

# Michael E. Smith Middle School

## Student Handbook 2024-2025



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If you feel you may need translation of school information, or special accommodations, or assistance as a result of a handicapping condition, please call 413-538-5072. For those who are hearing impaired, please either send a fax to 413-532-6284 or call through Mass Relay Service at 1-800-439-2370 to notify us of your special needs.

Si usted necesita alguna adaptación o asistencia especial debido a algún tipo de minusvalía, por favor llame al teléfono 413-538-5072 (fax para personas con deficiencias auditivas 413-532-6284).

## GENERAL INFORMATION

### Principal's Welcome Letter:

Dear Student and Caretakers,

As the new Principal of Michael E. Smith Middle School (MESMS), it's my pleasure to welcome you to our "We Are Tigers!" school community. Whether you are a returning family or new to our school, we are excited to have you with us.

At MESMS, we are dedicated to providing a safe, supportive, and engaging learning environment for all students. Our mission is to be inclusive, open-minded and curious. We value self-reliance, scholarship, honesty, and kindness while fostering opportunities for growth and building community. We encourage each other to embrace challenges while also celebrating successes within a safe and welcoming environment.

This handbook is designed to provide you with essential information about our school policies, procedures, and expectations. Please take the time to read it carefully and discuss it with your child. Understanding and adhering to these guidelines will help ensure a positive and productive school year for everyone.

Here are a few highlights of what you can expect this year:

1. **Academic Excellence:** Our dedicated teachers and staff are committed to delivering high-quality instruction and support to help students achieve their best. We offer a rigorous curriculum that challenges students to think critically and creatively.
2. **Supportive Environment:** We believe that every student should feel valued and respected. Our school is a place where diversity is celebrated, and everyone is encouraged to contribute to our community.
3. **Engaging Activities:** In addition to academic opportunities, we offer a wide range of extracurricular activities, and clubs, to help students explore their interests and develop new skills.
4. **Parental Involvement:** We recognize the crucial role that parents and guardians play in their children's education. We encourage you to get involved in school activities, attend parent-teacher conferences, and stay connected with us throughout the year.

Our success depends on the collaboration between students, parents, and staff. Together, we can create an environment where every student can thrive. If you have any questions or need assistance, please do not hesitate to contact us.

Thank you for your support and partnership. Let's make this a fantastic school year!

Warm regards,

Luis D. Martinez, Principal

# WE ARE TIGERS!

We, as a community of students and staff, strive to be inclusive, open-minded and curious. We value self-reliance, scholarship, honesty, and kindness. We encourage each other to embrace challenges within a safe and welcoming environment.

## SCHOOL COMMITTEE ADMINISTRATION AND STAFF

### School Committee

Mr. Eric Friesner, Chair  
Ms. Danielle Cooke  
Mr. Lawrence Dixon  
Mr. Daniel View  
Dr. Lynda Pickbourn

### Superintendent of Schools

Dr. Mark McLaughlin 538-5060

### Assistant Superintendent of Business

Ms. Jennifer Voyik 538-5057, ext. 2606

### Director of Pupil Services

Ms. Elizabeth Cooke 538-5072, ext. 2614

### Principal

Mr. Luis D. Martinez 538-5074, ext. 4701

### Assistant Principal

Ms. Jess Nardizzi 538-5074, ext. 4702

### Administrative Assistants 538-5074

Ms. Nancy Pedigo (Guidance) ext. 4716  
Ms. Lynne Dent (Principal) ext. 4704  
Mrs. Kelsey Garvey (Main Office) ext. 4712

### Adjustment Counselor

Ms. Caitlin Gareffi 538-5074, Ext. 4736  
Ms. Sarah Gardner 538-5074, Ext. 4715

### Guidance Department

Ms. Katherine Seigel 538-5074, Ext.4718

### Nurse

Mrs. Beth Winfield 538-5074, Ext.4705

### School Resource Officer

Officer Josh Helems 538-5074, Ext.4713

## **INTRODUCTION/PURPOSE OF HANDBOOK**

This guide is designed to allow all students the opportunity to experience the best possible learning environment; one that is safe, stimulating, and free of distractions. Therefore, it is important that you become familiar with the information contained in this booklet and ask questions about anything that is not clear to you.

## **MISSION AND VISION**

We, as a community of students, staff, families and stakeholders, strive to be inclusive, open-minded and curious. We value self-reliance, scholarship, honesty, and kindness while fostering opportunities for growth and building community. We encourage each other to embrace challenges while also celebrating successes within a safe and welcoming environment.

Our vision is to develop a well-rounded curriculum that helps students to achieve their full potential. We will do this by having students begin to explore their interests in a welcoming, safe, and supportive learning environment.

## **ATTENDANCE**

**THE SCHOOL DAY** - Below is the schedule for a typical school day.

### **PLEASE DO NOT ARRIVE BEFORE 7:32 AM**

7:40 AM Students enter the building

7:47 AM Daily attendance is taken in homeroom

### **STUDENTS ARE TARDY IF THEY ARRIVE AFTER 7:47 AM**

2:25 PM Students are dismissed (Half Day dismissal is at 11:25 a.m.)

## **TARDINESS/ABSENCES**

Student attendance in class is essential for academic success. This means that students need to be in attendance at the start of the school day and for the course of the entire school day. When a student is needlessly absent or tardy, it negatively impacts their education, as well as that of their peers. All students and families are strongly encouraged to take vacation during the scheduled school vacations and discouraged from taking vacation while school is in session. Family vacations are not excused absences and count towards the allotted days prior to being a chronically absent student. Absences are excused with a medical, religious or other form of documentation for an event that can not occur outside of the school day. Absent notification does not excuse an absence from school (Parent Phone Call) rather notifies that school that their student will be absent for the day.

In order to minimize student absences, several levels of intervention have been put into place. The interventions are for situations where the reason for the absences have not been provided to the school and are broken into two categories: tardiness and absenteeism (Massachusetts General Law Chapter 76, Section 2). In accordance with M.G.L. 76 §2 students may not be absent more than 7 days in a half year and 14 days in a full year. Non-promotion may be considered by the school administration if a student has 18 or more unexcused absences during a school year as students who have more than 18 days of school are considered chronically absent.

Students who are consistently tardy and/or absent, may be required to attend a Lunch Help session in order to ensure that students are making sufficient academic progress in their classes. This session will be a part of the Attendance Plan that students will be placed upon based upon the below criteria.

<b>Tardiness (per Term)</b>	<b>Absenteeism</b>
5 <sup>th</sup> tardy- School notification home 10 <sup>th</sup> tardy-Parent/Student/School meeting 14 <sup>th</sup> tardy- Possible referral to outside agencies	5 <sup>th</sup> absence (Unexcused) - School notification home and Parent/Student/School meeting 14 <sup>th</sup> absence (Unexcused)- Possible referral to outside agencies

### **No School & Emergency Closings**

In the event of an emergency situation, such as inclement weather, loss of heat, electricity, water, et cetera, prior to the start of the school day, school may be delayed or canceled. Announcements will be given as early as possible via the school's phone messaging system, local radio, and television stations.

If it becomes necessary to close the school during the day, announcements to this effect will be made over the school's phone messaging system, the local radio, and television stations, and the students will be sent home.

<b>RADIO</b>	<b>TELEVISION</b>	<b>SCHOOL WEBSITES</b>
WHYN (560 AM) WHYN (93.1 FM) WSPR (730 AM) WAQY (102 FM) WRNX (100.9 FM) WMRQ (99.3 FM) WRNX (100.9 FM)	CHANNEL 22 (WWLP) CHANNEL 40 (WGGB)	southhadleyschools.org

### **ARRIVAL/DEPARTURE**

#### **CARS**

Parents who drop off and pick up their Middle School students should follow the new drop off and pick up that was sent out to families prior to the school year. Parents may **not** park alongside Mosier Street to drop off students or pick up students.

#### **BUSES**

Students who live more than 1 mile from the Middle School are eligible to ride the bus. Conduct on the bus and at the bus stop **is related to school**. Students are expected to uphold the code of conduct while waiting at the bus stop and riding the bus. Should a student demonstrate unacceptable behaviors, then the bus driver has the complete authority to inform the school and consequences may follow from the school. If anyone makes the bus ride dangerous for other students, then he/she/they will have to find alternative transportation.

#### **BUS PASSES**

Students who may need to take an alternate bus for extenuating circumstances must submit a note from their parent/guardian stating the reason, the alternate bus, and the alternate bus stop at which the student will be picked-up or dropped-off for approval. The school can limit the number of bus passes due to overcrowding.



## **LATE BUS**

If students either are staying after school for extra help and/or participate in after school activities, then they may take the late bus home. The late bus starts the first Tuesday of the first full week of October. The late bus arrives at school by 4:00 PM. Students who do not take the late bus should arrange for a ride and be picked up by this time, or if the student is a walker, then he/she/they will begin their walk home. If students are not staying for a school sponsored activity, then they need to leave school grounds upon the end of school.

## **BIKES, SKATEBOARDS, ROLLERBLADES**

Students may ride their bikes to school. Those students who ride bikes to and from school must wear helmets and should lock their bikes in the bike racks immediately upon arrival. Upon dismissal, as a safety precaution, students must walk their bikes to the Mosier Street sidewalk. The school is not responsible for damaged or stolen bikes.

## **ACADEMICS**

### **REPORT CARDS**

Report cards are issued four times a year. Parents/guardians will receive an email copy of their student's report card. MESMS encourages all students and families to access the PowerSchool portal to check their grades on a regular basis. A permanent record of the report card is kept in each student's cumulative file. Students take the i-Ready assessment 3 times per year. After each assessment cycle, reports will be sent home to families.

Michael E. Smith Middle School will maintain a live gradebook through the PowerSchool Student Information System. Students are automatically assigned a username and password where they can view their grades for various assignments as well as what assignments are missing. Parents have the ability to also view their child's grades and receive automated alerts upon a grade change. Parents can contact the school for support in setting up their account for their child.

### **EXTRA HELP**

Students are encouraged to seek extra help from teachers whenever they do not understand an assignment, if the work is difficult, or the student has been absent and has missed class work and class discussion. Teachers are available for extra help at a minimum of 1 day per week, their office hours will be shared with students and families after the third week of school. Additional help after school can also be established by arrangement with your teacher.

### **MAKE-UP WORK**

Students must complete make-up work for daily absences **within three (3) school days** of the student's return to school with the first day of return being day 1. Arrangements should be made with the teacher if it is a prolonged absence and/or circumstances that require additional time. If a student is absent for one to two (1-2) days, students should pick-up work from their teacher upon their return to school. If a student is absent for three (3) or more days, parents/guardians are encouraged to contact the school for make-up work if work completion is possible for the absent student. Students who do not complete their academic work while they are in class, may be expected to complete the work for homework. Classwork assignments and, all other assignments that are worth 30% of the overall grade, that are not turned in by the deadline may be turned in up to two (2) school days late with a maximum grade of an 85. Any assignment turned in after that date will not be accepted for credit. It is up to the individual student to monitor what assignments have not been turned in on time. For in classroom Tests/Quizzes that are worth 70% of the overall grade, that are not completed by the deadline, there

will be no penalty to the grade, so long as a mutually agreed upon time is worked out within 5 school days of the assigned assessment.

## **HOMEWORK**

The Michael E. Smith Middle School recognizes the importance of homework. Extra studying and skill practice help students increase understanding. Research indicates that student achievement rises significantly when students spend three to five (3-5) hours a week on homework. The following homework policy is meant to enhance understanding and to encourage our students to become better learners.

1. Homework will be regularly assigned to become part of the school routine.
2. Homework will be clearly stated to insure student understanding and expectations.
3. Students are expected to return homework assignments on time, complete, and neatly done.
4. Students enrolled in accelerated classes will have an increased amount of homework.
5. Homework will be collected regularly, assessed promptly, and returned to the students. This process promotes a sense of routine and provides immediate constructive feedback for students.
6. Homework will be one of the following types:
  - a. Preparation
  - b. Practice
  - c. Extension
  - d. Creativity
7. Homework will not be assigned for the purpose of punishment.
8. Homework will be graded in the category of practice. The practice category will be 30% of the grade.
9. Parents/guardians are expected to provide their child with an appropriate space and time to do homework.
10. Parents/guardians can check on the homework assigned to their student in two places.
  - a) Student Agenda - all students are issued an agenda on the first day of school. They are expected to write all homework assignments in the agenda every day.
  - b) All teachers have a class Google Classroom which can be found in their school google accounts. Teachers are required to post all assignments there that can be posted.
11. Parents/guardians are expected to communicate with their son's/daughter's teacher if difficulties arise in meeting homework requirements.

### **Average time expected to complete homework assignments**

<b>Fifth Grade</b>	1 hour per night	<b>Seventh Grade</b>	2 hours per night
<b>Sixth Grade</b>	1.5 hours per night	<b>Eighth Grade</b>	2 hours per night

## **AGENDAS**

Students are provided with an agenda at the start of the school year that is expected to last the entire year. Agendas should be brought to each period to record homework and other important information. Students who cannot find their agenda within two days will need to buy a new agenda at a cost of \$5.

## **STUDY TIME**

It is suggested that you and your child select a set time for study at home on school nights that is not an alternative to other activities. If the student does not have assigned homework, he/she/they should use this time to read, work on longer-term projects or do some school-related activity.

## **PROMOTION**

Students must pass three of their four core academic subjects (English, mathematics, science, and social studies) in order to be promoted to the next grade. Students who fail more than one core subject are required to attend and pass a comparable course in summer school. A maximum of two summer school courses can be applied to the promotion requirement.

### **Grading for year-long academic courses:**

- In each quarter, the minimum grade a student can receive is 50%. That is, student grades will be 50 points or the actual number of points earned, whichever is higher.
- To pass for the year, students need a 60% overall. Stated in points, this is an average of 60 points per Quarter or 240 points per year.

Therefore, a student who failed a class during a trimester can still pass the course for the year if he/she/they brings up their grades.

Non-promotion may also be considered by the school administration if a student has 18 or more unexcused absences during a school year.

## **CLASS CHANGES**

Every attempt has been made to schedule your student in classes he/she/they will find the greatest academic success, while simultaneously being aware of requests for specific courses. However, there are times when every request cannot be accommodated due to a variety of factors (e.g., balanced teams, balanced class rosters, missing criteria for Accelerated course, incompatible master schedule requests, et cetera).

Accelerated courses may be offered in ELA, history, math, and science in grades 7 and 8. Criteria for placement in these classes is based on a number of factors including, grades, subject proficiency as determined by state test scores, and teacher recommendation.

### **The following requests for drop/add, to/from a course will be honored (as long as the master schedule can facilitate the change):**

- Computer or clerical error
- Period missing from schedule
- Core subject missing from schedule (Math, Science, English, Social Studies)
- A course that was made up during summer school

### **Transfer to a more challenging course if student meets the prerequisites for the course Requests that will not be honored include:**

- Friends in another class
- Change in teacher
- Not meeting a prerequisite for a course

Requests for schedule changes that meet the criteria for change can be communicated to the student's guidance counselor.

**Any student dropping from a course after the first five (5) days of a course will receive a Withdrawn (W) as a grade.**

## **HOME TUTORING**

The school will provide a tutor to homebound children who are going to be absent for 14 days or more due to medical reasons. If you need this service, you should call the Principal and inquire about the application for a home tutor. Medical documentation is required.

## **NJHS**

### **Qualifications for Acceptance into the Middle School National Junior Honor Society**

Students must have a minimum of a 3.8 GPA in all of their academic classes prior to acceptance in the National Junior Honor Societies. GPA is calculated upon a student's arrival at MESMS. All students who meet this requirement are eligible for membership at the beginning of the 3rd quarter of their 7th Grade year. Any student interested in membership shall submit a letter of interest. (Please see the advisor for this form.)

### **II. Maintenance Policy**

Students must maintain a 3.8 GPA in their 7th and 8th Grade years. Students must complete a minimum of 2 hours approved community service in 7th grade after induction, a minimum of 2 hours over the summer and a minimum of 10 hours each semester of their 8th grade year. Students must attend monthly meetings in which service projects and activities are planned. No more than three excused absences will be allowed. Record of service must be submitted monthly to an advisor. The record should include a description of each service, the number of hours, the date(s) of service and the signature(s) of the adult(s) who can corroborate the service. If a student fails to complete their hours of service on time or meet the minimum GPA requirement, they are placed on probation for one term. During that term they must raise their GPA and/or make up service hours missed. They must also maintain the minimum monthly service hours while they are on probation. If students fail to meet the qualifications at the end of their probationary period, they are dropped from the society permanently.

### **Service**

Service is generally considered to be those actions undertaken by the student that are done with, or on behalf of others without financial or material compensation. Receiving a grade or academic credit would be considered compensation and therefore excluded. Also, coached or officially advised activities that have a designated plan for recognition, and elected offices are excluded as well. Students are advised to clarify the validity of their service by contacting the Pro Merito Tiger Scholars advisor at any time or they may risk disqualification.

### **Examples of Service**

Community service goes beyond family obligations and serves a broader community. Examples of community service are: formal supervised tutoring; helping PTO; helping at Park & Recreation events; volunteering at church; the hospital; the library; animal shelters, School Open House or other related functions.

## **HONOR ROLL**

The Michael E. Smith Middle School Honor Roll has two levels of academic recognition: Honors and High Honors. Students will need to achieve the following criteria in order to receive academic recognition:

- Honors: 83% or above in all classes
- High Honors: 93% or above in all classes

Every class counts when calculating a student's standing. Academic Core courses, Arts, Band, Chorus, et cetera. This speaks to the importance of all educational experiences that students encounter during their academic year.

## **HEALTH SERVICES**

### **THE NURSE**

The school nurse is available to all students. During the course of the school year, the nurse schedules vision and hearing screening and assists in postural screening. The nurse keeps an accurate and complete health record,

including an updated listing of all immunizations as required by law. Students are not allowed to attend school without required immunizations. Parents/guardians should make arrangements with their physicians to maintain current immunizations prior to the beginning of school. **Any medication that is required to be distributed in school MUST BE kept in the nurse's office. The parent must send in the original bottle from the pharmacy with the doctor's order and parent/guardian's permission.** This includes all prescription and nonprescription medicine.

The school nurse is in the building to take care of any medical emergencies or illness that might occur during school hours. A student who becomes ill must come to the Nurse's Office with a pass from the classroom teacher. The nurse will decide on the course of action to be taken. **No child will be sent home ill without the evaluation of the school nurse or his/her designee.** The ill student must be signed out in the office by a parent/guardian or responsible adult designated by the parent/guardian.

### **SPECIAL HEALTH CONDITIONS**

If your child has a special health problem of any kind, please be sure the school nurse is made aware of the condition. A list of students with health conditions is prepared yearly and updated as necessary. A signed permission form must be given before a student's health problem is listed. With the permission of parents/guardians, this document is distributed to the staff in order to keep everyone fully informed of any special concern that would affect a child's performance at school.

