

CODE OF CONDUCT

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.

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

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.

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 $\frac{3}{4}$ (Principal's Hearing). The removal is not a suspension for the purpose of counting the school days that a student is suspended. Parents/Guardians 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.

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.
- 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.
- 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. - 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 10. - 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 11. - 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 12. - 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 13. - 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 14. - 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 15. - 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.

Rule 16. - 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 17. - 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.

Rule 18. - 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.

LEGAL POLICIES

DUE PROCESS

The Code of Conduct of the Worcester Public Schools is administered within the framework of the United States Constitution and federal and state laws and regulations with regard to due process for students. The Code of Conduct is intended to be administered for disciplinary infractions that occur on school grounds or at school-sponsored events (on and off school grounds) OR for disciplinary infractions that occur off school grounds but substantially disrupt the educational environment or create a hostile environment at school.

The Worcester Public Schools adheres to the Student Discipline Laws and Regulations as set forth in Massachusetts General Laws Chapter 37H, 37 H1/2 and 37 H ¾ and 603 CMR 53.00 et seq.

Section I

IN-SCHOOL SUSPENSION DUE PROCESS PROCEDURES:

A student may be removed from regular classroom activities, but not from the school premises, for up to ten (10) consecutive school days or up to ten (10) school days cumulatively for multiple infractions during the school year. Students who are placed in in-school suspension shall have the opportunity to earn credits, make up assignments, tests, papers, and other school work as needed to make academic progress during the in-school suspension.

A student who is unable to consistently adhere to acceptable classroom standards in a particular class may be removed from the class permanently and assigned to a different class at the discretion of the principal and/or his/her designee.

Notice of In-School Suspension:

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

On the same day as the in-school suspension decision, the principal or his/her designee shall make reasonable efforts to notify the parent/guardian orally of the disciplinary offense, the reasons for concluding that the student committed the infraction, and the length of the in-school suspension.

On the day of the suspension, the principal or his/her designee shall send written notice (by hand-delivery, certified mail, first class mail or email) to the student and parent/guardian including the reason and the length of the in-school suspension, and inviting the parent/guardian to a meeting if the meeting has not already occurred. The notice shall be in English and the primary language of the home if another language is identified in the home language survey, or by other means, as appropriate.

Parent/Guardian Meeting:

The principal or his designee shall also invite the parent/guardian 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 or his/her designee is unable to reach the parent/guardian after making and documenting at least (2) attempts to do so, such attempts shall constitute reasonable efforts for purposes of orally informing the parent/guardian of the in-school suspension.

No Right to Appeal:

The decision of the Principal or his/her designee is the final decision for in-school suspensions not exceeding ten (10) days, consecutively or cumulatively during a school year.

Section II

OUT-OF-SCHOOL SUSPENSION DUE PROCESS PROCEDURES:

Due Process Procedures for Out-of-School Suspensions:

There are two types of out-of-school suspensions, Short-Term Suspensions and Long-Term Suspensions. The principal or his/her designee 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 or his/her designee shall afford the student, additional rights as described below, in addition to those rights afforded to students who may face a short-term suspension from school. All students facing out-of-school suspension shall have the right to oral and written notice, as described below.

Notice for Any Out-of-School Suspension:

Prior to suspending a student, the Principal or his/her designee will provide the student and the Parent/Guardian oral and written notice of the possible suspension, an opportunity for the student to have a hearing and the opportunity of the Parent/Guardian(s) to participate in the hearing. The notice will be in English and in the primary language of the home if other than English as identified in the home language survey, or by other means of communication where appropriate. The notice will set forth in plain language:

- (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 principal or his designee 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/guardian to attend the hearing;
- (e) the date, time, and location of the hearing;
- (f) the right of the student and the student's parent/guardian to interpreter services at the hearing if needed to participate;
- (g) if the student may be placed on long-term suspension following the hearing with the principal:
 - 1. the rights set forth in 603 CMR 53.08(3)(b) ; and
 - 2. the right to appeal the principal's decision to the superintendent.

