

## **CODE OF CONDUCT**

### **I. Introduction**

The Richmond Consolidated School is committed to providing a safe and orderly school environment where students may receive and school personnel may deliver quality educational services without disruption or interference. Responsible behavior by students, teachers, other school personnel, parents and other visitors is essential to achieving this goal.

Unless otherwise indicated, this Code applies to all students, school personnel, parents and other visitors when on school property or attending a school function.

### **II. Student Rights and Responsibilities**

#### **A. Student Rights**

The school is committed to safeguarding the rights given to all students under state and federal law. In addition, to promote a safe, healthy, orderly and civil school environment, all school students have the right to:

1. Take part in all school activities on an equal basis regardless of race, color, creed, national origin, religion, gender, disability or sexual orientation.
2. Present their version of the relevant events to school personnel authorized to impose a disciplinary action in connection with the imposition of the consequences.
3. Access school rules and, when necessary, receive an explanation of those rules from school personnel.

#### **B. Student Responsibilities**

All school students have the responsibility to:

1. Contribute to maintaining a safe and orderly school environment that is conducive to learning and to show respect to other persons and property.
2. Be familiar with and abide by all school policies, rules and regulations dealing with student conduct.
3. Attend school every day unless they are legally excused and be in class, on time, and prepared to learn.
4. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
5. React to direction given by teachers, administrators and other school personnel in a respectful, positive manner.
6. Work to develop mechanisms to control their anger.
7. Ask questions when they do not understand.
8. Seek help in solving problems that might lead to discipline.
9. Dress appropriately for school and school functions.
10. Accept responsibility for their actions.
11. Conduct themselves as representatives of the school when participating in or attending school-sponsored extracurricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.

### **III. Essential Partners**

#### **A. Parents**

All parents are expected to:

1. Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community.
2. Send their children to school ready to participate and learn.
3. Ensure their children attend school regularly, on time, and all absences are excused.
4. Insist their children be dressed and groomed in a manner consistent with the student dress code.
5. Help their children understand that in a democratic society, appropriate rules are required to maintain a

safe, orderly environment.

6. Be courteous in speech and actions and refrain from use of profanity.
7. Refrain from use of physical contact or force with school personnel or students.
8. Know and follow school rules and help their children understand them.
9. Convey to their children a supportive attitude toward education and the school.
10. Build good relationships with teachers, other parents and their children's friends.
11. Help their children deal effectively with peer pressure.
12. Inform school officials of changes in the home situation that may affect student conduct or performance.
13. Provide a place for study and ensure homework assignments are completed.
14. Review the section on bullying with their child(ren).

#### B. Teachers

All school teachers are expected to:

1. Maintain a climate of mutual respect and dignity which will strengthen students' self-concept and promote confidence to learn.
2. Be prepared to teach.
3. Demonstrate interest in teaching and concern for student achievement.
4. Know and follow school policies and rules, and enforce them in a fair and consistent manner.
5. Communicate to students and parents, preferably in writing:
  - a. Course objectives and requirements
  - b. Marking/grading procedures
  - c. Assignment deadlines
  - d. Expectations for students
  - e. Classroom discipline plan
6. Communicate proactively with students, parents and other teachers concerning growth, achievement and behavior.
7. Be courteous in speech and actions and refrain from use of profanity.
8. Refrain from use of physical contact or force with school personnel or students.
9. Respect student privacy at all times.

#### C. Student Adjustment Counselor

The school adjustment counselor is expected to:

1. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
2. Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary, as a way to prevent and resolve problems.
3. Provide building wide instruction on conflict resolution, anger management, bullying, diversity and other student programs that encourage civility, safety and impulse control.
4. Encourage students to benefit from the curriculum, extracurricular and community programs.

#### D. Principal

The principal is expected to:

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
2. Ensure that students and staff have the opportunity to communicate regularly with the principal and approach the principal for redress of grievances.
3. Evaluate on a regular basis all instructional programs.
4. Support the development of and student participation in appropriate school and community activities.
5. Be responsible for enforcing the Code of Conduct and ensuring that all cases are resolved promptly

and fairly.

**E. Superintendent**

The superintendent is expected to:

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
2. Review with school administrators the policies of the Richmond Consolidated School and state and federal laws relating to school operations and management.
3. Inform Richmond Consolidated School about educational trends relating to student discipline.
4. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
5. Work with school administrators in enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.

**F. Richmond School Committee**

The Richmond School Committee is expected to:

1. Collaborate with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel to develop a Code of Conduct that clearly defines expectations for the conduct of students, school personnel and visitors on school property and at school functions.
2. Adopt and review at least annually the school's Code of Conduct to evaluate the Code's effectiveness and the fairness and consistency of its implementation.
3. Lead by example by conducting school committee meetings in a professional, respectful, courteous manner.