### **PARENTAL NOTIFICATION RELATIVE TO HUMAN SEXUALITY**

In accordance with Massachusetts General Laws Chapter 71, Section 32A, the parents/guardians of students in the South Hadley Public Schools will be notified in writing of curriculum, courses and specific instructional presentations that deal with primarily human sexuality education or human sexuality issues. This notice shall include a brief description of the curriculum covered by this policy and inform parents/guardians that they may:

1. Exempt their child from any portion of the curriculum that primarily involves human sexuality education and human sexuality issues, without penalty to the student, by sending a written request to the Principal. Any student who is exempted by request of a parent/guardian under this policy may be given an alternative assignment.
2. Inspect and review instructional materials for said curriculum and such materials will be made reasonably accessible to parents/guardians and others to the extent practicable. Parents/guardians may arrange with the principal to review the materials at the school and may also review materials at other locations as may be determined by the Superintendent

### **EMERGENCY INFORMATION**

Every student will bring an emergency update sheet home in September. All of the requested information is required for a student to be entered into our computer system. Please make sure this card is complete and accurate. If any relevant information changes during the school year, parents are expected to notify the school office as soon as possible. This information is vital if the school needs to contact someone in case of emergency.

## **STUDENT RECORDS**

The Commonwealth of Massachusetts requires that students and parents be informed of the pertinent laws regarding student records. Chapter 785 and Chapter 713E are included in the student folders so that parents and students will be apprised of the state laws and regulations.

### **Chapter 713E Parents Rights to Inspect Student's Records**

"Each School Committee shall, at the request of a parent or guardian of a pupil, or, at the request of a pupil eighteen years of age or older, allow such parent, guardian or pupil to inspect academic, scholastic, or any other records concerning such pupil which are kept or required to be kept."

The law was passed by the legislature with the expressed purpose of ensuring parents' and students' right of confidentiality and inspection. These rights shall be the rights of the student upon reaching 14 years of age. If a student is between 14 to 17 years of age, both the students and his/her/their parent, or either one acting alone, may exercise these rights. At age eighteen, the student may assume exclusive responsibility for exercising these rights by written request.

All requests for copies of student records need to be in writing and require a 24 - 48 hour notice.

From time to time, records are adjusted as to residence, phone number, and other basic information. In addition, records are reviewed periodically to eliminate outdated information. The administration or its designee does the task.

### **TRANSFER PROCEDURE**

If you are moving from South Hadley or transferring your child to another school, please notify the office so we can have records ready to send to the new school promptly upon the school's request. It is helpful if you come into the office and fill out a release of records form to take to the new school.

Families looking to transfer their students to another school, should notify the school in writing. Families will need to sign a release of information form in order for records to be released to the students' new school. This form may also be completed at the new school and faxed over to Michael E. Smith Middle School. All student transfers will be completed through the Guidance Office.

### **CHAPTER 76, SECTION 5**

Chapter 76, Section 5 of the Massachusetts General Laws reads: No person shall be excluded from or discriminated against in admission to a public school of any town, or in obtaining the advantages, privileges and courses of study of such public school on account of race, color, sex, gender identity, religion, national origin or sexual orientation.

## Food Services and Cafeteria Rules

### **EXPECTATIONS**

The following are expectations for students in the cafeteria:

Students will select a table at the beginning of the school year and be assigned seating at that table. Students may ask the school administrators to switch their assigned table. Each table is numbered and all students are responsible for ensuring that their table and area around their table is clean before they will be allowed to leave for recess. In order for a table to leave for recess, they must be dismissed by an adult. In the event that students are unable to go outside for recess, students are expected to remain sitting at their own table for the duration of the time.

Upon entering the cafeteria, students find their assigned table and wait to be called up to one of the two lines for lunch.

Students are expectations are as follows:

1. Courteous behavior in the cafeteria.
2. Depositing all litter in wastebaskets.
3. Returning all trays and utensils to the dishwashing area.
4. Leaving the table and floor around your place in clean condition.
5. Eating in designated areas only.
6. No eating in the band or music room.

If students are not able to follow these expectations, an alternative seating arrangement may be made.

### **FREE AND REDUCED LUNCH**

All students who ask for lunch and breakfast will have it provided free of charge for the entire 2024-2025 school year.

## PUBLIC SAFETY

### **FIRE DRILLS**

Fire drills at regular intervals are required by law (4 per year minimum) and are an important precaution. It is essential that when the first signal is given, everybody follows the instructions given and promptly leaves the building by the prescribed, posted route as quickly as possible. The teacher in each classroom will give students instructions.

1. Follow the directions posted in the classroom and/or given by the teacher in charge.
2. Be **COMPLETELY** silent and exit the building in an orderly manner.
3. Stand with the members of your class in the assigned area away from the building.
4. Re-enter the building **ONLY** when instructed to do so.

### **EVACUATIONS**

At least one time during the school year all schools are also expected to conduct an emergency off-site evacuation. Michael E. Smith Middle School's primary emergency off-site evacuation site is Mosier School,

located across the street. Our secondary off-site evacuation site is Chapin Hall at Mount Holyoke College. The school will provide a general notification to families that we will be conducting an off-site drill within a designated time frame. Such a drill, for the purpose of safety; will not require a signed permission slip by parents/guardians. If you have questions, please contact the building principal.

## **EMERGENCY CODES**

Emergency Code drills are practiced at regular intervals as required by the District Crisis Plan. The codes were designed to provide clear directions for different situations that may affect the safety and welfare of students. It is essential that when the Code is given, everybody follows the procedure for each given code as outlined in the Emergency Procedure Binder. The teacher in each classroom will give students instructions on where to go and what to do.

## **SCHOOL PROPERTY**

### **SCHOOL PROPERTY AND ITS CARE**

We are very proud of our school and hope that everyone will respect their environment and the work that is done to maintain our building. Common sense and respect for others dictates that we must exhibit care in the use of the school and its resources. Destruction or vandalism of school property will not be tolerated. A student who damages or mutilates school property intentionally will have to make full restitution and be subject to disciplinary consequences.

Books and electronic devices are supplied by the school system. They are expensive to buy and costly to replace. Therefore, the books and electronics that are loaned to students must be kept in good condition. Marking books or electronics, allowing them to get wet when it rains, or any other act that limits the use of the items will result in the student buying a replacement. Also, students will be assessed a fee to have damaged books rebound.

Students are instructed to cover books immediately upon receipt. A brown paper bag makes a great book cover.

### **LOCKERS**

Lockers are assigned to all students at the beginning of the school year. Since these lockers are school property, they should be kept neat and clean at all times. The school has the right to inspect the contents of lockers at any time.

### **BACKPACKS**

Due to growing concern for the health and safety of the students, Michael E. Smith Middle School does not allow backpacks to be worn during the school day and should be stored in their assigned locker. With cause, the school has the right to inspect the contents of the bag at any time. Students will put their backpacks in their lockers every morning before entering their homeroom, without exception.

## **PROCEDURES**

### **HALLPASSES**

Students are permitted in the halls when accompanied by a teacher or with a hall pass from an authorized staff member. There should not be more than one (1) student out of a room on a single classroom pass. If it is necessary for a group of two or more students to leave a room, the teacher must write a special pass, or the teacher must accompany them. Students who are found in the hallways without a pass will be assigned an after school detention.



## **VISITORS**

All visitors must report to the Middle School office and sign in. Visitors are required to wear an identification label to travel in the building. Unidentified visitors will be stopped by school personnel and accompanied to the office.

All doors to the school will remain locked and closed at all times. Doors should not be propped open for any reason. Staff and students are not permitted to allow anyone into the building.

Any student who wishes to have a guest in school must receive written permission from an administrator twenty-four (24) hours in advance of the proposed visit. If permission is granted, the guest is expected to submit emergency contact information and follow the standard behaviors expected of all Michael E. Smith Middle School students.

Any request for observations must be submitted in writing for approval to the administration 24-48 hours in advance. Any non-custodial request must be accompanied by a parent/guardian's written consent.

## **CHROMEBOOK**

At the beginning of each school year, students will be assigned a school owned chromebook, case and charger, each with a unique ID number, for them to use throughout the school year. Students are expected to bring the chromebook to and from school each day, with a fully charged battery. If damage occurs to the chromebook, the student and their family will be responsible for the cost of the damage to the device.

Students who do not have a chromebook due to damage, lack of charge or forgetting the device at home will not receive a loaner device. If an assignment is unable to be completed due to the device being damaged, lack of charge or forgetting the device at home, students will still be responsible for the assignments or may have to complete alternative assignments.

Students who have not paid for the damages to their school owned chromebook, case or charger may be placed on Social Probation until the damages are paid.

**Michael E. Smith Middle School**

**Code of Conduct**

**2024-2025**

If you feel you may need translation of the information and/or special accommodations or assistance as a result of a handicapping condition, please call 413-538-5072 (hearing impaired fax to 413-532-6284 through Mass Relay service at 1-800-439-2370) and notify us of your special need.

Si usted necesita alguna adaptación o asistencia especial debido a algún tipo de minusvalía, por favor llame al teléfono 413-538-5072 (fax para personas con deficiencias auditivas 413-532-6284).

## **PURPOSE AND SCOPE OF THE DISCIPLINE CODE**

### **PURPOSE**

The South Hadley School Department expects all students to conduct themselves in a socially responsible manner in order to encourage an environment, which is educationally sound for all students. Disciplinary measures are used to maintain a safe and stable school environment and to teach students proper respect for the educational setting. Administrators, teachers, and staff are to be role models for students in setting high standards of behavior and thereby promote high standards of behavior for students.

It is the responsibility of parents in their teaching, and by their example, to assist their child in consistent attendance, in the development of good work habits, in fostering appropriate behavior and in encouraging a positive attitude towards school. Parents are additionally responsible for being knowledgeable as to their child's performance in school.

It is the responsibility of the faculty and administration to provide parents with timely information regarding the failure of their child to maintain consistent attendance, good work habits, appropriate behavior and attitude towards school.

### **SCOPE**

School discipline codes will apply to the school and its grounds, to school buses and other normal means of egress to and from school, to threats against the school and its members, and to student/staff interactions in person, electronically, or otherwise. They shall also apply to all events sponsored by the school departments, including but not limited to field trips, extracurricular activities, sports, social events, etc. In the event that a student loses a field trip for disciplinary reasons, deposits will not be refunded and payments made towards the trip may not be refunded depending on the individual trip.

### **AUTHORIZED OFFICIALS**

The building principal or the principal's designee (i.e. assistant principals and/or deans) shall be responsible for hearing all cases that may result in a more serious penalty than detention. Depending on the seriousness of the offense, the principal or the principal's designee will determine the level of appropriate action to be taken, including suspensions and expulsions.

### **ADMINISTRATIVE DISCRETION**

Administrative flexibility is required in any disciplinary regulations to account for individual cases, unusual problems not anticipated nor written in school regulations, and the maintenance of effective control of behavior in a public school. The administration has the right to adjust the Code of Discipline when the severity of or mitigating circumstances dictate. Action taken under the prerogative must also meet the test of reasonableness and protection of the rights of students.

### **CONCLUSION**

Student discipline is one area, which has a direct effect on the ability of the school to fulfill its purpose. Discipline is an area, which requires the attention and efforts of everyone – parents, students, teachers, administrators, and members of the School Committee. We urge all parents and students to make an effort to understand and comply with the rules of the school concerning student conduct and to cooperate with the school in carrying out disciplinary action taken by the school.

### **APPROVAL**

All discipline codes have been approved by the South Hadley School Committee and are considered part of

the policy of the South Hadley School Department.

Please refer to: South Hadley Public Schools Policies:

JBA/JI/JIC/JIC-R/JK-R/JIC-R-1/JIC-R-2/JICA/JICB/JICC/JICF/JICFA/JICFA-E/JICFA-E/JICFB/JICG/JICH/JIH/JII/JII-R-1/JII-R-2/JJBA/JK/JKA regarding Student Conduct and Discipline as revised April 2017.

The South Hadley Public Schools may regulate student speech and assembly based upon legitimate educational needs, including, but not limited to the time, place, manner of student speech and assembly, and reasonable methods to ensure substantial disruption to the learning process does not occur.

“No expression made by students in the exercise of such rights shall be deemed to be an expression of school policy and no school official shall be held responsible in any civil or criminal action for any expression made or published by the students.”

For the purpose of this section, the word “student” shall mean any person attending the South Hadley Public Schools. The term “school official” shall mean any member or employee of the South Hadley School Committee.

## **INTERPERSONAL RELATIONSHIPS**

The ideals of ethical behavior and integrity should permeate all inter-relationships in the South Hadley Public Schools. Parents/guardians, family members, community members, students, administrators, teachers, support staff, and other school personnel share an expectation that civility and respect should govern all relationships between school and non-school personnel.

It is the policy of the South Hadley Public Schools that all school staff and non-school personnel, including students, shall treat each other with proper respect and dignity and communicate in a civil and humane manner. Students who violate this policy are subject to the disciplinary procedures as outlined in the *Code of Conduct and Discipline Policy* of the South Hadley Public Schools.

Staff members who violate this policy are subject to disciplinary procedures consistent with state law and contractual agreements.

Non-school personnel who violate this policy may have their access to school buildings, events, or communication with school personnel limited, restricted, and/or withdrawn.

## **DISCIPLINARY PROCEDURES IN THE CLASSROOM**

- I. Teachers are responsible for establishing standards of conduct within the classroom. They should use common sense to diffuse or stop situations, which interfere with the educational process. They need to recognize the individual differences of students. Teachers are strongly encouraged to refer students to guidance counselors when appropriate, as there may be underlying causes for a student’s disruptive behavior.

In their attempts to positively impact student behavior, teachers are encouraged to utilize all school resources including guidance counselors, social workers, nurses, student support teachers, the teacher support team, other teachers, and administrators. Teachers should utilize these resources before situations need the attention of the principal or assistant principal.

Teachers will contact parent(s)/legal guardian(s) and/or notify guidance counselors when appropriate to enhance communication between home and school.

There are some areas of discipline, which should remain in the classroom and be handled by the classroom teacher. These include, but are not limited to:

- Abusive language (e.g., yelling, swearing, et cetera)
- Cheating

- Disruptive behavior in class or hallway
- Dress Code Violation (see: Dress Code Policy)
- Lying
- Plagiarism, including the use of AI generated responses.
- Refusal to follow directions
- Roughhousing
- Tardiness to class
- Unprepared for class
- Use of items that cause disruption (e.g., electronics, food & drink, toys, fidgets that are not part of a school plan, et cetera.)

II. Students should not possess, openly wear, or display on their person nor operate any laser pointer/gun, Ipod, radio, electronic games, et cetera in class, school buildings, or on school grounds.

**Cellphone and other hand held electronic devices:**

Cell phones must be powered off from 7:32 am when the doors open or upon entering the school building to 2:25 pm or upon leaving the school building for dismissal. Cell phones and other electronic communicating devices must be off and away during the school day. Students who choose not to place their devices in their lockers, upon entering the classroom, will be required to place their cell phones and/or electronic devices in **Cell Phone Lock Boxes** within each classroom and leave them there until the transition period. Upon leaving the classroom, students will remove their device(s) and transition to the next class with them and repeat the procedure. During the lunch period, students may possess the device, however, the device must be powered off and away.

**Permitted Use:**

- Before entering the building at 7:32 am and upon dismissal at 2:25 pm
- Students may carry cellphones to school but must keep them turned off during school hours.
- Cell Phones will be stored in lockers or **Cell Phone Lock Boxes** in designated areas in each classroom.

**Prohibited Use:**

- Using cellphones during class time, including for texting, calling, browsing the internet, or playing games.
- Recording or taking pictures during school day, school bus, or **during the school day, school bus or school sponsored events** . The recording or taking pictures **of any students during the school day, school bus or school sponsored events will be investigated and may result in disciplinary action.**
- Using cellphones in restrooms, locker rooms, or any other areas where privacy is expected.

**Progressive discipline for cellphone or other hand held electronics violations:**

- **First Offense:**
  - The student receives a verbal warning and is asked to put the phone away in the Cell phone Lock Boxes for the remainder of the class.
- **Second Offense:**
  - The cell phone is confiscated by the educator and for the remainder of the school day. Students will report to the Principal’s office to retrieve confiscated electronics.

- A parent or caretaker is notified of the violation and the student will receive a teacher detention.
- **Third Offense:**
  - The cell phone is confiscated and can only be retrieved by a parent or caretaker from the Principal.
  - The student will receive an office detention .
- **Repeated Offenses:**
  - Continued violations may result in more severe disciplinary actions, including suspension or a loss of certain privileges.

III. A student should only be sent to the administration for repeated offenses or serious disruptions.

### **Progressive Discipline:**

The goal of progressive discipline is to correct behavior in a constructive and supportive way, helping you to understand the impact of your actions while offering opportunities so you can make positive changes.

1. Verbal Redirection
  - a. Staff member privately speaks to you or redirects you about your behavior
  - b. Remind you of the expectations and reflect on your actions.
2. Written Reflection
  - a. You may be asked to fill out a reflection sheet. “Fix it Sheet”
  - b. Document the issue and give you an opportunity to think critically about you behavior.
3. Caretaker Contact or Conference
  - a. The teacher contacts the student’s caretaker to discuss the ongoing behavior.
  - b. Involve the family to create a support system and discuss ways to improve at home and school.
4. Team Conferences w/ or w/out Caretaker
  - a. You will be asked to meet with your grade level teams to discuss ongoing behavioral issues.
  - b. Involve the entire team of teachers and create a Success Plan
5. Loss of Privileges or Detention
  - a. You may lose certain privileges (field trips, events, extracurricular activities) or be assigned detention.
  - b. Reinforce the consequences of negative behavior in a way that directly impacts your school experience.
6. Referral to Administration
  - a. If the misconduct continues, you will be referred to an administrator for further action, which could include suspension or a formal behavior plan.
  - b. Address persistent issues at a higher level with more serious consequences and structured support.

IV. Detention- When a student has persisted in behavior contrary to this Discipline Policy, a teacher may assign the student a warning, teacher lunch detention, teacher after-school detention or call the parents in for a conference. The student will be given twenty-four (24) hour notice before he/she/they must serve detention. This notice may only be waived by the mutual consent of both parties for students enrolled in grades 9 – 12; for students in grades K – 8, this notice may only be waived with parental consent. Teachers will not leave students unsupervised on school grounds.

Classroom teachers are encouraged to discuss with students the violation(s) of the Discipline Policy leading to the detention and alternative ways of reacting in similar situations. Multiple violations will result in the teacher contacting parents to discuss the situation.

### **Office Detention**

The Main Office will assign a student one or more detentions for violation of school rules. A caregiver will be notified of the detention. Office detentions start promptly at 2:05 p.m. and end at 2:55 p.m. Students must report to the Main Office and be on time for detention, be prepared to work quietly, and remain for the allocated time. There is no eating, drinking, sleeping or listening to or using any electronic device during detention. All school rules apply during detention. An accumulation of school detentions can lead to more serious levels of discipline, such as suspension, and may limit a student's opportunities to participate in school functions, such as athletics, extra curricular activities and cooperative work assignments (co-op). School detentions are not part of a student's permanent disciplinary record.

