

CODE OF CONDUCT

Deleted

New-Added

Original Language

Philosophy

It is the policy of the Worcester Public Schools to ensure fair and effective disciplinary practices. Every student has a right to an education in a safe, secure and supportive environment, and every teacher has a right to expect respectful, prepared students in his/her classroom.

The Worcester Public Schools embraces zero tolerance for language or acts of hate and intolerance. A key aspect of a student's education is the acquisition of social and behavioral skills, since effective learning can only occur when students obey basic rules of conduct. This means that:

- Students have a responsibility to conduct themselves in a manner that is in the best interest of the school and its students.
- Parents/guardians have a responsibility to develop positive attitudes toward study and behavior.
- Teachers have a responsibility to continue behavior development through teaching and discipline in the classroom.
- The Administration and the School Committee have a responsibility to support and maintain the enforcement of discipline within the school buildings.

All students are expected to meet the requirements for behavior as set forth in this handbook. Chapter 71B of the Massachusetts General Laws, known as Chapter 766, requires that additional provisions be made for students who have been found by an evaluation team to have special needs and whose program is described in an Individualized Educational Plan (IEP). Such provisions will also be made, when appropriate, for students with a disability who are receiving accommodations or related services under a 504 plan.

The Code of Conduct is based on a system of progressive discipline with a goal of limiting the use of long-term suspension as a consequence for student misconduct until other consequences have been considered, as appropriate. The administrator will exercise discretion in determining disciplinary consequences. The administrator may utilize his/her discretion to significantly increase penalties in the cases of second and third offenses or for other factors. In determining the severity of the penalty or suspension, the appropriate administrator may consider all relevant facts, including but not limited to: 1) previous disciplinary record, 2) severity of disruption to the educational process, 3) degree of danger to self and/or others, 4) the degree to which the student is willing to change his/her inappropriate behavior and 5) whether alternative consequences are appropriate to re-engage the student in learning.

School-Imposed Discipline

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

Expulsion is an action by the School Committee to exclude a student from school and school functions permanently. While the School Committee has specifically provided for a penalty of expulsion in certain cases, a student may also be expelled for conduct such as assault, vandalism, hazing, or any other conduct disruptive to the education of students in the Worcester Public Schools or which threatens the safety of students, staff or visitors.

In-school suspension means removal of a student from regular classroom activities, but not from the school premises, for no more than (10) consecutive school days, or no more than ten (10) school days cumulatively for multiple infractions during the school year. Removal solely from participation in extracurricular activities or school-sponsored events, or both, shall not count as removal in calculating school days. In-school suspension for ten (10) days or less, consecutively or cumulatively during a school year, shall not be considered a short-term suspension under these regulations. If a student is placed in in-school suspension for more than ten (10) days, consecutively or cumulatively during a school year, such suspension shall be deemed a long-term suspension for due process, appeal, and reporting purposes under 603 CMR 53.00.

Short-term suspension means the removal of a student from the school premises and regular classroom activities for ten (10) consecutive school days or less. Removal solely from participation in extracurricular activities or school-sponsored events, or both, shall not count as removal in calculating school days

Long-term suspension means the removal of a student from the school premises and regular classroom activities for more than ten (10) consecutive school days, or for more than ten (10) school days cumulatively for multiple disciplinary offenses in any school year. Removal solely from participation in extracurricular activities or school-sponsored events, or both, shall not count as removal in calculating school days. Except for students who are charged with a disciplinary offense set forth in subsections (a) or (b) of G.L. c. 71, §37 H, or in section 37H ½ of G.L. c. 71, no student may be placed on long-term suspension for one or more disciplinary offenses for more than ninety (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.

Suspension is a denial to a student of the right to attend school and to take part in any school function for a specified period of time, up to one year, by his/her school administrator, the Superintendent or his designee, or the School Committee.

A student shall not assault verbally any person on or off school grounds at any school-related situation including, but not limited to, travel to and from the situation. Verbal assault means defiance, insolence, rudeness, obscenity, bullying or abusive language. Abusive language shall include but not be limited to derogatory statements concerning race, sexual orientation, color, gender, age, religion, gender identity, national origin or disability.

Other Discipline: Demerits or detentions may be imposed for infractions of these rules at the school level. Alternative consequences may be used, as appropriate, and include the use of evidence-based strategies and programs such as mediation, conflict resolution, restorative justice, and positive behavioral interventions and supports.

