



## Code of Conduct

*Hill View Montessori Charter Public School complies with all applicable Commonwealth and Federal law having to do with non-discrimination on the basis of age, ancestry, athletic performance, color, creed, ethnicity, gender, gender identity, gender expression, genetic information, homelessness, foster care, military, mental or physical disability, national origin, proficiency in the English language or a foreign language, prior academic achievement, race, religion, sexual orientation, and special need in its educational programs and activities.*

At Hill View Montessori Charter Public School (HVM) our educational philosophy is to individualize instruction to the greatest extent possible. We recognize that every student undergoes a unique learning process, and that we must honor each student's individuality. We also believe that our educational responsibility extends beyond academics to character development, including self-control, sound decision making and respect for others and the environment. In that spirit, we approach our Code of Conduct and disciplinary actions with the same intention of providing an individualized response to each incident. Though illegal or egregious actions will require the school to abide by Massachusetts state law and due process guidelines, lesser infractions allow us to evaluate the circumstances of each situation and craft a disciplinary response that we believe best serves the academic, social and emotional interests of the students while protecting the safety and integrity of our learning environments.

As a Montessori school, our primary goal is to create a positive learning environment in which all students are provided an opportunity to grow academically, emotionally, and socially. In order to attain this goal, there must be a shared commitment among parent/legal guardians, staff and students to understand and accept a balance between individual freedom and responsible behavior. As Dr. Montessori stated, *"To let the child do as he likes when he has not yet developed any powers of control, is to betray the idea of freedom."* ~Maria Montessori

The Code of Conduct is intended to clarify student behaviors and actions that are encouraged, as well as those which are considered unacceptable in the HVM community. The Major Discipline section of the Code also reflects the current status of Massachusetts law as it pertains to student conduct, and more specifically, the subsequent discipline that may be used when students engage in certain types of extreme or illegal behavior. This Code of Conduct has been reviewed and adopted by the Hill View Montessori Charter Public School Board of Trustees and supersedes any Code of Conduct previously issued by HVM.

It is important to remember that the Code of Conduct applies to students in all schools' settings, including while at school, traveling to and from school, on school property, at school sponsored events and on school field trips. If misconduct occurs during any of these times and/or events, a student shall be subject to a disciplinary response from the school. Additionally, state law permits a school to respond

to any incident that happens off school grounds or outside of school hours, including online or via social media, if that incident has a significant impact on the learning experience of students during the school day.

The Individuals with Disabilities Education Act (IDEA) and the Americans with Disabilities Act (ADA) provide eligible students (those with disabilities and those in the pre-referral process) with certain procedural rights and protections in the context of student discipline. These rights are in addition to the due process rights applicable to all students as described below in this Code of Conduct. In addition, IDEA protections apply to a child who has not yet been found eligible for services under the statute if the district is “deemed to have knowledge” that the child was eligible for such services before the conduct that precipitated the disciplinary action occurred. The district is “deemed to have knowledge” if the child’s parent/legal guardian had expressed concern in writing to district supervisory, administrative personnel, or the child’s teacher, that they believe the child needs special education or related services, or if the child’s parent/legal guardian had requested an evaluation to determine eligibility for special education services, or if the current teacher, or other district personnel, had expressed specific concerns about a pattern of behavior by the child to district personnel.

The school district is not “deemed to have knowledge” if the students were determined not eligible for special education through an evaluation or the parent/legal guardians refused an evaluation for the child of IDEA services. Should a request be made for evaluation to determine eligibility while a student is subject to disciplinary measures, the district will conduct an evaluation in an expedited manner. Pending these results, the student will remain in the educational placement determined by school authorities, which may include suspension or expulsion without services. If determined eligible, the district will provide the student with special education and related services in accordance with IDEA.

*See Discipline for Students with Disabilities at the end of this document for more information.*

### **HVM’S CORE COMMITMENT TO RESPECT, GRACE & COURTESY**

Mutual respect and commitment to grace and courtesy among all members of our school community is the cornerstone of every interaction and behavior. We seek to acknowledge and honor the dignity and value of every school member. We strive to celebrate our differences and create a welcoming and supportive atmosphere through courtesy to others and respectful conduct.