### **IMPLEMENTATION OF THE DISCIPLINE CODE**

The principal, assistant principals and/or deans, and the faculty are responsible for ensuring due process hearings, in disciplinary proceedings. Administrators should investigate infractions of the rules thoroughly. Due process gives students the right to present their side of any issue for which disciplinary action is contemplated. Students also have the right to present evidence and witnesses who can attest to the facts of an issue, for serious infractions that may result in suspension or expulsion from school. Administrators should notify parents of the offense and the contemplated actions for infractions. Students and their parents must be made aware of their right to appeal any long-term disciplinary action (suspensions for longer than 10 school days or cumulatively longer than 10 school days) to the superintendent.

The principal, assistant principals and/or deans will take a restorative approach to discipline matters and implement restorative practices when appropriate. Restorative discipline empowers students by helping them to learn from their mistakes in a school environment that is caring and responsive. Restorative discipline focuses on relationships and community, rather than on punishment (often isolation) for breaking rules. Students can receive consequences for their actions and still go through the restorative process.

### **DEFINITION OF TERMS**

**ALTERNATIVE EDUCATION SETTING (AES):** This is a setting either on or off school premises, which provides the student with a disability a free and appropriate public education.

**BEHAVIORAL INTERVENTION PLAN:** An explicit plan, usually in writing, that addresses the functional aspects of problem behaviors and provides steps for helping the student comply with the school conduct code.

**CONTROLLED SUBSTANCE:** Shall be any substance as defined in Massachusetts General Law Chapter 94C, including but not limited to marijuana, cocaine, heroin, or any substance illegally sold or procured and represented as a controlled substance.

**DANGEROUS STUDENT:** To demonstrate before a hearing officer that a student is "dangerous" under the Federal Individuals with Disabilities Education Act (IDEA), the following required elements must be met: 1) the student's behavior presents substantial likelihood of injury to self or others; 2) the school has

taken reasonable steps to minimize the likelihood of harm; 3) the current IEP is appropriate; and 4) any proposed interim educational setting allows the student to participate in general curriculum and continue to receive Individual Education Plan services and provides services to ensure behavior does not recur.

**DANGEROUS WEAPON:** Shall include, but not be limited to a loaded or unloaded gun, knife, slingshots, metallic knuckles, clubs, blackjack, billy clubs, explosives, chemicals, instruments of arson, et cetera including weapons listed in Massachusetts General Law Chapter 269, Section 10. In addition, an object or body part, which could inflict harm, if used in a threatening or intimidating way, shall be considered to be a dangerous weapon. Such dangerous weapons may include, but are not limited to shod foot, spikes, studs, razors, chain, pen/pocket knife, et cetera. In addition, where individuals may have training in martial arts or similar skills, the use or threatened use of said skills may be considered a dangerous weapon.

**EMERGENCY SITUATION:** A situation in which there is a potential for physical harm to or by the student; or a situation in which there is potential for substantial disruption to the education program of other students. The principal and/or assistant principal shall be the individual who determines whether or not an emergency situation exists. In the absence of the principal/assistant principal, the superintendent shall make the determination of an emergency.

**EXCLUSION:** Any period of one day or more in which a student is denied access to his/her usual school program. Exclusion shall be either a suspension or an expulsion as defined below:

- a. Expulsion: A permanent exclusion in which a student is denied access to his/her usual school program.
- b. Suspension: A period of temporary exclusion from school in which a student is denied access to his/her usual school program. Suspensions may be in school or external. An in-school suspension is a removal of a student from the regular classroom activities but not the school premises.

**EXTERNAL SUSPENSION:** Separation from regularly scheduled classes and from school grounds. Students are responsible for completion of all school work and assignments. This also applies to after-school activities as well.

**FREE AND APPROPRIATE PUBLIC EDUCATION (FAPE):** The student must be able to continue participation in general curriculum and continue to receive services/modifications included in the current IEP. Additionally, this should include services/modifications to address behavior.

**FUNCTIONAL BEHAVIORAL ASSESSMENT:** An analysis of behaviors and their determinants.

**MANIFESTATION DETERMINATION:** Is a determination by an Individual Education Plan Team as to whether a student's handicapping condition contributed to a violation of the code of conduct that would result in exclusion. A manifestation determination is conducted by the IEP team and must consider 1) evaluation and diagnostic results, 2) observations, and 3) the IEP and placement. Prior to a finding of "no manifestation", the IEP team must determine that: 1) the IEP/placement were appropriate; 2) supplementary aids and services were provided; 3) behavioral interventions were provided; and 4) the student understood his/her behavior and could control the behavior.



**INDIVIDUAL EDUCATION PLAN (IEP):** An “IEP” is a written plan that identifies a student’s handicapping condition and proposes methods and interventions to ensure the student’s educational needs are met.

**INDIVIDUAL EDUCATION PLAN TEAM (IEP TEAM):** Those individuals (staff and contracted) who were designated during the most recent evaluation as responsible for conducting required assessments. The parent is a participant in team meetings, which propose changes in placement or programming.

**INTERNAL SUSPENSION:** Separation from regularly scheduled classes and restriction of movement within the school. Students are responsible for completion of all school work and assignments and must abide by the Discipline Policy and the rules of the school.

Students who do not abide by the rules of the internal suspension program or who do not modify their behavior as a result of time in the internal suspension program will be referred to the administration for external suspension.

**KNOWLEDGE THAT A STUDENT IS A STUDENT WITH A DISABILITY:** The South Hadley School Department is deemed to have “knowledge” if meeting any of these conditions: a) parents have expressed concern in writing to school personnel that child needs special education/related services; b) child’s behavior or performance indicates need for services; c) child’s parents requested an evaluation; d) child’s teacher or other school personnel has expressed concern in writing about behavior/performance to special education director or other school personnel.

**NOTICE OF PROCEDURAL SAFEGUARDS:** A copy of this policy and the “Parents Rights” for Chapter 766 shall constitute notice.

**SCHOOL PROGRAM:** The period during which a student receives instructional and educationally related services. School programs shall also include extracurricular activities, social events, sporting events, and such other activities as are sponsored by the school department.

**SHORT-TERM SUSPENSIONS:** The removal of a student from his/her classroom for up to ten (10) school days, including a referral to in-school suspension and external suspension.

**SOCIAL PROBATION:** Social Probation may be assigned to students whose behavior has placed others in danger, whose behavior has caused them to be suspended from school for more than five days, has a record of chronic misbehavior, or has ten or more tardies in a trimester. Students placed on Social Probation will not be eligible to attend after school functions, e.g. clubs, dances/socials, performances, etc., and may be on school grounds only from 7:47 am – 2:25 pm (3:45 pm if extra help or detention is scheduled.) Social Probation will be reviewed regularly to determine if behavior has improved and if probation should be rescinded.

**STUDENT WITH A DISABILITY:** If a student has an IEP or if the South Hadley School Department and its staff has knowledge that a student may be a “student with a disability”, then that student may assert the protections of a “student with a disability” until such time that a determination of no disability is made.

All programs, activities, and employment opportunities are offered without regard to race, color, sex, gender identity, religion, national origin, sexual orientation and disability, pregnancy or pregnancy related conditions.

For information regarding access related to Special Education, Title VI, Title IX and Section 504, please contact Elizabeth Cooke, Director of Student Services at 538-5060 x2614([ecooke@shschools.com](mailto:ecooke@shschools.com)).

If you feel you may need translation of school information and/or special accommodations or assistance as a result of a handicapping condition, please call (413) 538-5072 (hearing impaired fax to (413) 532-6284 or through Mass Relay Service at 1-800-439-2370) and notify us of your special need.

Si usted necesita alguna adaptacion o asistencia especial debido a algun tipo de minusvalia, por favor llame al telefono (413) 538-5072 (fax para personas con deficiencias auditivas (413) 532-6284 y notifiquenos cuales son sus necesidades especificas.

## CODE OF CONDUCT

Each and every member of our school community has a responsibility to conduct him/herself in a manner which demonstrates respect for the rights and property of others. Above all else, every individual must ensure a learning environment which is physically, emotionally, and socially safe. This includes all curricular, co-curricular, and special events, both on and off campus, to and from school.

In an effort to align our behavioral expectations with our Positive Behavioral Interventions and Support we have identified two categories in which unacceptable behaviors may fall in. Whenever possible the administration will take a restorative approach when dealing with discipline issues.

**Teachers, support staff, students, and parents are expected to bring violations to the attention of the administration.** The administration will interpret the rules and regulations and extend their application, in a manner consistent with their intent. *Every effort will be made to balance consistency with fairness and reason in the use of this code. The administration reserves the right to adjust the code of conduct when the severity of the offense dictates.* Action taken under this prerogative must always reflect reason and proper protection of individual rights.

Classroom and school staff, in accordance with the due process statements contained within the discipline policy, may impose the following consequences:

- After school detention (Parents must be notified at least one day in advance)
- Community service if agreed upon by both the parent/guardian and administrator
- Loss of minor privileges
- In class timeouts

Administrative detention, parent conference, and internal suspension, represent preferred consequences for student accountability. However, behavior, which threatens others, violates the law or disrupts the environment for learning, represents legitimate cause for student suspension or expulsion by an administrator.

Please note that each category of negative behaviors carries a range of consequences dependent upon the severity of violation, prior offenses and the well-being of everyone involved.

### **Pranks/ Vandalism**

MESMS does not tolerate pranks of any kind at any time because they interfere with the learning environment and present danger to people and property. Severe penalties will be applied to students involved in prank activities. Penalties may include detentions, suspension, a referral to the police if a law has been violated, exclusion from school activities, recommendation for expulsion, restitution of damages, or a combination of these consequences as deemed appropriate by administration.

NOTE: In cases where there is an offense not outlined in our Code of Discipline, reasonable discretion will define consequences. The administration of the middle school has the right to enter a student's locker in the corridor or in the gymnasium area anytime there is a reasonable cause that the student may have in his/her possession a substance or equipment that may be a clear and present danger to the student or anyone else at Michael E. Smith Middle School. Please click [HERE](#) for the Code of Discipline

### **Minor Behaviors and Possible Consequences: (Classroom Teacher Enforced)**

- Abusive/Inappropriate Language, Profanity
- Cell Phone Violation
- Cheating/Plagiarism
- Defiance
- Disrespect (low-intensity)
- Disruption (low-intensity behavior in classroom or hallway)
- Improper Use of Electronic Devices (cell phones, iPads)
- Inappropriate Language (low-intensity)
- Lying
- Physical Contact/Aggression (non-serious, but inappropriate)
- Property Misuse
- Refusal to Follow Directions
- Skip Class
- Tardiness to Class
- Technology Violation (non-serious, but inappropriate use)
- Unprepared for Class
- Use of Disruptive Items

### **Minor Behaviors and Possible Consequences: (Administration Enforced)**

- Bus Misconduct (Minor)
- Dress Code Violation
- Failure to respond to assigned Detention
- Loitering
- Skip Class
- Tardiness to School
- Wandering Hallways

#### **● Possible Consequences Minor:**

- Conference with Student (admin, teacher, parent)
- Loss of Privilege (Social Probation)
- Parent Contact
- Reflection
- Reparations
- Time in Office
- Time Out/Detention

### **Major Behaviors and Possible Consequences: (Administration Enforced)**

- Arson
- Assault on Staff Member

- Assault/Battery/Fighting
- Bomb Threat/False Alarm
- Bullying/Harassment/Intimidation/Hazing
- Bus Misconduct (Severe)
- Cafeteria/Recess Misbehavior
- Defiance/Insubordination/Non-Compliance
- Discriminatory Remarks
- Disruption
- Dress Code Violation
- Filming Fights/Battery/Assault
- Forgery
- Theft
- Gambling
- Gang Affiliation Display
- Harassment
- Inappropriate Display of Affection
- Inappropriate Location/Out of Bounds Area
- Offensive Language
- Possession of Drug Paraphernalia
- Property Damage/Vandalism
- Recording/Photography Without Permission
- Sale of Unauthorized Items
- Sexting
- Tampering with Safety Equipment or Emergency Exits
- Threats of Violence
- Truancy
- Use/Possession of Drugs, Alcohol, and/or Tobacco
- Use/Possession of Combustibles and/or Weapons
- Vandalism
- Willful Disobedience of School Rules

#### **● Possible Consequences Major:**

- Bus Suspension
- Community Service
- Conference with Student
- Expulsion
- In-School Suspension
- Loss of Privilege
- Out-of-School Suspension
- Parent Contact
- Referral to Police
- Restitution/Community Service/Reparations
- Social Probation
- Time Out/Detention

## **OTHER APPLICABLE CODES and MASSACHUSETTS GENERAL LAWS**

### **STUDENT CONDUCT ON SCHOOL BUSES**

State laws do not require transportation if the child's conduct jeopardizes the health and safety of others. In case of expulsion from the bus, the parent/guardian is responsible for the child's transportation to and from school. Failure to do so could result in legal proceedings in accordance with the attendance statutes of the General Laws of the Commonwealth of Massachusetts.

All children riding the buses must practice safety and conduct. Appropriate behaviors, which are expected in school, are also expected on the bus and at bus stops. Depending on the nature of the infraction, the principal may use administrative discretion to determine appropriate bus consequences. In addition to any consequences earned through inappropriate behaviors, incidents on the bus and/or at bus stops will include:

1. Warning of behavior
2. School Based Discipline
3. 1-3 Days of Removal from the Bus
4. 5-7 Days of Removal from the Bus

### **FIELD TRIP PRACTICES**

On a field trip, our primary goals are that students are safe, are exposed to learning opportunities that aren't possible in a traditional classroom setting, and have a good time with their peers. The policy described below is an effort to make sure that opportunity is open to as many students as possible and that the cost of these trips is kept as reasonable as possible for all students.

The following behaviors **will** result in removal from all off-campus field trips for the academic year in which they occur.

- Physical fights
- Possession or consumption of controlled substances on campus
- Violating the civil rights of any member of the school community
- Leaving campus without permission
- Disruption of the school day (pulling fire alarms or engaging in other behavior that would interfere with whole school operations)
- Destruction of school property
- Bringing weapons to school or making threats of violence against the school

Other behaviors **could** result in the loss of field trip privileges as deemed necessary by the principal to ensure the safety of all students and staff. These behaviors might include but are not limited to bullying, repeated documented failure to follow school rules, and repeated documented failure to follow teacher directions. In these instances, the family will receive written notice that their student is on probation and that continued violation of school rules will result in removal from the field trip.

When possible, the school will refund field trip money to families whose students have lost permission to attend. However, many aspects of field trips must be paid for in advance by the school. Once the school has made these payments, it is not possible to refund the cost of the trip without increasing the cost to the other students. When behaviors occur after this point, the money for field trips cannot be refunded.

## **DRESS CODE POLICY**

Michael E. Smith Middle School is considered the place of work for students and staff. It is important that we dress in a manner that makes it possible to do our work well. This means wearing clothing that is comfortable, safe, clean, and **not distracting to other students**. Specifically, we require that:

- Students must wear shoes/sneakers/sandals at all times. Slippers are not allowed.
- Students may not wear hats, caps, bandanas, hoods or coats while in the building.
- Students may not wear clothing that contains obscenities, fighting words, incitement, or defamation on them.
- Students may not wear clothing that promotes drugs, alcohol, or tobacco.
- Shorts and skirts must be a reasonable length. Reasonable, in this case, is defined as: the garment reaching the fingertips/thumbs of the person wearing them when the person's arms are at his / her side. Administration will have final say with length.
- No undergarments (underwear, bras, et cetera) should be showing at any time.
- No pajamas should be worn to school.

If your dress is inappropriate, you will be expected to correct the situation by changing clothes. If you don't correct the situation, your parents will be notified and asked to bring clothes to school, in addition to consequences outlined in this handbook.

## **POSSESSION AND/OR USE OF ILLEGAL SUBSTANCE:**

As required by the Education Reform Act, any student who is found to be in possession and/or using illegal substances (including tobacco, alcohol and e-cigarettes) is subject to suspension, and at the discretion of the principal and as provided for in law, recommended to the school committee for expulsion. In addition, the student must be assessed and counseled. The principal must file an incident report with the superintendent and the chief of police. By law, these consequences are invoked upon the first or any subsequent offense involving the possession and/or use of illegal substances.

Policy: JFCG/JFCH/JFCI

## **USE OF TOBACCO, ALCOHOL, AND DRUGS/CONTROLLED SUBSTANCES BY STUDENTS**

In order to protect the health and safety of students, uphold state laws, and ensure that substance abuse not undermine the learning environment that is essential for quality education, there will be no tolerance for use of tobacco, alcohol, drugs, or other controlled/illegal substances on the property of the South Hadley Public Schools or at school-sponsored activities. The school system will provide a comprehensive program to educate students about the dangers of substance use, to be supportive of any student who is making an honest effort to fight a problem with addiction or is seeking help because of the problems of a friend or relative, and in cooperation with parents and the community, to promote efforts that prevent substance abuse. To emphasize that illegal substances have no place in our schools, the following policy will be strictly enforced. Students who participate in interscholastic athletics are advised that they are also bound by the chemical health rules of the Massachusetts Interscholastic Athletic Association.

## **VOLUNTARY ADMISSION OF PROBLEM WITH SUBSTANCE USE**

The schools will offer assistance and support to students who voluntarily seek help for a problem with substance use. While the school will maintain confidential records of students who come forward seeking self-help support, school personnel will not impose discipline nor file a police report in such cases. Middle School

students are still minors and it is the school's responsibility to inform parents that their child has voluntarily come forward for assistance. The student will be counseled regarding all community-based and school-sponsored services available. At all times, school personnel should encourage the student to confide in his/her parents. Prompt parent notification will occur.

### **USE OF TOBACCO**

The use of tobacco products by students is expressly prohibited within the schools, on school grounds or school buses, and at school-related events, per state statute.

Disciplinary Action: The first offense will result in one full day of suspension. Repeated offenses will result in suspensions of up to and including ten (10) days and/or consideration of expulsion.

### **SUSPICION OF USE OF ALCOHOL, DRUGS, OR OTHER CONTROLLED/ILLEGAL SUBSTANCE**

On the grounds of reasonable suspicion, school personnel will conduct an investigation. With reasonable grounds for suspecting that a violation of school policy or law has occurred, the school administrators have the legal right to search a student's property.

If the investigation does not provide concrete evidence but leaves some grounds for suspecting involvement with alcohol, drugs or other controlled/illegal substances, the following steps will be taken:

- I. If the student appears to be physically impaired:
  - a. The school nurse will assess the student's condition and provide any emergency first aid that may be needed. If the situation warrants it, the student will be taken to the hospital for medical attention.
  - b. Parents will be notified of the student's condition and asked to transport the student home. If a parent is unavailable, the police department will be asked to remove the student from the building.
- II. Parents will be notified of the suspicion.
- III. A conference with the student and parents will be conducted as soon as possible, generally by the next school day, to provide information about agencies and programs offering help with substance abuse.

If the investigation leads to concrete evidence of involvement with alcohol, drugs or other controlled/illegal substances, the following policy under use and/or possession shall apply:

If a student or family refuses a search during an investigation, then the denial of the search will result in an admission of guilt.

### **USE AND/OR POSSESSION OF ALCOHOL, DRUGS, OR OTHER CONTROLLED/ ILLEGAL SUBSTANCES AND PARAPHERNALIA:**

The school department expressly forbids possession or use by students of alcohol products, drugs, and other controlled/illegal substances and paraphernalia within the schools, on school grounds or on school buses, and at any school-sponsored event.