The principal or his/her designee shall make reasonable efforts to notify the parent/guardian orally of the opportunity to attend the hearing. Prior to conducting a hearing without the parent/guardian present, the principal or his/her designee will document reasonable efforts to include the parent/guardian. The principal or his/her designee is presumed to have made reasonable efforts if the principal or his/her designee has sent written notice and has documented at least two (2) attempts to contact the parent/guardian in the manner specified by the parent/guardian for emergency notification.

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

Emergency Removal of Student:

Under certain emergency circumstances, it may not be practical for the principal or his/her designee to provide prior oral and written notice before removing a student from school. The principal or his/her designee may remove a student from school temporarily when a student is charged with a disciplinary offense and the continued presence of the student poses a danger to persons or property, or materially and substantially disrupts the order of the school, and, in the principal's (or his/her designee's) judgment, there is no alternative available to alleviate the danger or disruption. The principal or his/her designee will immediately notify the superintendent in writing of the removal and the reason for it, and describe the danger presented by the student. The temporary removal shall not exceed two (2) school days following the day of the emergency removal, during which time the principal shall:

- (a) Make immediate and reasonable efforts to orally notify the student and the student's parent/guardian of the emergency removal, the reason for the need for emergency removal, the disciplinary offense, the basis for the charge, the potential consequences, including potential length of suspension, the opportunity for a hearing including the date/time/location of the hearing, the right to interpreter services, and other rights permitted for students who may be placed on long-term suspension as set forth in 603 CMR. 53.08(3)(b);
- (b) Provide written notice to the student and parent/guardian, including the information described in 603 CMR 53.06(2);
- (c) Provide the student an opportunity for a hearing with the principal or his/her designee that complies with 603 CMR 53.08(2) or 53.08(3), as applicable, and the parent/guardian an opportunity to attend the hearing, before the expiration of the two (2) school days, unless an extension of time for hearing is otherwise agreed to by the principal, student, and parent/guardian.
- (d) Render a decision orally on the same day as the hearing, and in writing no later than the following school day, which meets the requirements of 603 CMR 53.08(2)(c) and 53.08(2)(d) or 603 CMR 53.08(3)(c) and 53.08(3)(d), as applicable.

A principal will 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.

SHORT-TERM SUSPENSION PROCEDURES:

A Short-Term Suspension is the removal of a student from the school premises and regular classroom activities for ten (10) consecutive school days or less. Any student facing a potential short-term suspension is entitled to a hearing with the Principal or his/her designee with the following process:

Principal Hearing - Short-term Suspension:

- (a) The purpose of the hearing with the principal or his/her designee 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 or his/her designee 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 or his/her designee should consider in determining whether other remedies and consequences may be appropriate as alternatives to suspension. The principal or his/her designee shall provide the parent/guardian, 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.
- (b) Based on the available information, including mitigating circumstances, the principal or his/her designee shall determine whether the student committed the disciplinary offense, and, if so, what remedy or consequence will be imposed.
- (c) The principal or his/her designee shall notify the student and parent/guardian of the determination and the reasons for it, and, if the student is suspended, the type and duration of suspension and the opportunity to make up assignments and such other school work as needed to make academic progress during the period of removal, as provided in 603 CMR 53.13(1). The determination shall be in writing and may be in the form of an update to the original written notice.
- (d) If the student is in a public preschool program or in grades K through 3, the principal shall send a copy of the written determination to the superintendent and explain the reasons for imposing an out-of-school suspension, before the short-term suspension takes effect.

No Right to Appeal:

The decision of the Principal or his/her designee is the final decision for short-term out-of-school suspensions not exceeding ten (10) days, consecutively or cumulatively during a school year.