**IV. Student Dress Code**

All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. Students and their parents have the primary responsibility for acceptable student dress and appearance. Teachers and all other school personnel should exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the school setting. A student's dress shall:

1. Be safe, appropriate and not disrupt or interfere with the educational process.
2. Recognize that brief garments such as gym shorts, tube tops, net tops, halter- tops, bare midriffs, plunging necklines (front and/or back) and see-through garments are not appropriate.
3. Ensure that underwear is completely covered with outer clothing.
4. Include footwear at all times. Footwear that is a safety hazard is not acceptable.
5. Not include items that are vulgar, obscene, and libelous or denigrate others on account of race, color, religion, creed, national origin, gender, sexual orientation or disability.
6. Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities.

The principal or his or her designee shall be responsible for informing all students and their parents of the student dress code at the beginning of the school year and any revisions to the dress code made during the school year. Students who violate the student dress code shall be required to modify their appearance by covering or removing the offending item and, if necessary or practical, replacing it with an acceptable item.

**V. Prohibited Student Conduct**

The Richmond Consolidated School expects all students to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of other students and school personnel, and for the care of school facilities and equipment. The Richmond Consolidated School recognizes the need to make its expectations for student conduct specific and clear. Students who will not accept responsibility for their own behavior may be subject to disciplinary action, up to and including suspension from school, when they:

- A. Engage in conduct that is disorderly. Examples of disorderly conduct include:

1. Running in hallways.
2. Making unreasonable noise.
3. Using language or gestures that are profane, lewd, vulgar or abusive.
4. Engaging in any willful act which disrupts the normal operation of the school community.
5. Computer/electronic communications misuse, including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate websites; or any other violation of the school's acceptable use policy.

B. Engage in conduct that is insubordinate. Examples of insubordinate conduct include:

1. Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect.
2. Lateness for, missing or leaving school without permission.
3. Skipping classes or not staying for detention.
4. Rude or disrespectful behavior.

C. Engage in conduct that is disruptive. Examples of disruptive conduct include:

1. Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect.
2. Interfering with the educational process of children.

D. Engage in conduct that is violent. Examples of violent conduct include:

1. Committing an act of violence, or attempting to do so, (such as hitting, kicking, punching, and scratching) upon another student, teacher, administrator or other school employee.
2. Possessing a weapon.
3. Displaying what appears to be a weapon.
4. Threatening to use any weapon.
5. Intentionally damaging or destroying the personal property of a student, teacher, administrator, other school employee or any person lawfully on school property, including graffiti or arson.
6. Intentionally damaging or destroying school or school property.

E. Engage in bullying:

"Bullying", the repeated use by one or more students or by a member of a school staff including, but not limited to, an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional of a written, verbal or electronic expression or a physical act or gesture or any combination thereof, directed at a victim that: (i) causes physical or emotional harm to the victim or damage to the victim's property; (ii) places the victim in reasonable fear of harm to himself or of damage to his property; (iii) creates a hostile environment at school for the victim; (iv) infringes on the rights of the victim at school; or (v) materially and substantially disrupts the education process or the orderly operation of a school. For the purposes of this section, bullying shall include cyber-bullying.

"Perpetrator", a student or a member of a school staff including, but not limited to, an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional who engages in bullying or retaliation.

Bullying reports may include the name of the 'aggressor' or 'perpetrator' for both school staff and students. A member of a school staff, including, but not limited to, an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional, shall immediately report any instance of bullying or retaliation the staff member has witnessed or become aware of to the principal or to the school official identified in the plan as responsible for receiving such reports or both. Upon receipt of such a report, the school principal or a designee shall promptly conduct an investigation. If the school principal or a designee determines that bullying or retaliation has occurred, the school principal or designee shall (i) notify the local law enforcement agency if the school principal or designee believes that criminal charges may be pursued

against a perpetrator; (ii) take appropriate disciplinary action; (iii) notify the parents or guardians of a perpetrator; (iv) notify the parents or guardians of the victim, and to the extent consistent with state and federal law, notify them of the action taken to prevent any further acts of bullying or retaliation; and (v) inform the parents or guardians of the victim about the department's problem resolution system and the process for seeking assistance or filing a claim through the problem resolution system.

Bullying is prohibited on school grounds and any school-sponsored event or activity, whether on or off campus.

Bullying is prohibited through the use of district computers while on or off campus and the use of personal digital devices either on campus or off-campus in a manner that causes a disruption on school grounds. Retaliation against students or school personnel who reported the incident(s) of bullying is prohibited.

Bullying is any unwelcome written or verbal expressions, physical acts or gestures directed at a student or another member of the school community with the intent to intimidate, harass, frighten, ridicule, humiliate or cause physical or emotional harm to that person. It is repeated, intentional and creates an imbalance of power. Cyber-bullying is bullying by means including electronic mails, cellular phones, instant messages, text messages or websites.

