

Massachusetts Department of Elementary and Secondary Education

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February 8, 2018

Mr. Robert Beatty, Executive Director
Atlantis Charter School
37 Park Street
Fall River, MA 02721

Re: Intake PRS0001302
Student Name: [REDACTED]
Letter of Finding

Dear Director Beatty:

On October 31, 2017, the Massachusetts Department of Elementary and Secondary Education (Department) received a written statement of concern from [REDACTED] involving the Atlantis Charter School (Charter School). As the Problem Resolution System (PRS) Specialist inquiring into this matter, I took the following steps:

- Reviewed the statement of concern and supporting documentation;
- Spoke with the Attorney for the Charter School regarding the statement of concern;
- Requested a Local Report from the Charter School;
- Reviewed the Charter School's Local Report and supporting documentation submitted to the Department on December 12, 2017;
- Reviewed relevant state and federal special education laws and regulations
- Consulted with other Problem Resolution System staff ;
- Received and reviewed the complainant's response to the Charter School's Local Report;
- Issued an extension for the submission of the Charter School's Local Report based on the Charter School requiring additional time to respond to the Department's Request for the Local Report and subsequently, the counsel for the complainant being provided sufficient time to respond to the Charter School's Local Report.

In the Department's initial review of the statement of concern from the complainant, we advised the complainant of certain concerns that are outside of the Department's authority. The Department did not investigate these matters. These issues and possible avenues for the complainant to pursue are:

- A. The complainant asserted that the student earned credits from another public school's credit recovery program and the Charter School refused to accept the credits.

The Department does not have authority regarding course credits and the options provided to a student who has not achieved a passing grade in a course. The complainant would need to discuss this matter with the school administration to explore the available options for the student to earn the necessary credits.

- B. The complainant cited issues that occurred during the 2015-2016 school year.

The Department has authority to take action to resolve a complaint if it is about state or federal legal requirements for education. The Department will take steps to resolve a complaint if it:

- 1) is about a student's current general education program; or
- 2) alleges that a special education requirement has been violated, and the violation occurred no more than one year before the Department received the written complaint. Therefore, the Department will not investigate allegations that occurred before October 31, 2016.

The Department's inquiries determined noncompliance, and we are advising the Charter School now of this finding, as well as of the required corrective action. The concerns, our findings and required corrective actions follow.

CONCERNS AND FINDINGS

- 1. The complainant alleged that the Charter School imposed five (5) short-term suspensions and a long term suspension of twenty-three (23) days upon the student without the provision of due process during the 2016-2017 school year.

This issue was investigated pursuant to 603 CMR 53.06:

"(1) Except as provided in 603 CMR 53.07 and 603 CMR 53.10, a principal may not impose a suspension as a consequence for a disciplinary offense without first providing the student and the parent oral and written notice, and providing the student an opportunity for a hearing on the charge and the parent an opportunity to participate in such hearing."

And

603 CMR 53.08:

(1) *The principal shall determine the extent of the rights to be afforded the student at a disciplinary hearing based on the anticipated consequences for the disciplinary offense. If the consequence may be long-term suspension from school, the principal shall afford the student, at a minimum, all the rights set forth in 603 CMR 53.08(3) in addition to those rights afforded to students who may face a short-term suspension from school.*

(2) *Principal Hearing - Short-term Suspension*

(a) *The purpose of the hearing with the principal is to hear and consider information regarding the alleged incident for which the student may be suspended, provide the student an opportunity to dispute the charges and explain the circumstances surrounding the alleged incident, determine if the student committed the disciplinary offense, and if so, the consequences for the infraction. At a minimum, the principal shall discuss the disciplinary offense, the basis for the charge, and any other pertinent information. The student also shall have an opportunity to present information, including mitigating facts, that the principal should consider in determining whether other remedies and consequences may be appropriate as set forth in 603 CMR 53.05. The principal shall provide the parent, if present, an opportunity to discuss the student's conduct and offer information, including mitigating circumstances, that the principal should consider in determining consequences for the student.*

