SECTION J
STUDENTS
8. Student Code of Conduct

Philosophy

The Public Schools of Brookline (PSB) is committed to providing every student with a safe, secure learning environment in which they can thrive. Consistent with the PSB core values of High Achievement for All, Educational Equity, and Respect for Human Difference, this policy is designed to guide expected student behavior based on a general code of conduct and based upon respect for others, respect for self, and respect for property. We believe all students have the right to be treated fairly, courteously and respectfully; to bring complaints to the school Principal or staff for resolution; to tell their side of the story; and to freely express their opinions. All students have a right to a high-quality education. Similarly, all students have the responsibility to not disrupt the educational process or impose upon, endanger, or deprive others of their rights to a high-quality education.

We recognize that our schools provide a unique opportunity for learning and growth related to student behavior. We believe in preventive and positive approaches to discipline and in responding with interventions and consequences aimed at addressing the causes of misbehavior, resolving conflicts, and meeting students' needs and keeping students in school. When there is a breach of conduct, the Brookline School Committee believes it paramount that the school response emphasizes learning over punishment, and that it be conducted in a way that calls the student's attention to his or her responsibility for self-discipline and helps the student exercise sound judgment in the future. We believe in resolving conflicts by every means short of exclusion from school. The purpose of discipline must be to understand and address the causes of behavior to resolve conflicts, while teaching new skills and repairing the harm done, restore relationships and reintegrate students into the school community. In addition, particular attention and intervention support shall be provided to vulnerable families and students at risk of being excluded from school.

We believe it is the responsibility of all school staff, students, families, and the community to contribute to a school community that promotes a safe, secure, and learning environment. Preventive and positive discipline is a shared responsibility for students, administrators, teachers, families, and the community.

Guiding Principles

The goal of the Code of Conduct is to teach students to behave in ways that contribute to academic achievement and school success, and to support a school environment where students and staff are responsible and respectful. We seek to ensure that students remain connected to the learning environment and school community. To that end, we strongly believe in proactive practices with the aim of maximizing learning time in the classroom for all students. We recognize and value the teacher's pivotal role in creating classroom environments that are conducive to engaged learning. Successful, positive conduct is guided by the following principles:

- Effective and engaging instruction, positive school climate, and classroom management are the foundation of effective discipline.
- School discipline is best accomplished by preventing misbehavior before it occurs, and using effective interventions after it occurs.
- School safety and academic success are formed and strengthened when all school staff and personnel build positive relationships with students and are actively engaged in their lives and learning.

- All school staff should promote high standards of behavior by teaching, modeling, and monitoring behavior, and by fairly and consistently correcting misbehavior as necessary.
- School discipline that is paired with meaningful instruction and guidance offers students an opportunity to learn from their mistakes and contribute to the school community, and is more likely to result in getting the student re-engaged in learning.
- Effective school discipline maximizes the amount of time students spend learning and minimizes the amount of time students are removed from their classrooms due to misbehavior.

Students in Grades PreK-3

The Brookline Early Education Program provides a positive, nurturing environment for the District's youngest learners. Exclusionary discipline removes our youngest students, who have the most to learn about social and behavior skills, from the environment that supports their social, emotional and academic growth. As such, out of school suspensions in early childhood programs, grades PK-3, requires the approval of the Superintendent or designee.

Disproportionality

While overly harsh school discipline policies can affect all students, national surveys indicate that they may disproportionately impact students of color and students with disabilities. Black, Latinx/Hispanic, and Native American students, in particular, may be more likely to be suspended, expelled, and arrested than their white peers, even for the same behavior. The surveys indicate that students of color also tend to receive harsher punishments than their peers for the same offenses. Federal civil rights data shows students with disabilities have been disproportionately disciplined (e.g., suspensions and expulsions) in K-12 public schools.

This District therefore is committed to ensuring that discrimination or bias that may present barriers to success for our students plays no role in the disciplinary process.

All staff members are specifically charged with being aware of the impact of their actions on students from racial and ethnic groups or other protected classes that national surveys indicate have historically been over-represented among those students who are suspended, expelled, referred to alternative schools, arrested, or referred to law enforcement. The District shall evaluate any evidence that punitive measures may be used disproportionately against students of any protected class and, if confirmed by such evidence, shall take appropriate corrective action.

It is the Policy of the School Committee to abide by all laws applicable to student discipline, including, but not limited to, Massachusetts General Laws Chapter 71, §§ 37H, 37H ½, and 37H ¾, constitutional due process and other requirements of the federal and state constitutions, laws and regulations. School staff should consult the applicable statutes and the regulations of the Massachusetts Department of Elementary and Secondary Education (DESE), 603 Code of Massachusetts Regulations (CMR) 53, and/or Town Counsel's Office as appropriate for further guidance.

School-Based Rules

This Code of Conduct establishes uniform rules and procedures to be followed throughout the Public Schools of Brookline in disciplinary actions, including non-exclusionary, positive and preventative approaches to student discipline. Any school-based rules related to discipline must be consistent with this Code of Conduct.

Alternatives to Exclusions

We prioritize building strong and positive relationships within the school community. We want all individuals to feel respected and valued, and value others. As such, it is important that our responses to misconduct convey our value for

building and maintaining relationships and mutual respect for ourselves and others. We believe in resolving conflicts by every means short of exclusion from school. We understand the research that demonstrates exclusionary discipline can be ineffective and harmful.

The purpose of discipline must be to understand and address the harm caused, while teaching new skills and repairing the harm done, restore relationships and reintegrate students into the school community. In every case of student misconduct for which suspension or expulsion may be considered, a Principal shall exercise discretion in deciding the consequence(s) for the offense while ensuring opportunities for student to remain engaged in learning while maintaining the safety of the school community. The District will make every reasonable effort to support students in learning the skills necessary to enhance a positive school environment and avoid future harm.

Please reference the amended language of M.G.L. c. 71, s. 37H ¾, effective 11/08/2022, as described more fully in the Principal's Hearing Procedures section.

Tiered Interventions and Consequences

We believe that student discipline practices work best when they are instructive, not punitive, and that the purpose of discipline must be to understand and address the causes of behavior to resolve conflicts, while teaching new skills and repairing the harm done in order to restore relationships and rebuild community.

Our approach is based upon a framework of progressive responses. There should be a gradient of interventions and consequences that range in severity proportional to the behavior, while also addressing the need for restoration and skill building at every level. While some behaviors may warrant exclusionary discipline, the aim should always be to prioritize minimizing the length of time a student is out of the learning environment.

