Henry J. Skala School Family Handbook / Code of Conduct 2026 - 2027



Henry J. Skala School

00 Lyman Street South
Hadley, MA 01075
(413) 538-5068

September 2026

Dear Families of Henry J. Skala School Students,

Henry J. Skala School is committed to providing every student with a safe, engaging, and successful educational experience. Our staff strongly believes that meaningful partnerships with families are essential to student success. Mutual trust and respect between home and school foster open and honest communication and support the social and academic growth of all students. We look forward to building this connection with you. The success of our school depends on the involvement and support of our families, and we warmly welcome your active participation as volunteers, committee members, and visitors.

We value your time and contributions to our school community. This handbook is designed to serve as a helpful resource, providing guidance on key topics and answers to frequently asked questions. We encourage you to take time to review and become familiar with its contents.

Henry J. Skala School is a unique community with special traditions and events that may not be fully addressed in this handbook. If you have a question or concern that is not covered, or needs further clarification, please do not hesitate to contact us.

The staff of the Henry J. Skala School is committed to supporting each child in reaching their highest academic and social potential. Beyond helping students achieve individual goals, we foster positive participation within the school community and prepare children to become active, thoughtful members of society with a clear vision for the world they wish to help shape.

Thank you for your continued support,
Mrs. Lussier & Mrs. Ludkiewicz
Principal & Assistant Principal

Please note that all references to parents in this handbook equally acknowledge the role and responsibilities of guardians of students who attend this school. In all cases the term parent also refers to guardians.

All students, regardless of race, color, sex, gender identity, religion, national origin, sexual orientation, disability or homelessness, have equal access to the general education program and the full range of any occupational and vocational education programs offered by the South Hadley Public Schools.

Declaración de No discriminación Todos los estudiantes, independientemente de su raza, color, sexo, identidad de género, religión, origen nacional, orientación sexual, discapacidad o falta de vivienda, tienen acceso equitativo al programa de educación general y a toda la gama de programas de educación ocupacional y profesional ofrecidos por Escuelas Públicas de South Hadley.

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I. General Information

a. **Mission Statement -** The mission at Henry J. Skala School is to foster a nurturing and inclusive environment where every child feels valued, supported, and encouraged to reach their full potential. We are committed to providing a high-quality education that promotes curiosity, creativity, and critical thinking, while instilling respect, responsibility, and kindness. Together in collaboration with students, staff, caregivers and the community, we strive to inspire lifelong learners who are multifaceted, embrace and demonstrate compassion, and actively contribute to a positive and thriving world.

b. **Vision Statement** - The achievement of every child matters to us. All students at Henry J. Skala School will become self-directed learners. By differentiating instruction and using technology, we will be able to better match every student with activities that meet his/her needs and increase student outcomes.

c. **Core Values:**

🌱 **GROW:**

G – **Gratitude**: We appreciate what we have and who we are with.
R – **Responsibility**: We take care of our learning and our actions.
O – **Openness**: We are curious, inclusive, and willing to try.
W – **Wonder**: We explore the world with excitement and joy.

d. **Emergency Information -** It is essential that the school have information necessary to contact the home in case of emergency. A form will be sent home at the beginning of the school year. It asks for the following information:
1. Telephone and address (and email if available).
2. Name, telephone and address and email of persons to contact if you cannot be contacted at home or at work.

e. **Please inform the school of any changes to the above information as they occur. We need this information to provide quick and effective care for your child.**

f. **Family Information -** It is helpful to you and your child for the school to know about your family situation and changes as they take place. When we are informed, we can provide appropriate support to your child and also act consistent with the legal status of your family. This information which is voluntary and confidential helps with accurate record keeping

and the school's response to your family.

g. **Child Custody -** It is necessary for the school to know if a parent or a child's other relatives do not have the same legal rights as accorded the custodial parent (such as taking a child out of school.) This information, and copies of court papers, would help us avoid any difficult situations. Also, please clarify any situations in which a child has two last names. We need to know the legal name and whether to hyphenate the two last names. This information helps with accurate record keeping and the safety of your child.

II. **Attendance**

a. **ABSENCE AND TARDINESS** - By law, students must attend school daily unless excused by parents for medical or family reasons. It is disruptive to the educational process for a child to arrive late. Excessive absences and tardiness may result in notification from the school to attend a meeting to discuss the issue. Please confine medical or other appointments to times which will not keep your child out of school or arriving late. All students who arrive after 8:47 a.m. must be escorted and signed in at the office by an adult. We request that all parents report the child's absence before 9:00 a.m. to the Henry J. Skala School Office at (413) 538-5068.

b. **VACATIONS** - The scheduled school vacations are listed on the school calendar in this handbook. We strongly encourage you to schedule your vacations during these times and we strongly discourage you from removing your child for family vacation at other times as it interrupts the instruction and continuity of the basic educational program. However, should a vacation occur during school days, we cannot supply homework in advance. It is not possible for teachers to assign work for a week or more because so much instructional time will be missed. Upon your child's return, he/she will be expected to make up missed work.

c. **RELIGIOUS HOLIDAYS -** Religious holidays are excused. You must call the office to be excused on each particular day.

d. **SCHOOL CANCELLATION OR EMERGENCY CLOSING** - Due to inclement weather conditions there may be times when school will be canceled or an emergency closing will need to occur. If weather conditions prior to the start of the school day make closing advisable,

buses servicing the schools will be canceled and announcements will be made as early as possible.

- Information is provided to the following media: Channels 40 and 22 will scroll the closings. A district wide call will go out to families as well as a post on the school website.

- When schools are closed for the day, all classes and school activities are canceled.

- We rarely have early closures, except under the most extreme conditions, we generally believe that children are safer in school than at home where working parents may not be available to supervise them.

- Parents should be aware that we make every effort to maintain timely bus service every day. But, when road conditions are poor or the weather is extremely cold, bus schedules can be disrupted or slowed. We appreciate parents' understanding and flexibility.

- We also appreciate parents' help in protecting children's safety at bus stops by dressing them warmly, keeping children away from icy streets and off slippery snow banks near the road, etc.

- As always, the parent is the final judge regarding whether weather conditions make it unsafe for their children to attend school, ride the bus, drive or walk on any given day.

e. DELAY TO THE START OF THE SCHOOL DAY

When weather conditions are uncertain, a one/two-hour delay in school openings may be announced over the above television stations. All buses will start their runs one/two hours later than usual and children will be transported home at the regular school closing time. The superintendent will use the School Messenger automated system to communicate closures and delays.

f. TOWN-WIDE EARLY/DELAYED DISMISSAL

If worsening weather conditions during the day make it necessary to close schools, announcements to this effect will be made over the television stations - stating the dismissal time. A reasonable time should be allowed between the announcement and the actual dismissal. The possibility exists that a serious weather condition (i.e., tornado, flash storm, etc.) might warrant a delayed dismissal. The same procedure for Town-Wide Early Dismissal will be followed. It is critical to the safety of your child that you complete and return to the Henry J. Skala School front office the Early Dismissal

Form.

g. INDIVIDUAL SCHOOL CLOSING

If it becomes advisable to close an individual school during the day due to loss of heat, electricity, etc., school may be closed. In this case, the children will be transported from Henry J. Skala School to Criterion, 30 Old Lyman Road, or to the High School, 153 Newton Street. Parents may pick up their child at the alternate location which will be provided in a school message (telephone call and/or e-mail).

III. **Arrival and Departure**

a. **BEGINNING AND END OF SCHOOL DAY -** The first bell for students rings at 8:47 a.m. The instructional school day begins at 8:47 a.m. School is dismissed at 3:25 p.m. Children may not arrive on the school grounds before 8:47 a.m. as adult supervision does not begin until that time.

b. **EARLY DISMISSAL -** If you need to take your child out of school before the regular dismissal time, you should send a note to the teacher with this information. Should an emergency situation arise, you may call the school informing the office of the reason and time. When you arrive, we will call the child to come down to the office. No child will be dismissed directly from the classroom. All students must be dismissed from the office. There is a sign-out book in the office lobby. Children will not be allowed to leave school alone for early dismissal.

c. **Parking / Parent Transport -** Parents who bring their children to school or pick them up at school at the end of the day are asked to park only in designated parking places. (Please do not double park in front of or behind properly parked cars). A child must have parental permission to go home in the car of another student's family. Students must be dismissed from the office by their parents. Cars parked in handicap spaces must display the proper placard. Also, please refrain from parking in fire lanes.

IV. **Academics**

SPECIAL SERVICES

Title I: Students who are having difficulty in reading may be eligible for remedial help in that subject. This federally funded program provides additional instruction to children who may benefit. Students are screened by teachers and assessment data is used to determine eligibility. Parents are informed if their child has been recommended for this program.

School Adjustment Counselor: A School Adjustment Counselor helps students who are having difficulties adjusting to school or having emotional or social problems which are evidenced at school. If you wish to bring your child's needs to the attention of the Counselor, you may call the school.

Special Education: Services mandated by Chapter 766 and IDEA-504 provide supplemental help to students who have been identified as having needs in any academic subject. They are subject to state and federal eligibility regulations. The Special Education program serves children with moderate to severe needs. Teachers or parents can recommend students to the Principal for evaluation for supplemental help. Referred students are given academic and/or psychological assessments as part of the eligibility determination process. For further information about special education services, please contact the school.