Disciplinary Action:

- I. On first offense, the following steps may be taken:
  - a. Any alcohol, drugs, other substances or paraphernalia found in the student's possession will be confiscated and may be turned over to the South Hadley Police Department for possible prosecution under the laws of the Commonwealth of Massachusetts.
  - b. The student may be suspended from school for three - five (3-5) days.

- c. Those students who participate in extra-curricular activities will not be allowed to participate in the next two regularly scheduled games, performances, or group-sponsored activities, or for a period of two weeks, whichever is greater.
  - d. Parents will be notified of the offense and disciplinary action in writing.
  - e. Prior to re-entry to school, a conference will be held with the student and parents. The student will be clearly informed of the consequences of any subsequent offense.
- II. On second offense (except for subsequent offense during any one school year; see item c), the following actions will be taken:
- a. Any alcohol, drugs, other substances or paraphernalia found in the student's possession will be confiscated and may be turned over to the South Hadley Police Department for prosecution under the laws of the Commonwealth of Massachusetts.
  - b. The student may be externally suspended from school for five to ten (5-10) days.
  - c. Parents will be notified of the offense and disciplinary action in conference and written notice.
  - d. The student, parents, principal and drug counselor or health educator will meet to discuss the student's degree of involvement in substance abuse and the best remedy for that involvement. A treatment plan which specified the nature and length of treatment and the consequences of failing to complete the approved plan will be developed. Implementation of the approved treatment plan will be a condition for the student's re-entry into school.
  - e. Those students who participate in extra-curricular activities may not be allowed to participate for a period of six weeks from the date of the offense. Under no circumstances will a student be allowed to return to an athletic team, club or other extra-curricular activity during the same season in which the offense occurred. However, at the end of three weeks and with the continued compliance of the student with the approved treatment plan, the student may request permission to participate in one or more extra-curricular activities. The student's request will be considered by a committee consisting of the building administrator, a guidance counselor, and the advisor of the extra-curricular activity. The student has the right to appeal the committee's decision to the superintendent.
- III. On second offense within one school year or third offense during a student's school career in South Hadley, the student may be externally suspended for ten to twenty 10-20 days, pending expulsion proceedings. All evidence and contraband found in the student's possession will be confiscated and turned over to the South Hadley Police Department for prosecution under the laws of the Commonwealth of Massachusetts.

**SALE AND/OR DISTRIBUTION OF ALCOHOL, DRUGS, OR OTHER CONTROLLED/ ILLEGAL SUBSTANCES AND PARAPHERNALIA:**

The school department expressly forbids the sale, distribution or sharing of alcohol products, drugs, and other controlled/illegal substances and paraphernalia within the schools, on school grounds or on school buses, and at any school-sponsored event.

Disciplinary Action: The student will be externally suspended for ten to twenty (10-20) days, pending expulsion proceedings. All evidence and contraband found in the student's possession will be confiscated and turned over to the South Hadley Police Department for prosecution under the laws of the Commonwealth of Massachusetts.

In order that no substance abuse is even implied within the South Hadley Public Schools, this policy shall apply equally to so-called "look alike" drugs and any substance sold, procured or represented as a controlled or illegal substance.



Any paraphernalia that is not illegal but displayed on school property will be confiscated without disciplinary action and returned to the parent or guardian.

### **POSSESSION AND/OR USE OF WEAPONS:**

The principal shall expel for a period of not less than one (1) year any student determined to have brought a firearm to school, pursuant to the Federal Gun Free Schools Act. Such expulsions are subject to review and possible modification on a case-by-case basis by the Superintendent.

As required by the Education Reform Act, any student who is found in possession of and/or using a dangerous weapon, other than a firearm, shall be subject to suspension, and at the discretion of the principal as provided for in law, recommendation to the school committee for expulsion. In addition, the student must be assessed and counseled. The principal must submit a written report to the superintendent, and if the principal chooses to invoke suspension rather than expulsion, the principal shall outline the reason for doing so. Per legal mandate, the superintendent must file an incident report with the school committee, the chief of police, and the Department of Social Services.

By law, these consequences are invoked on the first or any subsequent offense involving possession and/or use of dangerous weapons.

Massachusetts General Laws, Chapter 269, Section 10, states in part the following:

Whoever, not being a law enforcement officer, and notwithstanding any license obtained by him/her, carries on his/her person a firearm as hereinafter defined, loaded or unloaded or other dangerous weapon in any building or on the grounds of any elementary or secondary school, without the written authorization of the board or officer in charge of such elementary or secondary school, shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year, or both. For the purpose of this paragraph "firearm" shall mean any pistol, revolver, rifle or smoothbore arm from which a shot, bullet or pellet can be discharged by whatever means.

## **BULLYING PREVENTION AND INTERVENTION POLICY**

### **COMMITMENT**

The South Hadley Public School District is committed to creating and sustaining a safe, caring, respectful learning environment for all students. We will treat all members of our community with civility and respect in an inclusive environment. Keywords that represent our actions and our values are kindness, dignity, responsibility, courage, and honesty. Our schools strictly enforce a prohibition against bullying and harassment of any students or staff by any student or member of the school staff. The School Committee expects that in collaboration with teachers, families and community members, each school will develop and implement a plan for education and discipline, including curriculum, to prevent bullying and to help adults and students to respond effectively to reports and observations of bullying.

### **DEFINITION OF SCHOOL STAFF**

For the purposes of this policy, school staff is defined as including, but is not limited to, administrators, educators, athletic coaches, bus drivers, cafeteria workers, clerical employees, custodians, advisors to extra-curricular activities, paraprofessionals, and school nurses. School staff may be named the "aggressor" or "perpetrator" in a bullying report.

## **DEFINITION OF BULLYING**

Bullying is the repeated use by one or more persons of written, verbal, or electronic expression or a physical act or gesture,<sup>1</sup> or any combination thereof, directed at a target that has the effect of:

- (a) causing physical or emotional harm, or of damage to his/her property,
- (b) placing a target in reasonable fear of harm or of damage to his/her property,
- (c) creating an unwelcoming or hostile environment at school for another person,
- (d) infringing on the rights of another person at school, or
- (e) materially and substantially disrupting the education process or the orderly operation of a school.

All protections, provisions and sections of this policy are applicable to and afforded to all students equally regardless of their legal status under the law.

## **DEFINITION OF HARASSMENT**

Harassment is 3 or more acts of willful and malicious conduct aimed at a specific person committed with the intent to cause fear, intimidation, abuse or damage to property and that does in fact cause fear, intimidation, abuse or damage to property; or an act that: (A) by force, threat or duress causes another to involuntarily engage in sexual relations; or (B) constitutes a violation of section 13B, 13F, 13H, 22, 22A, 23, 24, 24B, 26C, 43 or 43A of chapter 265 or section 3 of chapter 272.

## **RETALIATION**

Retaliation against a person who reports bullying, provides information during an investigation of bullying, or witnesses or has reliable information about bullying shall be prohibited. Retaliation means any form of intimidation, reprisal or harassment directed against a person who reports bullying, provides information during an investigation about bullying, or witnesses or has reliable information about bullying.

Deliberate acts of exclusion which have the same effect are also considered forms of bullying under this policy.

## **CYBER-BULLYING**

Cyber-bullying is bullying through the use of technology or any electronic communication, which shall include, but shall not be limited to, any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by any of the following: wire, radio, electromagnetic, photo-electronic or photo-optical system including, but not limited to, electronic mail, internet communications, instant messages, facsimile communications, cell phone, texting or social media.

Cyber-bullying shall also include the creation of a webpage or blog in which the creator assumes the identity of another person or knowingly impersonates another person as author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in the definition of bullying.

Cyber-bullying shall also include the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons, if the distribution or posting creates any of the conditions enumerated in the definition of bullying.

Bullying and cyberbullying can occur in and out of school, during and after school hours, at home and

in locations outside of a home. When bullying and cyber-bullying are alleged, the full cooperation and assistance of parents or guardians and their families are expected.

For the purpose of this policy, whenever the term bullying is used it is to denote either bullying or cyberbullying.

Some student misconduct that falls under South Hadley Public Schools' bullying prevention policy may also fall under one or more of the federal anti-discrimination laws that prohibit harassment on the basis of race, color, national origin, disability, gender identity or sex. Harassment on the basis of these enumerated categories is discrimination and a federal civil rights violation that schools are obligated to address.

### **BULLYING PROHIBITED**

Bullying is prohibited on school grounds, property immediately adjacent to school grounds, at school sponsored or school-related activities, functions, or programs whether on or off school grounds, at school bus stops, on school buses or other vehicles owned, leased or used by the district, or through the use of technology or an electronic device owned, leased or used by the school district.

Bullying is also prohibited at a location, activity, function or program that is not school-related or through the use of technology or an electronic device that is not owned, leased or used by the district, if the act or acts in question create a hostile environment at school for the victim, infringe on the rights of the victim at school, or materially and substantially disrupt the education process or the orderly operation of a school.

The School Committee expects administrators to make clear to students and staff that bullying will not be tolerated and will be grounds for disciplinary action up to and including suspension and expulsion for students, and termination for employees.

All staff members are required to report any bullying or harassment they see or learn about. The district will promptly and reasonably investigate all allegations of harassment, including bullying. The principal each building will be responsible for handling all complaints alleging harassment or bullying. Retaliation against a person who reports bullying, who provides information during an investigation of bullying, or who is a witness to or has reliable information about bullying, is prohibited and will be grounds for disciplinary action up to and including suspension and expulsion for students, and termination for employees.

### **PROCEDURES**

The superintendent will develop administrative guidelines and procedures for implementation of this policy, including

- a student complaint process,
- a reporting process for staff,
- an investigation process,
- a process for communication with parents/guardians,
- record keeping and reporting, and
- annual report of bullying incidents to the School Committee.

The superintendent will publish disciplinary policies in Student Handbooks, which shall prohibit

bullying and shall include the bullying prevention and intervention plan required by Chapter 71 Section 37 of the Laws of the Commonwealth. Student handbooks shall include age-appropriate summaries of the student-related sections of the district's bullying prevention and intervention plan.

#### **BULLYING PREVENTION/INTERVENTION PLAN**

The office of the Superintendent or designee shall oversee the development of a prevention and intervention plan, in consultation with all district stakeholders, which may include parents and guardians, teachers school staff, professional support personnel, school volunteers, administrators, community representatives, local law enforcement agencies, and students, consistent with the requirements of this policy, as well as state and federal laws. The bullying prevention and intervention plan shall be reviewed and updated at least biennially and must.

1. include descriptions of and statements prohibiting bullying, cyber-bullying, and retaliation,
2. clearly establish that all provisions and sections of this policy are applicable to and afforded to all students equally regardless of their legal status under the law.
3. establish clear procedures for students and staff to report bullying or retaliation,
4. establish clear procedures for restoring a sense of safety for a target and assessing that target's needs for protection,
5. include a provision that reports of bullying or retaliation may be made anonymously, provided that no disciplinary action shall be taken against a student solely on the basis of an anonymous report,
6. establish clear procedures for promptly responding to and investigating reports of bullying or retaliation,
7. identify the range of disciplinary actions that may be taken against a perpetrator for bullying or retaliation,
8. establish clear procedures for restoring a sense of safety for a victim and assessing that person's needs for protection,
9. establish strategies for protecting from bullying or retaliation a person who reports bullying, provides information during an investigation or is witness to or has reliable information about an act of bullying,
10. establish procedures for promptly notifying the parents or guardians of a victim and a perpetrator, for notifying the parents or guardians of a victim of the action taken to prevent any further acts of bullying, and for notifying local law enforcement officials where criminal charges may be pursued against the perpetrator,
11. include a provision that a person who knowingly makes a false accusation of bullying shall be subject to disciplinary action, and
12. include a strategy for providing counseling in-house or referral to appropriate services for perpetrators and victims and for appropriate family members of the students.
13. information regarding the Department of Elementary and Secondary Education's Problem Resolution System (PRS) and the process for seeking assistance or filing a claim through the Problem Resolution System.

The principal or designee is responsible for the implementation and oversight of the plan except when a reported bullying incident involves the principal or the assistant principal as the alleged aggressor. In such cases, the Superintendent or designee shall be responsible for investigating the report and other steps necessary to implement the plan, including addressing the safety of the alleged victim. If the Superintendent is the alleged aggressor, the School Committee or its designee shall be responsible for investigating the report and taking other steps necessary to implement the plan, including addressing the

safety of the alleged victim.

### **Reporting**

Students who believe that they are a target of bullying are encouraged and urged to report the matter to a member of the school staff. However, the target shall not be subject to discipline for failing to report bullying. Students who observe an act of bullying, or who have reasonable grounds to believe that these behaviors are taking place, are obligated to report such incidents.

A school or district staff member shall immediately report any instance of suspected bullying or retaliation the staff member has witnessed or become aware of to the principal or designee. This includes bullying or retaliation of a student by another student or bullying or retaliation of a student by a staff member. If the principal is the alleged aggressor, the report shall be made to the Superintendent or designee. If the Superintendent is the alleged aggressor, the report shall be made to the School

Committee or designee. If the staff member fails to report, he or she may be subject to disciplinary action.

Parents or guardians, or members of the community, are encouraged to report any incidents of suspected bullying as soon as possible to the principal or designee. This includes bullying of a student by another student or by a staff member. If the principal is the alleged aggressor, the report shall be made to the Superintendent or designee. If the Superintendent is the alleged aggressor, the report shall be made to the School Committee or designee.

Each school shall have a means for anonymous reporting by students of incidents of suspected bullying. No formal disciplinary action shall be taken solely on the basis of an anonymous report.

Any student who is found to have knowingly made a false accusation/report of bullying may be subject to disciplinary action.

### **Investigation Procedures**

A school principal or designee shall promptly investigate any report of bullying, using a Bullying/Cyber-bullying Report Form. The investigation may include, but is not limited to, interviewing the alleged target, alleged aggressor, staff members, students and/or witnesses. The person responsible for conducting the investigation shall remind the alleged student aggressor, target, and witnesses of the importance of the investigation, their obligation to be truthful and that retaliation against someone who reports bullying or provides information during a bullying investigation is strictly prohibited and will result in disciplinary action.

The parents or guardians of both the student aggressor(s) and the target(s) will be updated periodically during the investigation, and upon its completion, shall be informed of the results, including whether the allegations were found to be factual, whether a violation of this policy was found, whether disciplinary action shall be taken, and whether or not steps will be taken to prevent retaliation or further acts of bullying.

A principal or designee, upon determination that bullying, or retaliation has occurred, shall promptly contact the parents or guardians of the alleged target(s) and when the alleged aggressor(s) is a student,

parents or guardians of the alleged aggressor(s). Actions being taken to prevent further acts of bullying shall be discussed. If it is believed that criminal charges may be pursued against the perpetrator, the principal shall consult with the school's resource officer and the Superintendent to determine if criminal charges are warranted. If it is determined that criminal charges are warranted, the local law enforcement agency shall be notified.

If the alleged aggressor is a staff member, notice will be made to that individual in accordance with district policies and procedures, including in accordance with any applicable collective bargaining agreements. The individual will be updated periodically during the investigations and, upon its completion, shall be informed of the results, including whether the allegations were found to be factual, whether a violation of this policy was found, whether disciplinary action has or shall be taken and whether or what steps will be taken to prevent retaliation or further acts of bullying.

A principal or designee shall assess an alleged target's needs for protection and create and implement a safety plan that shall restore a sense of safety for that student.

Confidentiality shall be maintained to protect all parties, which includes, but is not limited to, alleged aggressor(s), target(s), a person who reports bullying, or provides information during an investigation of bullying, or is witness to or has reliable information about an act of bullying.

### **Disciplinary Actions**

Disciplinary actions for students who are found to have committed an act of bullying or retaliation shall be in accordance with SHPS disciplinary policies.

Disciplinary actions for employees who are found to have committed an act of bullying or retaliation shall be in accordance with state law, any applicable collective bargaining agreements, and South Hadley Public Schools' policies and procedures.

### **Assistance**

The South Hadley Public Schools may provide appropriate counseling or referral to appropriate services including, but not limited to, guidance, academic intervention, and protection to any affected students, as necessary.

### **Documentation**

Each school shall document any incident of bullying that is reported per policy and the principal or designee shall maintain a file of these reports.

The Superintendent or designee shall inform the School Committee periodically of any trends or implications of these reports in order to give the School Committee the opportunity to review and amend this policy.

Confidentiality shall be maintained consistent with the school's obligations under law.

## **PROGRAMS**

The school district will implement an anti-bullying program as a required part of the curriculum at each grade level. It will be based on age-appropriate instruction on bullying prevention using evidence-based curricula. Furthermore, the district will provide instruction on civil and ethical behavior at each grade level and hold students and adults responsible for behaving with respect toward one another at all times. Instruction will include appreciation of human differences and avoidance of behaviors that discriminate against others based on their gender, gender identity and gender expression, sexual orientation, race, national origin, religion or disability.

The bullying prevention and intervention plan shall include ongoing professional development of all members of the school staff to build the skills to prevent, identify and respond to bullying and to implement the bullying prevention and intervention plan. References to staff in this policy includes the following: educators, administrators, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities and paraprofessionals. The content of such professional development shall include, but not be limited to (1) developmentally appropriate strategies to prevent bullying incidents; (2) developmentally appropriate strategies for immediate, effective interventions to stop bullying incidents; (3) information about specific categories of students who have been shown to be particularly at risk for bullying in the school environment; (4) information regarding the complex interaction and power differential that can take place between and among the perpetrator, the victim and any witnesses to the bullying; (5) research findings on bullying; (6) information on the incidence and nature of cyber-bullying; (7) internet safety issues as they relate to cyber-bullying; and (8) legal issues and responsibilities related to bullying. The school staff shall receive annual written notice of the bullying prevention and intervention policy.

## **PARENT/ GUARDIAN EDUCATION**

The bullying prevention and intervention plan shall include provisions for educating parents and guardians about the bullying prevention curriculum at each school, how they can reinforce the curriculum at home, how they can support the district's prevention and intervention plan, the dynamics of bullying and online safety and cyber-bullying. In addition, the bullying prevention and intervention plan will include information regarding the Department of Elementary and Secondary Education's Problem Resolution System (PRS) and the process for seeking assistance or filing a claim through the

### **Problem Resolution System.**

The district shall provide students and their parents or guardians in age-appropriate terms and in the most prevalent languages of families, annual written notice of relevant sections of the bullying prevention plan in the student handbook.