Participation in clubs and activities at Worcester Public Schools and attending school-sponsored, school-related events is a privilege afforded to students who remain in good standing. To participate in school activities, events and clubs, students are expected to maintain good attendance and demonstrate good behavior and citizenship during school and at school-sponsored events. Eligibility for participation in activities, events, clubs, awards, scholarships and honorary positions at Worcester Public Schools is limited to students who are currently enrolled in and attending Worcester Public Schools in good standing. Students not meeting these expectations may be excluded at the discretion of the Principal or his/her designee. If a student is suspended from an extracurricular activity, at the determination of the principal, the student may be excluded from that specific type of event involving the student's school of enrollment for the remainder of the school year. A student's removal from extracurricular activities and attendance at school sponsored events is not subject to the procedural requirements of Massachusetts Laws Chapter 37H ¾ (Principal's Hearing). The removal is not a suspension for the purpose of counting the school days that a student is suspended. Parents will be notified when a student is removed or excluded from extracurricular activities.

School discipline shall not include the right to inflict corporal punishment except that reasonable force may be used as necessary to protect other students or other persons from assault or the imminent threat of bodily injury.

Disruptive Conduct

Violation of any of the following rules is grounds for discipline as defined above and pertains to actions both on or off school grounds during school or school-related situations.

Rule 1. – Damage or Destruction of School Property

A student shall not steal or cause damage to school property, nor make such attempts. The Administration intends to file criminal complaints against, and seek restitution from, any student who violates this rule.

Rule 2. – Damage or Destruction of Private Property, Cheating, Forgery, Plagiarism

A student shall not steal or cause damage to private property nor make such attempts during school situations on or off school grounds or at any school-related situations including, but not limited to, travel to and from the situation. A student shall not cheat, forge or plagiarize any work submitted for academic credit or documentation.

Rule 3. – Physical Assault on a School Employee

A student shall not cause or attempt to cause physical injury to a school employee on or off the school grounds or during school situations or school-related situations including, but not limited to, travel to and from the situation.

Any student who assaults any school employee or any student who assaults a principal, teacher, instructional assistant, or other educational staff on school premises or at school sponsored or school-related events, including athletic games, may be subject to expulsion or a long-term suspension from the school by the school principal.

Rule 4. – Physical Assault on a Student or Other Person not Employed by the School

A student shall not cause or attempt physical injury to another student or any other person on or off school grounds at any school-related situation including, but not limited to, travel to and from the situation.

Rule 5. – Verbal Assault on a School Employee

A student shall not assault verbally any school employee on or off school grounds at any school-related situation including, but not limited to, travel to and from the situation. Verbal assault means defiance, insolence, rudeness, obscenity, **bullying** or abusive language. Abusive language shall include but not be limited to derogatory statements concerning race, sexual orientation, color, gender, age, religion, gender identity, national origin or disability.

Rule 5A. – Threatening a School Employee

A student shall not threaten any teacher, administrator, or other school employee or volunteer with physical harm so as to place such person in reasonable apprehension that force will be used to inflict such physical harm.

A student shall not threaten on school grounds or at a school sponsored event any teacher, administrator or other school employee with physical harm so as to place such teacher, administrator or other school employee in reasonable apprehension that force will be used to inflict such physical harm. The principal of the school shall investigate any allegation that a student has threatened a teacher, administrator or other school employee with physical harm and shall make an initial determination whether or not the matter should be recommended to the School Committee. The School Committee may expel or may impose a long term suspension on any student found to have threatened a teacher, administrator or other school employee with such physical harm after affording such student all due process rights specified in “Legal Policies – Due Process” – herein. In determining the response of the Worcester Public Schools, any fact-finder, or reviewing authority will have discussions with the student and the school employee(s) involved in the incident. This shall include the employee that is the subject of the alleged threat, others who may have witnessed it, as well as guidance counselors and administrators of the school. In determining whether an apprehension of anticipated physical force is reasonable, any fact-finder or reviewing authority will look to the actions and words of the student in light of the attendant circumstances.

Rule 6. – Verbal Assault on, or Threat to, a Student or Non-employee of School

A student shall not assault verbally any person on or off school grounds at any school-related situation including, but not limited to, travel to and from the situation. Verbal assault means defiance, insolence, rudeness, obscenity, bullying or abusive language. Abusive language shall include but not be limited to derogatory statements concerning race, sexual orientation, color, gender, age, religion, gender identity, national origin or disability.