Further, we believe that intervention is most effective when the educator working most directly with students intervenes in the way they believe will most effectively support the student. Below is a description of different levels of intervention offered and parties involved:

- Level 1 interventions should be implemented by the teacher working most closely with the student.
- Level 2 interventions include teacher, student, and parent/guardian.
- Level 3 interventions involve teacher, student, parent/guardian, and support staff. Often times, Level 3 interventions will involve specialized training and expertise from support staff such as a guidance counselor, school psychologist, or Board-Certified Behavior Analyst (BCBA), to name a few.
- Level 4 interventions include the addition of an administrator as these interventions typically require an increased level of authority.
- Interventions at Level 5 involve administrative level referral and the potential for exclusion from school.

In every case the Principal or designee shall determine the appropriate intervention or consequence based on the specific facts and circumstances. For specifics on the types of intervention strategies and responses to specific behaviors, please refer to Appendix A.

In accordance with the Public Schools of Brookline Wellness Policy (effective July 1, 2018), teachers and other school personnel will not use physical activity or withhold opportunities for physical education or activity (e.g., recess) as consequence. The denial of recess will not be used as a punishment or discipline unless the student's removal from recess has been determined as appropriate by the school Principal and communicated with the parent.

Please reference the amended language of M.G.L. c. 71, s. 37H ¾, effective 11/08/2022, as described more fully in the Principal's Hearing Procedures section.

Investigations of Disciplinary Incidents

Upon notification of a report of a disciplinary offense the Principal shall promptly; (1) notify the parents of the involved students within the confines of student confidentiality protections as outlined by the Massachusetts student record regulations and/or FERPA, and (2) review submitted incident report, and (3) conduct and conclude an investigation within ten (10) school days, unless circumstances, such as witness availability, require a longer period. If a longer period is required to complete an investigation, all impacted parents will be notified.

If the report of a conduct violation involves student(s) from another school, the Principal shall promptly notify the appropriate administrator of the other school so that both may take appropriate action. In that instance, the administrators shall agree on which one should supervise the investigation.

Confidentiality shall be used to the greatest extent permitted by law to protect a person who reports disciplinary offense or retaliation, who provides information during an investigation, or who is a witness.

The Principal shall document and maintain a file of all reports of disciplinary and subsequent investigations, and disciplinary determinations.

Students may be subject to discipline for violations even if that conduct occurs on property not owned or controlled by the district, or outside of school hours. This is if the conduct is connected to activities or incidents that have occurred on property owned, or controlled by, the district or conduct that affects that school environment.

Role of Brookline Police Department

Our schools strive to only involve law enforcement for educational and supportive purposes. At times, situations may necessitate the involvement of the Brookline Police Department. At any point after receiving a report of an incident, the Principal shall immediately notify the BPD if there is a reasonable basis to believe that criminal charges may be pursued or if the conduct is reasonably believed to put persons at risk of harm, including the student in question. Such notification will be made after consultation with the Superintendent. The Principal shall document the reasons for the decision to notify law enforcement if such notification is made.

This District seeks to avoid the unnecessary criminalization of our students; as such, police will be involved in situations when it is reasonably believed to be necessary to protect the physical safety of students, staff, or other persons in the community, or appropriate to address criminal behavior of persons other than students.

Academic Progress

Any student who is suspended, expelled, or removed on an emergency basis shall have the opportunity to earn credits and 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 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 the law.

Any student who is given a long-term suspension or expulsion shall have an opportunity, through the school-wide education service plan, to receive education services and make academic progress toward meeting state and local requirements.

For each student who is given a long-term suspension or expulsion, 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 of Elementary and Secondary Education.

In addition to the provisions detailed above, students with disabilities are afforded all the protections relating to discipline to which they are entitled under applicable law, including but not limited to, Individuals with Disabilities in Education Act (IDEA), 20 U.S.C. § 1415(k), and implementing regulations, 34 CFR 300.530-537, the Rehabilitation Act, Section 504, and the Massachusetts special education law, Massachusetts General Laws Chapter 71B, and implementing regulations, 603 CMR 28.

Students with Disabilities

The Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act provide eligible students with certain procedural rights and protections in addition to those given to their general education peers in the context of student discipline. These protections are to prevent interruptions of their educational placement and receipt of mandated services.

When a student with a disability displays behavior which may be a violation of the code of conduct this may indicate a need for an immediate IEP and/or 504 team meeting with a discussion of behavioral supports which should be included in the child's IEP and/or 504 Plan. This is especially true when the student displays behavior on a regular basis or when the behavioral incidents may result in suspensions or other disciplinary measures that exclude the student from accessing curriculum.

If a student displays behavior despite having an IEP and/or 504 Plan that includes behavioral supports, this may indicate that the behavioral supports in the IEP and/or 504 Plan are not being appropriately implemented, or that the behavioral supports in the IEP and/or 504 Plan are not appropriate for the student.

In these situations, the IEP and/or 504 Team shall meet to determine whether the current IEP and/or 504 should be amended to ensure that the interventions and supports in the IEP and/or 504 can be implemented, or whether the behavioral interventions and supports that are currently in place should be revised.

If a student with a disability is attending a school outside the PSB system pursuant to an out-of-district placement, that student shall be subject to the out-of-district school's discipline policies during their attendance and not to the discipline policies of the PSB.

Non-Discrimination/Civil Rights and Bullying

Allegations of bullying behaviors, including cyber-bullying, will be investigated in accordance with the *PSB Bullying Prevention Policy* (J46). In all instances where violations are substantiated discipline shall be administered in accordance with the standards and procedures set forth in this Policy.

Staff Training

Every school within the District shall make an appropriate annual allocation of professional development time to training in classroom management, conflict resolution, and non-punitive approaches to discipline in order to ensure that the disciplinary program in each school is effective and that relevant policies and procedures are equitably applied. In

addition to behavioral supports for students with disabilities, it may also be necessary, and consistent with IDEA requirements, to provide training to school personnel which is appropriate to address the behavioral needs of students with disabilities.

Every school within the District shall determine a time and method to provide all staff with training regarding the District's Code of Conduct. Such training shall occur annually and, for employees hired after the school year begins, within a month of their employment.

Suspensions and Expulsions of Students

The use of measures that remove students from the classroom, such as in-school/out-of-school suspensions, expulsions, and referrals to alternative schools, should be minimized. These punitive measures may result in the loss of valuable instructional time, damage to relationships, and should be reserved for infractions that cannot be appropriately or adequately addressed through other interventions and disciplinary responses. Please see Appendix C for more information.

Tobacco and Paraphernalia

It is unlawful for any person, including any student, enrolled in either primary or secondary public schools in Massachusetts, to use tobacco or any tobacco product on school grounds, within school buildings, school facilities, or on school buses, as indicated in M.G.L. c. 71, s. 2A. Possession or use of tobacco or any tobacco product including any tobacco delivery systems is a violation of the Code of Conduct.