(3) *Principal Hearing - Long-term Suspension*

(a) *The purpose of the hearing is the same as the purpose of a short-term suspension hearing.*

(b) *At a minimum, in addition to the rights afforded a student in a short-term suspension hearing, the student shall have the following rights:*

1. *In advance of the hearing, the opportunity to review the student's record and the documents upon which the principal may rely in making a determination to suspend the student or not;*
2. *the right to be represented by counsel or a lay person of the student's choice, at the student's/parent's expense;*
3. *the right to produce witnesses on his or her behalf and to present the student's explanation of the alleged incident, but the student may not be compelled to do so; and*
4. *the right to cross-examine witnesses presented by the school district; and*
5. *the right to request that the hearing be recorded by the principal, and to receive a copy of the audio recording provided to the student or parent upon request. If the student or parent requests an audio recording, the principal shall inform all participants before the hearing that an audio record will be made and a copy will be provided to the student and parent upon request.*

(c) The principal shall provide the parent, if present, an opportunity to discuss the student's conduct and offer information, including mitigating circumstances, that the principal should consider in determining consequences for the student.

The student's short-term suspensions occurred on November 9-10, 2016; February 27, 2017; March 3, 2017; April 28, May 1-2, 2017 and May 12-14, 2017. The Charter School's imposition of the long-term suspension occurred following the school administration's May 17, 2017 meeting with the parent to discuss the student's history of disciplinary and behavioral concerns.

The Charter School acknowledged that the student and the parent did not receive prior oral and written notice regarding the school's intent to suspend the student. The Charter School acknowledged that the parent and student were not provided notice of an opportunity for a hearing prior to the suspensions. The Charter School stated that the student was interviewed prior to the decision to suspend the student. However, the complainant reports that the student stated that he was not provided with an interview.

The Department's review of the out-of-school suspension notices for the 2016-2017 school year determined that the notices do not document the provision of oral and written notice to the student and the parent; the provision of a hearing for the student and an opportunity for the parent to participate in the hearing. The notices do not include the date, time and location of the hearing; the right of the student and parent to interpreter services at the hearing and the student's rights pursuant to 603 CMR 53.08(3)(b) and to appeal the school administrator's decision to the Executive Director if the school administrator is considering a long-term suspension. Further the notices state that the "*parent/guardian must meet with school administrator before student is scheduled to return to school.*" The Charter School, upon the student's return from a suspension, cannot require that a re-entry meeting occur with a parent prior to the student returning to school. The imposition of suspensions is for a designated period, and the duration of a suspension is not contingent upon the parent's availability or willingness to meet with the school administration. School personnel may encourage parents to confer to discuss a plan or re-entry but cannot require parents to meet, or because of the parent's failure to meet, extend the student's suspension.

The Department noted additional concerns with the one-day out-of-school suspension that occurred on November 7, 2017. The complainant stated that the Charter School contacted the parent to pick up the student on November 7, 2017 and explained the basis of the suspension, the offer of an in-school suspension and the student's refusal to attend the in-school suspension.

The complainant's attorney contacted the Charter School and subsequently at 4:55 PM, the 7-12 Site Leader sent an email to the complainant, indicating that a hearing was scheduled for November 8, 2017 "*to dispute the charges and present the student's explanation of the alleged incident.*" The email notice included information regarding the offense; the basis of the charge; the intention to suspend the student for one day and the student's and parent's right to interpreter services. However, the student had already served the out-of-school

suspension and the email notice was sent after the end of the school day on November 7, 2017. This does not constitute prior written notice pursuant to 603 CMR 53.06.

The Department finds that the Charter School did not comply with notice requirements under 603 CMR 53.06 and 603 CMR 53.08 and the due process procedures under M.G.L. c. 71, § 37H½.

The complainant responded that the Charter School provided tutoring services to the student during the long-term suspension but did not provide notice of the specific education services that would be available for the student. The Charter School did not submit evidence of the written notice that was provided to the parent and student pursuant to 603 CMR 53.13, which states:

“The principal shall develop a school-wide education service plan describing the education services that the school district will make available to students who are expelled or suspended from school for more than ten consecutive days. The plan shall include the process for notifying such students and their parents of the services and arranging such services. Education services shall be based on, and be provided in a manner consistent with, the academic standards and curriculum frameworks established for all students under M.G.L. c 69, §§ 1D and 1F.