Rule 6A. - Written Assault or Threat on a Student or Non-employee of School

A student shall not threaten, intimidate or bully in writing, any person on or off school grounds at any school-related situation including, but not limited to, travel to and from the situation. Written threats mean any messages including e-mail, text messaging or any other cyber-related forms of communication; e.g. chat rooms.

Rule 7. - Policy on Possession or Use of Weapons

If any device which may be considered a weapon under this policy is distributed by a teacher, for use in the classroom, then no student receiving such a device shall be charged with an offense under Rule 7 provided the device remains in the classroom and provided the device is only used for the classroom purpose.

A student shall not possess, use, or attempt to use, any weapon on school premises or at a school-related situation, including but not limited to travel to and from the situation.

In order to protect the students of the Worcester Public Schools, 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 may be subject to expulsion or a long-term suspension from the school by the principal regardless of the size of the knife.

For purposes of this policy, a dangerous “weapon” includes but is not limited to a gun (including a B.B., pellet or other replica device), knife, sling shot, blowgun, blackjack, metallic knuckles including a ring intended to be worn on more than one finger (“fused rings”) or knuckles or any substance which could be put to the same use with the same or similar effect as metallic knuckles, nunchaku, zoobow, also known as klackers or kung fu sticks, or any similar weapon consisting of two sticks of wood, plastic or metal connected at one end by a length of rope, chain, wire or leather, a shuriken or any similar

pointed star-like object intended to injure a person when thrown, or any armband, made with leather which has metallic spikes, points or studs or any similar material weighted with metal or other substance and worn on the hand, or a manrikigusari or similar length of chain having weighted ends. Any other device or object used or attempted to be used to inflict bodily harm on a person may be considered a weapon.

This policy will be implemented according to the due process provisions of the Worcester Public Schools Discipline Code applicable to Regular and Special Education students.

Rule 8. - Policy on Possession or Use of Drugs or Alcohol

- a. Any student who distributes or possesses, with intent to distribute, any controlled substance as defined in Massachusetts General Laws Chapter 94C, including, but not limited to, marijuana, cocaine, or heroin, on school premises or at a school sponsored activity, may be expelled or have a long-term suspension imposed from the Worcester Public Schools by the school principal.
- b. Any student who uses or possesses any controlled substance as defined in Massachusetts General Laws Chapter 94C, including, but not limited to, marijuana, cocaine or heroin, or is under the influence of such a substance on school premises or at a school sponsored activity may be subject to expulsion or a long-term suspension from school by the school principal.
- c. Possession or use of alcohol on the premises of the Worcester Public Schools is forbidden. Any student who uses or possesses alcohol on school premises, or at a school sponsored activity, or is under the influence of alcohol on school premises, or a school sponsored situation, may be expelled or have a long-term suspension imposed from the Worcester Public Schools by the School Committee.
- d. This policy will be implemented subject to the due process provision of the Worcester Public Schools Discipline Code applicable to Regular and Special Education students. Any student charged with a violation of Rule 8 shall have the due process rights outlined in Due Process, Section III. shall be notified in writing of an opportunity for a hearing; provided, however, that the student may have representation, along with an opportunity to present evidence and witnesses at the hearing before the principal.
- e. Possession or use of drugs or controlled substances which are medically prescribed is not a violation of this Policy (However, all prescribed medications will be administered to students by authorized personnel and will be kept in a secure location).

Rule 9. - Excessive Tardiness

A student shall not be repeatedly tardy from school or to class without legitimate cause (See Attendance/Truancy Policy).

Rule 10. - Repeated School Violations

A student shall not repeatedly fail to comply with directions and reasonable requests of any authorized school personnel during any period of time he/she is under such authority.

Rule 11. - Search and Seizure

School Officials may legally search a student and confiscate property provided:

- a. There are reasonable grounds to suspect a search will turn up evidence tending to show that the student has violated or is violating the law or the school's rules.
- b. The search as conducted is reasonably related in scope to the circumstances that justified the search in the first place.

Rule 12. - Hazing (Ch. 536 - Acts of 1986)

A student shall not organize or participate in hazing. A student with knowledge of any hazing activity must report the incident to the school administrator.

Rule 13. - Sounding False Alarms

A student shall not, without reasonable cause, by outcry, bells, or otherwise cause a false alarm of fire (Such action shall be reported under Massachusetts General Laws Chapter 269, Section 13). No student shall set a fire in a school building or at a school-sponsored site or situation.