LONG-TERM SUSPENSION PROCEDURES:

A Long-Term Suspension is 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. Except for students who are charged with a disciplinary offense set forth in Massachusetts General Laws Chapter 71, §37 H, or in Massachusetts General laws Chapter 71 § 37H ½, 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. Any student facing a potential long-term suspension is entitled to a hearing with the Principal or his/her designee with the following process

Principal Hearing - Long-term Suspension:

- (a) The purpose of the hearing with the principal or his/her designee 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 or his/her designee 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 alternatives to suspension. The principal or his/her designee shall provide the parent/guardian, 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.
- (b) In addition to the rights afforded a student in a short-term suspension hearing, the student shall have the following additional 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/guardian'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;
 4. the right to cross-examine witnesses presented by the school district;
 5. the right to request that the hearing be recorded by the principal, and to receive a copy of the audio recording upon request. If the student or parent/guardian 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/guardian upon request.
- (c) The principal or his/her designee shall provide the parent/guardian, 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.
- (d) Based on the evidence, the principal or his/her designee shall determine whether the student committed the disciplinary offense, and, if so, after considering mitigating circumstances and alternatives to suspension, what remedy or consequence will be

imposed, in place of or in addition to a long-term suspension. The principal or his/her designee shall send the written determination to the student and parent/guardian by hand-delivery, certified mail, first-class mail, email to an address provided by the parent/guardian for school communications, or any other method of delivery agreed to by the principal and the parent/guardian. If the principal or his/her designee decides to suspend the student, the written determination shall:

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 by the principal;
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;
5. Inform the student of the right to appeal the principal's decision to the superintendent or designee, but only if the principal has imposed a long-term suspension. Notice of the right of appeal shall be in English and the primary language of the home if other than English as determined by the home language survey, or other means of communication where appropriate, and shall include the following information stated in plain language:
 - a) the process for appealing the decision, including that the student or parent/guardian 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/guardian 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 the long-term suspension will remain in effect unless and until the superintendent decides to reverse the principal's determination on appeal.
 - b) If the student is in a public preschool program or in grades K through 3, the principal shall send a copy of the written determination to the superintendent and explain the reasons for imposing an out-of-school suspension, before the suspension takes effect.

Superintendent's Appeal Hearing:

- (1) A student who is placed on long-term suspension following a hearing with the principal shall have the right to appeal the principal's decision to the superintendent or his/her designee.
- (2) The student or parent/guardian shall file a 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/guardian may request and receive from the superintendent an extension of time for filing the written notice for up to seven (7) additional calendar days. If the appeal is not timely filed, the superintendent may deny the appeal, or may allow the appeal in his or her discretion, for good cause.
- (3) The superintendent or his/her designee shall hold the hearing within three (3) school days of the student's request, unless the student or parent/guardian requests an extension of up to seven (7) additional calendar days, in which case the superintendent shall grant the extension.
- (4) The superintendent shall make a good faith effort to include the parent/guardian in the hearing. The superintendent shall be presumed to have made a good faith effort if he or she has made efforts to find a day and time for the hearing that would allow the parent/guardian and superintendent to participate. The superintendent shall send written notice to the parent/guardian of the date, time, and location of the hearing.
- (5) The superintendent shall conduct a hearing to determine whether the student committed the disciplinary offense of which the student is accused, and if so, what the consequence shall be. The superintendent shall arrange for an audio recording of the hearing, a copy of which shall be provided to the student or parent/guardian upon request. The superintendent shall inform all participants before the hearing that an audio record will be made of the hearing and a copy will be provided to the student and parent/guardian upon request.
- (6) The student shall have all the rights afforded the student at the principal's hearing for long-term suspension.
- (7) The superintendent shall issue a written decision within five (5) calendar days of the hearing which meets the requirements of 603 CMR 53.08(3)(c)1 through 5. If the superintendent determines that the student committed the disciplinary offense, the superintendent may impose the same or a lesser consequence than the principal, but shall not impose a suspension greater than that imposed by the principal's decision.
- (8) The decision of the superintendent shall be the final decision of the school district, with regard to the suspension.

A parent/guardian conference (re-entry meeting) with the Principal or his/her designee is strongly encouraged before students who are suspended return to school. This conference will be used to promote the engagement of the parents/guardians or guardians in discussions of the student's misconduct and to assist the student in re-engaging with the school community.