The definition of "tobacco product" encompasses vaping devices, electronic tobacco/nicotine delivery products, and any component, part or accessory of a tobacco product or any item that has been modified for the purpose of vaporization or aerosolization. Students are not permitted to possess or use these products, even if they are empty or do not actually contain tobacco, on school grounds, within school buildings, school facilities, or on school buses. Examples of tobacco products include:

- Vaporizers
- Electronic Cigarettes
- Electronic Pipes

Additionally, in accordance with the Town of Brookline's Tobacco Control By-law, Article 8.23, students and school personnel are not permitted to smoke on school grounds and within 400 feet of any Brookline school building.

The District values the health and well-being of all of its students. Thus, if students are found in possession of tobacco and/or nicotine-related products, the Principal or designee will prioritize working with the student and parent/guardian to understand the cause of possession, educate all involved, and develop a plan for abuse prevention education, if deemed necessary. School responses can include a range of consequences, including but not limited to notification to and discussion with parent/guardian and student, exclusion from school, and referral to the Brookline Substance Abuse Prevention Program's Tobacco Education Program (TEP), for high school students. The TEP program consists of one education and assessment meeting with the student and a parent/guardian. Parents/guardians are given the option to sign their student up for additional sessions, and will be given information about additional resources.

Distribution of Policy

The District shall distribute a copy of this policy to all students and their parents in a language they can understand. It shall also be posted on the district website and be accessible in each school main office for parent/staff reference.

Reporting and Review

In order to ensure equitable implementation of this policy, the Office of Student Services shall keep records of all disciplinary actions, including relevant demographic data on students involved in any action reported under this policy. This data shall be regularly reviewed by the Superintendent to provide constructive feedback on the policy and PSB practice, and a summary shall be made available to the School Committee.

Appendix A - Code Implementation and Behavior Matrix

The purpose of this section is to support all educators, teachers in particular, in implementation of the Code. As you utilize this appendix, keep in mind the following principles set forth in the Code:

- We prioritize building positive relationships with students. All students need caring adults in their lives. All want to be a positive member of a community
- Relationships should be at the center of corrective action, with all other strategies seen as tangents. Rather than asking, "What's the consequence that will fix the problem?" better to ask, "Is there a consequence that might be part of how we help this student?" This approach is especially important for the most vulnerable students; students with the most chaos and trauma in their lives - those who make us angriest - are the least likely to benefit from harsh punishments.
- We believe in preventive and positive corrective response and so seek to understand and address the causes of behavior to resolve conflicts while teaching new skills and repairing harm done, restore relationships, and reintegrate students into the school community.
- We believe in resolving conflicts by every means short of an exclusion from school.

There should be a gradient of interventions and consequences that range in severity proportional to the behavior, while also addressing the need for restoration and skill building at every level. While some behaviors may warrant exclusionary discipline, the aim should always be to prioritize minimizing the length of time a student is out of the learning environment.

In every case the Principal shall determine the appropriate intervention or consequence based on the specific facts and circumstances.

Relevant Factors in Making Discipline Decisions

When choosing consequences for students' misbehavior, teachers, administrators, and staff must consider the following factors:

- Age, health, and disability or special education status of the student;
- Relationship of academic performance and behavior;
- Student's prior conduct and record of behavior;
- Student's attitude;
- Student's willingness to repair the harm;
- Seriousness of the offense and the degree of harm caused; and
- Impact of the incident on overall school community

Intervention Levels

The list of response options is not exhaustive or exclusive. In every case, the teacher working most closely with student in collaboration with the Principal or designee shall determine the appropriate level of intervention based on the specific facts and circumstances.

LEVELS OF INTERVENTIONS	RESPONSE OPTIONS
LEVEL ONE implemented by the teacher working most closely with the student	• Teacher/Student Conference • Reminders and Redirection • (Re)Teaching of Expectations and Skills • Reflective Essay or Other Reflective Activity • Independent Study • Role-Play • Restorative Practices (Circle, Group Conferencing, Dialogue)
LEVEL TWO includes teacher, student, and parent/guardian	• Any Lower-Level Interventions • Parent/Guardian Outreach • Seat Change • Self-Charting of Behaviors • Daily Report Card on Behavior Task Completion, and Achievement • Loss Of Privileges (e.g., class job, position in line, exclusion from extra activities)

LEVEL THREE

involves specialized training and expertise from support staff such as a guidance counselor, school psychologist, Board Certified Behavior Analyst, or Vice Principal, etc.

- Any lower-level Interventions
- Student/Teacher/Parent Conference
- Referral to Support Staff (e.g., guidance counselor, social worker, psychologist, school resource officer, or nurse)
- Referral to CST/SIT
- Short-term Behavioral Progress Reports
- Behavioral Intervention Plan
- Change in Schedule/Class
- Referral to After-School Program
- Community Service
- Mentoring Program
- Peer Mediation
- Functional Behavioral Assessment
- Referral to School-based Health/Mental Health Clinics
- Referral to Community-Based Services
- Mini-Course/Training (e.g., conflict resolution, anger management, social skills
- Substance Abuse Treatment Services
- Amendment to IEP (if applicable)

LEVEL FOUR

includes the addition of an administrator as these interventions typically require an increased level of authority

- Any Lower-Level Interventions
- Detention
- Saturday Detention
- Opportunity to reset the day
- Restitution, replace, recompense

LEVEL FIVE

involves administrative level referral and the potential for exclusion from school

- Any Lower-Level Interventions
- In-School Suspension, with re-entry plan to re-engage with learning community
- Out-of-School Suspension (may be extended as necessary), with re-entry plan to re-engage with learning community
- Mobile crisis support (i.e., BEST)
- Interim Alternative Education Setting
- Expulsion
- Referral to Law Enforcement

Behavior Matrix

The matrix below is a guide for administrators when determining the appropriate level of intervention. Schools retain the right to determine the appropriate level of intervention based on the facts and circumstances of each case. Those working with student(s) should determine plan to monitor student response to interventions and when additional interventions are necessary. The list of behaviors is not exhaustive or exclusive. In every case, the teacher working most closely with student in collaboration with the Principal or designee shall determine the appropriate level of intervention based on the specific facts and circumstances.