A commitment to respect, grace and courtesy will ensure that HVM is a physically and emotionally safe environment. In order to achieve this goal, all staff and students share several core responsibilities:

- *To act as kind individuals*
- *To refrain from any actions that compromise the health or safety of others*
- *To embrace diversity and differences of opinions and beliefs*
- *To seek to resolve conflicts in a mutually agreeable manner*
- *To value and respect personal and school property*
- *To express opinions and emotions in a positive and constructive manner*
- *To always be honest*
- *To support other school members in their efforts to maintain a safe, positive, and respectful school*

Student behavior that falls outside of these core responsibilities is subject to a disciplinary response from teachers and/or the Dean of Students. Below, you will find Hill View Montessori's *Guiding Principles* and *General Procedures* on student discipline.

## **GUIDING PRINCIPLES**

### **1. Discipline is beneficial for young people**

Establishing clear, consistent limits and holding high expectations for students helps them to be successful in school, both academically, socially and emotionally.

### **2. The goal of discipline is to teach**

We use discipline moments by having a conversation with a student to help develop self-regulation, self-awareness, and self-management skills that lead to better behavior today and in the future.

### **3. "Fair" does not always mean "equal"**

While there should be no expectation that all student behaviors are responded to equally, since not all circumstances are equal, HVM community members can expect that school disciplinary decisions will be made in a thoughtful, equitable, fair way based on a thorough examination of events, precedents, and important circumstances.

### **4. Behavior is communication**

Behavior is the external, noticeable end result of a student's internalized beliefs, perceptions, thoughts and feelings. It is often the symptom of a problem, rather than the problem in and of itself. As adults, our job is to look beyond surface behavior, to find out what is driving it. From there, helpful solutions become clearer.

### **5. Students will make mistakes**

The adult's job is to help students stop making the same mistakes over and over again. The core message HVM adults send by applying discipline is that we believe that all of our students have worth and value and are lifelong learners who deserve to be taught better ways to behave. Adults at HVM use discipline to create a safe environment where students can learn and grow from their mistakes.

### **6. Effective discipline is respectful, regulating, relational & restorative**

**Respectful:** Discipline should feel safe to everyone involved. Young people need to feel heard and understood.

**Regulating:** The first step in discipline is to pay attention to a student's emotional state. We use brain-based discipline strategies that aim to help students feel calm and put language to their emotions.

**Relational:** A positive teacher-student relationship is the key to awakening a student's internal drive to succeed both academically and behaviorally.

**Restorative:** When relational damage has happened in the school setting, discipline will be focused on restorative practices (further defined below) that heal interpersonal relationships and help build skills for conflict resolution, problems solving, and empathy development.

## GENERAL PROCEDURES

### Step 1:

HVM faculty and staff use Montessori strategies and [Tiered Behavioral Response Strategies](#) to prevent and respond to typical unwanted student behaviors. With consistent rules, routines and expectations, we create optimal learning conditions for students of all ages.

Each faculty member is empowered to make decisions in their classrooms about student discipline that are in line with the Core Commitments, Guiding Principles, and the tiered behavioral Response Strategies.

### Step 2:

When traditional, in-classroom strategies (Tiers 1-2) cannot meet the level of student need, faculty will seek additional support services from outside of the classroom, including available support staff, the School Counselor, the School Social Worker, or the Dean of Students.

### Step 3:

When a student needs a referral to the Dean of Students, the DOS will:

- a. Initiate a respectful, regulating, relationship-building conversation that explores the incident thoroughly and helps a student feel safe, heard and understood.
- b. Use the problem situation as a learning opportunity to teach the student new skills or encourage them to make better choices in the future.
- c. Determine additional consequences, when needed, with the goal of restoring relationships, property, etc.

### Typical Consequences that may be assigned by Classroom Teachers and/or the DOS include:

- Loss of free-choice time
- Loss of privilege, including restriction from programs and special assemblies
- Quiet/reflective snack or lunch
- Time away from peer group after incidents of aggression
- Scheduled, daily check ins, aimed at emotional regulation and prevention of problem behavior
- Individualized behavior support plan for students with chronic patterns of challenging behavior
- Contact with parents
- Student may be sent home for the day if aggressive or significantly disruptive behavior occurs. DOS should be consulted before initiating this intervention.
- Any other disciplinary technique that promotes respectful behavior and the restoration of relationships

### In cases of purposeful, planned, and/or repeated unwanted behavior, typical consequences may include:

- In-school suspension with activities focused on being of service within the school community
- Student sent home from school for the remainder of the day. A parent/guardian conference with an administrator must occur prior to the student's return to school.
- Suspension from school. See below for detailed description of suspension policies and procedures.
- (Financial) restitution for the repair of any damage caused to the school-related environment.