Section III

LONG-TERM SUSPENSION/EXPULSION FOR SPECIAL CIRCUMSTANCES:

The long-term suspension or expulsion of a student from school will be in accordance with Massachusetts General Laws, Chapter 71, Section, 37H. The grounds for long term suspension or expulsion include but are not limited to the following:

- I. 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, a knife, or their facsimile, or anything used in the commission of assault and battery; or a controlled substance as defined in Chapter 94 C, including, but not limited to, marijuana, cocaine, and heroin, may be subject to long-term suspension or expulsion

- from the school by the principal or his/her designee.
- II. Any student who assaults a principal, assistant principal, teacher, teacher's aide, or other educational staff on school premises or at school-sponsored or school-related events, including athletic games, may be subject to long-term suspension or expulsion from the school or school district by the principal or his/her designee.
 - III. Due process for a student who is subject to an expulsion or a long-term suspension as a result of possessing drugs/weapons or assaulting school staff includes:
 - a. A student shall receive written notice before the expulsion or a long-term suspension takes place and written notice of the right to appeal.
 - b. The student shall be given an opportunity for a hearing and the opportunity to present witnesses and evidence. The student may have an attorney at their own expense.
 - c. Following the hearing, the principal or his/her designee may, in his/her discretion, decide to suspend rather than expel the student.
 - d. The student may appeal the expulsion or long-term suspension to the Superintendent provided the appeal is requested in writing, within ten (10) calendar days following the long-term suspension or expulsion.
 - e. At the appeal hearing the student may be represented by an attorney and may present oral and written testimony.
 - f. The subject matter of the appeal shall not be limited solely to a factual determination of whether the student has violated any provisions of MGL c. 71 Section 37H.
 - g. The Superintendent's decision is final.
 - h. Any student who is suspended or expelled for more than ten (10) consecutive days shall have the opportunity to receive education services and made academic progress toward meeting state and local requirements, through the school-wide education service plan.

PROCEDURES FOR STUDENTS WITH FELONY COMPLAINT OR CONVICTION:

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 issue a long-term suspension to students convicted or adjudicated of committing a felony if the principal has determined that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school.

Due process for a student who is subject to suspension as a result of a felony charge includes:

- a. The student shall receive written notice before the suspension takes effect and written notice of the right to appeal.
- b. The student shall be given an opportunity to respond to the charges before the suspension takes effect.
- c. The student may appeal the suspension to the Superintendent, provided the appeal is requested in writing within five (5) calendar days following the suspension.
- d. The Superintendent must hold the appeal hearing within three (3) calendar days of the request.
- e. At the appeal hearing the student may be represented by an attorney. The student has the right to present oral or written testimony on his/her behalf.
- f. The Superintendent must render a decision within five (5) calendar days.
- g. The Superintendent's decision is final.
- h. Any student who is suspended or expelled pursuant to this section shall have the opportunity to earn credits, as applicable, make up assignments, tests, papers and other school work as needed to make academic progress during the period of his/her removal.
- i. Any student who is suspended or expelled for more than ten (10) consecutive days shall have the opportunity to receive education services and made academic progress toward meeting state and local requirements, through the school-wide education service plan.

Due process for a student who is subject to an expulsion or a long-term suspension as a result of a felony conviction includes:

- a. A student shall receive written notice before the expulsion or a long-term suspension takes place and written notice of the right to appeal.
- b. The student shall be given an opportunity to respond to the charges.
- c. The student may appeal the expulsion or long-term suspension to the Superintendent provided the appeal is requested in writing, within five (5) calendar days following the expulsion.
- d. The Superintendent must hold the appeal hearing within three (3) calendar days of the request.
- e. At the appeal hearing the student may be represented by an attorney and may present oral and written testimony.
- f. The Superintendent must render a decision within five (5) calendar days.
- g. The Superintendent's decision is final.
- h. Any student who is suspended or expelled for more than ten (10) consecutive days shall have the opportunity to receive education services and made academic progress toward meeting state and local requirements, through the school-wide education service plan.

Section IV

EDUCATION SERVICES AND ACADEMIC PROGRESS UNDER SECTIONS 37H, 37H1/2 AND 37H3/4:

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

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