LEGAL REFERENCE: Title VII, Section 703, Civil Rights Act of 1964 as amended  
Federal Regulation 74676 issued by the EEO Commission  
Title IX of the Education Amendments of 1972  
603 CMR 26:00  
M.G.L. 71:370; 265:43,43A; 268: 13B; 269:14A

REFERENCES: Massachusetts Department of Elementary & Secondary Education Model

Bullying Prevention and Intervention Plan

Adoption date: June 30, 2010

Revised: September 8, 2010; October 27, 2010; November 10, 2010; March 7, 2017; March 5, 2018

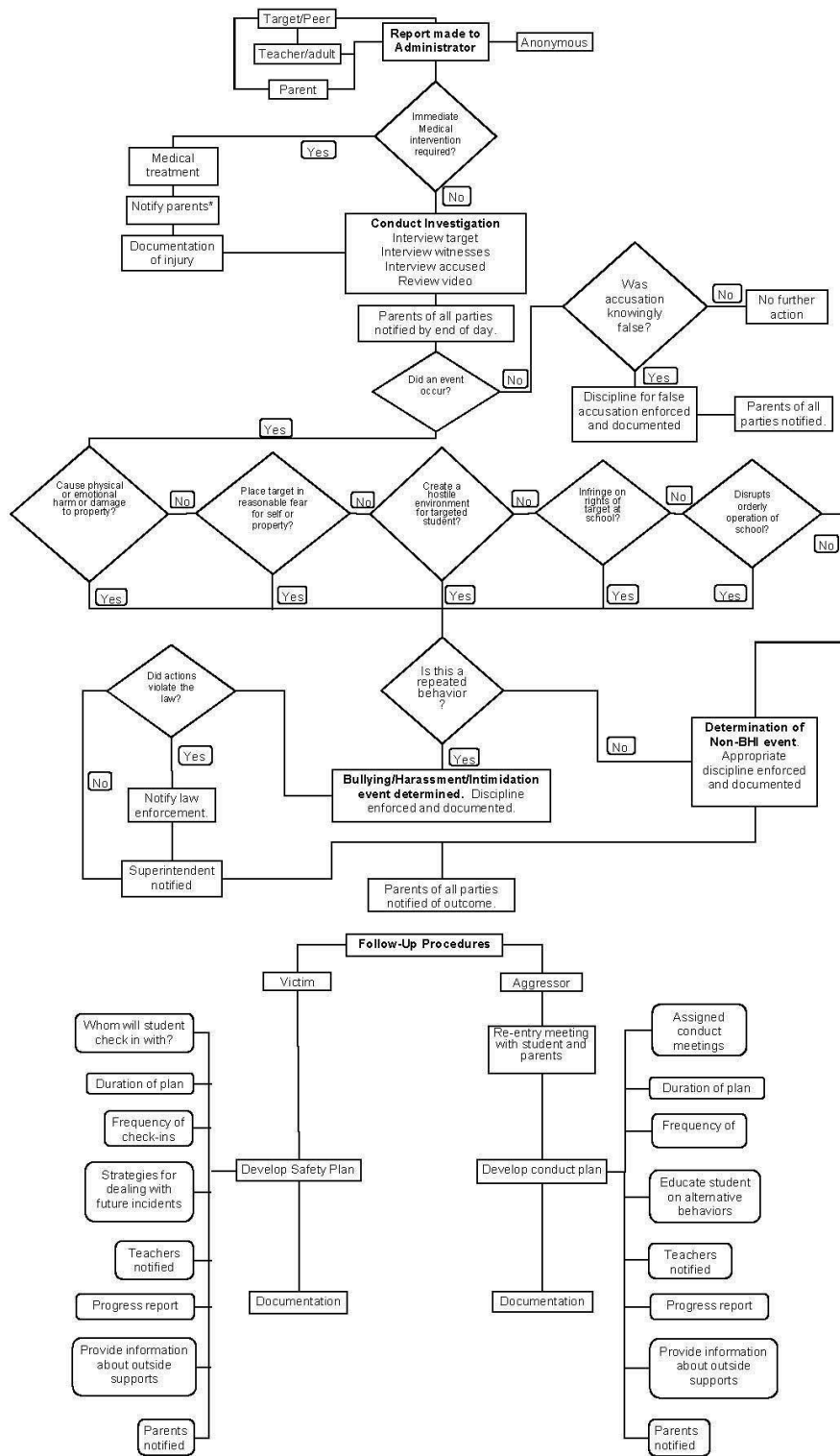
Re-adoption date: May 27, 2014

Reapproved: December 1, 2022; January 18, 2024

Reapproved: August 15, 2024



### South Hadley Schools Bullying/Harassment/Intimidation Flowchart



\*The term "parents" anywhere in this document refers to parents or legal guardians.

## South Hadley Public Schools Bullying Incident Reporting Form

This form is to be confidentially maintained in accordance with the Family Educational Rights and Privacy Act, 20 U.S.C. §1232g. Incident Report to be filed in the disciplinary record and incident entered into the electronic student management system.

**Directions:** Incidents of bullying/harassment/intimidation are serious offenses and will not be tolerated. If you are a student, the parent/guardian of a student, a volunteer or visitor, and wish to report an incident of alleged bullying/harassment/intimidation, complete this form and return it to the Principal or Administrative Designee at the student's school. All school employees are required to report alleged violations. Contact the school for additional information or assistance at any time. This form can be completed anonymously by omitting signature and name and returning to the school main office or guidance department.

**Every reported act of bullying will be investigated, and parents/guardians will be informed.**

Name of Student Target: \_\_\_\_\_ Grade/School: \_\_\_\_\_ Date: \_\_\_\_\_

Name(s) of Alleged Offenders	Grade	School	Is she/he a student?
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No

Incident Date:     /     /     Approximate Time:                     

Where did the incident occur? (Check all that apply)	What happened during the incident? (Check all that apply)	Did a physical injury result from this incident? (Check one)
<input type="checkbox"/> School Bus/Stop <input type="checkbox"/> To/From School <input type="checkbox"/> Text/Phone/Internet/ Social Media <input type="checkbox"/> Off School sponsored activity <input type="checkbox"/> Event off school property <input type="checkbox"/> School Grounds <input type="checkbox"/> Other _____	<input type="checkbox"/> Taunting <input type="checkbox"/> Retaliation <input type="checkbox"/> Threat <input type="checkbox"/> Humiliation <input type="checkbox"/> Intimidation <input type="checkbox"/> Exclusion <input type="checkbox"/> Stalking <input type="checkbox"/> Physical Contact	<input type="checkbox"/> No <input type="checkbox"/> Yes, medical attention required ( ___ # of school days lost) <input type="checkbox"/> Yes, medical attention NOT required
	<input type="checkbox"/> Extortion/Theft <input type="checkbox"/> Cyber-bullying <input type="checkbox"/> Other _____	Did student miss school for emotional reasons? <input type="checkbox"/> Yes ( ___ # of school days lost) <input type="checkbox"/> No
		Have there been other reported or non-reported incidents with the Alleged Aggressor(s) in the past? Yes    No
		If yes, describe those incidents in the space provided.

Describe this incident: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

[Note any unreported incidents that may have occurred in the past (use the back of this sheet for additional space)]

Are you: <input type="checkbox"/> Student <input type="checkbox"/> Faculty/Staff <input type="checkbox"/> Parent/Guardian <input type="checkbox"/> Other: _____
Leave blank if reporting anonymously.
Person reporting incident: (Please Print) _____
If not a student, telephone/cell information: _____
Signature: _____ Date: _____



## **HAZING – PENALTIES**

Massachusetts General Laws, Chapter 269, Sections 17-19 states the following:

Section 17: Whoever is a principal organizer or participant in the crime of hazing, as defined herein, shall be punished by a fine of not more than three thousand dollars or by imprisonment in a house of correction for not more than one year, or both such fine and imprisonment.

The term “hazing” as used in this section and in sections eighteen (18) and nineteen (19), shall mean any conduct or method of initiation into any student organization, whether on public or private property, which fully or recklessly endangers the physical or mental health of any student or other person. Such conducts shall include whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug or other substance, or any other brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of any such student or other person, or which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation.

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

Section 18: Whoever knows that another person is the victim of hazing as defined in section seventeen (17) and is at the scene of such crime shall, to the extent that such person can do so without danger or peril to himself or others, report such crime to an appropriate law enforcement official as soon as reasonably practicable. Whoever fails to report such crime shall be punished by a fine of not more than one thousand dollars.

Section 19: Each institution of secondary education and each public and private institution of post-secondary education shall issue to every student group, student team or student organization which is part of such institution or permitted by the institution to use its name or facilities or is known by the institution to exist as an unaffiliated student group, student team or student organization, a copy of this section and sections seventeen and eighteen to unaffiliated student groups, teams or organizations shall not constitute evidence of the institution’s recognition or endorsement of said unaffiliated student groups, teams or organizations.

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

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

Each institution of secondary education and each public or private institution of post-secondary education shall file, at least annually, a report with the regents of higher education and in the case of secondary institutions, the Board of Education, certifying that such institution has complied with its responsibility to inform student groups, teams, organizations and to notify each full time student enrolled by it of the provisions of this section and sections seventeen and eighteen and also certifying that said institution has adopted a disciplinary policy with regard to the organizers and participants of hazing, and that such policy has been set forth with appropriate emphasis in the student handbook or similar means of communicating the institution’s policies to its students.

The board of regents and, in the case of secondary institutions, the Board of Education shall promulgate

regulations governing the content and frequency of such reports, and shall forthwith report to the Attorney General any such institution, which fails to make such report.

### **VIOLENT JUVENILE OFFENDER BILL**

Effective October 1, 1996, Massachusetts General Laws, Chapter 265, Section 44, has been amended by adding the following section:

Whoever commits an assault and battery on a child under the age of eighteen for the purpose of causing or coercing such child to join or participate in criminal conspiracy in violation of section seven of chapter two hundred and seventy-four, including but not limited to a criminal street gang or other organization of three or more persons which has a common name, identifying sign or symbol and whose members individually or collectively engage in criminal activity, shall, for the first offense, be punished by imprisonment in the state prison for not less than three nor more than five years or by imprisonment in the house of corrections for not more than two and one-half years; and for a second subsequent offense by imprisonment in the state prison for not less than five nor more than ten years. Policy: ACAA

## **NONDISCRIMINATION**

### **PROHIBITION OF SEXUAL HARASSMENT**

The policy of the South Hadley School System is that all employees and students should be able to enjoy a work/school environment free from sexual harassment.

### **DEFINITION**

Sexual harassment is a form of employee/student misconduct, which undermines the integrity of the educational mission of the South Hadley School Department. All employees/students must be allowed to work/learn in an environment free from unsolicited and unwelcome sexual overtures or conduct, either verbal or physical. Sexual harassment refers to behavior which is not welcome, which is personally offensive, which debilitates morale, and which, therefore, interferes with work effectiveness and individual learning. Sexual harassment in the workplace is prohibited by state and federal discrimination laws and is defined as follows:

sexual advances, requests for sexual favors, other verbal or physical conduct of a sexual nature when (a) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; (b) such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance; or (c) such advances, requests or conduct have the purpose or effect of creating an intimidating, hostile, humiliating or sexually offensive work environment.

Sexual harassment in the educational setting is also prohibited by law and is defined as follows with respect to students:

Sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when (a) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of the provision of the benefits, privileges or placement services or as a basis for the evaluation of academic achievement; or (b) such advances, requests or conduct have the purpose or effect of unreasonably intervening with an

individual's education by creating an intimidating, hostile, humiliating or sexually offensive educational environment.

M.G.L. Chapter 151C

The legal definition of sexual harassment is broad and in addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a workplace environment that is hostile, offensive, intimidating, or humiliating to male or female workers/students may also constitute sexual harassment.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct, which if unwelcome, may constitute sexual harassment, depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness:

- Unwelcome sexual advances - whether they involve physical touching or not;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comments on an individual's body, comment about and individual's sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, and cartoons
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one's sexual experiences; and
- Discussion of one's sexual activities.

### **DISCIPLINARY ACTION**

If it is determined that inappropriate conduct has been committed by one of our employees/students, the administrator will take such action as is appropriate under the circumstances. In cases of sexual harassment by staff members, such action may range from counseling to termination from employment, and may include such other forms of disciplinary action, as we deem appropriate under the circumstances. Discipline of students shall follow the school's approved Code of Discipline.

### **COMPLAINT PROCEDURES**

If any employee/student believes that he or she has been subjected to sexual harassment, the individual has the right to file a complaint with the school principal. If the principal is the subject of the alleged charge or the employee/student feels uncomfortable discussing the allegation with the principal, he/she/they may contact the Director of Student Services. The superintendent shall establish and maintain procedures for the investigation and resolution of complaints.

The Student Discipline Regulations were approved by the Board of Elementary and Secondary Education on April 29, 2014. They are effective July 1, 2014.

### **EXTERNAL/IN-SCHOOL SUSPENSION OF STUDENTS**

#### **53.01: Authority, Scope, and Purpose**

1. 603 CMR 53.00 is promulgated pursuant to the authority of the Department of Elementary and Secondary Education under G.L. c. 69, §§ 1A and 1B, G.L. c. 71, §37H, and G.L. c. 71, § 37H<sup>3</sup>/<sub>4</sub>
2. The purpose of 603 CMR 53.00 is: for those discipline offenses subject to G.L. 71, § 37H<sup>3</sup>/<sub>4</sub>, as set forth in 603 CMR 53.01(3)(a), to limit the use of long-term suspension as a consequence for student

misconduct until other consequences have been considered and tried as appropriate; to promote engagement of a student's parent in discussion of the student's misconduct, and options for responding to it; to assure that every student who is expelled or suspended, regardless of the reason for suspension or expulsion, has the opportunity to receive education services to make academic progress during the period of suspension or expulsion; and, to keep schools safe and supportive for all students while ensuring fair and effective disciplinary practices.

3. (603 CMR 53.00 sets forth, for all public preschool, elementary, and secondary schools and programs in Massachusetts, including charter and virtual schools:
  - at 603 CMR 53.03 through 53.11, the minimum procedural requirements applicable to the suspension of a student for a disciplinary offense *other than*: 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 G.L. c. 71, §§37H or 37H½;
  - the minimum requirements and procedures necessary to ensure that all students who have been suspended, in-school or out-of-school, or expelled, regardless of the type of offense, have an opportunity to make academic progress during their period of suspension, expulsion, or removal from regular classroom activities; and
  - the requirements pertaining to school discipline data reporting and analysis.

#### **53.02: Definitions**

(1) "Commissioner" means the commissioner of the Department of Elementary and Secondary Education appointed in accordance with G.L. c. 15, §1F, or his or her designee.

(2) "Department" means the Department of Elementary and Secondary Education.

(3) "Disciplinary offense" means any alleged or determined disciplinary infraction by a student, *except 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 G.L. c. 71, §§37H or 37H½. A disciplinary offense, as defined, is subject to the provisions of G.L. c. 71, § 37H¾ and these regulations.

(4) "Disciplinary offense under G.L. c. 71, §§37H or 37H½ " means one or more of the following alleged or determined disciplinary infractions: a) possession of a dangerous weapon; b) possession of a controlled substance; c) assault on a member of the educational staff; and 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 G.L. c. 71, §§37H or 37H½.

(5) "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 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.

- (6) "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.
- (7) "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. 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 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.
- (8) "Parent" means a student's father, mother, or legal guardian, or person or agency legally authorized to act on behalf of the student in place of or in conjunction with the father, mother, or legal guardian.
- (9) "Principal" means the instructional leader or headmaster of a public school or his or her designee for purposes of school disciplinary matters. The board of trustees of a charter school or virtual school shall designate in the school discipline code who will serve as the principal for purposes of 603 CMR 53.00.
- (10) "School-wide education service plan" means the document developed by a principal, in accordance with G.L. c. 76, §21, that includes a list of education services available to students who are expelled or suspended from school for more than 10 consecutive days.
- (11) "Short-term suspension" means the removal of a student from the school premises and regular classroom activities for ten consecutive school days or less. A principal may, in his or her discretion, allow a student to serve a short-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.
- (12) "Superintendent" means the chief executive officer employed by a school committee or board of trustees to administer a school system, charter school, or virtual school pursuant to G.L. c. 71, §§59, 59A, 89, or 94, or his or her designee appointed for purposes of conducting a student disciplinary hearing. The board of trustees of a charter school or virtual school shall designate in the school's discipline code who will serve as the superintendent for the purposes of 603 CMR 53.00.
- (13) "Suspension" means short-term suspension and long-term suspension unless otherwise stated.

### **53.03: Policies and Procedures**

Each school committee and board of trustees shall ensure that policies and procedures are in place in public preschool, elementary, and secondary schools and programs under its jurisdiction that meet, at a minimum, the requirements of G.L. c.71, §37H¾, G.L. c. 76, §21, and 603 CMR 53.00.

### **53.04: Investigation of Disciplinary Incidents**

Nothing in these regulations shall prevent a school administrator from conducting an investigation, including student interviews, of a school-related disciplinary incident.



### **53.05: Alternatives to Suspension under Section 37H¾**

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 behavioral interventions and supports.

### **53.06: Notice of Suspension and Hearing under Section §37H¾**

(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.

(2) The principal shall provide oral and written notice to the student and the parent in English and in the primary language of the home if other than English, or other means of communication where appropriate. The notice shall 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 concerning the proposed suspension, including the opportunity to dispute the charges and to present the student's explanation of the alleged incident, and for the parent to attend the hearing; (e) the date, time, and location of the hearing; (f) the right of the student and the student's parent to interpreter services at the hearing if needed to participate; (g) if the student may be placed on long-term suspension following the hearing with the principal: the rights set forth in 603 CMR 53.08; and the right to appeal the principal's decision to the superintendent.

(3) The principal shall make reasonable efforts to notify the parent orally of the opportunity to attend the hearing. To conduct a hearing without the parent present, the principal must be able to document reasonable efforts to include the parent. The principal is presumed to have made reasonable efforts if the principal has sent written notice and has documented at least two attempts to contact the parent in the manner specified by the parent for emergency notification.

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

### **53.07: Emergency Removal under Section 37H¾**

(1) Nothing in these regulations shall prevent a principal from removing 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 judgment, there is no alternative available to alleviate the danger or disruption. The principal shall 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 of the emergency removal, the reason for the need for emergency removal, and the other matters set forth in 603 CMR 53.06(2);

(b) Provide written notice to the student and parent as provided in 603 CMR 53.06(2);

(c) Provide the student an opportunity for a hearing with the principal that complies with 603 CMR 53.08(2) or 53.08(3), as applicable, and the parent an opportunity to attend the hearing, before the expiration of the two (2) school days, unless an extension of time for hearing is otherwise agreed to by the principal, student, and parent.

(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.

(2) A principal may not remove a student from school on an emergency basis for a disciplinary offense until adequate provisions have been made for the student's safety and transportation.

### **53.08: Principal's Hearing under Section 37H¾**

(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.

(b) Based on the available information, including mitigating circumstances, the principal shall determine whether the student committed the disciplinary offense, and, if so, what remedy or consequence will be imposed.

(c) The principal shall notify the student and parent 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.

#### **(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;
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 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.

(d) Based on the evidence, the principal shall determine whether the student committed the disciplinary offense, and, if so, after considering mitigating circumstances and alternatives to suspension as set forth in 603 CMR 53.05, what remedy or consequence will be imposed, in place of or in addition to a long-term suspension. The principal shall send the written determination to the student and parent by hand-delivery, certified mail, first-class mail, email to an address provided by the parent for school communications, or any other method of delivery agreed to by the principal and the parent. If the principal 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 as provided in 603 CMR 53.13(4)(a);
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, 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 must file a written notice of appeal with the superintendent within five (5) calendar days of the effective date of the long-term suspension; provided that within the five (5) calendar days, the student or parent may request and receive from the superintendent an extension of time for filing the written notice for up to seven (7) additional calendar days; and that

b) the long-term suspension will remain in effect unless and until the superintendent decides to reverse the principal's determination on appeal.