## RESTORATIVE PRACTICES

HVM will also facilitate Restorative Practices to help strengthen relationships and problem-solve with staff, families, and students. Restorative practices seek to repair relationships that have been damaged.

The impact of Restorative Practices:

1. Address and discuss the needs of the school community.
2. Build healthy relationships between educators and students.
3. Reduce and prevent harmful behavior
4. Repair and restore positive relationships
5. Resolve conflict and hold individuals/groups accountable.

## **MAJOR DISCIPLINE**

Massachusetts General Laws (Chapter 71, Section 37H, 37H/1/2 and 37H3/4 govern due process for disciplinary removals from a public school (suspensions) and the services that a public school must provide during such removals. While such events are rare at HVM, it is important for families to know their rights and the procedures that the school will follow in order to comply with state law.

One aspect of these formal procedures is worth noting. Every school district must have an appeal process in place for any disciplinary removals from school. In a typical district, appeals would be made to the superintendent. As a Charter school, our Executive Director serves as the superintendent, so the Director cannot also serve as the primary arbiter in disciplinary decisions regarding suspension.

Consequently, the procedures that follow list the Dean of Students as the administrator who will hear and decide upon all disciplinary cases that may result in the removal of a student from school. This leaves the school Executive Director available for any appeals that students or families may decide to pursue.

### ***Provisions Governing Due Process for Disciplinary Removals and Services during Removals***

Student disciplinary offenses resulting in removal from the school setting (i.e., suspensions) are subject to due process procedures, including notices, hearings, appeals, and educational services during removals. The following sections provide information about these rights.

Please note that students have the right to be represented by counsel or a lay person of the student's choice, at the student's/parent/legal guardian's expense, at any and all hearings concerning student discipline. If you wish to bring an attorney to any hearing or meeting at the school, please inform HVM immediately. If you fail to inform the school prior to bringing an attorney to a hearing, and HVM's attorney is not present, then HVM will exercise its right to cancel and reschedule the meeting to ensure that its attorney can attend. This rescheduling may delay the hearing or meeting, and if so, your child's disciplinary removal will be extended until a decision is rendered following the rescheduled hearing or meeting. HVM hereby notifies you that it may have its legal counsel present at any hearings and meetings involving student discipline.

#### **A. Notice of Student and Parent Rights Under G.L. c. 71§37H**

This ***Notice of Student and Parent Rights*** applies to student misconduct that involves weapons, drugs or assault on school staff.

Students who are suspended under §37H are entitled to receive educational services during the period of suspension. If the student withdraws from the HVM and/or moves to another school district during the period of suspension, the new school/district/ district of residence shall either admit the student to its schools or provide educational services to the student under the new school or district's educational service plan.

**B. Notice of Rights under G.L. c. 71§37H½**

This ***Notice of Student and Parent Rights*** applies to student misconduct that involves student criminal or felony delinquency charges, findings, or admissions.

**Suspension Following Criminal or Felony Delinquency Complaint**

Upon the issuance of a criminal or felony delinquency complaint against a student, the Dean of Students may suspend such student for a period of time determined appropriate by the Dean of Students if he or she determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school. The student is entitled to 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 his/her right of appeal and the process for appealing such suspension, provided, however, that such suspension shall remain in effect prior to any hearing conducted by the Executive Director.

The student shall have the right to appeal the suspension to the Executive Director. The student shall notify the Executive Director in writing of his/her request for an appeal no later than five calendar days following the effective date of the suspension. The Executive Director shall hold a hearing with the student and the student's parent/legal 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 his/her behalf, and shall have the right to counsel. The Executive Director shall have the authority to overturn or alter the decision of the Dean of Students, including recommending an alternate educational program for the student. The Executive Director's decision shall be the final decision of HVM with regard to the suspension.