(4) Notice of Education Services for Students in Long-Term Suspension and Expulsion; Enrollment Reporting.

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

The Department finds the Charter School did not comply with the notice requirements under 603 CMR 53.13.

2. The complainant alleged that the Charter School imposed approximately eight (8) in-school suspensions upon the student without the provision of due process during the 2016-2017 school year.

This issue was investigated pursuant to 603 CMR 53.10:

(1) The principal may use in-school suspension as an alternative to short-term suspension for disciplinary offenses.

(2) The principal may impose an in-school suspension for a disciplinary offense under 603 CMR 53.10, provided that the principal follows the process set forth in 603 CMR

53.10(3) through (5) and the student has the opportunity to make academic progress as set forth in 603 CMR 53.13(1).

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

(4) On the same day as the in-school suspension decision, the principal shall make reasonable efforts to notify the parent orally as soon as possible of the disciplinary offense, the reasons for concluding that the student committed the infraction, and the length of the in-school suspension. The principal shall also invite the parent to a meeting to discuss the student's academic performance and behavior, strategies for student engagement, and possible responses to the behavior. Such meeting shall be scheduled on the day of the suspension if possible, and if not, as soon thereafter as possible. If the principal is unable to reach the parent after making and documenting at least two attempts to do so, such attempts shall constitute reasonable efforts for purposes of orally informing the parent of the in-school suspension.

(5) The principal shall send written notice to the student and parent about the in-school suspension, including the reason and the length of the in-school suspension, and inviting the parent to a meeting with the principal for the purpose set forth in 603 CMR 53.10(4), if such meeting has not already occurred. The principal shall deliver such notice on the day of the suspension by hand-delivery, certified mail, first-class mail, email to an address provided by the parent for school communications, or other method of delivery agreed to by the principal and the parent.

The student received five (5) full day in-school suspensions during the 2016-2017 school year on November 7, 2016; December 15, 2016; January 24, 2017; February 13, 2017 and May 4, 2017. The student received a half-day in-school suspension on February 14, 2017 due to his refusal to follow classroom directions, disrespect of staff and the use of derogatory and inappropriate language. In the 2017-2018 school year, the student received a full day in-school suspension on September 21, 2017 and a half-day in-school suspension on October 6, 2017.

The Charter School reports that for each suspension, the Site Leader met with the student, provided an opportunity of a hearing regarding the cited offenses and upon reaching a determination, the Site Leader notified the student for each of the five (5) full-day in-school suspensions. The Site Leader and the student sign the in-school suspension form. The Charter School stated that the parent was notified of the violation, the disciplinary consequence that was imposed and provided with a copy of a form that describes the basis of the in-school suspension and the date of the suspension. The Charter School requests the return of the form with the parent's signature to confirm receipt of the notification.

The complainant responded that the student reports that he did not receive the opportunity for a hearing on the allegations prior to the imposition of the in school suspensions. The complainant stated that she was not provided with an opportunity to meet with the school administration. The complainant indicated she received the written notice of the student's in school suspension on the same day that the suspension occurred.

The incident report dated February 14, 2017 shows that the teachers provided repeated verbal warnings to the student, held a conference with the student, and then sent the student for a half-day in-school suspension. However, the Charter School did not submit a completed in-school suspension form to document the half-day in-school suspension.

The Department's review determined that in-school suspension notices do not contain language inviting the parent to participate in a meeting to discuss the student's academic performance and behavior, strategies for student engagement, and possible responses to the behavior. **The Department finds that the Charter School did not fully comply with the regulatory requirements pursuant to 603 CMR 53.10.**

3. The complainant alleged that the Charter School repeatedly imposed in-school and out-of-school suspension and did not consider alternative measures to address the student's violations of the Charter School's discipline policy in accordance with the regulatory requirements under 603 CMR 53.05:

"In every case of student misconduct for which suspension may be imposed, a principal shall exercise discretion in deciding the consequence for the offense; consider ways to re-engage the student in learning; and avoid using long-term suspension from school as a consequence until alternatives have been tried. Alternatives may include the use of evidence-based strategies and programs such as mediation, conflict resolution, restorative justice, and positive interventions and support."