(e) 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, whether short-term or long-term, before the suspension takes effect.

### **53.09: Superintendent's Hearing under Section 37H<sup>3</sup>/<sub>4</sub>**

(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.

(2) The student or parent shall file a notice of appeal with the superintendent within the time period set forth 603 CMR 53.08 (3) (c) 5.a). 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 shall hold the hearing within three (3) school days of the student's request, unless the student or parent 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 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 and superintendent to participate. The superintendent shall send written notice to the parent 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 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 upon request.

(6) The student shall have all the rights afforded the student at the principal's hearing for long-term suspension under 603 CMR 53.08(3)(b).

(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, charter school, or virtual school, with regard to the suspension.

### **53.10: In-School Suspension under Section 37H<sup>3</sup>/<sub>4</sub>**

(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 this provision, provided that the principal follows the process set forth in 603 CMR 53.10(3) through 603 CMR 53.10(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 10 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 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 (2) 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 by other method of delivery agreed to by the principal and the parent.

### **53.11: Emergency Removal under Section 37H<sup>3</sup>/<sub>4</sub>**

The principal may remove a student from privileges, such as extracurricular activities and attendance at school-sponsored events, based on the student's misconduct. Such a removal is not subject to the procedures in G.L. c. 71, § 37H<sup>3</sup>/<sub>4</sub> or 603 CMR 53.00.

### **53.12: Disciplinary Offenses under Section 37H or 37H<sup>1</sup>/<sub>2</sub>**

(1) School districts shall adopt disciplinary policies and procedures applicable to a student who is accused of a disciplinary offense under G.L. c. 71, §§37H or 37H- ½. 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 G.L. c. 71, §§37H or 37H½ from school for more than ninety (90) days in a school year.

(3) Any student who is removed from school for a disciplinary offense under 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.

### **53.13: Education Services and Academic Progress under Sections 37H, 37H½, and 37H¾**

(1) 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 of this opportunity in writing when such suspension or expulsion is imposed.

(2) 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.

(3) 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 (10) 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 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.

(b) For each student expelled or suspended from school for more than ten (10) consecutive days, whether in-school or out-of-school, the school district shall document the student's enrollment in education services. For data reporting purposes, the school shall track and report attendance, academic progress, and such other data as directed by the Department.

### **Regulatory Authority:**

### **M.G.L. c. 71 § 38R and Chapter 77 of the Acts of 2013**

### **53.10: In-School Suspension under Section 37H¾**

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 this provision, provided that the principal follows the process set forth in 603 CMR 53.10(3) through 603 CMR 53.10(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 10 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 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 (2) 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 by other method of delivery agreed to by the principal and the parent.

### **READMISSION OF AN EXPELLED STUDENT**

A student who has been expelled may apply to the Superintendent of schools for readmission into the school system. The Superintendent shall use one or more of the following criteria in making the determination to readmit a student who has been expelled from school:

1. The student has successfully completed a treatment program, which may include counseling or therapy.
2. The student agrees to a contract, which specifies expectations and consequences for failure to meet the expectations.
3. The student agrees to provide references from responsible adults attesting to his/her ability to appropriately participate in the school community.
4. The student agrees to continue counseling with a mutually agreeable counselor and/or meet regularly with an adult mentor as specified by the principal of the school.
5. The student successfully meets such other conditions specified by the principal and approved by the superintendent. These additional conditions will be established for the purpose of ensuring the safety and educational well-being of the student, staff, and other students.

## DISCIPLINE FOR STUDENTS WITH DISABILITIES

### Students

1. All students are expected to meet the requirements for behavior as set forth in this Handbook. Chapter 71B of the Massachusetts General Laws, formerly 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 individualized program is described in an Individualized Educational Plan (IEP). Federal and Massachusetts laws, regulations and policies do not prohibit the suspension of special needs students in all cases. However, when it is permitted, the removal of a student from the program which is prescribed in his/her Individualized Educational Plan (IEP) must be preceded by a more deliberate review of the causes and reasons for the proposed suspension and the development of an alternative program, consistent with federal and state law.
  - a. Students with Special Needs may be suspended for up to ten (10) consecutive days and may also be suspended in excess of ten (10) cumulative days, as fully outlined under MGL Ch. 71B, and the Individuals with Disabilities Education Act. Such suspensions may be carried out without any further or additional process.
  - a. Suspensions or exclusions in excess of ten (10) consecutive days or ten (10) cumulative days may also occur, provided that the conduct for which the student is being disciplined is not a manifestation of his/her disability, and the District provides educational services, which will allow the student to access the general curriculum and to make progress toward his/her goals.
2. The IDEA and MGL Ch.71B allow school personnel to move a student with disabilities to an interim alternative educational setting (IAES) for up to 45 school days, if that student is in possession of a dangerous weapon at school or a school function or on school property, is in possession or uses a controlled substance or sells or solicits the sale of a controlled substance, while at school or a school function or on school property, or inflicts serious bodily injury on a person, including him/herself. The appropriate interim alternative educational setting shall be determined by the IEP TEAM.
3. The IDEA and MGL Ch. 71B also allows school personnel the option of asking a hearing officer or a court to move children with disabilities to an interim alternative educational setting for up to 45 school days, if they are substantially likely to injure themselves or others in their current placement.
4. When a special needs student has been suspended for more than ten (10) consecutive or cumulative days in a school year, such that a substantial change in placement is occurring or will occur, the IEP TEAM will meet to conduct a manifestation determination. Relevant members of the TEAM meet for the manifestation determination, and they answer two questions, after reviewing relevant documents and the misconduct of the student:
  - a. Is the misconduct the result of failure to implement the student's IEP? And
  - a. Is the misconduct caused by, or does it have a direct and substantial relationship to the student's disability?
2. A summary of the manifestation determination review will be written and a copy provided to the Parent(s)/guardian(s) as soon as possible after the review, but no later than five (5) school days after the review.
3. If the TEAM finds that the misconduct was not a manifestation of the student's disability, then the student may be disciplined according to the discipline policy in this handbook. The student will receive educational services during this period of suspension or exclusion. If the TEAM finds that the misconduct was a manifestation of the student's disability, then the school may still be able to implement an IAES (see #2 and #3 above). If the IAES is not possible, then the student will remain in his/her current placement, and the TEAM will arrange for a functional behavioral assessment (if one has not been conducted on the student) and the development or modification of a behavior intervention plan.
4. The Principal (or designee) will notify the Special Education Office of the suspendable offenses of a special needs student and a record will be kept of such notices.

### Students identified as having a disability and provided with a Section 504 plan

1. Students are expected to meet the expectations for behavior identified in this handbook. A student on a Section 504 plan may be disciplined like any other non-disabled student. However, if the student is going to be suspended for ten (10) or more consecutive days, expelled or suspended for more than fifteen (15) cumulative days (and there is a change in placement as a result), then a manifestation determination review shall be conducted. The student's 504 team shall convene, and answer two questions, after reviewing relevant documents and the misconduct of the student.
  - a. Is the misconduct the result of failure to implement the student's 504 plan?
  - a. Is the misconduct caused by, or does it have a direct and substantial relationship to the student's disability?
2. A summary of the manifestation determination review will be written and a copy provided to the Parent(s)/guardian(s) as soon as possible after the review, but no later than five (5) school days after the review.

## **RE-ADMISSION OF AN EXPELLED STUDENT**

A student who has been expelled may apply to the superintendent of schools for readmission into the school system. The superintendent shall use one or more of the following criteria in making the determination to readmit a student who has been expelled from school:

1. The student has successfully completed a treatment program that may include counseling or therapy.
2. The student agrees to a contract that specifies expectations and consequences for failure to meet the expectations.
3. The student agrees to provide references from responsible adults attesting to his/her ability to appropriately participate in the school community.
4. The student agrees to continue counseling with a mutually agreeable counselor and/or meet regularly with an adult mentor as specified by the Principal of the school.
5. The student successfully meets such other conditions specified by the Principal and approved by the superintendent. These additional conditions will be established for the purpose of ensuring the safety and educational well-being of the student, staff, and other students.

With respect to the suspension of special needs students for more than ten (10) cumulative days, federal law (see 20 United States Code, Section 1415(k) requires parental consent, or where the parent(s)/legal guardian(s) does not consent, the securing of a judicial order authorizing the exclusion. (Note: There are exceptions for violations involving possession of dangerous weapons possession of controlled substances, or assault of a staff member.)

With respect to the removal of students with special needs from public schools, Massachusetts General Laws, Chapter 71B, Section 3, states:

“No School Committee shall refuse a school age child with special needs admission to or continued attendance in public school without the prior written approval of the Department (of Education) and without complying with the department’s regulations and procedures for disciplining students with special needs, where applicable.

No child who is so refused or removed shall be denied an alternative form of education approved by the department, as provided for in section ten, through a tutoring program at home, through enrollment in an institution operated by a state agency, or through any other program which is approved for the child by the department.”

## **PROCEDURES FOR THE SUSPENSION OF SPECIAL NEEDS STUDENTS PURSUANT TO FEDERAL AND MASSACHUSETTS REGULATIONS**

### **Disciplining Students with Special Needs: Procedures Applicable when Suspension(s) will Accumulate to More than Ten (10) Days in the School Year.**

The following provisions shall apply whenever a school administrator proposes to suspend a student with special needs for more than ten (10) cumulative days in a school year.

*Definition of Suspension:* Suspension shall be defined as any action which results in the removal of a student from the program prescribed in his/her Individualized Educational Plan (IEP). The term includes in-school suspension as well as any exclusion from transportation services which prohibits the student’s participation in his/her prescribed program.

### **General Requirements:**

Each school shall ensure that:

1. Its Code of Conduct is on file with the Department of Education and all student handbooks contain the specific procedures in these regulations for the suspension of a student with special needs;
2. It has an appropriate procedure to notify the Administrator of Special Education of the misconduct for which suspension of a student with special needs for more than ten (10) cumulative days is proposed so that the procedures required can be implemented consistently (See FORM 6);
3. The number and duration of suspensions of students with special needs is recorded and maintained by school administrators;
4. The IEP of every student with special needs indicates whether the student is or is not expected to meet the school’s discipline code, and, if not, what modifications of the code are required, which shall be described in the IEP; and
5. No student with special needs may be suspended for more than ten (10) cumulative days in the school year except as provided hereunder.



**Meeting to review IEP with student’s special needs:**

When it is known that the suspension(s) of a student with special needs will accumulate to ten (10) days in a school year, a review of the IEP will be conducted. Participants in the meeting shall include, but not be limited to, individuals who are trained in the area of the student’s special needs. At that review, the review TEAM will determine whether the student’s misconduct is a manifestation of the student’s special needs, or results from an inappropriate special education program/placement or an IEP that was not fully implemented. Depending on the result of that determination, suspension may or may not be implemented. If the student has demonstrated repeated instances of dangerously assaultive or self-abusive behavior, an emergency evaluation and placement may be made with parental consent.

**Circumstances under which the student may not be suspended for more than ten (10) cumulative days:**

1. If the TEAM concludes that the student’s misconduct is related to the student’s special needs or results from an inappropriate special education program or placement or an IEP that was not fully implemented, the student shall not be suspended. Instead, the student’s IEP shall be revised to reflect a new program or placement designed to meet the student’s needs more effectively, or, if the misconduct resulted from an appropriate IEP that was not fully implemented, all necessary steps shall be taken by the school to ensure that the IEP is fully implemented. If revision of the student’s IEP is required, development of an amended or new IEP shall occur;
2. If a new program or placement is designed for the student as a result of the review, the program or placement shall be implemented immediately following parental approval of the IEP. If the parent(s)/legal guardian(s) refuse consent to the IEP, the school or parent(s)/legal guardian(s) may request a hearing to determine the appropriateness of the program. Alternatively, the parties may seek mediation to resolve the dispute. If a hearing is requested, during the pendency of the hearing, the student shall remain in the last agreed upon educational placement (the placement in effect when the dispute arose), unless another placement is agreed upon by the school and the student’s parent(s)/legal guardian(s), or a court order permits the school to change the student’s placement based on a showing that the student’s continued presence in school presents a substantial likelihood of injury to the student or to others.

**Circumstances under which suspension may be imposed for more than ten (10) cumulative days:**

1. If the school wishes to impose a suspension which results in more than ten (10) cumulative days of suspension in the school year, and the TEAM concludes that: the student’s misconduct is not a manifestation to the student’s special needs; is not the result of an inappropriate special education program/placement; and the current IEP was fully implemented, the school shall:
  - a. Provide an interim alternative plan for the delivery of special education services to the student during the period of the suspension, which shall be referred to as “the alternative plan”;
  - a. Before the student is suspended for more than ten (10) cumulative days, present the interim alternative plan to the student’s parent(s)/legal guardian(s) along with the required written notice.
  2. A copy of the interim alternative plan must be included in the student’s file, which shall also include documentation that demonstrates:
    - a. The school has complied with procedures required by Goss v. Lopez and by the school’s Code of Conduct.
    - a. The school has considered less restrictive disciplinary measures, including modifying the student’s IEP to set out specific methods of discipline;
    - b. The disciplinary action is for a stated and limited number of days;
    - c. The action is necessary in light of the needs of the student and other students in the school;
    - d. The school administrators have conferred with appropriate special education staff as to the disciplinary action and have followed all the procedures outlined herein including notice to the parent(s) or guardian(s) of their right of appeal.

**Court order necessary to authorize suspension:**

A school shall not suspend or exclude a student for more than ten (10) cumulative days during the pendency of a Bureau of Special Education Appeals hearing or judicial proceeding brought to challenge a suspension, proposed suspension, or any determination, above, unless the school obtains a court order authorizing a temporary change of the child’s educational placement based on a showing that the student’s continued presence in school presents a substantial likelihood of injury to the student or to others.

**PLEASE NOTE THE FOLLOWING STATUTORY REQUIREMENTS UNDER FEDERAL LAW:**

Section 1415(k) of the Individuals with Disabilities Education Act (hereinafter, “IDEA”), codified as 20 U.S.C. §1415(k), sets forth the following procedures with respect to the suspension of students with special needs (and protections for those children not yet eligible for special education and related services):

(k) Placement in alternative educational setting

1. Authority of school personnel

a. School personnel may order a change in the placement of a child with a disability –

.to an appropriate interim alternative setting, another setting, or suspension, for not more than 10 school days (to the extent such alternatives would be applied to children without disabilities); and

i.to an appropriate interim alternative educational setting for the same amount of time that a child without a disability would be subject to discipline, but for not more than 45 days if –

1. the child carries a weapon to school or to a school function under the jurisdiction of a state or local educational agency; or
2. the child knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function under the jurisdiction of a state or local educational agency.

a. Either before or not later than 10 days after taking a disciplinary action described in subparagraph (A) –

.if the local educational agency did not conduct a functional behavioral assessment and implement a behavioral intervention plan for such child before the behavior that resulted in the suspension described in subparagraph (A), the agency shall convene an IEP meeting to develop an assessment plan to address that behavior, or

i.if the child already has a behavioral intervention plan, the IEP Team shall review the plan and modify it, as necessary, to address the behavior.

2. Authority of hearing officer. A hearing officer under this section may order a change in the placement of a child with a disability to an appropriate interim alternative educational setting for not more than 45 days if the hearing officer –

a. determines that the public agency has demonstrated by substantial evidence that maintaining the current placement of such child is substantially likely to result in injury to the child or to others;

a. considers the appropriateness of the child's current placement;

b. considers whether the public agency has made reasonable efforts to minimize the risk of harm in the child's current placement, including the use of supplementary aids and services; and

c. determines that the interim alternative educational setting meets the requirements of paragraph (3)(B).

2. Determination of setting

a. In general. The alternative educational setting described in paragraph (1)(A)(ii) shall be determined by the IEP Team.

a. Additional requirements. Any interim alternative educational setting which a child is placed under paragraph (1) or (2) shall–

.be selected so as to enable the child to continue to participate in the general curriculum, although in another setting, and to continue to receive those services and modifications, including those described in the child's current IEP, that will enable the child to meet the goals set out in that IEP; and

i.include services and modifications designed to address the behavior described in paragraph (1) or paragraph (2) so that it does not recur.

2. Manifestation determination review

a. In general. If a disciplinary action is contemplated as described in paragraph (1) or paragraph (2) for a behavior of a child with a disability described in either of those paragraphs, or if a disciplinary action involving a change of placement for more than 10 days is contemplated for a child with a disability who has engaged in other behavior that violated any rule or code of conduct of the local educational agency that applies (to?) all children –

.not later than the date on which the decision to take that action is made, the parents shall be notified of that decision and of all procedural safeguards accorded under this section; and

i.immediately, if possible, but in no case later than 10 school days after the date on which the decision to take that action is made, a review shall be conducted of the relationship between the child's disability and the behavior subject to the disciplinary action.

a. Individuals to carry out review. A review described in subparagraph (A) shall be conducted by the IEP Team and other qualified personnel.

b. Conduct of review. In carrying out a review described in subparagraph (A), the IEP Team may determine that the behavior of the child was not a manifestation of such child's disability only if the IEP Team –

.first considers, in terms of the behavior subject to disciplinary action, all relevant information, including –

1. evaluation and diagnostic results, including such results or other relevant information supplied by the parent of the child;
2. observations of the child; and
3. the child's IEP and placement; and

i.then determines that –

1. in relationship to the behavior subject to disciplinary action, the child's IEP and placement were appropriate and the special education services, supplementary aids and services, and behavior intervention strategies were provided consistent with the child's IEP and placement;
2. the child's disability did not impair the ability of the child to understand the impact and consequences of the behavior subject to disciplinary action; and
3. the child's disability did not impair the ability of the child to control the behavior subject to disciplinary action.

2. Determination that behavior was not manifestation of disability

a. In general. If the result of the review described in paragraph (4) is a determination, consistent with paragraph (4)(C), that the behavior of the child with a disability was not a manifestation of the child's disability, the relevant disciplinary procedures applicable to children without disabilities may be applied to the child in the same manner in which they would be applied to children without disabilities; except as provided in Sec. 1412(a)(1).

a. Additional requirement. If the public agency initiates disciplinary procedures applicable to all children, the agency shall ensure that the special education and disciplinary records of the child with a disability are transmitted for consideration by the person or persons making the final determination regarding the disciplinary action.

2. Parent appeal

a. In general

.If the child's parent disagrees with a determination that the child's behavior was not a manifestation of the child's disability or with any decision regarding placement, the parent may request a hearing.

i. The state or local educational agency shall arrange for an expedited hearing on any case described in this subsection when requested by a parent.

a. Review of decision

.In reviewing a decision with respect to the manifestation determination, the hearing officer shall determine whether the public agency has demonstrated that the child's behavior was not a manifestation of such child's disability consistent with the requirements of paragraph (4)(C).

i. In reviewing a decision under paragraph (1)(A)(ii) to place the child in an interim alternative educational setting, the hearing officer shall apply the standards set out in paragraph (2).