Students who are suspended or expelled under §37H are entitled to receive educational services during the period of suspension. If the student withdraws from the HVM and/or moves to another school district during the period of suspension or expulsion, the new school/district/ district of residence shall either admit the student to its schools or provide educational services to the student under the new school or district's educational service plan.

**C. Notice of Student and Parent Rights Under G.L. c. 71 §37H¾**

This section governs all students' offenses that may be subject to short or long-term suspensions that *do not* involve dangerous weapons, assault on HVM staff, felony, felony delinquency charges, and/or felony delinquency findings or admissions, all of which are governed by G.L. c.71 §37H and 37H½, as detailed above.

In every case of student misconduct for which suspension may be imposed, the Dean of Students is required to exercise discretion in deciding the consequences 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. The following document outlines student and parent/legal guardian rights

when the Dean of Students is considering and/or decides to implement a removal from school as a consequence for student misconduct.

Students who are suspended under §37H¾ are entitled to receive educational services during the period of suspension. If the student withdraws from the HVM and/or moves to another school district during the period of suspension, the new school/district/ district of residence shall either admit the student to its schools or provide educational services to the student under the new school or district's educational service plan.

#### **Notice of Suspension and Hearing under §37H¾**

Unless the Dean of Students determines that an emergency removal is required (*see* Emergency Removals section below) or decides to implement an in-school suspension of ten or fewer consecutive days (and no more than ten(10) cumulative days per school year) (*see* In-School Suspension section below), the Dean of Students may not impose a suspension as a consequence for a disciplinary offense without first providing the student and the parent/legal guardian with verbal and written notice, and providing the student an opportunity for a hearing on the charge and the parent/legal guardian an opportunity to participate in such hearing.

The Dean of Students is required to provide this verbal and written notice to the student and the parent/legal guardian in English and in the primary language of the home if other than English, or other means of communication where appropriate. The notice must set forth the following information:

- a) The disciplinary offense
- b) The basis for the charge
- c) The potential consequence, including the potential length of the student's suspension
- d) The opportunity for the student to have a hearing with the Dean of Students 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/legal guardian to attend the hearing.
- e) The date, time, and location of the hearing
- f) The right of the student and the student's parent/legal guardian to interpreter services at the hearing if needed to participate
- g) If the student may be placed on long-term suspension following the hearing with the Dean of Students, the student's short and long-term suspension hearing rights and the right to appeal the Dean of Students' decision to the Executive Director (*see* Hearing Rights section below).

The Dean of Students is required to make and document reasonable efforts to notify the parent/legal guardian verbally of the opportunity to attend the hearing. The Dean of Students is presumed to have made reasonable efforts, and therefore may conduct hearing without the parent/legal guardian present, if the Dean of Students has sent written notice (by hand delivery, first-class mail, email, or any other method of delivery agreed to the Dean of Students and parent/legal guardian) and has documented at least two attempts to contact the parent/legal guardian in the manner specified by the parent/legal guardian for emergency notification.

#### **Emergency Removal**

The Dean of Students has the authority to remove a student from HVM temporarily when a student is charged with a disciplinary offense and the Dean of Students determines that the continued presence of

the student poses danger to persons or property, or materially and substantially disrupts the order of the school, and, in the Dean of Students' judgment, there is no alternative available to alleviate the danger or disruption. The temporary removal shall not exceed two (2) school days following the day of the emergency removal, during which time the Dean of Students is required to:

- a) Make immediate and reasonable efforts to orally notify the student and the student's parent/legal guardian of the emergency removal, the reason for the need for emergency removal, and the Hearing Rights outlined below
- b) Provide written notice to the student and parent/legal guardian
- c) Provide the student an opportunity for a hearing with the Dean of Students that complies with the rights outlined below in the Hearing Rights section, as applicable, and the parent/legal guardian an opportunity to attend the hearing, before the expiration of the two (2) school days, unless an extension of the time for hearing is otherwise agreed to by the Dean of Students, student, and parent/legal guardian
- d) Render a decision orally on the same day as the hearing, and in writing no later than the following school day

The Dean of Students 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.

### **Hearing Rights**

Short-term suspension means the removal of a student from the school premises and regular classroom activities for ten (10) consecutive school days or less.