REPORTING SYSTEM TO PARENTS

Our new Standards Based Report Card will be distributed twice a year: January and June.

Parent/Teacher Conferences: Conference periods are scheduled in the fall and in the spring. All parents will be given an opportunity to meet with their child's teacher. Appointment notices are sent home prior to the conference dates. However, parents are encouraged to make appointments with teachers at any time that they have some concerns which they would like to discuss. Parents should call the school to request a meeting with the teacher and/or send a note with your child. We ask you to please be mindful that conferences with the classroom teachers are to be scheduled at a mutually convenient time. You can call the school office to make this request of the teacher, leave a voicemail message for the teacher and/or send an email or a note with your child. Teachers cannot be attentive to discussion with you about your child when they have responsibilities to students during the school day, including the morning arrival and dismissal time.

V. **Health Services**

a. **HEALTH REQUIREMENTS -** All children entering South Hadley Schools are required to have a complete physical examination and to have been immunized against diphtheria, tetanus, whooping cough, measles, mumps and rubella. A tuberculin test is recommended and a lead test is required prior to entering kindergarten.

An emergency form is sent home annually. It is imperative that the information requested be provided so that a designated person can be contacted by school personnel in the event a child is ill or injured. The school nurse is on duty daily during school hours to administer first aid relative to illnesses and injuries. By law, the nurse cannot dispense any medication unless a written order from a doctor, nurse practitioner or a dentist is provided. This applies to over the counter as well

as prescription medications. In addition, written permission for administration of the medication must be provided by a parent or guardian.

Vision screening is conducted annually for all students. Hearing screening is conducted once annually in grades two and three. Written notice is sent to parents of children who fail the testing with recommendation for follow-up.

Parents are requested to inform the school if a child has contracted a contagious disease. Children being treated for strep infections must be on antibiotic medication for a full twenty-four hours before returning to school. After a child has a fever, which is defined as a temperature greater than 100.4 degrees, they are required to be fever-free without the use of medications for 24 hours prior to returning to school. Storage of health records will be at the school and will not be released to a third party without written consent from the custodial parent.

b. **HEALTH SERVICES** - In addition to first aid and daily emergencies, the school nurse arranges for the following health services:

- Vision and hearing tests: The school nurse sends communications to parents when these services will take place.
- Administration of medication: The school is not allowed to administer medication unless it is accompanied by written permission of the parent. Such medication is kept and administered from the school office or health room. It must be in its original container, with the dosage prescribed on it. All medication to be administered by the nurse must have the physician's prescription attached.
- Emergency Response: It is imperative that parents fill out the emergency form sent home annually. This will enable the nurse to contact you or a person responsible for the child in case of illness or an injury.

c. **HOME TEACHER -** Teaching services are available for students who are homebound for a medical reason for a long or undetermined time. Contact the principal for further information.

d. **SCHOOL INSURANCE -** School insurance is made available to all children. This insurance is not compulsory. However, if your child is not covered for school accidents by your family insurance, it is wise to take advantage of this plan.

VI. STUDENT RECORDS -

All custodial parents have the right to see the entire school records of their children unless otherwise restricted by a documented legal situation of the family. Please allow two days for such a request. Copies of information contained in children's records can be provided upon request. Student records contain summaries of testing, copies of report cards and certain samples of students' work. If a child has an education plan, a copy is also kept in the cumulative folder. (Please refer to the appendix: Summary of Regulations pertaining to Student Records). Under G.L. c.71, sect. 37L and 603 CMR sect. 23.07(4)(g) school districts are required to transfer student records to a school to which a student has transferred. parental signature or approval for this transaction is not required.

VII. **Cafeteria -** Lunch will be served daily. Students will be expected to follow all Tiger Cub PAWS cafeteria rules.

VIII. **PUBLIC SAFETY - BEHAVIORAL EXPECTATIONS AND DISCIPLINE**

CODE OF CONDUCT (see complete Code of Conduct)
In accordance with Massachusetts law, the Henry J. Skala School has adopted a Code of Conduct. A copy of the Code of Conduct is available on the district website for review by parents. Please refer to the South Hadley Schools Code of Conduct.

A school must have a safe, respectful and orderly environment and all students are expected to help maintain that kind of atmosphere. At the beginning of the year, rules are reviewed with students and in many classes students help establish rules for their own classrooms. Consequences for disruptive and aggressive behavior include loss of recess, loss of privileges, and possibly being sent to the office. If a student's negative behavior persists, the teacher or principal will contact the parents and request a conference. We ask you to please refer to the Henry J. Skala School Code of Conduct, Rules and Regulations for Bus Students and the School Rules.

SUSPENSION:
If a student is suspended for serious actions, the principal or assistant principal will notify the home by phone. Please refer to the South Hadley Schools Code of Discipline.

IX. **School Property -** Students are expected to care for all school property and the property of others.

X. **Procedures**

a. **RULES AND REGULATIONS FOR BUS STUDENTS -** Please review these rules with your children. The school day begins when students enter the school bus, ending when they leave it. During this entire time, students are under the legal jurisdiction of the South Hadley School Department. **The bus driver has the same authority on the bus that a teacher has in a classroom**.

b. Remember, it is a privilege not a right to ride the school bus. If students' conduct and behavior are not in keeping with the school-wide expectations of being Safe, Respectful, and Responsible, and if a student's behavior endangers the health and safety of fellow riders, this privilege will be taken away temporarily or permanently. (State laws do not require transportation if the student's conduct jeopardizes the health and safety of other passengers.)

c. The following rules and regulations are to serve as guidelines:

1. While waiting at the designated bus stop, students should refrain from destructive or disturbing behavior. They should stay off the traveled portions of the street or highway.

2. Students should enter the bus in an orderly fashion and go directly to a seat, remaining there until the destination has been reached. Departure from the bus should also be in an orderly fashion.

3. Courtesy toward fellow passengers and the bus drivers must be shown and adhered to at all times.

4. There shall be no littering on or defacing of the bus.

5. There shall be no obnoxious noise making, profanity, horse play, throwing things, or any other activity which will distract the driver's attention from the road.

6. Students shall keep their hands, arms, and heads inside the bus at all times.

7. In accordance with state laws, there shall be no smoking and/or vaping on school buses. The lighting of matches or other inflammable devices is also prohibited.

8. Students shall not change seats or buses unless given permission to do so by the driver or the principal.

9. The emergency exits are to be used in emergency situations only, under direction of the driver. Safety equipment on any bus is not to be handled except under the driver's direction.

10. In the event of an accident, students should remain calm, following the instructions of the driver immediately and without question. If the driver is incapacitated, the older students aboard should assume charge, proceeding immediately to evacuate the bus in an orderly fashion, making certain that no student is overlooked.

MOBILE DEVICES:

Students will be expected to use mobile devices appropriately, consistent with the district's Acceptable Use Policy.

Any questions regarding bus regulations or services should be directed to the main office at 413-538-5068.

TRANSPORTATION: All students attending Henry J. Skala School are eligible for bus transportation if they live a certain distance away from the school. If your child ordinarily takes the bus and will not be doing so on a particular day, you must send a note informing the teacher that the child has your permission for a specific change. Otherwise, the student will be sent home on the bus. This ruling is for everyone's safety. School of Choice students are not eligible for bus transportation.

Bus Procedures:
Bus routes and stops are sent with the opening school year letter in August or can be obtained from the school office. Safety and appropriate conduct must be practiced by all children riding the buses. Infractions of the rules are reported to the Principal with the following potential consequences:

- **First Offense**: Notice of warning sent home.
- **Second Offense**: Notice of warning sent home, parent informed by school, plus possible 1 day suspension of bus privilege.
- **Third Offense**: Notice of warning issued, parent conference held, possible 3 day suspension of bus privilege.
- **Fourth Offense**: Notice of warning issued, parent conference held, possible 5 day suspension of bus privilege.
- **Fifth Offense**: Notice of warning issued, parent conference held, additional suspension or permanent expulsion of bus privilege depending on the nature of the offenses.

Depending on the nature of the infraction, the Principal may use administrative discretion to determine the appropriate consequence.

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 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.

XI. Elementary Extras

PTA
The school has an active PTA which meets regularly throughout the school year. All parents are urged to participate in its meetings and programs. For more information, contact the PTA president at Skalaschoolpta@gmail.com or call the school.

HENRY J. SKALA SCHOOL COUNCIL

The school council is made up of parents, teachers and community representatives who consult with the principal to develop the annual School Improvement Plan. School Council meetings are open to the public.

TELEPHONE USE

Children will not be called to the phone during the school day unless an emergency exists. We will be happy to convey messages promptly. We will also facilitate phone calls when it is necessary for your child to contact you during the school day.

TRANSFERS TO OTHER SCHOOLS

The principal should be notified if possible, at least two weeks prior to a child's transfer to another school. Parents may, upon written request, hand carry sealed records. Otherwise, records will be sent upon request from the new school.

VISITORS

All visitors are asked to sign in at the office and to obtain and wear a visitor tag. We need to know when all visitors are in the building for the safety of our children. We ask that parents call ahead so that a teacher knows about a visitation and to make sure that the class is not being tested or on a field trip. We ask you to please be mindful that conferences with the classroom teachers are to be scheduled at a mutually convenient time. You may call the school office to make this request of the teacher, leave a voicemail message for the teacher and/or send a note with your child. Teachers cannot be attentive to a discussion with you about your child when they have responsibilities to students during the school day, including the morning greeting and dismissal times.