Rule 14. - Smoking and Tobacco Products

Smoking, possession, use, or distribution of tobacco or tobacco products within school buildings, school facilities, school grounds, on school buses or at a school sponsored activity by any person are prohibited. Any student who violates this rule may be suspended.

Rule 15. - Cellular Telephones, Beepers, iPods/MP3 Players and Laser Pointing Devices

A student shall not use a beeper, pager, film/digital camera or any device with a digital camera, other mobile telecommunications or two-way radio communications device of any type, iPods/MP3 player, Bluetooth and other wireless devices, and any potentially disruptive electronic device on school premises or at a school-sponsored situation without expressed permission of appropriate school personnel. Any such device found in a locker may be considered to be in the possession of the student assigned to the locker for purposes of disciplinary action. **However, cell phones and iPods/MP3 players may be brought to school but must be secured in the student's locker.** The Worcester Public Schools is not responsible for lost or stolen property.

A student shall not possess a laser pointing device of any type on school premises or at a school sponsored situation, unless such device is distributed by a teacher or its use is authorized by a teacher in connection with school work. Use of a laser pointing device against the face, eyes, or head of another person on school premises or at a school sponsored situation may be considered use of a weapon for disciplinary purposes including the possibility of expulsion.

Rule 16. - Policy on Gangs and Obscene Clothing

- a. No student on school property or at any school sponsored function shall wear any article of clothing (including hats, bandanas, scarves and sweatbands), jewelry, emblem, badge, symbol or sign which has wording, or designs that are reasonably deemed by the School Administration to be obscene, lewd or vulgar.
- b. No student on school property or at any school sponsored function shall wear any article of clothing (including hats), jewelry, emblem, badge, symbol or sign, which displays, evidences or advertises alcoholic beverages, tobacco products, illegal drugs, or other controlled substances illegal under Massachusetts law.
- c. No student on school property or at any school sponsored function shall wear any article of clothing (including hats), jewelry, emblem, badge, symbol or sign which the School Administration reasonably deems to be evidence of membership or affiliation in any gang. As defined in this policy a "gang" is any group of two or more persons affiliated together, either formally or informally, whose purposes include the commission of illegal acts or who in concert commit illegal acts.

Rule 17. - Students Charged with or Convicted of a Felony

In accordance with Massachusetts General Laws Chapter 71 (37 H ½) principals have the authority to suspend students charged with a felony and expel or impose a long-term suspension for students convicted or adjudicated of committing a felony if the principal has determined that the student's continued presence would have a substantial detrimental effect on the general welfare of the school.

Any student charged with a violation of Rules 3, 7, 8 and 18 shall **have the due process rights outlined in Due Process, Section III.** 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 the hearing before the principal.

Rule 18. - Disruption of School

- a. In addition to complying with Rules 1 through 18 stated above, a student shall not use violence, force, threat, fear, passive resistance or any other conduct in order to cause the disruption or obstruction of any lawful mission, process, or function in school.
- b. Students are not permitted in any area of the school building/grounds without supervision by a staff person of the Worcester Public Schools before, during and after normal school hours. Students are not permitted access to the school building/grounds until 30 minutes before the official start of the school day or when personnel of the Worcester Public Schools are available for supervision.

Rule 19. - Bomb Threats

- a. No student shall communicate or cause to be communicated any information in any form whatsoever that a bomb or any type of explosive device is located in or on any building or property under the control of the Worcester Public Schools or is at any school sponsored situation, including but not limited to transportation provided by the Worcester Public Schools, either directly or by contracted services. Any student found in violation of the provisions of this rule may be expelled by the School Committee after all appropriate due process proceedings as specified in the Legal Policies – Due Process section of the Policies Handbook for the Worcester Public School.
- b. Before the readmission to the Worcester Public Schools of any student suspended or expelled for violation of this rule, such student shall perform ten (10) days of supervised community service, which has been approved by the School Administration, for each day which school has been disrupted by such threat. Such community service shall be performed at a time when the Worcester Public Schools is not scheduled to be in session (e.g., summer vacation, February or April vacation, etc.).

Rule 20. - Extracurricular Activity

A student may be suspended from extracurricular activities where his/her conduct has a harmful effect on the safety of the student or other persons or property or where his/her conduct has adverse effects on the reputation of the Worcester Public Schools.