The purpose of the hearing with the Dean of Students is for the Dean of Students to hear and consider information regarding the alleged incident; provide the student an opportunity to dispute the charges and explain the circumstances of his/her alleged incident; determine if the student committed the disciplinary offense, and if so, the consequences for the infraction. At a minimum, the Dean of Students is required to discuss the disciplinary offense, the basis for the charge, and any other pertinent information. The student and parent/legal guardian both shall have an opportunity to present and offer information, including mitigating facts, that the Dean of Students should consider in determining whether other remedies and consequences may be appropriate. Based on the available information, including mitigating circumstances, the Dean of Students shall determine whether the student committed the disciplinary offense, and if so, what remedy or consequence will be imposed.

The Dean of Students is required to provide written notification to the student and the parent/legal guardian of the determination and 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.

### ***Dean of Students' Hearing under §37H%: Long-term Suspension***

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 single year.

The purpose of the long-term suspension hearing is the same as the purpose of a short-term suspension hearing. At a minimum, in addition to the rights afforded a student in a short-term suspension hearing, the student shall have the following rights during a long-term suspension hearing:

- a) In advance of the hearing, the opportunity to review the student's record and the documents



upon which the Dean of Students may rely in making a determination to suspend the student or not;

- b) The right to be represented by counsel or a lay person of the student's choice, at the student's/parent/legal guardian's expense;
- c) The right to produce witnesses on his/her behalf and to present the student's explanation of the alleged incident, but the student may not be compelled to do so;
- d) The right to cross-examine witnesses presented by the school district; and
- e) The right to request that the hearing be recorded by the Dean of Students, and to receive a copy of the audio recording upon request. If the student or parent/legal guardian requests an audio recording, the Dean of Students 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/legal guardian upon request.

The Dean of Students shall provide the parent/legal guardian, if present, an opportunity to discuss the student's conduct and offer information, including mitigating circumstances, that the Dean of Students should consider in determining consequences of the student.

Based on the evidence, the Dean of Students shall determine whether the student committed the disciplinary offense, and, if so, after considering mitigating circumstances and alternatives to suspension, what remedy of consequence will be imposed, in place of or in addition to a long-term suspension. The Dean of Students shall send the written determination to the student and parent/legal guardian by hand delivery, certified mail, first-class mail, email to an address provided by the parent/legal guardian for school communications, or any other method of delivery agreed to by the Dean of Students and the parent/legal guardian. If the Dean of Students decides to suspend the student, the written determination will:

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 Dean of Students
3. Identify the length and effective date of the suspension, as well as a date of return to school
4. Include notice of the student's opportunity to receive education services to make academic progress during the period of removal from school
5. Inform the student of the right to appeal the Dean of Students' decision to the Executive Director or designee (only if the Dean of Students has imposed a long-term suspension). Notice of the right to 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 of appealing the decision, including that the student or parent/legal guardian must file a written notice of appeal with the Executive Director within five (5) calendar days of the effective date of the long-term suspension; provided that within the five (5) days, the student or parent/legal guardian may request and receive from the Executive Director 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 Executive Director decides to reverse the Dean of Students' determination on appeal.
6. Serious case is defined as involving the possession of or use of illegal substances or weapons,

assault, vandalism, or violation of a student's civil rights. In practice, the decision to suspend rather than expel in serious cases may depend on whether the principal determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school.

***Executive Director's Hearing under 37H¾***

A student who is placed on long-term suspension following a hearing with the Dean of Students, has the right to appeal the Dean of Students' decision to the Executive Director.

In order to appeal the Dean of Students' decision to impose a long-term suspension, the student or parent/legal guardian must file a notice of appeal with the Executive Director within five calendar days of the effective date of the long-term suspension (parent/legal guardian may request and receive from the Executive Director an extension of time for filing written notice for up to seven days). If the appeal is not filed in a timely manner, the Executive Director may deny the appeal, or may allow the appeal using his or her discretion, for good cause.

The Executive Director shall hold the hearing within three school days of the student's request, unless the student or parent/legal guardian requests an extension of up to seven additional calendar days, in which case the Executive Director shall grant the extension.

The Executive Director must make a good faith effort to include the parent/legal guardian in the hearing and will presume to have made good faith effort if he or she has attempted to find a day and time for the hearing that would allow the parent/legal guardian and Executive Director to participate. The Executive Director shall send written notice to the parent/legal guardian of the date, time, and location of the hearing.