The 2017-2018 Policy Handbook for Student and Parent/Guardian identifies under the section for Positive Behavioral Interventions and Supports the proactive measures and non-disciplinary consequences to address the reinforcement of appropriate student behavior.

The Charter School reported that the school has a student mentoring program and school counseling supports that are available for the student and that the student participated in programs through the Bristol County Sheriff's Office regarding social awareness and social-emotional growth. The Charter School also stated that the student was always provided with the opportunity to Take a Break (TAB) with a school staff member.

The Department reviewed the administrative detentions, the incident reports and in-school suspensions from September 19, 2016-April 27, 2017. The documentation shows the interventions and redirection by the student's teachers. The student was afforded multiple opportunities to comply with school and/or classroom expectations. The Student Incident Report form also includes a section for the staff to document the actions taken regarding the provision of tiered interventions. The first level of intervention includes

verbal warning, redirection and reminders regarding classroom expectations; the second level of intervention is a two-minute personal conference with the student and the third level of intervention is the corrective action taken. The out-of-school suspension forms also document the interventions used; including the use of redirection and the verbal warnings provided by teachers prior to the student's referral to the school administrator.

The complainant stated that the Charter School did not provide the following possible alternatives such as restorative justice, conflict resolution and/or peer mediation prior to the imposition of a suspension. The complainant also stated that the student did not receive school-based counseling or the opportunity to Take a Break and did not meet regularly with a mentor in school.

The Department's review determined the Charter School implemented its progressive discipline policy to respond to the multiple incidents and violations of the school's code of conduct prior to referring the student for suspension. The school administration has the discretion to review the student's discipline history, the individual and repeated incidents of violations to the school's code of conduct when considering alternatives to suspension and/or the type of suspension appropriate for the infraction committed by the student.

The Department finds that the Charter School complied with 603 CMR 53.05.

4. The complainant asserted that on May 17, 2017, the Charter School informed the complainant that she may withdraw the student from the Charter School or the Charter School would proceed to conduct an expulsion hearing based upon the student's repeated violations of the Charter School's disciplinary policy. The complainant stated that the Charter School requested that she sign a document acknowledging that she was voluntarily withdrawing the student from the Charter School.

The Department investigated this matter pursuant to 603 CMR 53.02:

“Long-term Suspension means the removal of a student from the school premises and regular classroom activities for more than ten consecutive school days, or for more than ten school days cumulatively for multiple disciplinary offenses in any school year. A principal may, in his or her discretion, allow a student to serve a long-term suspension in school. 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 M.G.L. c. 71, § 37H(a) or (b), or M.G.L. c. 71, § 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.”

The Charter School acknowledged that it wrongfully sought to expel the student. The Charter School's Report stated that the student was not expelled and instead, received a long-term suspension under the provisions of G.L. c. 71, § 37H¾.

The Charter School reported that on May 17, 2017, a meeting was held with the complainant to address the student's disciplinary and behavioral issues. The Charter School stated that the student voiced that he did not want to attend the school. Because of the student's assertion, the school administration presented the option for the student to withdraw from the Charter School and transfer to another school. In addition, the school administration presented to the complainant the possibility that the Charter School may expel the student because the student continued to be a safety concern and his continuous acts of disruption in the school and his defiance and disregard for school personnel.

The complainant indicated in her response that she expressed to the Charter School Leader that she wanted the student to continue to attend the school. The complainant reported that the Charter School Leader presented her with a withdrawal form for the student to transfer or the option for the student to face expulsion.