OBSERVING AT SCHOOL

Parents/caregivers, or other community members who wish to observe classroom instruction must give the school a two week notice and communicate the purpose of the observation to the principal. Photography, and video/audio recording is prohibited. Copies of notes taken during the observation will be submitted to the principal. The school reserves the right to sanction any classroom observations if the principal determines that the visitation might cause a disruption.

VOLUNTEERS

Volunteers are always needed and welcome to help in the library, in the classroom for special projects, and to serve on committees. If you are interested and would like to assist, please call the school, make your interest known to your child's teacher, or sign up at the PTA meetings. Volunteers must have a processed CORI application before volunteering in the school.

DRESS

We do ask children to come to school wearing clean, comfortable clothing suitable for the weather conditions. Attire which is distracting to the normal operation of the school will be prohibited. Please avoid shoes which do not have good gripping action as our hall floors can get slippery when wet. On physical education days, students should wear sweat pants and tops which allow for movement. Sneakers are required for physical education instruction.

In the winter, students should be sent with a warm jacket, hat, gloves, scarf and waterproof boots. Boots and snow pants are necessary in the winter if students are to play in the snow beyond the area of the blacktop. We expect to send students outside for recess if the temperature is conducive to outdoor play.

SCHOOL RULES

"School-Wide Expectations" are discussed in school with students at the beginning of the school year. Our social learning curriculum falls under the umbrella of PBIS (Positive Behavioral Interventions and Supports). PBIS is a framework which employs a systematic school-wide approach for managing student behavior. A school-based PBIS team works with the staff to develop and implement evidence-based behavioral interventions into an integrated continuum that enhances academic and social behavioral outcomes for all students. PBIS is a prevention-oriented methodology for school personnel to (a) organize evidence-based practices, (b) improve their implementation of those practices, and (c) maximize academic and social behavior outcomes for students. PBIS supports the success of ALL students. Our more specific curriculum programs include Responsive Classroom and Second Step.

SCHOOL-WIDE BEHAVIORAL EXPECTATIONS

- ➢ Paws and Think
- ➢ Act with Kindness
- ➢ Work Together
- ➢ Stay Safe

IN THE HALLS

- ➢ Walk quietly on the right.
- ➢ Hats may be worn only when entering or leaving the building or going to lunch.
- ➢ Students must have permission from an adult to leave their classroom.

IN THE CAFETERIA

- ➢ Use proper manners. Respect every person's right to have a pleasant meal.

- ➢ Walk when you are in the cafeteria.
- ➢ Find a seat when you have your food and return to that seat after cleaning your place.
- ➢ Students must have permission from an adult to leave the cafeteria.
- ➢ Teachers are asked to give student(s) a note if they wish student(s) to return to the classroom.
- ➢ Students should remember to bring belongings to the cafeteria. Students should not return to their classrooms once they are in the cafeteria.
- ➢ Students are not allowed to offer cuts or to cut into the lunch line. Students doing so will be asked to go to the end of the line.

ON THE PLAYGROUND

1. ACT WITH KINDNESS! Take turns and share.
2. Ask if you can play. If someone asks you, let them. Everyone can play!
3. PAUSE AND THINK: Use words to solve problems, ask a grownup if you need help.
4. STAY SAFE: There should NEVER be hitting, pushing, kicking, or spitting. Children should remember to keep their hands and feet to themselves.
5. On the climbing equipment:
    a. Climb on the climber, do not bounce on it.
    b. Climb down from the climber, do not jump off.
    c. If people are waiting, make a line and move across the climbing rope.
6. On the swings:
    a. Do not run in front of or behind swingers!
    b. Do not twist the chains to spin.
    c. Sit in the swing on your bottom or on your belly (no standing on swings).
    d. If someone wants a turn, they count 20 swings, then you get off to give them a turn.
7. On the big round swing:
    a. Stay in front where you can be seen-not in back of the swing.
    b. Sit on the swing-do not hang from it.
    c. 1-2 children on the swing per turn.
    d. If someone wants a turn, they count 20 swings, then you get off to give them a turn.
8. The following materials can be used as long as they are used safely: rocks, sticks, snow, ice, leaves, acorns, wood chips. If they are not used safely then the child will lose the privilege of using them for a specified period of time.
9. On the slides: Go down the slides only, feet first, one person at a time.
10. Jump ropes are for jumping only.
11. Big round balls are off limits!
12. If you take something from the shed or cabinets make sure you return it to the right spot. If you see a ball, hula hoop, jump rope or other toy on the ground, WORK TOGETHER and put it away so it doesn't get lost! WORK TOGETHER and take good care of materials.

13. If you wear a coat, jacket or sweatshirt to school, you will wear them at recess. If the weather gets warm, you can tie them around your waist.
14. Snow rules:
    a. Children must wear snow pants, boots and coats to be allowed to play in the snow. All others will play on the sidewalks.
    b. No throwing snow at people.
15. If children aren't following the rules, a grownup may tell them to take a break.
16. STAY SAFE: stay in the boundaries and ask a teacher before going to the bathroom.
17. Read the P.A.W.S. signs throughout the playground for more information.

ART, MUSIC, LIBRARY, and PHYSICAL EDUCATION

Henry J. Skala School students participate in essential weekly programs - art, music, library and physical education.

● CLASS PLACEMENT

Class placement is a complicated and intensive process which takes place over several weeks in the spring. Placement decisions are based upon, but not limited to; school resources, teacher recommendations, educator licensure, student assessment data, interpersonal relationships between students, safety plans, gender, and special needs of students including Individualized Education Plans, 504 accommodation plans, and district curriculum accommodation plans. The final decision on class placement rests with the school principal. Parents are asked not to request a particular teacher. Once placement letters have been sent out to families, requests for changes in placement will **NOT** be honored.

● LIBRARY

All classes have the opportunity to visit the library at least once a week for instruction on the use of the library and to select books. Library volunteers are very welcome and needed. In addition to class visits, students are sometimes sent to the library to do research or work on projects. Students are permitted to select two books each week. New books may be selected upon the return of the previous selected books. If a student returns two books, two new books may be selected. If a student returns one book, no new selection may be made until all books are returned. Students are responsible to pay for lost books.

Henry J. Skala School

Code of Conduct

2026 - 2027

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.

DUE PROCESS FOR SUSPENSIONS

NOTICE OF PROPOSED SUSPENSION

Except in the case of an emergency removal or disciplinary offense defined under M.G.L. c. 71, §§37H or 37H½ or an in-school suspension as defined by 603 CMR 53.02(6), the school shall provide the student and parent/guardian with written and oral notice of the proposed out-of-school suspension, an opportunity to be heard at hearing, and the opportunity to participate at the hearing. 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/guardian to attend the hearing;
e) the date, time, and location of the hearing;
f) the right of the student and student's parent/guardian to interpreter services at the hearing if needed to participate;

The principal shall make reasonable efforts to notify the parent/guardian orally of the opportunity to attend the hearing. In order to conduct a hearing without the parent/guardian present, the principal must be able to document reasonable efforts to include the parent/guardian. Reasonable effort is presumed if the principal sent written notice and documented at least two attempts to contact the parent/guardian in the manner specified by the parent/guardian for emergency situations.

All written communications regarding notice of proposed suspension shall be either by hand delivery or delivered by first-class mail, certified mail, or email to address provided by the parent/guardian for school communications (or other method agreed to by the principal and parent/guardian) in English, and in the primary language in the home if other than English, or other means of communication where appropriate.

GENERAL REQUIREMENTS PRIOR TO SUSPENSION UNDER M.G.L. CHAPTER 71, §37H¾

A student may not be suspended under M.G.L. Chapter 71, §37H¾, unless one or more of the following apply:

A. The school has first implemented measures designed to re-engage the student in the learning process prior to the imposition of suspension, and alternative remedies have been employed in direct response to the specific incident or incidents at issue, with the use and results of such remedies documented. Alternative remedies may include, but are not limited to, mediation, conflict resolution, restorative justice practices, and

collaborative problem solving, and may be implemented within the context of school- or district-wide re-engagement models, including but not limited to positive behavioral interventions and supports (PBIS) and trauma-sensitive learning models; or

B. The school has documented specific, individualized reasons demonstrating that such alternative remedies and re-engagement strategies would be inappropriate, ineffective, or counterproductive under the circumstances; or

C. The student's continued presence in school poses a specific, articulable, and documentable risk of serious bodily injury or other serious harm to another person while on school grounds or while participating in school-related activities.

SHORT-TERM SUSPENSIONS: HEARING AND PRINCIPAL DETERMINATION

A short-term suspension is the removal of the student from the school premises and regular classroom activities for ten (10) consecutive days or less. Out-of-school short-term suspensions which do not cumulatively over the course of the school year exceed ten (10) days of suspension shall be conducted in accordance with this section.

Principal Hearing. 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 has committed the disciplinary offense, the basis for the charge, and any other pertinent information. The student shall have an opportunity to present information, including mitigating facts. A parent/guardian present at the hearing shall have the opportunity to discuss the student's conduct and offer information, including mitigating circumstances.