The Worcester Public Schools recognizes that the safety and welfare of individual students and teams are a priority. Therefore, students will not engage in any acts of criminal activity such as, but not limited to, vandalism, assault and battery, sexual misconduct, hazing, plagiarism, theft or other disruptive conduct.

Students are expected to behave appropriately during all school-related activities. Detrimental actions prohibited hereunder include, but are not limited to, insubordination, fighting, taunting, negative attitude, unsportsmanlike conduct, lying, inappropriate language or gestures and all other infractions and violations of rules set forth in the Worcester Public Schools' Policies Handbook and school handbooks.

Bullying

The Worcester Public Schools prohibits any unlawful or disruptive behavior, including any form of bullying, cyber-bullying, or retaliation, in Worcester Public School buildings, on school grounds, property adjacent to school grounds, and school-sponsored or school-related activities. Bullying, as defined in M.G.L. c.71, § 37O, is the repeated use by one or more students of a written, verbal, or electronic expression or a physical act or gesture or any combination thereof, directed at a victim that:

- i. causes physical or emotional harm to the target or damage to the victim's property;
- ii. places the victim in reasonable fear of harm to himself or herself or of damage to his or her 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. Bullying shall include cyber-bullying.

Cyber-bullying is bullying through the use of technology or electronic devices such as telephones, cell phones, computers, and the Internet. It includes, but is not limited to, email, instant messages, text messages, and Internet postings. 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.

The Worcester Public Schools certifies that its schools have adopted and are enforcing a Bullying Prevention and Intervention Plan. An Anonymous Bullying Reporting Line has been established at (508) 799-3472. The entire plan can be viewed at: <http://preventbullying.worcesterschools.org>

Consistent with the requirements of SB 2404, An Act Relative to Bullying (Section 1, Ch. 71, 37 O) in Schools, all students will receive prevention activities that are designed to create and maintain safe, disciplined and drug-free environments which would include bullying prevention.

Based on information reported to the school administrator, the administrator will investigate all reports and complaints of bullying, cyber-bullying, and retaliation, and take immediate action to end bullying behavior and restore the target's sense of safety and will engage support staff to determine subsequent steps which may include, but not be limited to, disciplinary action, a strategy for providing support services or referral to appropriate services for aggressors and targets and for appropriate family members of said students, and criminal charges may be pursued against the aggressor.

Acts of bullying can result in any one, or combination of, the following legal charges:

- Assault (GL c. 265, § 13A). The act or an instance of unlawfully threatening or attempting to injure another.
- Assault & Battery (GL c. 265, § 13A). An assault upon a victim that is carried out by striking the victim, knocking the victim down, or otherwise doing violence to the victim.
- Criminal Harassment (GL c. 265, § 43A). Whoever willfully and maliciously engages in a knowing pattern of conduct or series of acts over a period of time directed at a specific person, which seriously alarms that person and would cause a reasonable person to suffer substantial emotional distress.
- Harassing/Annoying Phone Calls. (GL c. 269, § 43A). Whoever telephones another person, or causes any person to be telephoned, repeatedly, for the sole purpose of harassing, annoying or molesting such person or his family, whether or not conversation ensues, or whoever telephones a person repeatedly, and uses indecent or obscene language to such a person.

- Threats (GL c. 275, § 4) (GL c. 209A, § 7). An expression of intention and an ability in circumstances that would justify apprehension on the part of the recipient.
- Disruption of School Assembly (GL c. 272, § 40). Whoever willfully interrupts or disturbs a school or other assembly of people met for a lawful purpose.
- Civil Rights Violation (GL c. 265, §§ 37, 38). No person, whether or not acting under color of law, shall by force or threat of force, willfully injure, intimidate or interfere with, or attempt to injure, intimidate or interfere with, or oppress or threaten any other person in the free exercise or enjoyment of any right or privilege secured to him by the constitution or laws of the Commonwealth or by the constitution or laws of the United States.
- Malicious Destruction of Property (GL c. 266, § 127). Whoever destroys or injures the personal property, dwelling house or building of another.

Athletes and Participants in School-Related Activities

General

Athletes and participants in school-related activities shall be governed by local and state law, MIAA regulations, the Policies Handbook of the Worcester Public Schools, and rules included in the Worcester Public Schools Code of Conduct for Athletes and Participants in School-Related Activities.

Academic Requirements

1. A student must secure during the last marking period preceding the contest (e.g. second quarter marks determine third quarter eligibility) a passing grade in the equivalent of four traditional year long major courses. In addition, students need a minimum GPA of 2.0.