2. Placement during appeals

a. In general. When a parent requests a hearing regarding a disciplinary action described in paragraph (1)(A)(ii) or paragraph (2) to challenge the interim alternative educational setting or the manifestation determination, the child shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the time period provided for in paragraph (1)(A)(ii) or paragraph (2), whichever occurs first, unless the parent and the state or local educational agency agree otherwise.

a. Current placement: If a child is placed in an interim alternative educational setting pursuant to paragraph (1)(A)(ii) or paragraph (2) and school personnel propose to change the child's placement after expiration of the interim alternative placement, during the pendency of any proceeding to challenge the proposed change in placement, the child shall remain in the current placement (the child's placement prior to the interim alternative educational setting), except as provided in subparagraph (C).

b. Expedited hearing

.If school personnel maintain that it is dangerous for the child to be in the current placement (placement prior to removal to the interim alternative education setting) during the pendency of the due process proceedings, the local educational agency may request an expedited hearing.

i. In determining whether the child may be placed in the alternative educational setting or in another appropriate placement ordered by the hearing officer, the hearing shall apply the standards set out in paragraph (2).

2. Protections for children not yet eligible for special education and related services

a. In general. A child who has not been determined to be eligible for special education and related services under this part and who has engaged in behavior that violated any rule or code of conduct of the local educational agency, including any behavior described in paragraph (1), may assert any of the protections provided for in this part if the local educational agency had knowledge (as determined in accordance with this paragraph) that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred.

a. Basis of knowledge. A local educational agency shall be deemed to have knowledge that a child is a child with a disability if

—  
 .The parent of the child has expressed concern in writing (unless the parent is illiterate or has a disability that prevents compliance with the requirements contained in this clause) to personnel of the appropriate educational agency that the child is in need of special education and related services.

i. The behavior or performance of the child demonstrates the need for such services;

- ii. The parent of the child has requested an evaluation of the child pursuant to Sec. 1414; or
- iii. The teacher of the child, or other personnel of the local educational agency, has expressed concern about the behavior or performance of the child to the director of special education of such agency or to other personnel of the agency.
  - a. Conditions that apply if no basis of knowledge
    - . In general: If a local educational agency does not have knowledge that a child is a child with a disability in accordance with subparagraph (B) prior to taking disciplinary measures against the child, the child may be subjected to the same disciplinary measures as measures applied to children without disabilities who engaged in comparable behaviors consistent with clause (ii).
    - i. Limitations: If a request is made for an evaluation of a child during the time period in which the child is subject to disciplinary measures under paragraph (1) or (2), the evaluation shall be conducted in an expedited manner. If the child is determined to be a child with a disability, taking into consideration information from the evaluation conducted by the agency and information provided by the parents, the agency shall provide special education and related services in accordance with the provisions of this part, except that, pending the results of the evaluation, the child shall remain in the educational placement determined by school authorities.
      - 2. Referral to and action by law enforcement and judicial authorities
        - a. Nothing in this part shall be construed to prohibit an agency from reporting a crime committed by a child with a disability to appropriate authorities or to prevent state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by a child with a disability.
          - a. An agency reporting a crime committed by a child with a disability shall ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom it reports the crime.
            - 2. Definitions. For the purposes of this subsection, the following definitions apply:
              - a. Controlled substances. The term ‘controlled substance’ means a drug or other substance identified under schedules I, II, III, IV, or V in Sec. 202(c) of the Controlled Substances Act (21 U.S.C. 831(c)).
              - a. Illegal drug. The term ‘illegal drug’ means a controlled substance; but does not include such a substance that is legally possessed or used under the supervision of a licensed health care professional or that is legally possessed or used under any other authority or Act or under any other provision or federal law.
              - b. Substantial evidence. The term ‘substantial evidence’ means beyond a preponderance of the evidence.
              - c. Weapon. The term ‘weapon’ has the meaning given the term ‘dangerous weapon’ under paragraph (2) of the first subsection (g) of Sec. 930 of Title 18, United States Code.

Title 18 U.S.C. §930, paragraph (2) of the first subsection (g) provides: “The term ‘dangerous weapon’ means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except that such term does not include a pocket knife with a blade less than 2 ½ inches in length.”

## SEARCHES

## **LOCKERS/DESKS/COMPUTERS/CLOTHING – SEARCHES OF STUDENTS**

Students may be issued lockers, with or without private combinations, desks, computers, clothing, et cetera, at the opening of school or thereafter. **STUDENTS SHOULD HAVE NO EXPECTATION OF PRIVACY IN THEIR SCHOOL LOCKERS, DESKS, COMPUTERS, CLOTHING, ET CETERA.** Lockers, desks, and computers are for the use of the students but remain the property of the South Hadley Public Schools. Students are advised that their lockers, desks, computers, clothing, et cetera may be inspected without notice by school administrators to ensure cleanliness, safety and adherence to federal, state and local laws and regulations. The legality of a search of a student, his/her clothing and/or possessions depends simply on the reasonableness, under all circumstances, of the search. The search by a school official is “justified at its inception” when there are reasonable grounds for suspecting that the search will turn up evidence that a student or students have violated either the law or the rules of the school. Such a search is permissible in its scope when the measures adopted are reasonably related to the objectives of the search and are not excessively intrusive in light of the age and sex of the student(s) and the nature of the infraction.

## **DISCIPLINARY ACTION RELATIVE TO SPECIAL NEEDS STUDENTS**

Students with special needs, as defined by Massachusetts General Laws, Chapter 71B, shall be subject to the provisions of this Discipline Policy except as otherwise provided in this section.

Federal and Massachusetts laws, regulations and policies do not prohibit the suspension of special needs students in all cases. However, when it is permitted, the removal of a student from the program which is prescribed in his/her Individualized Educational Plan (IEP) must be preceded by a more deliberate review of the causes and reasons for the proposed suspension and the development of an alternative program, consistent with federal and state law. With respect to the suspension of special needs students for ten (10) or more cumulative days, federal law (see 20 United States Code, Section 1415(k) requires parental consent, or where the parent(s)/legal guardian(s) does not consent, the securing of a judicial order authorizing the exclusion. (Note: There are exceptions for violations involving possession of dangerous weapons or controlled substances – see page \_\_, following.) With respect to the removal of students with special needs from public schools, Massachusetts General Laws, Chapter 71B, Section 3, states:

No School Committee shall refuse a school age child with special needs admission to or continued attendance in public school without the prior written approval of the Department of Elementary and Secondary Education (DESE) and without complying with the department’s regulations and procedures for disciplining students with special needs, where applicable.

No child who is so refused or removed shall be denied an alternative form of education approved by the department, as provided for in section ten, through a tutoring program at home, through enrollment in an institution operated by a state agency, or through any other program which is approved for the child by the department.

### **Students identified as having a disability and provided with a Section 504 plan**

1. Students are expected to meet the expectations for behavior identified in this handbook. A student on a Section 504 plan may be disciplined like any other non-disabled student. However, if the student is going to be suspended for ten (10) or more consecutive days, expelled or suspended for more than fifteen (15)

cumulative days (and there is a change in placement as a result), then a manifestation determination review shall be conducted. The student's 504 team shall convene, and answer two questions, after reviewing relevant documents and the misconduct of the student.

- a. Is the misconduct the result of failure to implement the student's 504 plan?
- b. Is the misconduct caused by, or does it have a direct and substantial relationship to the student's disability?

A summary of the manifestation determination review will be written and a copy provided to the Parent(s)/guardian(s) as soon as possible after the review, but no later than five (5) school days after the review.

## **PROCEDURES FOR THE SUSPENSION OF SPECIAL NEEDS STUDENTS PURSUANT TO FEDERAL AND MASSACHUSETTS REGULATIONS**

### **PROCEDURES APPLICABLE WHEN SUSPENSION(S) WILL ACCUMULATE TO MORE THAN TEN (10) DAYS IN THE SCHOOL YEAR.**

The following provisions shall apply whenever a school administrator proposes to suspend a student with special needs for more than ten (10) cumulative days in a school year.

**DEFINITION OF SUSPENSION:** Suspension shall be defined as any action, which results in the removal of a student from the program prescribed in his/her Individualized Educational Plan (IEP). The term includes in-school suspension as well as any exclusion from transportation services, which prohibits the student's participation in his/her prescribed program.

**GENERAL REQUIREMENTS:** Each school shall ensure that:

- a. Its Code of Conduct is on file with the Department of Elementary and Secondary Education and all student handbooks contain the specific procedures in these regulations for the suspension of a student with special needs
- b. It has an appropriate procedure to notify the Administrator of Special Education of the misconduct for which suspension of a student with special needs for more than ten (10) cumulative days is proposed so that the procedures required can be implemented consistently (See FORM 6);
- c. The number and duration of suspensions of students with special needs is recorded and maintained by school administrators
- d. The IEP of every student with special needs indicates whether the student is or is not expected to meet the school's discipline code, and, if not, what modifications of the code are required, which shall be described in the IEP; and
- e. No student with special needs may be suspended may be suspended for more than ten (10) cumulative days in the school year except as provided hereunder.

**MEETING TO REVIEW IEP WITH STUDENT’S SPECIAL NEEDS:**

When it is known that the suspension(s) of a student with special needs will accumulate to ten (10) days in a school year, a review of the IEP will be conducted. Participants in the meeting shall include, but not be limited to, individuals who are trained in the area of the student’s special needs. At that review, the review TEAM will determine whether the student’s misconduct is a manifestation of the student’s special needs, or results from an inappropriate special education program/placement or an IEP that was not fully implemented. Depending on the result of that determination, suspension may or may not be implemented. If the student has demonstrated repeated instances of dangerously assault or self-abusive behavior, an emergency evaluation and placement may be made with parental consent.

**CIRCUMSTANCES UNDER WHICH THE STUDENT MAY NOT BE SUSPENDED FOR MORE THAN TEN (10) CUMULATIVE DAYS:**

- a. If the TEAM concludes that the student’s misconduct is related to the student’s special needs or results from an inappropriate special education program or placement or an IEP that was not fully implemented, the student shall not be suspended. Instead, the student’s IEP shall be revised to reflect a new program or placement designed to meet the student’s needs more effectively, or, if the misconduct resulted from an appropriate IEP that was not fully implemented, all necessary steps shall be taken by the school to ensure that the IEP is fully implemented. If revision of the student’s IEP is required, development of an amended or new IEP shall occur
  
- b. If a new program or placement is designed for the student as a result of the review, the program or placement shall be implemented immediately following parental approval of the IEP. If the parent(s)/legal guardian(s) refuses consent to the IEP, the school or parent(s)/legal guardian(s) may request a hearing to determine the appropriateness of the program. Alternatively, the parties may seek mediation to resolve the dispute. If a hearing is requested, during the pendency of the hearing, the student shall remain in the last agreed upon educational placement (the placement in effect when the dispute arose), unless another placement is agreed upon by the school and the student’s parent(s)/legal guardian(s), or a court order permits the school to change the student’s placement based on a showing that the student’s continued presence in school presents a substantial likelihood of injury to the student or to others.

**CIRCUMSTANCES UNDER WHICH SUSPENSION MAY BE IMPOSED FOR MORE THAN TEN (10) CUMULATIVE DAYS:**

- a. If the school wishes to impose a suspension which results in more than ten (10) cumulative days of suspension in the school year, and the TEAM concludes that: the student’s misconduct is not a manifestation to the student’s special needs; is not the result of an inappropriate special education program/placement; and the current IEP was fully implemented, the school shall:

1. Provide an interim alternative plan for the delivery of special education services to the student during the period of the suspension, which shall be referred to as “the alternative plan”
  2. Before the student is suspended for more than ten (10) cumulative days, present the interim alternative plan to the student’s parent(s)/legal guardian(s) along with the required written notice.
- b. A copy of the interim alternative plan must be included in the student’s file, which shall also include documentation, which demonstrates that:
1. The school has complied with procedures required by Goss v. Lopez and by the school’s Code of Conduct.
  2. The school has considered less restrictive disciplinary measures, including modifying the student’s IEP to set out specific methods of discipline;
  3. The disciplinary action is for a stated and limited number of days
  4. The action is necessary in light of the needs of the student and other students in the school
  5. The school administrators have conferred with appropriate special education staff as to the disciplinary action and have followed all the procedures outlined herein including notice to the parent(s) or guardian(s) of their right of appeal.

**COURT ORDER NECESSARY TO AUTHORIZE SUSPENSION:**

A school shall not suspend or exclude a student for more than ten (10) cumulative days during the pendency of a Bureau of Special Education Appeals hearing or judicial proceeding brought to challenge a suspension, proposed suspension, or any determination, above, unless the school obtains a court order authorizing a temporary change of the child’s educational placement based on a showing that the student’s continued presence in school presents a substantial likelihood of injury to the student or to others.

**PLEASE NOTE THE FOLLOWING STATUTORY REQUIREMENTS UNDER FEDERAL LAW:**

Section 1415(k) of the Individuals with Disabilities Education Act (hereinafter, “IDEA”), codified as 20 U.S.C. §1415(k), sets forth the following procedures with respect to the suspension of students with special needs (and protections for those children not yet eligible for special education and related services):

*(k) Placement in alternative educational setting*

- (1) *Authority of school personnel*
  - (A) School personnel may order a change in the placement of a child with a disability –
    - (i) to an appropriate interim alternative setting, another setting, or suspension, for not more than 10 school days (to the extent such alternatives would be applied to children without disabilities); and
    - (ii) to an appropriate interim alternative educational setting for the same amount of time that a child without a disability would be subject to discipline, but for not more than 45 days if –



- (I) the child carries a weapon to school or to a school function under the jurisdiction of a state or local educational agency; or
- (II) the child knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function under the jurisdiction of a state or local educational agency.
- (B) Either before or not later than 10 days after taking a disciplinary action described in subparagraph (A) –
  - (i) if the local educational agency did not conduct a functional behavioral assessment and implement a behavioral intervention plan for such child before the behavior that resulted in the suspension described in subparagraph (A), the agency shall convene an IEP meeting to develop an assessment plan to address that behavior, or
  - (ii) if the child already has a behavioral intervention plan, the IEP Team shall review the plan and modify it, as necessary, to address the behavior.

(2) *Authority of hearing officer*

A hearing officer under this section may order a change in the placement of a child with a disability to an appropriate interim alternative educational setting for not more than 45 days if the hearing officer –

- (A) determines that the public agency has demonstrated by substantial evidence that maintaining the current placement of such child is substantially likely to result in injury to the child or to others;
- (B) considers the appropriateness of the child’s current placement
- (C) considers whether the public agency has made reasonable efforts to minimize the risk of harm in the child’s current placement, including the use of supplementary aids and services; and
- (D) determines that the interim alternative educational setting meets the requirements of paragraph (3)(B).

(3) *Determination of setting*

(A) *In general*

The alternative educational setting described in paragraph (1)(A)(ii) shall be determined by the IEP Team.

(B) *Additional requirements*

Any interim alternative educational setting which a child is placed under paragraph (1) or (2) shall:

- (i) be selected so as to enable the child to continue to participate in the general curriculum, although in another setting, and to continue to receive those services and modifications, including those described in the child’s current IEP, that will enable the child to meet the goals set out in that IEP; and
- (ii) Include services and modifications designed to address the behavior described in paragraph (1) or paragraph (2) so that it does not recur.

(4) *Manifestation determination review*

(A) *In general*

If a disciplinary action is contemplated as described in paragraph (1) or paragraph (2) for a behavior of a child with a disability described in either of those paragraphs, or if a disciplinary action involving a change of placement for more than 10 days is contemplated for a child with a

disability who has engaged in other behavior that violated any rule or code of conduct of the local educational agency that applies to all children

- (i) not later than the date on which the decision to take that action is made, the parents shall be notified of that decision and of all procedural safeguards accorded under this section; and
  - (ii) Immediately, if possible, but in no case later than 10 school days after the date on which the decision to take that action is made, a review shall be conducted of the relationship between the child's disability and the behavior subject to the disciplinary action.
- (B) *Individuals to carry out review*  
A review described in subparagraph (A) shall be conducted by the IEP Team and other qualified personnel.
- (C) *Conduct of review*  
In carrying out a review described in subparagraph (A), the IEP Team may determine that the behavior of the child was not a manifestation of such child's disability only if the IEP Team –
- (i) first considers, in terms of the behavior subject to disciplinary action, all relevant information, including –
    - (I) Evaluation and diagnostic results, including such results or other relevant information supplied by the parent of the child;
    - (II) Observations of the child; and
    - (III) The child's IEP and placement; and
  - (ii) Then determines that –
    - (I) In relationship to the behavior subject to disciplinary action, the child's IEP and placement were appropriate and the special education services, supplementary aids and services, and behavior intervention strategies were provided consistent with the child's IEP and placement.
    - (II) The child's disability did not impair the ability of the child to understand the impact and consequences of the behavior subject to disciplinary action; and
    - (III) The child's disability did not impair the ability of the child to control the behavior subject to disciplinary action.
- (5) *Determination that behavior was not manifestation of disability*
- (A) *In general*  
If the result of the review described in paragraph (4) is a determination, consistent with paragraph (4)(C), that the behavior of the child with a disability was not a manifestation of the child's disability, the relevant disciplinary procedures applicable to children without disabilities may be applied to the child in the same manner in which they would be applied to children without disabilities; except as provided in Sec. 1412(a)(1).
- (B) *Additional requirement*  
If the public agency initiates disciplinary procedures applicable to all children, the agency shall ensure that the special education and disciplinary records of the child with a disability are transmitted for consideration by the person or persons making the final determination regarding the disciplinary action.
- (6) *Parent appeal*
- (A) *In general*
- (i) If the child's parent disagrees with a determination that the child's behavior was not a manifestation of the child's disability or with any decision regarding placement, the parent may request a hearing.

(ii) The state or local educational agency shall arrange for an expedited hearing on any case described in this subsection when requested by a parent.

(B) *Review of decision*

(i) In reviewing a decision with respect to the manifestation determination, the hearing officer shall determine whether the public agency has demonstrated that the child's behavior was not a manifestation of such child's disability consistent with the requirements of paragraph (4)(C).

(ii) In reviewing a decision under paragraph (1)(A)(ii) to place the child in an interim alternative educational setting, the hearing officer shall apply the standards set out in paragraph (2).

(7) *Placement during appeals*

(A) *In general*

When a parent requests a hearing regarding a disciplinary action described in paragraph (1)(A)(ii) or paragraph (2) to challenge the interim alternative educational setting or the manifestation determination, the child shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the time period provided for in paragraph (1)(A)(ii) or paragraph (2), whichever occurs first, unless the parent and the state or local educational agency agree otherwise.

(B) *Current placement*

If a child is placed in an interim alternative educational setting pursuant to paragraph (1)(A)(ii) or paragraph (2) and school personnel propose to change the child's placement after expiration of the interim alternative placement, during the pendency of any proceeding to challenge the proposed change in placement, the child shall remain in the current placement (the child's placement prior to the interim alternative educational setting), except as provided in subparagraph (C).

(C) *Expedited hearing*

(i) If school personnel maintain that it is dangerous for the child to be in the current placement (placement prior to removal to the interim alternative education setting) during the pendency of the due process proceedings, the local educational agency may request an expedited hearing.

(ii) In determining whether the child may be placed in the alternative educational setting or in another appropriate placement ordered by the hearing officer, the hearing shall apply the standards set out in paragraph (2).