Based on the available information, including mitigating circumstances, the principal will make a determination whether the student committed the disciplinary offense, and if so, the consequence. The principal will provide notification in writing of his/her determination in the form of an update to the student and parent/guardian, and provide reasons for the determination. If the student is suspended, the principal shall inform the parent/guardian of the type and duration of the suspension, and shall provide an opportunity for the student to make up assignments and other school work as needed to make academic progress during the period of removal. The District shall be responsible for facilitating, arranging, and verifying the student's timely enrollment and continued participation in appropriate educational services as required under M.G.L. c. 71, § 37H¾, and such responsibility shall not be delegated to the student or the student's parent or guardian.

If the student is in grades pre-k through 3, the principal shall send his/her determination to the superintendent and explain the reasons prior to imposing an out-of-school suspension, before the short-term suspension takes effect.

All written communications regarding the hearing and principal determination shall be either hand delivery or delivered by first-class mail, certified mail, or email to the address provided by the parent/guardian for school communications (or other method agreed to by the principal and

parent/guardian) in English, and in the primary language in the home if other than English, or other means of communication where appropriate.

LONG-TERM SUSPENSIONS: HEARING AND PRINCIPAL DETERMINATION

A student who is placed on a long-term suspension shall have the right to appeal the principal's decision to the superintendent if properly and timely filed. A good faith effort shall be made to include the parent/guardian at the hearing. The appeal shall be held within three (3) school days of the appeal, unless the student or parent/guardian requests an extension of up to seven (7) additional calendar days, which the superintendent shall grant. If the student's or parent's notice of appeal is not submitted to the superintendent within that time, the superintendent may deny the appeal, or allow the appeal at the superintendent's discretion.

If an appeal hearing is granted, the superintendent will send written notice to the student and parent of the date, time, and location of the hearing.

The student and parent/guardian shall have the same rights afforded at the long-term suspension principal hearing. Additionally, the superintendent will arrange for an audio recording of the hearing, a copy of which shall be provided to the student and the parent upon request. The superintendent will inform all parties before the hearing that an audio copy will be made of the hearing.

Within five (5) calendar days of the hearing the superintendent shall issue his/her written decision which meets the criteria required of the principal's determination. If the superintendent determines the student committed the disciplinary offense, the superintendent may impose the same or a lesser consequence than that of the principal. The superintendent's decision shall be final.

Additionally, the student shall have the following additional rights:

i. 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;
ii. the right to be represented by counsel or a lay person of the student's choice, at the student's and or parent's/guardian's expense;
iii. the right to produce witnesses on his or her behalf and to present the student's explanation of the alleged incident, but the student may not be compelled to do so; and
iv. the right to cross-examine witnesses presented by the school district;
v. the right to request that the hearing be recorded by the principal. All participants shall be informed that the hearing is being recorded by audio. A copy of the audio recording will be provided to the student or parent/guardian upon request.

Based on the evidence submitted at the hearing the principal shall make a determination as to whether the student committed the disciplinary offense, and, if so, after considering mitigating circumstances and alternatives to suspension (the use of evidence-based strategies and programs, such as mediation, conflict resolution, restorative justice, and positive interventions and

supports) what remedy or consequence will be imposed. If the principal decides to impose a long-term suspension, the written determination shall:

i. Identify the disciplinary offense, the date on which the hearing took place, and the participants at the hearing;
ii. Set out key facts and conclusions reached by the principal;
iii. Identify the length and effective date of the suspension, as well as a date of return to school;
iv. Include notice of the student's opportunity to receive a specific list of education services to make academic progress during removal, and the contact information of a school member who can provided more detailed information.
    a. The District shall be responsible for facilitating, arranging, and verifying the student's timely enrollment and continued participation in appropriate educational services as required under M.G.L. c. 71, § 37H¾, and such responsibility shall not be delegated to the student or the student's parent or guardian.
v. Inform the student of the right to appeal the principal's decision to the superintendent or his/her designee (only if a long-term suspension has been imposed) within five (5) calendar days, which may be extended by parent/guardian request in writing an additional seven (7) calendar days.

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

If the student is in grades pre-k through grade 3, the principal shall send his/her determination to the superintendent and explain the reasons prior to imposing an out-of-school suspension, whether short-term or long-term, before the suspension takes effect.

All written communications regarding the hearing and principal determination shall be either hand delivery or delivered by first-class mail, certified mail, or email to the provided by the parent/guardian for school communications (or other method agreed to by the principal and parent/guardian) in English, and in the primary language in the home if other than English, or by other means of communication where appropriate.

APPEAL OF LONG-TERM SUSPENSION

A student who is placed on a long-term suspension shall have the right to appeal the principal's decision to the superintendent if properly and timely filed. A good faith effort shall be made to include the parent/guardian at the hearing. The appeal shall be held within three (3) school days of the appeal, unless the student or parent/guardian requests an extension of up to seven (7) additional calendar days, which the superintendent shall grant.

The student and parent/guardian shall have the same rights afforded at the long-term suspension principal hearing. Within five (5) calendar days of the hearing the superintendent shall issue his/her written decision which meets the criteria required of the principal's determination. If the superintendent determines the student committed the disciplinary offense, the superintendent may impose the same or a lesser consequence than that of the principal. The superintendent's decision shall be final.

EMERGENCY REMOVAL

A student may be temporarily removed prior to notice and hearing 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. 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. The temporary removal shall not exceed two (2) school days, following the day of the emergency removal.

During the emergency, removal the principal shall make immediate and reasonable efforts to orally notify the student and student's parent/guardian of the emergency removal and the reason for the emergency removal. The principal shall also provide the due process requirements of written notice for suspensions and provide for a hearing which meets the due process requirements of a long-term suspension or short-term suspension, as applicable, within the two (2) school day time period, unless an extension of time for the hearing is otherwise agreed to by the principal, student, and parent/guardian.

A decision shall be rendered orally on the same day as the hearing, and in writing no later than the following school day. The decision shall meet all of the due process requirements of a principal's determination in a long-term suspension or short-term suspension, as applicable.

IN-SCHOOL SUSPENSION UNDER 603 CMR 53:02(6) & 603 CMR 53.10

In-school suspension is defined as the removal of a student from regular classroom activities, but not the school premises, for not more than ten (10) consecutive school days, or no more than ten (10) school days cumulatively for multiple infractions over the course of the school year.

A Principal may impose an in-school suspension as defined above according to the following procedures:

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

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 two (2) attempts

to do so, such attempts shall constitute reasonable efforts for purposes of orally informing the parent of the in-school suspension.

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 above, 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.

SUSPENSION OR EXPULSION FOR DISCIPLINARY OFFENSES UNDER M.G.L. 71 §§37H and 37H½

The due process notification and hearing requirements in the preceding sections do not apply to the following disciplinary offenses:

POSSESSION OF A DANGEROUS WEAPON, POSSESSION OF A CONTROLLED SUBSTANCE, OR ASSAULT OF STAFF

A student may be subject to expulsion if found in possession of a dangerous weapon, possession of a controlled substance, or the student assaults a member of educational staff, and the principal determines the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school.

The Principal shall notify the student and parent(s)/guardian(s) in writing of the opportunity for a hearing, and the right to have representation at the hearing, along with the opportunity to present evidence and witnesses. After said hearing, a principal may, in his/her discretion, decide to levy a suspension rather than expulsion. A student expelled for such an infraction shall have the right to appeal the decision to the Superintendent. The expelled student shall have ten (10) days from the date of the expulsion in which to notify the Superintendent of his/her appeal. The student has the right to counsel at the hearing before the Superintendent. The subject matter of the appeal shall not be limited solely to a factual determination of whether the student was guilty of the alleged offense.

FELONY COMPLAINT OR ISSUANCE OF FELONY DELINQUENCY COMPLAINT

Upon the issuance of a criminal complaint charging a student with a felony, or the issuance of a felony delinquency complaint against a student, the Principal may suspend a student for a period of time determined appropriate by the Principal if the Principal determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school.

The Principal shall notify the student in writing of the charges, the reasons for the suspension (prior to such suspension taking effect), and the right to appeal. The Principal will also provide the student and parent(s)/guardian(s) the process for appealing the suspension to the Superintendent. The request for appeal must be made in writing within five (5) calendar days. The hearing shall be held within three (3) days of the request. The suspension shall remain in

effect prior to any appeal hearing before the Superintendent. At the hearing, the student shall have the right to present oral and written testimony, and the right to counsel. The Superintendent has the authority to overturn or alter the decision of the Principal. The Superintendent shall render a decision on the appeal within five (5) calendar days of the hearing.

FELONY CONVICTION OR ADJUDICATION/ADMISSION IN COURT OF GUILT FOR A FELONY OR FELONY DELINQUENCY

The Principal may expel a student convicted of a felony, or has an adjudication or admission of guilt regarding a felony, if the Principal determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school.

The student shall receive written notification of the charges and reasons for the proposed expulsion. The student shall also receive written notification of his right to appeal the decision to the Superintendent, as well as the appeal process. The expulsion shall remain in effect prior to any appeal hearing conducted by the Superintendent.