	INTERVENTION				
INAPPROPRIATE OR DISRUPTIVE BEHAVIOR	1	2	3	4	5
Academic Dishonesty (e.g., cheating or plagiarizing, forgery)	✓	✓	✓	✓	
Alcohol - Under the influence, Using, Selling, or Possession			✓	✓	✓
Assault or Battery - Simple Assault: Attempt to cause serious physical harm to another individual, or causing individual to be in fear or apprehension of imminent battery - Simple Battery: Unauthorized or unlawful use of force to the body of another person. - Assault with a Weapon or Battery Causing Serious Injury				✓	✓
					✓
Bullying: Repeated use by one or more students or staff of a written, verbal, or electronic expression, or a physical act or gesture or any combination thereof, directed at a target that - causes physical or emotional harm to the target or damage to the target's property; and/or - places the target in reasonable fear of harm to him/herself, or of damage to his/her property; and/or - creates a hostile environment at school for the target; and/or - infringes on the rights of the target at school; and/or - materially and substantially disrupts the education process or the orderly operation of a school.			✓	✓	✓
Bus Disruptions - Minor disruption on the Bus (e.g., eating, drinking; being too loud, standing, throwing objects from the bus)	✓	✓	✓		
- Serious, repeated disruption on the Bus				✓	
Classroom Disruption (e.g., talking out in class or talking out of turn, throwing objects, and other behavior that distracts from student learning)	✓	✓	✓		

Defiance of Authority and/or Insubordination (e.g., non-violent/non-physical, talking back to school staff, failure to follow directions, failure to respond to school staff questions or requests, refusal to participate in classroom activities, etc.)	✓	✓	✓		
Disrespectful Behavior (e.g., verbal insults or put-downs, including the use of profane or offensive language; picking on, bothering, teasing, or distracting other students; making inappropriate gestures or comments; and other behavior that is rude or disrespectful)	✓	✓	✓		
False Activation of a Fire Alarm				✓	✓
Fighting - Physical Aggression (e.g., pushing and shoving)	✓	✓	✓	✓	
- More Serious Fighting (may include incidents involving minor injuries and repeated physical aggression)				✓	✓
Gambling: Playing a game for money or other stakes		✓	✓	✓	
Hallway Misbehavior. Running, Making Excessive Noise or Loitering	✓	✓	✓		
Harassment: continuous pattern of intentional behavior based on race, ethnicity, gender identity, sexual orientation, disability, national origin, ancestry, age, or religion against members of the school community		✓	✓	✓	✓
Illegal Drugs, Controlled Substances, Tobacco Products (including vaporizers and electronic delivery systems, marijuana/cannabis) - Under the Influence, Using, or Possessing, including paraphernalia			✓	✓	✓
- Selling					✓
Giving False Information to, or Misleading School Personnel	✓	✓	✓		
Portable Electronic Devices Use at Unauthorized Times	✓	✓	✓	✓	
Property Damage - Intentional Damage or Defacement of Another Person's or School Property (less than $50)		✓	✓	✓	
- Intentional Damage or Defacement of Another Person's or School Property (more than $50)				✓	✓
Sexually-Based Behaviors - Sexual activity	✓	✓	✓	✓	

- Sexual Harassment (e.g., unwelcome sexual advances, requests for sexual favors, and other inappropriate verbal, written, or physical conduct of a sexual nature)				✓	✓
- Sexual Assault					✓
Tardiness - Persistent or Excessive Tardiness to Class/School	✓	✓	✓	✓	
Theft - Less than $50	✓	✓	✓	✓	
- Greater than $50				✓	✓
Trespassing (Level 5 interventions may only be used when a student has entered onto school property without permission and then refused to leave school property upon request)			✓	✓	✓
Unauthorized Use of School Equipment	✓	✓	✓		
Unexcused Absence from School due to class cutting or skipping school	✓	✓	✓		
Weapons, Firearms, and Explosives - Bringing or Possessing Fireworks				✓	✓
- Igniting Fireworks				✓	✓
- Bringing, Possessing, or Using Other Explosives (non-fireworks)				✓	✓
- Threat or False Report related to Explosives				✓	✓
- Bringing, Possessing, or Using Firearms				✓	✓
- Bringing or Using Other Deadly Weapons				✓	✓
- Possessing Other Deadly Weapons				✓	✓

Appendix B - Definitions

- **Detention:** The supervised retention of students beyond the regular school schedule when a teacher requests that the student show improvement of behavior resulting from violation of the school rules and/or student code of conduct.
- **Disciplinary offense:** any alleged or determined disciplinary infraction by a student,
  - **Section 37H offense** means conduct in the nature of that addressed by Massachusetts General Laws Chapter 71, Section 37H,which occurs on school premises or at school-sponsored or school-related events, including athletic contests, namely, (1) possession of a dangerous weapon (including, but not limited to, a gun or a knife), (2); possession of a controlled substance as defined in Massachusetts General Laws Chapter 94C (including, but not limited to, marijuana/cannabis, cocaine, or heroin), and (3) assault on a member of the educational staff.
  - **Section 37H ½ offense** means conduct in the nature of that addressed by Massachusetts General Laws Chapter 71, Section 37H ½, namely, conduct that is the subject of a felony charge or conviction or a felony delinquency charge or conviction 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.
  - **Section 37H ¾** offense means all conduct other than that specifically addressed by Massachusetts General Laws Chapter 71, §§ 37H and 37H ½, including, but not limited to, bullying, hazing, discrimination, and harassment .
- **Emergency removal** means the temporary removal of a student from school when 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. *See appropriate* Section below for specific criteria and procedures applicable to emergency removals. A temporary removal shall not exceed two school days (see the complete definition at CMR 53.07). Students with disabilities may be afforded additional rights.
- **Expulsion:** the removal of a student from the school premises, regular classroom activities, and school activities for more than 90 school days, indefinitely, or permanently, as permitted under M.G.L. c. 71, § 37H or 37H1/2. Students with disabilities may be afforded additional rights.
- **Incident Report:** Any time a student is involved in a serious behavior incident, an incident report will be completed and shared with the student's parents as soon as practicable. Students with disabilities may be afforded additional rights.
- **In-school suspension:** removal of a student from regular classroom activities, but not from the school premises, for no more than ten (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 be considered a short-term suspension. If a student is placed in in-school suspension for more than ten days, consecutively or cumulatively during a school year, such suspension shall be deemed a long-term suspension for due process, appeal, and reporting purposes. Students with disabilities may be afforded additional rights.
- **Long-term suspension:** removal of a student from the school premises and regular classroom activities for more than ten consecutive school days, or for more than ten school days cumulatively for multiple disciplinary offenses in any school year. For Section 37H ¾ offenses, such suspensions shall be for no more than ninety (90) school days in any school year. Removal solely from participation in extracurricular activities or school-sponsored events, or both, shall not count as removal in calculating school days. No long-term suspension shall extend beyond the end of the school year in which such suspension is imposed.
- **Manifestation determination:** The district must conduct a manifestation determination if a student with a disability will be removed for more than 10 consecutive school days, or when multiple shorter suspensions for similar reasons add up to more than 10 days. The manifestation determination must determine if the conduct in question was "caused by, or had a direct and substantial relationship to, the child's disability…or was a direct result of [PSB's] failure to implement the IEP." Note that an "in-house" suspension may be considered a change in placement if it otherwise meets the criteria.