The Executive Director will conduct a hearing to determine whether the student committed the disciplinary offense of which the student is accused, and if so, what the consequence will be. An audio recording of the hearing will be made, a copy of which shall be provided to the student or parent/legal guardian upon request.

The student and parent/legal guardian shall have the right afforded them at the Dean of Students' hearing for long-term suspension, as detailed in the sections entitled Dean of Students' Hearing under §37H¾: Short-term Suspension and Dean of Students' Hearing under §37H¾: Long-term Suspension.

The Executive Director shall issue a written decision within five calendar days of the hearing. If the Executive Director determines that the student committed the disciplinary offense, The Executive Director may impose the same or a lesser consequence than the Dean of Students, but shall not impose a suspension greater than that imposed by the Dean of Students' decision. The decision of the Executive Director shall be the final decision of the school.

***In-School Suspension under §37H¾***

The Dean of Students may use in-school suspension as an alternative to short-term suspension for disciplinary offenses.

The Dean of Students is required to 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 Dean of Students determines that the student committed the disciplinary offense, the Dean of Students must inform the student of the length of the student's in-school suspension, which shall not exceed 10 days, cumulatively, in a school year.

On the same day the Dean of Students decides to impose an in-school suspension, the Dean of Students must make reasonable efforts to verbally notify the parent/legal guardian/guardian of the disciplinary offense, the reasons for concluding that the student committed the infraction, and the length of the in-school suspension.

The Dean of Students shall also invite the parent/legal guardian/guardian to a meeting to discuss the student's academic performance and behavior, strategies for student engagement, and possible responses to the behavior. Such meeting shall be scheduled on the day of the suspension if possible; if not, as soon as possible. If the Dean of Students is unable to reach the parent/legal guardian/guardian after making and documenting at least two attempts to do so, such attempts shall constitute reasonable efforts for purpose of verbally informing the parent/legal guardian of the in-school suspension.

The Dean of Students shall send written notice to the student and parent/legal guardian about the in-school suspension, including the reason and length of the in-school suspension (and inviting the parent/legal guardian/guardian to a meeting with the Dean of Students, if such meeting has not already occurred). The Dean of Students 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/legal guardian for school communications, or by other method of delivery agreed to by the Dean of Students and the parent/legal guardian.

#### **Removal from Privileges and Extracurricular Activities**

The Dean of Students may remove a student from privileges, such as extracurricular activities and attendance at school-sponsored events, based on the student's misconduct. A removal from privileges and/or extracurricular activities is subject to the procedures set forth herein.

#### **Education Services and Academic Progress under §37H**

Students serving an in-school suspension, short-term suspension, long-term suspension, or expulsion 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.

Students who were expelled or suspended from school for more than ten (10) consecutive days, whether in school or out of school, have the opportunity to receive education services and make academic progress toward meeting state and local requirements, through the school-wide Education Service Plan.

#### **Services during Removals and School-Wide Alternative Options**

Students who are suspended from school for 10 or fewer consecutive school days, whether in or out of school, have the opportunity to make academic progress during the period of suspension; make up assignments; including, but not limited to: homework, quizzes, exams, papers and projects. The Dean of Students or designee shall ensure these students have an opportunity to make academic progress during the period of suspension or expulsion, to make up assignments, including, but not limited to: homework, quizzes, exams, papers and projects missed.

These services may include, but are not limited to: tutoring, alternative placement, and Saturday school

and/or online/distance learning.

If HVM suspends a student for more than 10 consecutive school days, HVM is required to provide the student and the parent/legal guardian or guardian of the student with a list of alternative educational services. Upon selection of an alternative educational service by the student and the student's parent/legal guardian or guardian, the school or school district shall facilitate and verify enrollment in the service.