The student shall notify the Superintendent in writing of his/her request for an appeal the decision no later than five (5) calendar days following the date of the expulsion. The Superintendent hearing shall be held with the student and parent(s)/guardian(s) within three (3) calendar days of the expulsion. At the hearing, the student shall have the right to present oral and written testimony, and shall have the right to counsel. The Superintendent has the authority to overturn or alter the decision of the Principal. The Superintendent shall render a decision on the appeal within five (5) calendar days of the hearing.

Any student expelled from school for such an offense shall be afforded an opportunity to receive educational services and make academic progress. The District shall be responsible for facilitating, arranging, and verifying the student's timely enrollment and continued participation in appropriate educational services as required under M.G.L. c. 71, § 37H¾, and such responsibility shall not be delegated to the student or the student's parent or guardian.

STUDENT SUSPENSION AND EXPULSION DATA COLLECTION AND REPORTING

The District shall collect and annually report data to the Department regarding in-school suspensions, short-term and long-term suspensions, expulsions, emergency removals under 603 CMR 53.07, access to education services under 603 CMR 53.13, and such other information as may be required by the Department. Such data shall be reported in a manner and form directed by the Department.

The principal of each school shall periodically review discipline data by selected student populations, including but not limited to race and ethnicity, gender, socioeconomic status, English language learner status, and student with a disability status. In reviewing the data, the principal shall assess the extent of in-school suspensions, short- and long-term suspensions, expulsions, and emergency removals under 603 CMR 53.07, and the impact of such disciplinary action on selected student populations. The principal shall further determine whether it is necessary or appropriate to modify disciplinary practices due to over-reliance on expulsion, or in-school or out-of-school suspension, or emergency removals, or the impact of such

suspensions, removals, and expulsions on selected student populations compared with other students.

DISCIPLINE OF STUDENTS WITH DISABILITIES

The District is committed to ensuring that students with disabilities or suspected disabilities receive appropriate educational support and due process during disciplinary proceedings. Students with disabilities are subject to the same disciplinary procedures as non-disabled students for suspensions of ten (10) school days or fewer in a school year. Additional protections apply when a suspension exceeds ten (10) consecutive school days, or when a pattern of suspensions results in a cumulative total of more than ten (10) school days in a school year.

During any disciplinary action involving a student with a disability or suspected disability, the student will continue to receive all educational services and supports required by federal and state law, ensuring uninterrupted access to both the general curriculum and specialized programs.

MANIFESTATION DETERMINATION REVIEW

Before any disciplinary action that constitutes a change in placement for a student with a disability or suspected disability occurs, the district will convene a Manifestation Determination Review (MDR) meeting. A change in placement is triggered when a student with disabilities or suspected disabilities faces a suspension lasting more than ten (10) consecutive school days or when repeated suspensions add up to more than ten (10) school days. The MDR is required to take place within ten (10) days of the decision to suspend, ensuring a timely review.

A student is considered to have a suspected disability if, prior to the incident that led to disciplinary action, a parent or guardian expressed concern in writing that the child might require special education, requested an evaluation for special education eligibility, or if a teacher or school personnel reported a specific pattern of behavior to the special education director or supervisory staff. Conversely, a student will not be classified as having a suspected disability if the parent has refused an evaluation or special education services or if an evaluation determined the student ineligible. Should a parent request an evaluation while disciplinary action is in process, the district will conduct an expedited evaluation consistent with federal and state requirements, and the student will remain in the disciplinary placement until the evaluation is complete unless determined otherwise.

During the MDR meeting, district personnel, the student's parents or guardians, and relevant members of the IEP Team review the student's IEP, teacher observations, and any pertinent medical or psychological evaluations. The review is designed to determine whether the student's conduct was caused by or had a direct and substantial relationship to the student's disability or if it resulted from the district's failure to implement the IEP. If the behavior is determined to be a manifestation of the student's disability, the IEP Team will conduct a Functional Behavioral Assessment (FBA) and either implement or modify a Behavioral Intervention Plan (BIP) to address the behavior.

In cases where the behavior is found to be the result of the district's failure to implement the IEP, the team will also identify and initiate corrective steps to remedy that failure. Typically, if the

behavior is deemed a manifestation of the disability, the student will return to their original placement unless both the parent and district agree on a change. If the behavior is not a manifestation of the disability, the student may be disciplined in the same manner as non-disabled peers while continuing to receive educational services in an appropriate setting.

INTERIM ALTERNATIVE EDUCATIONAL SETTING

For incidents involving the carrying or possession of a weapon, the use or distribution of illegal drugs or controlled substances, or the infliction of serious bodily injury at school or during school functions, the district may place a student in an Interim Alternative Educational Setting (IAES) for up to forty-five (45) school days. This setting is designed to allow the student to remain engaged with the general curriculum while continuing to receive all services identified in their IEP, including those aimed at addressing the problematic behavior. This provision ensures that even during disciplinary action, the student's educational progress and access to necessary interventions are maintained.

AUTHORITY OF A HEARING OFFICER

If the District determines that returning a student with a disability or suspected disability to their current placement poses a substantial likelihood of injury to themselves or others, it may request a hearing before an independent hearing officer. The hearing officer has the authority to review the case and, if deemed necessary, to place the student in an IAES for up to forty-five (45) days—even in situations where the behavior was found to be a manifestation of the student's disability.

PARENTAL NOTIFICATIONS AND PROCEDURAL SAFEGUARDS

The district is obligated to notify parents or guardians in writing no later than the start of any disciplinary action. This notification shall clearly communicate the decision regarding the disciplinary measure and include detailed procedural safeguards, such as the right to appeal the decision. These measures ensure that parents are fully informed and have the opportunity to actively participate in the process.

PURPOSE AND SCOPE OF THE CODE OF CONDUCT

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 son or daughter 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 son or daughter's performance in school. It is the responsibility of the faculty and administration to provide parents with timely information regarding the failure of their son or daughter to maintain consistent attendance, good work habits, appropriate behavior and attitude towards school.

SCOPE:

This discipline code will apply to the school and its grounds and to normal egress to and from school. It shall also apply to all events sponsored by the school department including and is applicable to field trips, extracurricular activities, sports, social events, et cetera.

AUTHORIZED OFFICIALS

The building principal or the principal's designee (i.e., certified staff) shall be responsible for hearing all cases, which 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 potentially, including suspensions and expulsions.

ADMINISTRATIVE DISCRETION

Administrative flexibility is required in any disciplinary action 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 reserves the right to adjust the Code of Discipline when the severities of the offense 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 of conduct have been approved by the South Hadley School Committee and are considered part of the policy of the South Hadley School District.

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

A. 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 affect 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 are expected to 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
- Lying
- Plagiarism
- Refusal to follow directions
- Roughhousing
- Tardiness to class
- Unprepared for class
- Use of items that cause disruption (e.g., electronics, Cell phones, phone watches, food & drink, toys, etc...)

B. Students should not possess, openly wear, or display on their person nor operate any cell phone, laser pointer/gun, Walkman, IPod, radio, electronic games, et cetera in class or in the school buildings. The use of lasers, laser locks, laser pens, laser pointers, or devices which project intensive light upon surfaces is not allowed on school grounds or in school buildings.

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

D. Detention- When a student has persisted in behavior contrary to this Discipline Policy, a teacher or administrator may assign the student a written 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 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.

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.

IMPLEMENTATION OF THE CODE OF CONDUCT:

1. 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, pupils, 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.

2. The implementation of due process in disciplinary proceedings will be the responsibility of the faculty and school administration. Whoever presides over a hearing of a complaint against a student shall be obligated to follow the due process as set forth.

3. The building principal or the principal's designee shall be responsible for hearing all cases, which 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.

DEFINITION OF TERMS

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 external or internal. Internal suspension will occur within the school building and will be supervised by an appropriate staff member.

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.

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.

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 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.

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.

"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.

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

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.

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.

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.

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.

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.

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.

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

INTERNAL SUSPENSION: Separation from regularly scheduled classes and restriction of movement within the school. Students are responsible for completion of all schoolwork 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.

EXTERNAL SUSPENSION: Removal of a student from school for up to ten (10) days. Students remain responsible for the completion of all school assignments.

All programs, activities, and employment opportunities are offered without regard to race, color, sex, religion, national origin, sexual orientation and disability. For information regarding access related to Special Education, Title VI, Title IX and Section 504, please contact Elizabeth Cooke, Director of Student Services at 538-5072.

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.

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 be ensured 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 clearly define expectations, we have identified four categories of unacceptable behavior, based on seriousness and consequences. We all share the responsibility to understand and support this standard of conduct and assist in its enforcement.

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) Restorative justice 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 represent 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. NOTE: In cases where there is an offense not outlined in our Code of Discipline, reasonable discretion will define consequences. The administration of the 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 Henry J. Skala School.

GROUP A

- ➢ Abusive language (e.g., yelling, swearing, et cetera)
- ➢ Cheating or plagiarism
- ➢ Disruptive behavior in class or hallway
- ➢ Dress Code Violation (see: Dress Code Policy)
- ➢ Lying
- ➢ Plagiarism
- ➢ Refusal to follow directions
- ➢ Roughhousing
- ➢ Tardiness to class
- ➢ Unprepared for class
- ➢ Use of items that are disruptive (e.g., electronics, cell phones, phone watches, food & drink, toys, etc...