(8) *Protections for children not yet eligible for special education and related services*

(A) *In general*

A child who has not been determined to be eligible for special education and related services under this part and who has engaged in behavior that violated any rule or code of conduct of the local educational agency, including any behavior described in paragraph (1), may assert any of the protections provided for in this part if the local educational agency had knowledge (as determined in accordance with this paragraph) that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred.

(B) *Basis of knowledge*

A local educational agency shall be deemed to have knowledge that a child is a child with a disability if –

(i) The parent of the child has expressed concern in writing (unless the parent is illiterate or has a disability that prevents compliance with the requirements contained in this clause) to personnel of the appropriate educational agency that the child is in need of special education and related services.

- (ii) The behavior or performance of the child demonstrates the need for such services.
  - (iii) The parent of the child has requested an evaluation of the child pursuant to Sec. 1414; or
  - (iv) The teacher of the child, or other personnel of the local educational agency, has expressed concern about the behavior or performance of the child to the director of special education of such agency or to other personnel of the agency.
- (C) *Conditions that apply if no basis of knowledge*
- (i) *In general*  
If a local educational agency does not have knowledge that a child is a child with a disability in accordance with subparagraph (B) prior to taking disciplinary measures against the child, the child may be subjected to the same disciplinary measures as measures applied to children without disabilities who engaged in comparable behaviors consistent with clause (ii).
  - (ii) *Limitations*  
If a request is made for an evaluation of a child during the time period in which the child is subject to disciplinary measures under paragraph (1) or (2), the evaluation shall be conducted in an expedited manner. If the child is determined to be a child with a disability, taking into consideration information from the evaluation conducted by the agency and information provided by the parents, the agency shall provide special education and related services in accordance with the provisions of this part, except that, pending the results of the evaluation, the child shall remain in the educational placement determined by school authorities.
- (9) *Referral to and action by law enforcement and judicial authorities*
- (A) Nothing in this part shall be construed to prohibit an agency from reporting a crime committed by a child with a disability to appropriate authorities or to prevent state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by a child with a disability.
  - (B) An agency reporting a crime committed by a child with a disability shall ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to which it reports the crime.
- (10) *Definitions*  
For the purposes of this subsection, the following definitions apply:
- (A) *Controlled substances*  
The term ‘controlled substance’ means a drug or other substance identified under schedules I, II, III, IV, or V in Sec. 202(c) of the Controlled Substances Act (21 U.S.C. 831(c)).
  - (B) *Illegal drug*  
The term ‘illegal drug’ means a controlled substance; but does not include such a substance that is legally possessed or used under the supervision of a licensed healthcare professional or that is legally possessed or used under any other authority or Act or under any other provision or federal law.
  - (C) *Substantial evidence*  
The term ‘substantial evidence’ means beyond a preponderance of the evidence.
  - (D) *Weapon*  
The term ‘weapon’ has the meaning given the term ‘dangerous weapon’ under paragraph (2) of the first subsection (g) of Sec. 930 of Title 18, United States Code.  
Title 18 U.S.C. §930, paragraph (2) of the first subsection (g) provides:

“The term ‘dangerous weapon’ means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except that such term does not include a pocket knife with a blade less than 2 ½ inches in length.”

## **IDEA: The Individuals with Disabilities Education Act**

All states receive federal money under the Individuals with Disabilities Education Act, also known as IDEA, and must provide a *free appropriate public* education to all *eligible* children with disabilities. No child can be found eligible for special education until an evaluation has been done, which is completed by the staff in the school district upon signed parental approval.

Special education is a way for your child to have the supports and services he or she needs in order to learn. Special education is not a "place" but a way for your child to be educated, as much as possible, with children who do not have disabilities. You can get more information about the IDEA from: **Federation for Children with Special Needs**, 95 Berkeley Street, Suite 104, Boston, MA 02116, (617) 482-2915 (Voice/TTY), 1-800-331-0688 (Massachusetts only), Fax: (617) 695-2939. To learn more about this service in the South Hadley Public Schools, please contact the principal at the school in which your child is enrolled (see contact information at the front of this handbook).

**You may also contact:**

**Ms. Beth Cooke, Director of Student Services**  
**413-538-5072    [ecooke@shschools.com](mailto:ecooke@shschools.com)**

### **Section 504 of the Rehabilitation Act of 1973**

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination against qualified disabled individuals. Under Section 504, qualified disabled students who are not eligible for special education under the IDEA may be eligible for related services, accommodations, assistive technology and/or auxiliary aids and devices in order to fully participate in the programs offered by the South Hadley Public Schools. In addition, all disabled students who qualify for special education also are protected by Section 504 of the Rehabilitation Act of 1973. All programs must be accessible to children with disabilities (e.g., academic and non-academic programs, after-school-care programs for students).

- A. **Section 504 Definition:** A qualified disabled student under Section 504 has a mental or physical impairment, cosmetic disfigurement and/or a chronic disease which substantially limits one or more major life activities; or had a record of such an impairment; or is regarded as having such an impairment and who is eligible to participate in the programs(s) offered by the District.
- B. **Eligibility:** A diagnosis is not enough in order to be eligible under Section 504. A team of knowledgeable individuals must meet and determine:
1. Is there a physical or mental impairment present?
  2. Does the impairment result in a substantial limitation of a major life activity?

Examples of Major Life Activities:

- Self-care
- Performing manual tasks

- Walking
- Hearing
- Breathing
- Reading
- Seeing
- Speaking
- Learning
- Other

### **C. Eligibility Process:**

1. A referral can be made by anyone including administrators, teachers, parents, or agencies.
2. Once a student is referred, the District must complete an evaluation. The purpose of a 504 evaluation is to determine if the child is eligible under Section 504, and if so, what related services, accommodations, assistive technology and/or auxiliary aids/devices would provide the student with a free appropriate public education.
3. Once the evaluation is completed, a team of individuals knowledgeable about the student and the disability is convened and the team determines eligibility and what the student requires in order to receive FAPE. The decision of the team is outlined in writing on a Section 504 plan.
4. The 504 plan is reviewed on a yearly basis. A reevaluation is completed upon request of the parent/guardian, prior to a change in placement, and when there has been a material change in the student. A reevaluation should be completed periodically as determined by the 504 team.

### **Parent/Guardian/Student Rights in Identification, Evaluation and Placement (Section 504 of the Rehabilitation Act of 1973)**

The following is a description of the rights granted by federal law to students with disabilities. The intent of the law is to keep you fully informed concerning decisions about your child and to inform you of your rights if you disagree with any of these decisions.

You have the right to:

1. Have your child take part in and receive benefits from the public education programs without discrimination because of his/her disabling condition(s).
2. Have the school district advise you of your rights under federal law.
3. Receive notice with respect to identification, evaluation, or placement of your child.
4. Have your child receive a free appropriate public education. This includes the right to be educated with non-disabled students to the maximum extent appropriate. It also includes the right to have the school district make reasonable accommodations, and/or receive auxiliary aids/devices, or related services as to allow your child an equal opportunity to participate in school and school-related activities.
5. Have your child educated in facilities and receive services comparable to those provided non-disabled students.
6. Have evaluation, educational, and placement decisions made based upon a variety of information sources, and by persons who know the student, the evaluation data, and placement options.
7. Have your child be given an equal opportunity to participate in non-academic and extracurricular activities offered by the district.
8. Examine all relevant records related to decisions regarding your child's identification, evaluation, educational program and placement.
9. Obtain copies of educational records at a reasonable cost unless the fee would effectively deny you access to the records.
10. Request amendment of your child's educational records if there is reasonable cause to believe that they are inaccurate or misleading. If the school district refuses this request for amendment, it shall

- notify you within a reasonable time, and advise you of the right to appeal.
11. File a local grievance and have your grievance heard at various levels of the grievance procedure.
  12. Request mediation or an impartial due process hearing related to decisions or actions regarding your child's identification, evaluation, educational program or placement in the event that the grievance procedure had led to a decision with which you disagree. You and the student may take part in the hearing and have an attorney represent you.

If you know a child with a disability who requires related services, accommodations, assistive technology and/or auxiliary aids and devices in order to receive a free appropriate public education or to access the programs and facilities of the District, you should speak with the coordinator at your school to identify which process or law would be best suited to addressing the child's needs.

Coordinators:

Plains School:	Hank Skala, Principal
Mosier School:	Cindy Flynn, Principal
Middle School:	Melissa Lake, Guidance Counselor and David Gallagher, Principal
High School:	Pat Lemieux, Assistant Principal

To obtain a copy of the District's Section 504 Handbook, to address process questions, or to submit a problem for resolution, contact the building principal.

You can also contact the Office for Civil Rights (OCR) at 1-800-872-5327 or

[www.ed.gov/about/offices/list/ocr/index.html](http://www.ed.gov/about/offices/list/ocr/index.html) for publications regarding this issue. Their address is:

United States Department of Education  
Office for Civil Rights  
33 Arch Street, Suite 900  
Boston, Mass, 02110-1491

### **What is the Difference between Section 504 and IDEA?**

Section 504 is intended to establish a "level playing field" usually by eliminating barriers that exclude persons with disabilities, whereas IDEA is remedial, often requiring provision of programs and services in addition to those available to persons without disabilities. Section 504 precludes hurdles (physical or programmatic). The district's DCAP (District Accommodation Plan) is a document that provides staff and parents with a multitude of ways to implement a 504. Please ask your building for a copy of the DCAP.

The definition of a disability under Section 504 is much broader than the definition under IDEA. Not all students with disabilities are entitled to services under IDEA.

To determine whether a student's learning is substantially limited, schools need to consider more than the student's grades. Both academic and nonacademic activities need to be considered. Examples of student who may be protected by Section 504 are those with: communicable diseases, temporary disabilities arising from accidents or hospitalizations, allergies or asthma, drug addiction, and/or environmental mental illness.

### **The Americans With Disabilities Act and Your Civil Rights**

The Americans with Disabilities Act (ADA) is another very important law for people with disabilities and their families. Title II prohibits discrimination in:

- employment;

- public transportation;
- services provided by state and local governments;
- services and accommodations offered by private businesses; and
- telecommunications.

The goal of the ADA is to remove the barriers that deny individuals with disabilities an equal opportunity to share in and contribute in American life. The law is about participation and access to the kind of opportunities that persons without disabilities enjoy. For example, under the ADA, restaurants, theaters, childcare centers, schools, and other community resources cannot refuse to serve your child or family solely because your child or a family member has a disability. The ADA also applies to states and local school districts.

There are many booklets and other materials to help families understand their rights under the ADA. Contact the **Americans with Disabilities (ADA) Information Line**, 1-800-514-0301, TTY: 1-800-514-0383; or Ms. Kathleen Boyden, Director of Student Services, for more information.

### **Civil Rights and Issues of Harassment (Title IX)**

All programs, activities and employment opportunities are offered without regard to race, color, sex, gender identity, religion, national origin, sexual orientation and disability. If at any time in your participation in the South Hadley Public Schools you believe that you have been discriminated against or harassed, please follow the grievance procedure described below.

- The complaint will be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.
- The complaint should be submitted by the grievant and/or his/her designee as soon as possible but not later than 60 calendar days after the alleged violation, and sent to the Title IX coordinator, Ms. Kathleen Boyden, 413-538-5072, 116 Main Street, South Hadley, Mass, 01075.
- Within 15 calendar days after receipt of the complaint, the ADA Coordinator, Ms. Boyden, will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, Ms. Boyden will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, etc. The response will explain the position of the South Hadley Public Schools and offer options for substantive resolution of the complaint.
- If the response by Ms. Boyden does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision of the ADA coordinator within 15 calendar days after the receipt of the response to the Superintendent of Schools.
- Within 15 calendar days after receipt of the appeal, the Superintendent will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the Superintendent will respond in writing, and where appropriate, in a format accessible to the complainant.
- All complaints will be kept by the South Hadley Public Schools for three years.



VI. IMPORTANT POLICIES

**ALCOHOL, TOBACCO, AND DRUG USE BY STUDENTS PROHIBITED**

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

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

The school district shall utilize, in accordance with law, a verbal screening tool approved by the Department of Elementary and Secondary Education to screen students for substance abuse disorders. The tool shall be administered by trained staff on an annual basis at grades 7 and 9.

Parents/guardians shall be notified prior to the opening of school each year. Parents/guardians shall have the right to opt out of the screening by written notice prior to or during the screening.

All statements made by a student during a screening are confidential and shall not be disclosed except in the event of immediate medical emergency or in accordance with law. De-identified results shall be reported to the Department of Public Health within 90 days of the completion of the screening process.

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

SOURCE: MASC February 2018

LEGAL REFS.: M.G.L.71:2A; 71:96; 71:97; 272:40A

CROSS REFS.: IHAMB, Teaching About Drugs, Alcohol, and Tobacco GBEC,  
Drug Free Workplace Policy

Revised: March 5, 2018

***South Hadley Public Schools***

## TEACHING ABOUT ALCOHOL, TOBACCO, AND DRUGS

In accordance with state and federal law, the District shall provide age-appropriate, developmentally appropriate, evidence-based alcohol, tobacco, and drug prevention education programs in grades K-12.

The alcohol, tobacco, and drug prevention program shall address the legal, social, and health consequences of alcohol, tobacco, and drug use, with emphasis on nonuse by school-age children. The program also shall include information about effective techniques and skill development for delaying and abstaining from using, as well as skills for addressing peer pressure to use alcohol, tobacco, or drugs.

The objectives of this program, as stated below, are rooted in the Committee's belief that prevention requires education, and that the most important aspect of the policies and guidelines of the District should be the education of children and youth on healthy decision-making:

- To prevent, delay, and/or reduce alcohol, tobacco, and drug use among children and youth.
- To increase students' understanding of the legal, social, and health consequences of alcohol, tobacco, and drug use.
- To teach students self-management skills, social skills, negotiation skills, and refusal skills that will help them to make healthy decisions and avoid alcohol, tobacco, and drug use.

The curriculum, instructional materials, and outcomes used in this program shall be recommended by the Superintendent and approved by the School Committee.

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

SOURCE: MASC March 2016

LEGAL REFS.: M.G.L. 71:1 ;71:96

CROSS REFS: GBEC, Drug Free Workplace Policy  
JICH, Drug and Alcohol Use by Students

## PHYSICAL RESTRAINT OF STUDENTS

Maintaining an orderly, safe environment conducive to learning is an expectation of all staff members of the school district. Further, students of the district are protected by law from the unreasonable use of physical restraint. Such restraint shall be used only in emergency situations as a last resort and with extreme caution after other lawful and less intrusive alternatives have failed or been deemed inappropriate.

When an emergency situation arises, and physical restraint is the only option deemed appropriate to prevent a student from injuring himself or herself, another student or school community member, a teacher or employee or agent of the school district who has received the necessary training may use such reasonable force needed to protect students, other persons or themselves from assault or imminent, serious, physical harm.

Physical restraint shall be administered in a manner to prevent or minimize any harm to the student as a result of the use of physical restraint and must take into consideration any known medical or psychological limitations, known or suspected trauma history, and/or behavioral intervention plans regarding the use of physical restraint on an individual student.

Any use of physical restraint shall end as soon as the student is no longer an immediate danger to him/herself and/or others. During the restraint a staff member must continuously monitor the physical status of the student, including skin temperature and color, and respiration. If at any time during a physical restraint the student expresses or demonstrates significant physical distress such as difficulty breathing, the student shall be released from the restraint immediately, and steps shall be taken to seek medical assistance.

If a student is restrained for a period longer than twenty (20) minutes, program staff shall obtain the approval of the principal or his/her designee in the principal's absence. Principal approval shall be based upon the student's continued agitation during the restraint justifying the need for continued restraint.

The definitions of forms of restraint shall be as defined in 603 CMR 46.02.

The use of mechanical restraint, medical restraint, and seclusion is prohibited.

Physical restraint, including prone restraint where permitted under 603 CMR 46.03, shall be considered an emergency procedure of last resort and shall be prohibited except when a student's behavior poses a threat of assault, or imminent, serious, physical harm to themselves and/or others and the student is not responsive to verbal directives or other lawful and less intrusive behavior interventions are deemed inappropriate.



## MUTUAL RESPECT

### COMMITMENT

In the spirit of collegiality and to promote open and effective dialogue, the South Hadley Public School District is committed to creating and sustaining a safe, caring, respectful professional environment for all employees and families. We will treat all members of our community with civility and respect in an inclusive environment with the goal of supporting responsible behavior in the workplace. Key words that represent our actions and our words are kindness, dignity, responsibility and professionalism. The School Committee expects that in collaboration with employees and families, each school will develop an atmosphere that promotes mutual respect in support of a positive and productive work environment.

### VIOLATIONS OF MUTUAL RESPECT

Examples of the kinds of behavior that do not foster a safe and respectful work environment include:

- a. causing physical or emotional harm, isolation, or damage to his/her property;
- b. creating an unwelcoming or hostile environment for another person;
- c. infringing on the rights of another person at school;
- d. materially and substantially disrupting the orderly operation of a school;
- e. humiliating or intimidating behaviors or language that would be deemed obviously inappropriate behavior to a third party.

### PROCEDURES

#### Step 1:

The adults directly involved will meet informally to come to a resolution on the given issue. Involved individuals, if applicable, have the right to request union representation. All parties have the right to request a neutral third party to mediate the discussion.

If Step 1 is unable to resolve the concern, the matter would move to Step 2.

#### Step 2:

Any party who is involved in the concern has the right to bring the matter to the attention of his or her immediate supervisor within ten (10) school days after the Step 1 meeting has occurred. At that time all relevant notes or written perspectives on the issue will be shared with the immediate supervisor, if applicable.

**Step 3:**

If the matter is not resolved in Step 2 within ten (10) school days, the concerned party has the right to make a formal complaint using the district's complaint process.

The district's responsibility is to investigate the matter in the written complaint, normally within ten (10) calendar days, assuming school is in session. If the matter involves the immediate supervisor, the next professional in the organizational chart will be responsible for investigating the matter.

All parties recognize that the goal is to resolve mutual respect concerns successfully for all parties at the lowest level possible. Thus, this process is not normally considered disciplinary in nature. However, under some circumstances disciplinary action may be necessary, at which time all parties reserve their respective rights to due process per the appropriate union contract.

Adoption date: January 5, 2016

File: ADC

**TOBACCO PRODUCTS ON SCHOOL PREMISES PROHIBITED**

Use of any tobacco products, to include any electronic tobacco products or electronic cigarettes or other similar products that rely on vaporization or aerosolization, within the school buildings, school facilities, or on school grounds or school buses by any individual, including school personnel and students, is prohibited at all times.

A staff member determined to be in violation of this policy shall be subject to disciplinary action.

A student determined to be in violation of this policy shall be subject to disciplinary action pursuant to the student discipline code.

This policy shall be promulgated to all staff and students in appropriate handbook(s) and publications. Signs shall be posted in all school buildings informing the general public of the district policy and requirements of state law.

LEGAL REF: M.G.L. 71:37H; 270:6

CROSS REFS.: GBED, Tobacco Use on School Property by Staff Members Prohibited

JICH, Alcohol, Tobacco and Drug Use by Students Prohibited

Adoption date: January 10, 2006

Re-adoption date: November 26, 2013

Revised: January 7, 2019