The Department notes that the Charter School issued the notice of a hearing dated May 24, 2017 the purpose of which, was the potential expulsion of the student. Although the charter school did not ultimately expel the student, the charter school cannot promote the possibility of a student withdrawing from the school rather than face the possibility of expulsion. The charter school must comply with the statutory requirements under *M.G.L. c. 71, §89(p)*, which states:

"A student may withdraw from a charter school at any time and enroll in another public school where said student resides. A student may be expelled from a charter school based on criteria determined by the board of trustees, and approved by the board of education, with the advice of the principal and teachers; provided, however that charter school policies shall be consistent with sections 37H and 37H1/2."

While the Charter School did not expel the student, the Department requires additional corrective action to address this matter. (See below)

5. The complainant alleged that the student did not commit violations as defined under *603 CMR 53.02* and *M.G.L. c. 71, § 37H or 37H½* and therefore, the Charter School was in violation for seeking to expel the student from the Charter School based upon the student's violations of the Charter School's disciplinary policy that are regulated under *M.G.L. c. 71, § 37H¾*.

The Department investigated this matter pursuant to *603 CMR 53.02*:

"Expulsion means the removal of a student from the school premises, regular classroom activities, and school activities for more than 90 school days, indefinitely, or permanently, as permitted under M.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 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 M.G.L. c. 71, § 37H or 37H½.

And

603 CMR 53.12:

(1) School Charter Schools shall adopt disciplinary policies and procedures applicable to a student who is accused of a disciplinary offense under M.G.L. c. 71, § 37H or 37H½. Such policies and procedures shall be consistent with the applicable statute and provide due process of law.

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

(3) Any student who is removed from school for a disciplinary offense under M.G.L. c. 71, § 37H or § 37H½ shall have an opportunity to receive education services and make academic progress during the period of removal, as provided in 603 CMR 53.13.

On May 12, 2017, the Charter School imposed a three-day out-of-school suspension on the student for disrupting the classroom, talking in-class without permission, throwing school materials, knocking over furniture and ignoring the teacher's redirections. The Site Leader sent a hearing notice dated May 27, 2017, to the parent for a hearing regarding a possible expulsion of the student scheduled for May 31, 2017. The notice stated that under infraction #4, the Associate Executive Director, may expel "*any student, whose behavior would have a substantial detrimental effect on the general welfare of the school*" and that the Charter School decided to conduct a disciplinary hearing based upon the "*repeated and progressive nature of the student's disciplinary history*".

The Charter School acknowledged that the school personnel inaccurately used the statutory authority under *M.G.L. c. 71, §37H* to seek a hearing for the student's violations of the discipline code rather than applying the regulatory requirements under *M.G.L. c. 71, § 37H¾*. The Charter School reported that an expulsion hearing was not conducted and the student received a long-term suspension.

The attendance report submitted for the 2016-2017 school year shows that the student was dismissed from school on May 12, 2017, the day that suspension began and had "excused absences" from May 15, 2017-June 13, 2017; a total of 22 school days. The Charter School submitted a copy of the student's Discipline Report 2016-2017 that shows the long-term suspension totaled 24 days. The Department cannot determine the actual number of days that the student served for the long-term suspension.

The Department's review of the Student Conduct section of the 2017-2018 Policy Handbook for Student and Parent/Guardian shows that the Charter School includes expulsion under the section describing the governance of suspension of students under *M.G.L. c. 71, § 37H¾*. Expulsion is not a disciplinary consequence that can be imposed upon students who violate the discipline code under *M.G.L. c. 71, § 37H¾*.

The Charter School did not comply with the regulatory requirements pursuant to 603 CMR 53.12(1) and 603 CMR 53.08(3).

The complainant's response cites the Charter School for including the following offenses under its disciplinary guidelines in the handbook as expellable offenses: *possession of alcohol; arson; fighting; hazing; smoking/chewing tobacco/vaping; theft, petty theft or violation of personal property and threatening another student*. The guidelines indicate that for these offenses, there is a potential for expulsion and possible police involvement. The Charter School may refer to student to police and/or courts based upon the gravity of the offense, which in turn may result in the issuance of a felony or the issuance of a felony delinquency complaint against the student, which by statute, could lead to the possible expulsion of the student. The Department recommends that Charter School review its list of current offenses to ensure the school categorized the infractions correctly.