## Discipline for Students with Disabilities

### Students identified as having special needs

1. All HVM students are expected to abide by the guidelines as set forth in this Code of Conduct Chapter 71B of the Mass. General Laws, formerly known as Chapter 766, requiring that additional provisions be made for students who have been found by an evaluation team to have special needs and whose individualized program is described in an Individualized Educational Program (IEP).
  - a. Students with Special Needs may be suspended for up to ten (10) consecutive days, and may also be suspended in excess of ten (10) cumulative days, as fully outlined under M.G.L.c. 71B, and the Individuals with Disabilities Education Act. Such suspensions may carry out without any further or additional process.
  - b. Suspensions or exclusions in excess of ten (10) consecutive days or ten (10) cumulative days may also occur, provided that the conduct for which the student is being disciplined is not a manifestation of his/her disability, and the District provides educational services which will allow the student to access the general curriculum and to make progress toward his/her goals.
2. The Individuals with Disabilities Education (IDEA) and M.G.L.c. 71B allow school personnel to move a student with disabilities to an Interim Alternative Educational Setting (IAES) for up to 45 school days, if that student is in possession of a dangerous weapon at school or a school function or on school property, is in possession or uses a controlled substance or sells or solicits the sale of a controlled substance while at school or a school function or on school property, or inflicts serious bodily injury on a person, including him/herself. The appropriate interim alternative educational setting shall be determined by the IEP team.
3. The IDEA and M.G.L. c. 71B also allow school personnel the option of asking a hearing officer or a court to move children with disabilities to an interim alternative educational setting for up to 45 school days, if they are substantially likely to injure themselves or others in their current placement.
4. When a special needs student has been suspended for more than (10) consecutive or cumulative days in a school year, such that a substantial change in placement is occurring or will occur, the IEP TEAM will meet to conduct a manifestation determination. Relevant, members of the TEAM meet for the manifestation determination, and they answer two questions, after reviewing relevant documents and misconduct of the student:
  - Is the misconduct the result of failure to implement the student's IEP? *and*
  - Is the misconduct caused by, or does it have a direct and substantial relationship to the student's disability?

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

5. If the IEP team finds that the misconduct was not a manifestation of the student's disability, then the student may be disciplined according to the discipline policy in the HVM Code of

Conduct. The student will receive educational services during the period of suspension or exclusion. If the IEP Team finds that the misconduct was a manifestation of the student's disability, then the school may still be able to implement an IAES (see #2 and 3 above). If the IAES is not possible, then the student will remain in his/her current placement, and the team will arrange for a functional behavioral assessment (if one has not been conducted on the student) and the development or modification of a behavior intervention plan.

6. The Executive Director (or designee) will notify the Special Education Office of offenses that warrant a suspension of a special needs student and a record will be kept of such notice.

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

Section 504 of the Rehabilitation Act of 1973 is a federal statute which prohibits a qualified individual with a disability from being excluded from the participation in, denied the benefits of, or subjected to discrimination under any program or activity receiving Federal financial assistance because of his/her disability. 29 U.S.C.—794 and its implementing regulations, 34 C.F.R. 104 *et seq.*

1. All HVM students are expected to abide by the guidelines as set forth in this Code of Conduct. A student on a Section 504 plan may be disciplined like any other non-disabled student. However, if the student is going to be suspended for ten (10) or more consecutive days, expelled or suspended for more than ten (10) cumulative days (and there is a change in placement as a result), then a manifestation determination review shall be conducted. The student's 504 team shall convene, and answer two questions after reviewing relevant documents and the misconduct of the student:
  - Is the misconduct the result of failure to implement the student's 504 plan? And
  - Is the misconduct caused by, or does it have a direct and substantial relationship to the student's disability?

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

2. If the 504 team finds that the misconduct was not a manifestation of the student's disability, then the student may be disciplined according to the discipline policy in the HVM Code of Conduct. The student will receive educational services during the period of suspension or exclusion. If the 504 Team finds that the misconduct was a manifestation of the student's disability, then the school may still be able to implement an IAES. If the IAES is not possible, then the student will remain in his/her current placement, and the team will arrange for a functional behavioral assessment (if one has not been conducted on the student) and the development or modification of a behavior intervention plan.

When a student with a disability is reported to the police for an alleged crime, special education and disciplinary records may be furnished to the police.

The Individuals with Disabilities Education Act Regulations at 34 CFR 300.535 state the following:

Nothing in this part prohibits an agency from reporting a crime committed by a child with a disability to appropriate authorities or prevents State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes by a child with a disability.

An agency reporting a crime committed by a child with a disability must ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom the agency reports the crime. An agency reporting a crime under this section may transmit copies of the child's special education and disciplinary records only to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act. (Authority: 20 U.S.C 1415(k)(6)).