Consequences:

Written Warning **Teacher Lunch Detention**	**Teacher After-School** **Detention Parent Conference**

GROUP B

- ➢ Blatant and defiant behavior
- ➢ Bus misconduct
- ➢ Cafeteria/Recess misbehavior
- ➢ Derogatory gestures
- ➢ Theft of property and/or receiving stolen items under $25
- ➢ Truancy from school or class
- ➢ Failure to report as directed
- ➢ Lying
- ➢ Safety Violation/ Negligent Behavior

- ➢ Tardiness to school

Consequences:

Written Warning **Community Service** **Office Lunch Detention** **Restitution**	**Office After-School Detention** **Parent Conference** **Bus Suspension/Expulsion**

GROUP C

- ➢ Acts of arson or initiation of false fire alarms
- ➢ Aggressive/Violent Behavior
- ➢ Physical Attack/Assault
- ➢ Bomb threats
- ➢ *Discriminatory remarks (e.g., racial, religious, ethnic or sexual slurs)*
- ➢ Disruption of school assembly
- ➢ Intimidation
- ➢ Physical Fight (A claim of self-defense must be substantiated by proof that a student had no ability to avoid confrontation and that he/she used no greater force than necessary for protection.)
- ➢ Forgery
- ➢ Gambling
- ➢ Harassment, including sexual harassment and bullying
- ➢ Hazing
- ➢ Intimidation/ Hostile Environment
- ➢ Repetition of behavior in Group A and/or Group B
- ➢ Theft of property and/or receiving stolen items $25.01 and over
- ➢ Threats of violence
- ➢ Vandalism to school or personal property

Consequences:

Parent Conference **Internal Suspension** **External Suspension** **Restitution**	**After-School Education Program** **Risk Assessment**	**Referral to Police Department Due Process/Expulsion**

GROUP D

- ➢ Assault on a staff member
- ➢ Possession, use, sale or distribution of illegal drugs, tobacco and/or alcohol • Possession of a dangerous weapon

Consequences:

External Suspension	Expulsion

OTHER APPLICABLE CODES

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:

- ➢ First Offense: written notice or possible suspension from bus
- ➢ Second Offense: 1 day bus suspension
- ➢ Third Offense: 10 day bus suspension
- ➢ Fourth Offense: bus suspension for the remainder of the academic year

The following policy(ies) with regard to substance use/abuse is required for inclusion in all handbooks. We recognize its placement in a handbook directed at such young students may seem unusual and, perhaps, even irrelevant. It is included here only as a requirement.

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 and alcohol) 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.

Policies: 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:

1. If the student appears to be physically impaired:
    a. 1. 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. 2. 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.
2. Parents will be notified of the suspicion.
3. 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.

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:

On first offense, the following steps may be taken:

1. 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.
2. The student may be suspended from school for three - five (3-5) days.
3. 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.
4. Parents will be notified of the offense and disciplinary action in writing.
5. 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.

On second offense (except for subsequent offense during any one school year; see item c), the following actions will be taken:

1. 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.

2. The student may be externally suspended from school for five to ten (5-10) days. Parents will be notified of the offense and disciplinary action in conference and written notice.
3. 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.
4. 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.

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

This section of the student handbook has been adapted from the South Hadley Public School’s District Civil Rights Policy for promoting civil rights and prohibiting harassment, bullying, discrimination, retaliation, and hate crimes.

South Hadley Public Schools

File: JICFB

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,1 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 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 of 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, 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.

STAFF DEVELOPMENT

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

DISCIPLINARY POLICY REGARDING CIVIL RIGHTS ISSUES

The South Hadley Public Schools prohibits all forms of harassment, discrimination, and hate crimes based on the following protected categories: race, color, religion, national origin, ethnicity, sex, sexual orientation, age, or disability. The South Hadley Public Schools District also prohibits bullying, as defined below. The schools will also not tolerate retaliation against persons who take action consistent with this disciplinary policy or the District's Civil Rights Policy.

The prohibitions against harassment, discrimination, hate crimes, bullying, and retaliation apply to all individuals:

(a) 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 our district or school, or through the use of technology or electronic devices owned, leased, or used by our school district or school and

(b) at locations, activities, functions, or programs that are not school-related, or through the use of technology or electronic devices that are not owned, leased, or used by our school district, if the bullying creates a hostile environment at school for the victim, infringes on the rights of the victim at school or materially and substantially disrupts the education process or the orderly operation of our school. Nothing contained herein shall require schools to staff any non-school related activities, functions, or programs.

Permissible Disciplinary Sanctions and Corrective Actions in Response to Bullying, Harassment, Discrimination, or Hate Crimes

Disciplinary sanctions and corrective actions are generally administered using the concept of progressive discipline and may include, but are not limited to, one or more of the following:

- A verbal warning
- A written warning
- Parent conference
- Exclusion from participation in school-sponsored functions, school-sponsored after- school programs, or extracurricular activities;
- Short-term or long-term suspension

- ➢ Expulsion from school
- ➢ Referral to School Resource Officer and/or police department for criminal action
- ➢ Any other action authorized by and consistent with the disciplinary code

Possible Corrective Actions

- ➢ Restorative justice
- ➢ Awareness training (to help students understand the impact of their behavior)
- ➢ Participation in empathy development, cultural diversity, anti-harassment, anti-bullying, or intergroup relation programs
- ➢ Mandatory counseling
- ➢ Classroom or school transfer
- ➢ Limiting or denying student access to a part or area of a school
- ➢ Adult supervision of student on school premises

False Charges

Any student who knowingly makes false charges or brings a malicious complaint regarding bullying, harassment, discrimination or hate crimes may be subjected to any of the disciplinary and/or corrective action(s) detailed above.

Student Responsibilities

Each student is responsible for:

1. Complying with the District's Civil Rights Policy;
2. Ensuring that (s)he does not bully, harass, discriminate or commit a hate crime because of that person's race, color, religion, national origin, ethnicity, sex, sexual orientation, age, or disability against another person on school grounds or in a school-related function, event, or activity;
3. Ensuring that (s)he does not retaliate against any other person for reporting or filing a bullying or Civil Rights complaint, for aiding or encouraging the filing of a bullying report or Civil Rights complaint, or for cooperating in an investigation of bullying, harassment, discrimination, or a hate crime; and 4.) Cooperating in the investigation of reports or complaints of bullying, harassment, discrimination, hate crime, or retaliation.

Key Definitions

Bullying - the repeated use by one or more students of a written, verbal, or electronic expression, or a physical act or gesture, or any combination thereof, directed at a student that: (a) causes physical or emotional harm to the target or damage to the target's property; (b) places the target in reasonable fear of harm to himself or of damage to his property; (c) creates a hostile environment at school for the target; (d) infringes on the rights of the target at school; or (e) materially and substantially disrupts the education process or the orderly operation of a school. For the purpose of this section, bullying shall include cyber-bullying.

Cyber-bullying - bullying through the use of technology or any electronic

communication, which shall include, but shall not be limited to, any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo electronic, or photo optical system, including, but not limited to, electronic mail, internet communications, instant messages or facsimile communications. Cyber- bullying shall also include (a) the creation of a web page or blog in which the creator assumes the identity of another person or (b) the knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation of another person as the author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in clauses (a) to (e), inclusive, of the definition of bullying. Cyber-bullying shall also include the distribution by electronic means of communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons, if the distribution or posting creates any of the conditions enumerated in clauses (a) to (e), inclusive, of the definition of bullying.

Discrimination - Treating people differently, or interfering with or preventing a person from enjoying the advantages, privileges, or courses of study in a public school because of an individual's actual or perceived race, color, national origin, ethnicity, religion, sex, sexual orientation, age, or disability (i.e. protected status). A person may not be subjected to discipline or more severe punishment, nor denied the same rights as the other students, because of his/her membership in a protected class.

Harassment - the oral, written, graphic, electronic, or physical conduct on school property or at a school- related event, function, or activity relation to an individual's actual or perceived race, color, national origin, ethnicity, religion, sex, sexual orientation, age, or disability (i.e. protected status), that is sufficiently severe, pervasive or persistent so as to interfere with or limit a student's ability to participate in or benefit from the district's programs or activities, by creating a hostile, humiliating, intimidating, or offensive environment. For purposes of this policy, harassment shall also mean conduct, if it persists, that will likely create such a hostile, humiliating, intimidating, or offensive environment. A single incident, depending on its severity, may create a hostile environment.

Hate Crime - a crime motivated by hatred, bias, or prejudice, or where the victim is targeted or selected for the crime at least in part because of his/her actual or perceived race, color, ethnicity, national origin, religion, sexual orientation, age, disability, or sex. A hate crime may involve a physical attack, threat of bodily harm, physical intimidation, or damage to another's property.

Hate Speech – any speech not protected by the First Amendment because it is intended to foster hatred against individuals or groups based on race, religion, gender, sexual preference, place of national origin, or other improper classification.

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

Perpetrator/Aggressor - a person who engages in bullying or retaliation.

Retaliation - Any form of intimidation, reprisal, or harassment by a student directed against any student, staff, or other individual for reporting or filing a complaint, for aiding or encouraging the filing of a report or complaint, for cooperating in an investigation under the District's Civil Rights Policy, or for taking action consistent with policy.