The Department reviewed the 2017-2018 Policy Handbook for Students and Parent/Guardian. The review determined that there are sections in the handbook that the Charter School must address to ensure its policies fully comply with state regulatory requirements. The Department's review of the Bully Prevention and Intervention Plan ("Plan") determined that Plan does not contain the revised definitions of aggressor and bullying as amended into law on April 24, 2014.

Under state law, Aggressor is defined as "*a student or a member of a school staff who engages in bullying, cyberbullying, or retaliation towards a student.*"

And

Bullying is defined as "*the repeated [emphasis added] use by one or more students or by a member of a school staff...of a written, verbal or electronic expression or a physical act or gesture or any combination thereof, directed at a victim that: (i) causes physical or emotional harm to the victim or damage to the victim's property; (ii) places the victim in reasonable fear of harm to himself or of damage to his property; (iii) creates a hostile environment at school for the victim; (iv) infringes on the rights of the victim at school; or (v) materially and substantially disrupts the education process or the orderly operation of a school. For the purposes of this section, bullying shall include cyber-bullying.*"

"Each school district, charter school, non-public school, approved private day or residential school and collaborative school shall develop, adhere to and update a plan to address bullying prevention and intervention in consultation with teachers, school staff, professional support personnel, school volunteers, administrators, community representatives, local law enforcement agencies, students, parents and guardians. The plan shall apply to students and members of a school staff, including, but not limited to, educators, administrators, school

nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to an extracurricular activity and paraprofessionals. The consultation shall include, but not be limited to, notice and a public comment period; provided, however, that a non-public school shall only be required to give notice to and provide a comment period for families that have a child attending the school. The plan shall be updated at least biennially."

The Department finds that the Charter School failed to update its the Bullying Prevention and Intervention Plan to include the revisions to Chapter 86 of the Acts of 2014, that amended G.L. c. 71, §37O, the anti-bullying statute, signed into law on April 24, 2014. Please see: <https://malegislature.gov/Laws/SessionLaws/Acts/2014/Chapter86> and <http://www.doc.mass.edu/bullying/#1> for additional information regarding the changes and existing requirements.

The Department also noted the School Uniform Policy states "extreme hair color/style or hair extensions that cause a disruption or interfere with the learning environment are not allowed". The Department notes, that such policies may be discriminatory. The Department recommends that the Charter School review and amend its School Uniform Policy as necessary, to ensure its School Uniform Policy complies with state and federal civil rights requirements.

CORRECTIVE ACTION WHICH MUST BE IMPLEMENTED

- A. The Charter School must revise its procedures and notices to ensure compliance with the regulatory requirements of *603 CMR 53.00*; and the statutory requirements under M.G.L. c. 71, §37H and 37 H½. The Charter School must submit the revised procedures and revised notices to the Department for review. Please submit the revised procedures and notices by **March 2, 2018**.

Upon approval by the Department of the revised procedures and notices, the Charter School must review the revised procedures and notices with the building-based staff and administrators responsible for student discipline. This review should include training staff on short-term suspension procedures, long-term suspension procedures, in-house suspension procedures and expulsion procedures. The Charter School must submit the agenda(s) and staff attendance sheet(s) to the Department by **April 6, 2018**.

- B. The Charter School must review and revise the disciplinary policy and expulsion policy sections of its Handbook for Students and Parent/Guardians to ensure the disciplinary procedures are consistent with regulatory and statutory requirements concerning due process and student discipline. The charter school must ensure the handbook clearly identifies those conditions that may in fact, lead to an expulsion of a student. The District procedures must ensure that counseling a student out of the school to avoid expulsion is prohibited. The District must issue an interim memorandum to students and families with the changes, until such time as the District issued its new handbook for the 2018-2019 school year. A

copy of the revised section(s) of the school handbook must be provided to the Department for review by **March 2, 2018**. The Charter School must review the revised sections of the handbook with its school administrators and teachers. Please provide the date of the review, the materials provided, the name and title of the presenter and the attendance sheet by **April 6, 2018**.