- **Parent:** for the purposes of this policy, "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.
- **Positive Behavior Interventions and Supports** (**PBIS**): a set of ideas and tools that schools use to improve the behavior of students. PBIS uses evidence and data-based programs, practices and strategies to frame behavioral improvement in terms of student growth in academic performance, safety, behavior, and establishing and maintaining positive school culture. PBIS addresses the needs of at-risk students as well as the multi-leveled needs of all students in regards to behavior, which creates an environment for both teaching and learning to occur in schools
- **Restorative Practices:** a set of formal and informal responses to harms large and small after they occur. In keeping with restorative practices' respect for human dignity, participation in any restorative practice must be entirely voluntary. The fundamental premise of restorative practices is that people are happier, more cooperative and productive, and more likely to make positive changes when those in authority do things with them rather than to them or for them. Restorative Justice asks three questions: 1) What was the harm caused to both the individual and the community? 2) Who is responsible for causing the harm and making things right? 3) How can the harm be repaired and relationships restored to the greatest extent possible? Restorative practices focus on how to build connection between individuals and achieve social discipline through participatory learning and decision-making. The use of restorative practices in schools helps to improve human behavior, develop and maintain relationships, explore learning opportunities, and teach leadership and personal accountability.
- **Tobacco Product:** A product containing, made or derived from tobacco or nicotine that is intended for human consumption, whether smoked, chewed, absorbed, dissolved, inhaled, snorted, sniffed or ingested by any other means including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff, electronic cigarettes, electronic cigars, electronic pipes, electronic nicotine delivery systems or any other similar products that rely on vaporization or aerosolization; provided, however, that "tobacco product" shall also include any component, part or accessory of a tobacco product; and provided further, that "tobacco product" shall not include a product that has been approved by the United States Food and Drug Administration for the sale of or use as a tobacco cessation product and is marketed and sold exclusively for the approved purpose.
- **School Wide Education Service Plan:** the document developed by a Principal, in accordance with Massachusetts General Laws Chapter 76, Section 21, which includes a list of education services available to students who are expelled or who are suspended from school for more than ten (10) consecutive days.
- **Short-term suspension:** the removal of a student from the school premises and regular classroom activities for ten consecutive school days or less. Removal solely from participation in extracurricular activities or school-sponsored events, or both, shall not count as removal in calculating school days.

Appendix C - Suspensions and Expulsions of Students

For additional information on Massachusetts's student discipline laws and regulations, please refer to the Mass. Department of Elementary and Secondary Education (DESE) student discipline regulations (603 CMR 53) and Chapter 222 at http://www.doe.mass.edu/ssce/discipline/

Student Discipline

Students are expected to follow the school rules and the PSB Code of Conduct at all times while attending school or at a school function. Violations of this may result in a student receiving disciplinary action. Administrators and staff recognize that each student is unique and situations may vary from one incident to another. Schools work to make violations of school rules a learning experience for the student.

RESPONSIBLE, POSITIVE AND SAFE BEHAVIOR

All members of the school community, including all school personnel, have the responsibility to demonstrate respect for other individuals and their property. This expectation applies to peers as well as to all school personnel while in school or on school property and during all school-sponsored activities, both on and off campus, including those times when they are riding school buses or other school-provided vehicles. It is specifically noted that, for the purposes of these rules and regulations, buses and other school transportation vehicles are considered school property and bus drivers are considered school personnel.

Students are responsible for behaving in accordance with these rules and regulations and to remove themselves from situations, which involve illegal activity; the possession or use of illicit drugs, alcohol, or weapons, or the violation of school rules. Students who do not remove themselves from such situations may be subject to school consequences.

Schools provide support and behavioral interventions to help students to behave as positive members of the School community. School officials will attempt to help students solve behavioral problems without interrupting the daily program of studies. However, certain types of behavior may require disciplinary action including suspension or expulsion.

In addition to this disciplinary action, violation of the certain school rules may also result in police notification.

DISCIPLINARY ACTION

Under many circumstances, student conduct concerns can be solved through teacher intervention within the school day. There are times, however, when other consequences, including, but not limited to after school detention, restorative justice, behavioral contracts, suspension, expulsion, are warranted.

Participation in extracurricular activities, including field trips, out-of-state and overnight trips, and international trips is a privilege. Removal from participation in those activities can be a consequence for violations of the handbook.

DISCIPLINARY DUE PROCESS: SUSPENSION AND EXPULSION

The Administration has ultimate discretion to determine the proper disciplinary actions for any misbehavior. Depending upon their severity, certain violations of school rules and district policies may result in loss of social privileges, in-school, out-of-school suspension or, where authorized under Massachusetts law, expulsion from school.

Any specifics given in the policy are only guidelines; they are not absolute rules. The guidelines support administration's collaboration and discretion on determining the best course of action to support student growth and development, as well as whole school safety. Disciplinary outcomes are specific to the student and the situation. Repetitive infractions of the same or similar behaviors will result in progressive discipline. All students and families will be provided with due process aligned with Massachusetts General Laws prior to the imposition of an in-school suspension, out-of-school suspension or expulsion.

There are three statutes under Massachusetts General Law (M.G.L.) that govern student discipline in Massachusetts public schools. Those statutes are:

- M.G.L. c.71, §37H which includes weapons, drugs and assault on a staff member
- M.G.L. c.71, §37H 1/2 which includes felony complaint or conviction
- M.G.L. c.71, §37H 3/4 which includes school discipline not covered in 37 H and 37 H !.

Below is a detailed description of what each statute consists of:

M.G.L. c.71, §37H – Policies Relative to Conduct of Teachers or Students: Student Handbooks In accordance with Massachusetts General Laws Chapter 71, Section 37H:

(a) Any student who is found on school premises or at school-sponsored or school-related events, including athletic games, in possession of a dangerous weapon, including, but not limited to, a gun or a knife; or a controlled substance as defined in chapter ninety-four C, including, but not limited to, marijuana, cocaine, and heroin, may be subject to expulsion from the school or school district by the principal.

(b) Any student who assaults a principal, assistant principal, teacher, teacher's aide or other educational staff on school premises or at school-sponsored or school-related events, including athletic games, may be subject to expulsion from the school or school district by the principal.

(c) Any student who is charged with a violation of either paragraph (a) or (b) shall be notified in writing of an opportunity for a hearing; provided, however, that the student may have representation, along with the opportunity to present evidence and witnesses at said hearing before the principal. After said hearing, a principal may, in their discretion, decide to suspend rather than expel a student who has been determined by the principal to have violated either paragraph (a) or (b).

(d) Any student who has been expelled from a school district pursuant to these provisions shall have the right to appeal to the superintendent. The expelled student shall have ten days from the date of the expulsion in which to notify the superintendent of the appeal. The student has the right to counsel at a hearing before the superintendent. The subject matter of the appeal shall not be limited solely to a factual determination of whether the student has violated any provisions of this section.

(e) Any school district that suspends or expels a student under this section shall continue to provide educational services to the student during the period of suspension or expulsion, under section 21 of chapter 76. If the student moves to another district during the period of suspension or expulsion, the new district of residence shall either admit the student to its schools or provide educational services to the student in an education service plan, under section 21 of chapter 76.