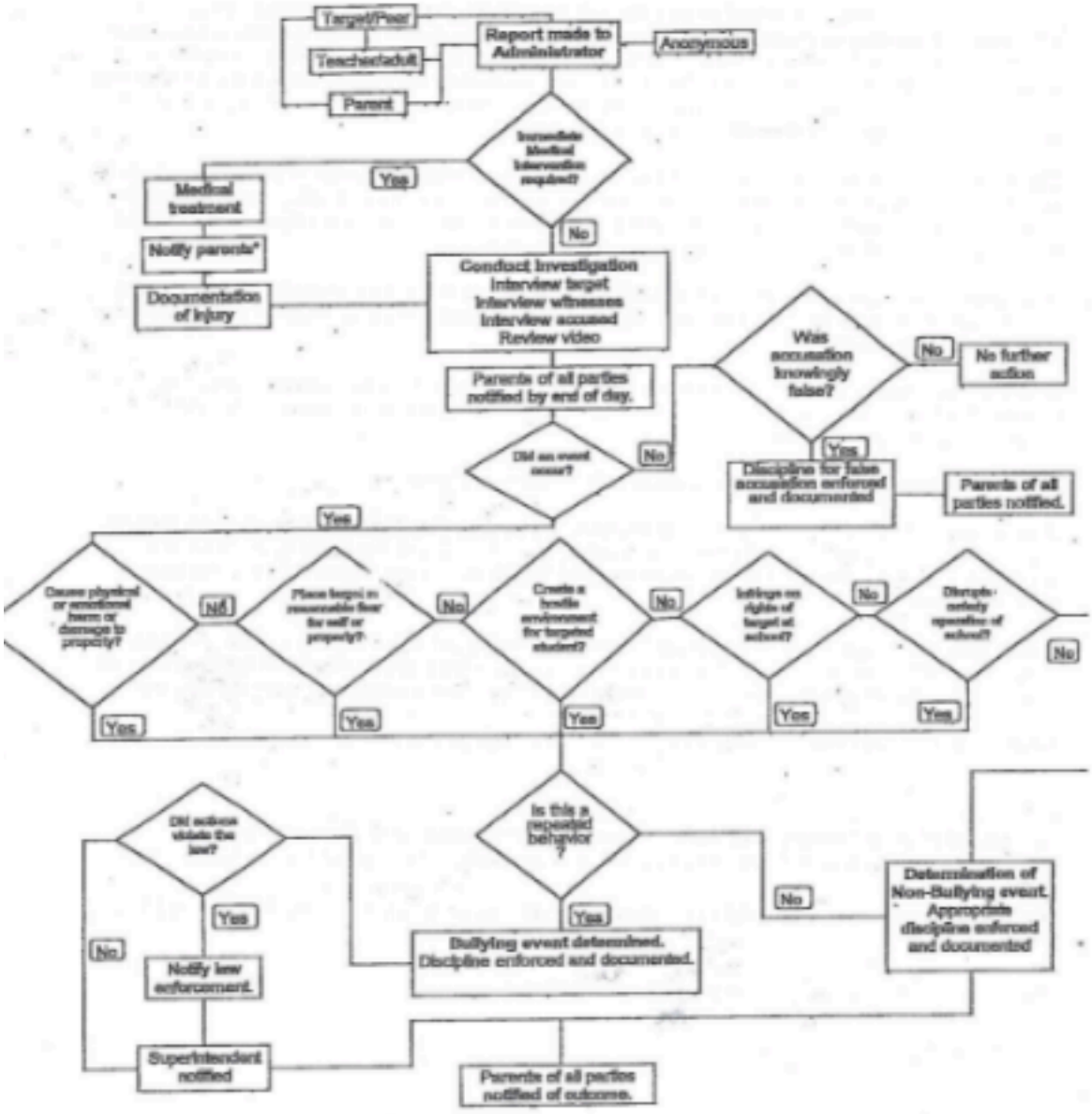
School grounds - property on which a school building or facility is located or property that is owned, leased, or used by a school district, charter school, non-public school, approved private day or residential school, or collaborative school for a school-sponsored activity, function, program, instruction, or training.

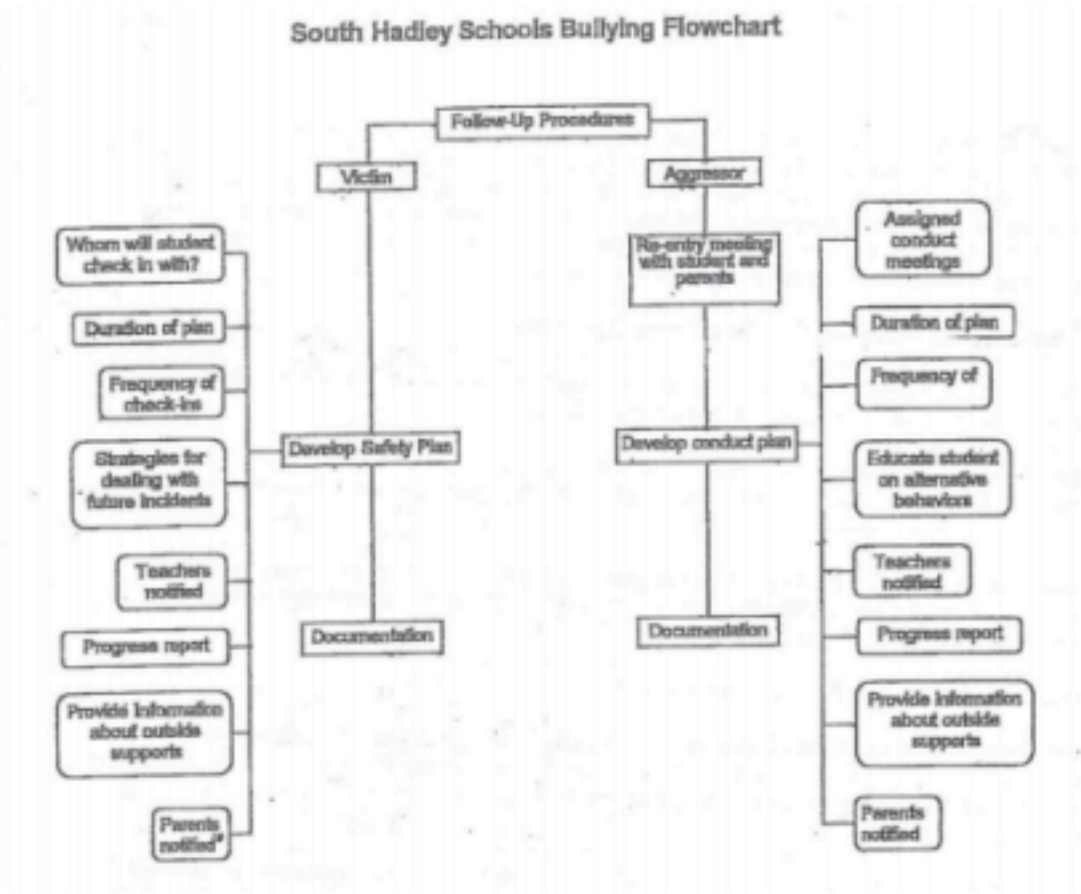
Target - a person against whom bullying or retaliation has been perpetrated.

Citations
An Act Relative to Bullying in Schools, Massachusetts General Law, Chapter 92 (2010). Attorney General's Safe School Initiative (2005). Massachusetts General Law, Chapter 76 §5.

See district website; www.southhadelyschools.org for the complete Bullying Prevention Plan and Forms.

South Hadley Schools Bullying Flowchart




South Hadley Schools Bullying Flowchart
Follow-Up Procedures
Victim
Aggressor
Whom will student check in with?
Duration of plan
Frequency of check-ins
Strategies for dealing with future incidents
Teachers notified
Progress report
Provide information about outside supports
Parents notified
Develop Safety Plan
Documentation
Re-entry meeting with student and parents
Develop conduct plan
Documentation
Assigned conduct meetings
Duration of plan
Frequency of
Educate student on alternative behaviors
Teachers notified
Progress report
Provide information about outside supports
Parents notified

South Hadley Schools; Procedures Related to Acts of Bullying

A. Procedures for Reporting Acts of Bullying, Harassment or Retaliation

1. If any employee of the SH school district observes, has reported to, or otherwise becomes aware of a possible act of bullying, harassment, or retaliation, that person must report the event to a school administrator (Principal or Assistant Principal) within 1 full school day, using the Bullying Incident Reporting Form, or other appropriate means of communication.
2. If a student expresses a desire to report or discuss a possible incident of bullying, harassment or retaliation with a staff member, the staff member will, in a timely manner, provide the student with a practical, safe, private, and age-appropriate way of doing so.
3. Reporting forms may be obtained in the school's main office, counselor's office, on the respective school and district websites, and other locations determined by the school. All members of the community (students, staff, family members, or members of the community at large) may report an act of bullying or retaliation to a school administrator via the Bullying Incident Reporting form or other appropriate means of communication. If a student requires help completing the form, a staff member will provide the necessary assistance.
4. Each school will devise ways in which the reporting forms may be submitted to school administration, including means to report anonymously.
5. Information obtained from the Bullying Incident Report Forms shall be recorded in the district electronic student management system as a "complaint" for the reporting student.