- C. The Charter School must review its process for tracking and reporting student suspensions. Please submit a description of the process to accurately, track suspensions, and accurately record the number of days of suspension on the attendance and discipline reports by **March 2, 2018**.
- D. The Charter School must conduct a review of its Bullying and Prevention Intervention Plan and revise it to ensure it is consistent with the existing requirements of state law. Please submit a copy of the revised Bullying Prevention and Intervention Plan. Provide evidence that the Charter School posted the plan to the Charter School's website by **March 2, 2018**.

Upon adoption of the revised Bullying and Prevention Intervention Plan, the Charter School must inform all Charter School personnel of the changes to the plan, and any changes regarding staff responsibilities. Please provide the Department with copies of any memorandum(s), school based staff meetings with the presenter, staff in attendance and the agenda, or other evidence to demonstrate all staff members were informed of the revised Plan by **April 6, 2018**.

- E. The Charter School must ensure a review of the school's revised disciplinary procedures and required notices with new staff at the time of hire. The Charter School must provide the Department with its process for training new staff on the school's disciplinary procedures by **March 2, 2018**.
- F. The Charter School must provide notice to students and parents of the revised sections of the Handbook for Students and Parent/Guardians. The use of email to distribute the updated sections of the handbook for the 2017-2018 school year is acceptable, but the charter school must ensure hard copies are available as well, for those students and parent who may not have access to an electronic update. Please provide a copy of the notice by **April 6, 2018**.
- G. The Charter School must submit evidence of its review of its School Uniform Policy, and any revisions to its policy by **March 2, 2018**.
- H. The Charter School will conduct an administrative review of any short-term suspensions, long-term suspensions, in-house suspensions and expulsions to ensure staff members are implementing the revised procedures and the revised notices. The Charter School must submit the results of its review to the Department. If the charter school identified any instance of noncompliance with regulatory or statutory requirements during its review; the charter school must include its corrective action to address the identified concerns. The Charter School will conduct this

review for the period of March 2018 through June 2018.

The Charter School will provide its report to the Department by **July 9, 2018**. If the Department finds any of the Charter School's corrective actions were inadequate, the Department may order additional corrective actions.

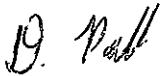
A standard response form is enclosed for your use in responding to the Department's Corrective Action. **A copy of your Report must also be sent to the person who registered this complaint.**

Also note that for matters related to special education the parties may seek mediation and/or a hearing through the Bureau of Special Education Appeals (BSEA) on the same issues addressed in this letter. Such a hearing, however, is a new proceeding and is not for the purposes of reviewing the Department's decision in this matter. Any order or decision issued by the BSEA on the issues raised in this complaint would be binding. I would be pleased to provide further clarification of all information and requirements noted above if you find it necessary. Please call (781) 338-3731.

Sincerely,



Donna Feinberg, PRS Specialist
Problem Resolution System Office



Dean Paolillo, PRS Supervisor
Problem Resolution System Office

Enclosures:
Response Form

Cc: Gabriella Birmingham, Charter School Leader, Atlantis Charter School
Tom Killoran, Esq. Attorney Atlantis Charter School
[REDACTED], Complainant
Liza Hirsch, Esq. Attorney for the Complainant
Ashley Francisque, Esq. Attorney for the Complainant
Jodi Guinn, Esq. Attorney for the Complainant
Charter School Office

**MASSACHUSETTS DEPARTMENT OF
ELEMENTARY AND SECONDARY EDUCATION
Problem Resolution System**

School District: Atlantis Charter School

CORRECTIVE ACTION REPORT
In Response to Intake PRS0001302

Name of Student [REDACTED]

Response Prepared by: _____ Date: _____

The Corrective Action Report **must include a statement of assurance of the steps taken, or to be taken, to remedy the identified noncompliance issues**, any plan of compensatory services offered, together with completion date(s), persons responsible and copies of information documenting implementation of the Corrective Action.

A copy of this Corrective Action Report must be sent to the person registering this complaint.

This District's Corrective Action Report was sent to the complainant on (date) _____
Page ___ of ___