M.G.L. c.71 §37H 1/2 - This statute includes a felony complaint or conviction of a student and Right to Appeal

(1) Upon the issuance of a criminal complaint charging a student with a felony or upon the issuance of a felony delinquency complaint against a student, the principal or head of school of a school in which the student is enrolled may suspend such student for a period of time determined appropriate by said principal or head of school if said principal or head of school 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 the reasons for such suspension prior to such suspension taking effect. The student shall also receive written notification of the right to appeal and the process for appealing such suspension; provided, however, that such suspension shall remain in effect prior to any appeal hearing conducted by the superintendent.

The student shall have the right to appeal the suspension to the superintendent. The student shall notify the superintendent in writing of the request for an appeal no later than five calendar days following the effective date of the suspension. The superintendent shall hold a hearing with the student and the student's parent or guardian within three calendar days of the student's request for an appeal. At the hearing, the student shall have the right to present oral and written testimony on their behalf, and shall have the right to counsel. The superintendent shall have the authority to overturn or alter the decision of the principal or head of school, including recommending an alternate educational program for the student. The superintendent shall render a decision on the appeal within five calendar days of the hearing. Such decision shall be the final decision of the city, town or regional school district with regard to the suspension.

(2) Upon a student being convicted of a felony or upon an adjudication or admission in court of guilt with respect to such a felony or felony delinquency, the principal or head of school of a school in which the student is enrolled may expel said student if such principal or head of school 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 such expulsion prior to such expulsion taking effect. The student shall also receive written notification of the right to appeal
and the process for appealing such expulsion; provided, however, that the expulsion shall remain in effect prior to any appeal hearing conducted by the superintendent.

The student shall have the right to appeal the expulsion to the superintendent. The student shall notify the superintendent, in writing, of the request for an appeal no later than five calendar days following the effective date of the expulsion. The superintendent shall hold a hearing with the student and the student's parent or guardian within three calendar days of the expulsion. At the hearing, the student shall have the right to present oral and written testimony on their behalf, and shall have the right to counsel. The superintendent shall have the authority to overturn or alter the decision of the principal or head of school, including recommending an alternate educational program for the student. The superintendent shall render a decision on the appeal within five calendar days of the hearing. Such a decision shall be the final decision of the city, town or regional school district with regard to the expulsion.

Any school district that suspends or expels a student under this section shall continue to provide educational services to the student during the period of suspension or expulsion, under section 21 of chapter 76. If the student moves to another district during the period of suspension or expulsion, the new district of residence shall either admit the student to its schools or provide educational services to the student under an education service plan, under section 21 of chapter 76.

M.G.L. c.71, §37H 3/4 - Suspension on Grounds other than those set forth in Secs. 37H or 37H 1/2

(a) This section shall govern the suspension of students enrolled in a public school in the Commonwealth who are not charged with a violation of subsections (a) or (b) of section 37H or with a felony under section 37H1/2.

(b) Any principal, head of school, superintendent or person acting as a decision-maker at a student meeting or hearing, when deciding the consequences for the student, shall consider ways to re-engage the student in the learning process; and shall not suspend or expel a student until alternative remedies have been employed and their use and results documented, following and in direct response to a specific incident or incidents, unless specific reasons are documented as to why such alternative remedies are unsuitable or counter-productive, and in cases where the student's continued presence in school would pose a specific, documentable concern about the infliction of serious bodily injury or other serious harm upon another person while in school. Alternative remedies may include, but shall not be limited to: (i) mediation; (ii) conflict resolution; (iii) restorative justice; and (iv) collaborative problem solving. The principal, head of school, superintendent or person acting as a decision-maker shall also implement school- or district wide models to re-engage students in the learning process which shall include but not be limited to: (i) positive behavioral interventions and supports models and (ii) trauma sensitive learning models; provided, however, that school- or district-wide models shall not be considered a direct response to a specific incident.

(c) For any suspension or expulsion under this section, the principal or head of school of a school in which the student is enrolled, or a designee, shall provide, to the student and to the parent or guardian of the student, notice of the charges and the reason for the suspension or expulsion in English and in the primary language spoken in the home of the student. The student shall receive the written notification and shall have the opportunity to meet with the principal or head of school, or a designee, to discuss the charges and reasons for the suspension or expulsion prior to the suspension or expulsion taking effect. The principal or head of school, or a designee, shall ensure that the parent or guardian of the student is included in the meeting, provided that such meeting may take place without the parent or guardian only if the principal or head of school, or a designee, can document reasonable efforts to include the parent or guardian in that meeting. The department shall promulgate rules and regulations that address a principal's duties under this subsection and procedures for including parents in student exclusion meetings, hearings or interviews under this subsection.

(d) If a decision is made to suspend or expel the student after the meeting, the principal or head of school, or a designee, shall update the notification for the suspension or expulsion to reflect the meeting with the student. If a student has been suspended or expelled for more than 10 school days for a single infraction or for more than 10 school days cumulatively for multiple infractions in any school year, the student and the parent or guardian of the student shall also receive, at the time of the suspension or expulsion decision, written notification of a right to appeal and the process for appealing the suspension or expulsion in English and in the primary language spoken in the home of the student; provided, however, that the suspension or expulsion shall remain in effect prior to any appeal hearing. The principal or head of school or a designee shall notify the superintendent in writing, including, but not limited to, by electronic means, of any out-of-school suspension imposed on a student enrolled in kindergarten through grade 3 prior to such suspension taking effect. That notification shall describe the student's alleged misconduct and the reasons for suspending the student out-of-school. For the purposes of this section, the term "out-of-school suspension" shall mean a disciplinary action imposed by school officials to remove a student from participation in school activities for 1 day or more.

(e) A student who has been suspended or expelled from school for more than 10 school days for a single infraction or for more than 10 school days cumulatively for multiple infractions in any school year shall have the right to appeal the suspension or expulsion to the superintendent. The student or a parent or guardian of the student shall notify the superintendent in writing of a request for an appeal not later than 5 calendar days following the effective date of the suspension or expulsion; provided, that a student and a parent or guardian of the student may request, and if so requested, shall be granted an extension of up to 7 calendar days. The superintendent or a designee shall hold a hearing with the student and the parent or guardian of the student within 3 school days of the student's request for an appeal; provided that a student or a parent or guardian of the student may request and, if so requested, shall be granted an extension of up to 7 calendar days; provided further, that the superintendent, or a designee, may proceed with a hearing without a parent or guardian of the student if the superintendent, or a designee, makes a good faith effort to include the parent or guardian. At the hearing, the student shall have the right to present oral and written testimony, cross-examine witnesses and shall have the right to counsel. The superintendent shall render a decision on the appeal in writing within 5 calendar days of the hearing. That decision shall be the final decision of the school district with regard to the suspension or expulsion.

