the MA Seal of Biliteracy program, please contact your student's high school guidance counselor.