B. Procedures for the Prompt Investigation of Acts of Bullying, Harassment, or Retaliation

1. The Principal or administrative designees must initiate an investigation of a report of bullying, harassment, or retaliation within one (1) school day after being notified of a possible incident, consistent with due process rights, using the Bullying Investigation and Determination Form.
    a. If the target is injured, medical treatment will be provided without delay, and the student's parents will be notified immediately.
2. The Principal or administrative designee will conduct an Investigation to determine both whether an act of bullying, harassment, or retaliation occurred, and which person(s) were responsible for the act(s) and/or played a role in perpetuating it. The Bullying Determination Flowchart will be followed.
3. Other related complaints regarding the involved parties, including those from previous schools, will be reviewed as part of the investigative process.
4. The Principal or administrative designee will contact the parents/guardians of all related parties by the end of the administrator's day in which the investigation was initiated and inform them of the status of the investigation.
5. Discussions with all parties should be documented by the investigation

administrator as soon as possible after this event.

6. When an act of bullying, harassment, or retaliation has been determined, the Principal or administrative designee will apply consequences consistent with due process rights using the school Code of Conduct as a guide.
7. Measures will be taken to ensure that any person providing information contributing to the investigation of an incident will be protected from retaliation by the aggressor or those acting on the aggressor's behalf. Those measures include:
    a. Specific instructions to all reporters and/or witnesses to immediately report any behavior that may be interpreted as retaliatory in nature. b. Information provided to the aggressor explaining what behavior is considered to be retaliation and the consequences of such behavior, including influencing others to retaliate on their behalf.
8. If the aggressor's actions are delinquent acts, they shall be reported by the Principal or administrative designee promptly to the responsible law enforcement agency according to the laws of the State of Massachusetts.
9. The Principal or administrative designee will notify parents/guardians of all parties involved of the incident, the outcome of the investigation, and whether disciplinary action was taken.
10. The Principal or administrative designee will create a written record of the incident and any disciplinary actions taken, as well as the statements of the victim, witnesses, and offender. No material records or evidence will be discarded until all students involved have left the school district.
11. The Superintendent shall be notified and will summarily document the investigation.

C. Procedures for Following Up Acts of Bullying, Harassment or Retaliation

1. After the determination that an act of bullying, harassment, or retaliation has occurred and after appropriate discipline has been enforced, the Principal or administrative designee will develop with the target student and their parents or guardians a safety plan; and with the aggressor student and their parents or guardians a conduct plan. Both plans will include notifying the teachers not only of the incident, but also of all the parties involved, specifying their roles.
2. The safety plan for the victim will include, but not be limited by, the following: a staff member (as designated by the administrator, student, and the parents/guardians) will be assigned as a check-in person to regularly meet with the student to ensure the following:
    a. No acts of retaliation have occurred.
    b. Strategies are provided for dealing with future incidents, emphasizing immediate reporting of any further acts.
    c. Information regarding outside support services are provided to student and family.
    d. The frequency and duration of check-ins will be determined on a case-by-case basis, but will not be less than two (2) times per week for a period of four (4) weeks.
    e. After two weeks, the check-in person will provide a progress report on the emotional well-being of the student to the Principal or administrative

designee.

f. The safety plan cannot be discontinued without the agreement of the student, the parents/guardians, the designated check-in person, and the Principal or administrative designee.

3. The conduct plan for the aggressor will include, but not be limited by, the following: The Principal or administrative designee will conduct compulsory conduct meetings to ensure the following:
    a. No further acts of bullying, harassment, or retaliation have been committed.
    b. The student has been educated regarding acceptable alternative behaviors.
    c. The student has received further education regarding the school's anti bullying policy, including the potential for more severe school consequences and/or criminal charges being filed. In addition, the student will be informed of the consequences for retaliating against victims, reporters, or witnesses.
    d. The frequency and duration of these meetings will be agreed upon and will depend upon future actions. However, the minimum requirement should be at least two (2) times per week for a period of four (4) weeks.
    e. Information regarding outside support resources will be make available to the student and their parents/guardians.
    f. A progress report identifying student conduct will be provided after two weeks.
    g. Discontinuation of the conduct plan will be determined by the Principal or administrative designee. All meetings and the ending of the conduct plan should be documented and kept throughout the student's school career. Parents/guardians will be notified of the discontinuance of a conduct plan.

D. Availability of the Bullying Incident Reporting Form

1. Schools will inform staff about the availability of the Bullying Incident Reporting Form for their use during opening-of-school meetings and then periodically through the school year.
2. Schools will inform students about the availability of the form and its use during orientation sessions and periodically throughout the school year.
3. Samples of the form, as well as a description of the form's availability (as described below) will be included in the faculty and student/parent handbooks. 4. Forms will be available in the school's main office, counselor's office, library, and other locations as determined by the individual school. Electronic versions of the form will be available on the district and individual school websites. 5. Each school will devise ways in which the reporting form may be submitted to school administration, including means to submit anonymously.

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 work place 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 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.

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, § 37H¾
2. The purpose of 603 CMR 53.00 is: for those discipline offenses subject to G.L. 71, § 37H¾, 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 37H¾

(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 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.

53.11: Emergency Removal under Section 37H¾
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, § 37H¾ or 603 CMR 53.00.

53.12: Disciplinary Offenses under Section 37H or 37H½
(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

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.

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). 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, a 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.

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 for more than ten (10) cumulative days in the school year except as provided hereunder.

MEETING TO REVIEW IEP WITH STUDENTS WITH 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:

c. 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.

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 health care 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: Director of Student Services at 413-538-5072

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:
1. Self-care 2. Performing manual tasks
3. Walking 4. Seeing
5. Hearing 6. Speaking
7. Breathing 8. Learning
9. Reading 10. Other

C. <u>Eligibility Process</u>:

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:
Henry J. Skala School: Carla Lussier, Principal
Mosier School: Cindy Flynn, Principal
Middle School: Luis Martinez, Principal
High School: Elizabeth Wood, 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 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 or 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 a 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 to 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, 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 comHenry J. Skala School 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 designed as soon as possible but not later than 60 calendar days after the alleged violation, and sent to the Title IX coordinator, Ms. Elizabeth Cooke, 413-538-5072, 116 Main Street, South Hadley, Mass, 01075.
- Within 15 calendar days after receipt of the complaint, the ADA Coordinator, Ms. Cooke will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, Ms. Cooke 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. Cooke 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.

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

This policy shall be posted on the district's website and notice shall be provided to all students and parents 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 March 2016

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

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

File: JKAA
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.

The Superintendent will develop procedures identifying:

- Appropriate responses to student behavior that may require immediate intervention;
- Methods of preventing student violence, self-injurious behavior, and suicide including crisis planning and de-escalation of potentially dangerous behaviors among groups of students or individuals;
- Descriptions and explanations of alternatives to physical restraint as well as the school's method of physical restraint for use in emergency situations; • Descriptions of the school's training and procedures to comply with reporting requirements including, but not limited to, making reasonable efforts to orally notify a parent of the use of restraint within 24 hours of its imposition, and sending a report to parent/guardians within three (3) school days; • Procedures for the student and parents/guardians to respond to the use of physical restraint, as well as the content of the report in writing and/or verbally; • Procedures ensuring that the parents/guardians receive information concerning the physical restraint in a language other than English if the parents/guardians receive other school- related information in a language other than English; • Procedures for receiving and investigating complaints;
- Methods for engaging parents in discussions about restraint prevention and use of restraint solely as an emergency procedure;

- A statement prohibiting: medication restraint, mechanical restraint, prone restraint unless permitted by 603 CMR 46.03(1)(b), seclusion, and the use of physical restraint in a manner inconsistent with 603 CMR 46.00;
- A process for obtaining principal approval for a time out exceeding thirty (30) minutes.
- A procedure for reviewing the incident with the student to address the behavior preceding the use of the restraint and an analysis of the circumstances leading up to the administration of the restraint.

Physical restraint is prohibited as a means of punishment, or as a response to destruction of property, disruption of school order, a student's refusal to comply with a school rule or staff directive, or verbal threats that do not constitute a threat of imminent, serious physical harm to the student or others.

Physical restraint is prohibited when it is medically contraindicated for reasons including, but not limited to, asthma, seizures, a cardiac condition, obesity, bronchitis, communication-related disabilities, or risk of vomiting.

Physical restraint may not be used as a standard response. No written behavioral or individualized educational program (IEP) may include the use of physical restraint as a standard response to any behavior.

The use of "time out" procedures during which a staff member continually observes the student and remains accessible to the student shall not be considered "seclusion restraint."
Each building principal will identify staff members to serve as a school-wide resource to assist in ensuring proper administration of physical restraint. These staff members will participate in an in-depth training program in the use of physical restraint.

In addition, each staff member will be trained regarding the school's physical restraint policy and accompanying procedures. The principal will arrange training to occur in the first month of each school year, or for staff hired after the beginning of the school year, within a month of their employment.

The principal shall perform weekly and monthly reviews of the use of physical restraints and take appropriate action based upon such reviews.

All injury reports and annual data concerning the use of physical restraint shall be submitted to the Department of Elementary and Secondary Education in a manner and form directed by the Department.

This policy and its accompanying procedures shall be reviewed and disseminated to staff annually and made available to parents of enrolled students. The Superintendent shall provide a copy of the Physical Restraint regulations to each principal, who shall sign a form acknowledging receipt thereof.

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.