(f) No student shall be suspended or expelled from a school or school district for a time period that exceeds 90 school days, beginning the first day the student is removed from an assigned school building.

BASIC STUDENT DISCIPLINE DEFINITIONS

IN-SCHOOL SUSPENSION (M.G.L. 603 CMR 53.00): means removal of a student from regular classroom activities, but not from the school premises, for no more than ten consecutive school days, or no more than ten 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 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 days, consecutively or cumulatively during a school year, such suspension shall be deemed a long-term suspension for due process, appeal, and reporting purposes.

SHORT TERM SUSPENSION (M.G.L. 603 CMR 53.00): 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 their 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.

LONG TERM SUSPENSION (M.G.L. 603 CMR 53.00): means the removal of a student from the school premises and regular classroom activities for more than ten consecutive school days, or for more than ten school days cumulatively for multiple disciplinary offenses in any school year. A principal may, in their 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. No student may be placed on long-term suspension for one or more disciplinary offenses for more than 90 school days in a school year beginning with

the first day that the student is removed from school. No long-term suspension shall extend beyond the end of the school year in which such suspension is imposed.

WRITTEN NOTICE: Written correspondence sent by hand-delivery, certified mail, first-class mail, email to an address provided by the parent/guardian for school communications, or any other method of delivery agreed to by the principal and the parent/guardian.

DUE PROCESS UNDER M.G.L. 71 37H 3/4

IN-SCHOOL SUSPENSION

Prior to the imposition of an In-School Suspension, the student will be informed of the disciplinary offense and provided with an opportunity to respond. If the Principal or designee determines that the student committed the disciplinary offense, the Principal shall make reasonable efforts to notify the parent/guardian orally of the disciplinary offense, the reasons for concluding that the student committed the infraction, and the length of the in-school suspension. The Principal shall also invite the parent/guardian to a meeting to discuss the student's academic performance and behavior, strategies for student engagement, and possible responses to the behavior. Such a 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/guardian after making and documenting at least two attempts to do so, such attempts shall constitute reasonable efforts for purposes of orally informing the parent/guardian of the in-school suspension. On the same day as the in-school suspension decision, the Principal shall also deliver written notice to the student and parent/guardian about the in-school suspension, including the reason and the length of the in
  school suspension, and inviting the parent/guardian to a meeting with the principal, if such meeting has not already occurred. Said written notice shall be delivered to the parent/guardian on the day of the suspension by hand-delivery, certified mail, first-class mail, email to an address provided by the parent/guardian for school communications, or other method of delivery agreed to by the principal and the parent/guardian.

OUT OF SCHOOL SUSPENSION - NOTICE REQUIREMENTS

- Short-Term Suspension - In the case of disciplinary offenses not involving:
  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, the student and parent/guardian will be given oral and written notice of the disciplinary offense with which the student is charged and of the opportunity to participate in a hearing prior to the imposition of an out-of-school suspension.
  - Written notice of the date and time for the hearing will be provided in English and in the primary language of the Student's home and will identify the disciplinary offense with which the student has been charged, the basis for the charge, the potential length of the student's suspension, and inform the parent/guardian and student of the right to interpreter services if necessary to participate in the hearing.
- Long-Term Suspension - Where a student may be subject to a Long-Term Suspension, the Principal will also notify the student and parent/guardian of the student's right to legal representation (at private expense), the right to present and examine witnesses and evidence, the right to review the student record and documents that may be relied upon by the Principal, the right to translation services if required to participate in the hearing, and the right to request that the hearing be audiotaped. Out-of-school suspensions are not appealable unless the consequence results in more than ten (10) cumulative days of suspension during that school year.

PRINCIPAL'S HEARING

- Short-Term Suspension: At the Principal's hearing, the student and parent/guardian (if participating) may dispute the charge(s) against the student and present information, including mitigating facts, for the principal's consideration in determining disciplinary actions for the student.

- Long-Term Suspension: In addition to the rights afforded a student in a short-term suspension hearing, the student will

have the following rights:

- the right to be represented by counsel or a lay person of the student's choice, at the student's/parent/guardian's expense;
- the right 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;
- the right to produce witnesses on their behalf and to present the student's explanation of the alleged incident (although the student may not be compelled to testify);
- the right to cross-examine witnesses presented by the school district; and
- the right to request that the hearing be recorded by the Principal, and to receive a copy of the audio recording upon request.

● Principal's Decision: Based upon a preponderance of the evidence presented at the hearing, the Principal will determine whether the student committed the disciplinary offense and the remedy or disciplinary actions to be imposed. 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. The Principal shall exercise discretion in deciding the disciplinary action for the offense, and shall avoid using long-term suspension from school as a disciplinary action until alternatives have been tried. If the Principal decides to suspend the student, written notice of the Principal's decision will be sent to the student and parent/guardian in English and the primary language of the home identifying the disciplinary offense, the factual basis for the Principal's decision, the beginning and end dates of the suspension, and the process for appeal, when an appeal right exists. The Principal will also notify the student and parent/guardian of the student's opportunity to make academic progress during the period of removal from school in accordance with M.G.L. c. 76, §21.

LONG TERM SUSPENSION APPEAL

See M.G.L. 71 37H and M.G.L. 71 37H1/2 above for long-term suspensions the Student shall have five (5) calendar days from the effective date of the suspension imposed by the Principal but shall be granted an extension of seven (7) calendar days upon request. (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) (d) 5.a. If the appeal is not timely filed, the superintendent may deny the appeal, or may allow the appeal in their discretion

OTHER RIGHTS OF APPEAL

There is no right to appeal an in-school suspension imposed under M.G.L. c. 71, § 37H3/4 which does not result in the student's suspension for more than 10 school days in the school year.

There is no right to appeal an out-of-school suspension of fewer than and including 4 days imposed under M.G.L. c. 71, § 37H3/4 which does not result in the student's suspension for more than cumulative 10 school days in the school year.

For appeals of out-of-school suspensions imposed under M.G.L. c. 71, § 37H3/4 which result in suspension of 5- 10 school days, the student and family may appeal to the Principal.

GENERAL INFORMATION FOR STUDENT SUSPENSIONS

IN-SCHOOL SUSPENSION (ISS)

In-School Suspension may be imposed for the following infractions on school grounds/at school events, including but NOT limited to:

- Violations of school rules and/or school district policies
- Excessive tardies to school
- Inappropriate and/or disruptive behaviors
- Repeated violations of Academic Honesty policy

The following are expectations of students in ISS and, if not abided, may result in further consequences:

- Student is to arrive at ISS room (or designated office) by the scheduled start time for the school day and remain in ISS until dismissal time.
- Students are to remain productive and on-task to complete their school work throughout the school day.

- Teachers will submit work via email or deliver hard copies; students are ultimately responsible for making sure they have the necessary school work.
- Students will be required to turn in any electronic devices at the start of the day to be held by their Administrator. Any use of electronic devices outside of academic use would be a violation of ISS expectations, and will be referred to their Administrator.
- When multiple students are present, they will be seated separately in the room. Students are not to engage in conversation.
- Students use the assigned restrooms only at designated times.
- Students will have the opportunity to bring or purchase lunch and eat in the ISS room. They will be escorted to the cafeteria as needed.
- Students are required to complete a written reflection. This assignment is to be taken seriously and is required for the exit ticket from ISS.
- Dismissal from the ISS room will be at the conclusion of the school day. There is NO leaving early (i.e., to go to lockers, talk to a teacher, etc.) or early dismissal as the ISS day will then NOT count towards the suspension.
- All other school rules apply as set forth in the student handbook.
- Failure to meet ISS expectations will result in referral to your Administrator with the potential for escalated disciplinary actions. Escalated consequences do NOT remove the initial ISS day(s) which will need to be completed.
- On the day(s) a student is suspended, that student is not eligible to participate in any athletic practices or competitions or other school/club activities on that day(s).

OUT OF SCHOOL SUSPENSION

Out-of-School Suspension may be imposed for infractions (on school grounds/at school events) including but not limited to:

- Violations of school rules and/or school district policies
- Inappropriate and/or disruptive behaviors
- Fighting
- Disrupting school assembly
- Physical Assault
- Bullying
- Harassment
- Theft
- Possession of a weapon
- Possession, or being under the influence, of alcohol
- Possession, or being under the influence, of illegal drugs, vaping materials and/or controlled substances
- Threats
- School Threat
- Cursing at a staff member
- Refusal of a school search
- Destruction of school property
- Felony/Felony juvenile delinquency charges
- Posting/possessing electronic messages that are sexually oriented, harassing or illegal while on/off campus if disruption is caused

EXPULSION

The following infractions on school grounds/at school events may result in a student's permanent expulsion in accordance with M.G.L. c.71, §37H and §37H1/2:

- Possession of a dangerous weapon
- Possession of a controlled substance
- Assault of any member of the educational staff
- Admission or finding of guilt to a felony or felony delinquency charge that is determined to be a substantial detriment to the school

EMERGENCY REMOVAL

Emergency Removals pursuant to M.G.L c. 71, § 37H3/4 and 603 CMR 53.07: A Principal may remove a student accused of a school rules violation from school temporarily, and on an emergency basis, 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. In such a case, 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 emergency removal shall not exceed two (2) school days following the day of the emergency removal, during which time the Principal shall:

1. make immediate and reasonable efforts to orally notify the student and the student's parent/guardian of the emergency removal,
2. the reason for the emergency removal;
3. the disciplinary offense;
4. the basis for the charge;
5. the potential consequences, including the potential length of the student's suspension;
6. 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;
7. the date, time, and location of the hearing; and
8. the right of the student and the student's parent/guardian to interpreter services at the hearing if needed to participate

Before the expiration of the two (2) school days, unless an extension of time for hearing is otherwise agreed to by the Principal, student, and parent/guardian, the Principal must provide the student and parent/guardian an opportunity for a hearing with the Principal that complies with either the short-term suspension due process or long-term suspension due process procedures, as applicable.

Additionally, the Principal is required to 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 notice of the decision for short-term suspension or long-term suspension as set forth in this Handbook, whichever is applicable.

A Principal shall 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.

ACADEMIC PROGRESS

Any student who is disciplined pursuant to the three statutes above 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 their removal from the classroom or school. 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, in accordance with the School's Education Services Plan. M.G.L. c. 76, §21

DISCIPLINE AND STUDENTS WITH DISABILITIES

All students, including those receiving services under the Individuals with Disabilities Education Act (IDEA), M.G.L. c. 71B, and/or Section 504 of the Rehabilitation Act of 1973, are expected to adhere to all rules and regulations stated in this Student Handbook. The following procedures shall, however, apply when students with disabilities are subjected to suspension or expulsion in excess of (10) consecutive school days or when, as a result of a pattern of disciplinary removal exceeding ten (10) school days cumulatively in the school year, the student has been subjected to a disciplinary change in placement. Students entitled to the additional procedural protections set forth below include: (1) students who have been found eligible for special education services in accordance with the Individuals with Disabilities Education Act and/or M.G.L. c. 71B: and (2) students who have been evaluated and determined to be eligible students as defined under Section 504 of the Rehabilitation Act of 1973; and (3) students who the District knows or should have known may be eligible for special education under the IDEA or Section 504.

A. A suspension of longer than ten (10) consecutive school days or a series of short-term suspensions that exceed ten (10) school days and constitute a pattern of removal are considered to constitute a disciplinary change in placement.

B. Within ten (10) school days of any decision to impose a suspension or expulsion that would result in a disciplinary change in placement of a student with a disability, building administrators, the parent/guardian, the student (where appropriate), and relevant members of the student's IEP/504 Team ("Manifestation Team") will convene to determine whether the violation for which the student is subject to a disciplinary change in placement was caused by or directly and substantially related to the student's disability or was the direct result of a failure to implement the student's IEP or Section 504 Plan.

C. If the Manifestation Team determines that the behavior was NOT a manifestation of the student's disability, the student may be disciplined in accordance with the policies and procedures applicable to all students, except those students who are eligible for special education services shall be entitled to a free appropriate public education as of the eleventh (11^{th}) cumulative day of disciplinary exclusion in the school year. A functional behavior assessment will be conducted where appropriate.

D. If the Team determines that the behavior WAS a manifestation of the Student's disability, the district will conduct a functional behavior assessment or review any existing behavior intervention plan and takes steps (with the consent of the parent/guardian) to correct the IEP, the placement, or the behavior intervention plan and the student will not be suspended or expelled for the violation found to be a manifestation of the student's disability.

E. Regardless of the manifestation determination, the District may place the student in an interim alternative educational setting (as determined by the Team) up to forty-five (45) school days:

i. If the behavior involves dangerous weapons or illegal drugs or another controlled substance while at school or at a school function; or

ii. If the student causes substantial bodily injury to another at school or a school-sponsored event.

Additionally, if the district provides evidence that the student is "substantially likely" to injure him/herself or others and a hearing officer/court orders the alternative placement; or with the informed written consent of the student's parent or guardian.

F. The parent/guardian shall have the right to appeal the manifestation Team's determination, the imposition of a disciplinary change in placement, and the student's placement in an interim alternative educational setting to the Massachusetts Bureau of Special Education Appeals. The student will remain in the disciplinary placement imposed by school authorities pending a decision on any such appeal or until the expiration of the disciplinary sanction, whichever comes first.

G. If a request is made for an evaluation of a student during the time period in which the student is subjected to disciplinary measures, the evaluation must be conducted in an expedited manner. Until the evaluation is completed, the student will remain in the educational placement determined by school authorities, which can include suspension or expulsion from school.