Examples of bullying include:

1. Teasing
2. Exclusion
3. Taunting (verbal or physical intimidation)
4. Cyber-bullying
5. Pushing, kicking, hitting or spitting
6. Non-verbal gestures
7. Taking or damaging another person's personal property

F. Engage in any conduct that endangers the safety, morals, health or welfare of others. Examples of such conduct include:

1. Lying to school personnel.
2. Stealing the property of others.
3. Defamation, which includes making false statements or representations about an individual that harm the reputation of the person(s) by demeaning them.
4. Discrimination, which includes the use of race, color, creed, national origin, religion, gender, sexual orientation or disability as a basis for treating another in a negative manner.
5. Harassment, which includes a sufficiently severe action or a persistent, pervasive pattern of actions or statements directed at an identifiable individual or group which are intended to be or which a reasonable person would perceive as ridiculing or demeaning.
6. Intimidation, which includes engaging in actions or statements, that put a reasonable individual in fear of bodily harm.
7. Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any school sponsored activity, organization, club or team.
8. Selling, using or possessing obscene material.
9. Using vulgar or abusive language, cursing or swearing.
10. Smoking a cigarette, cigar, pipe or using chewing or smokeless tobacco.
11. Possessing, consuming, selling, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either. ("Illegal substances" include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any substances commonly referred to as "designer drugs.")
12. Inappropriately using or sharing prescription and over-the-counter drugs.
13. Gambling.

14. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
15. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.

G. Engage in misconduct while on a school bus.

It is crucial for students to behave appropriately while riding on district buses to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, shoving and fighting will not be tolerated.

1. Stay in seat.
2. Follow driver's structure for seating assignments.
3. Do not eat or litter on the bus.
4. Follow driver's instructions.
5. Use acceptable language.

H. Engage in any form of academic misconduct.

1. Plagiarism.
2. Cheating.
3. Copying.
4. Altering records.
5. Assisting another student in any of the above actions.

I. Anti-Harassment Policy:

- A. It is the policy of the Richmond Consolidated School to promote and maintain a working and educational environment that is free from all forms of harassment. The most productive and satisfying work environment is one in which work and work-related activities are accomplished in a spirit of mutual trust and respect. Harassment is a form of discrimination that is offensive, impairs morale, undermines the integrity of employment relationships and causes serious harm to the productivity, efficiency and stability of our organization. Harassment includes but is not limited to such things as threats, unsolicited re- marks, gestures, physical contact, or the display or circulation of written materials or pictures derogatory to gender, racial, ethnic, religious, age or handicap groups.

All employees have a right to work in an environment free from discrimination and harassing conduct, including sexual harassment. Harassment on the basis of an employee's race, color, creed, religion, sex, national origin, age, marital status, veteran status, sexual preference or disability is expressly prohibited under this policy. Harassment on any basis (race, sex, age, disability, etc.) exists whenever the conduct interferes with an employee's work or creates an intimidating, hostile or offensive work environment.

Sexual harassment violates state and federal law; and, therefore, the policies of the Richmond Consolidated School. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when: (1) submission to such conduct is made either explicitly or implicitly, a term or condition of an individual's employment, or success as a student; (2) submission to or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual, or; (3) such conduct has the purpose or effect of substantially interfering with an individual's work or educational performance or creating an intimidating, hostile or offensive working or educational environment.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct which, if unwelcome, may constitute sexual harassment

depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness:

- Unwelcome sexual advances – whether or not they involve physical touching;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one’s sex life; comment on an individual’s body, comment about an individual’s sexual activity, deficiencies, or prowess, and sexually explicit e-mails or the use of social media to share such references, and
- Displays of sexually suggestive objects, pictures, and cartoons.
- Harassment on the basis of any other protected characteristic is also strictly prohibited. Such harassment can be defined as conduct that shows hostility or aversion toward an individual because of his or her protected characteristic and that has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive work environment.

Each employee at Richmond Consolidated School is personally responsible for:

- Ensuring that his/her conduct does not harass any student or other employee or applicant for employment, or other individual in the workplace or school;
- Cooperating in the investigation of informal reports or formal complaints of alleged harassment by providing any information she/he possesses concerning the matters being investigated; and
- Otherwise cooperating with efforts to prevent and eliminate harassment and to maintain a working and learning environment free from such unlawful discrimination.

#### B. Grievance Officers for all forms of harassment/ Alleged Violations Between School Department Employees

For any alleged harassment violations between School Department employees, the Principal will serve as the Grievance Officer. He or she is vested with the authority and responsibility of processing or referring to an appropriate administrator all harassment complaints in accordance with the procedure outlined under Procedure 2.6A. The Principal may be contacted at the School Administration Offices, telephone 413-698-2207, Superintendent, telephone 413-298-4017.

### **VI. Reporting Violations**

All students are expected to promptly report violations of the Code of Conduct to a teacher, guidance counselor, the building principal or his or her designee. All school staff that is authorized to impose disciplinary sanctions is expected to do so in a prompt, fair and lawful manner.

Any weapon, alcohol or illegal substance found shall be confiscated immediately, if possible, followed by notification to the parent of the student involved and the appropriate disciplinary sanction, if warranted, which may include permanent suspension and referral for prosecution.

The principal or his or her designee must notify the appropriate local law enforcement agency of those Code violations that constitute a crime and substantially affect the order or security of a school as soon as practical. The notification may be made by telephone, followed by a letter. The notification must identify the student and explain the conduct.

School personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the student’s ability to grow in self-discipline. Disciplinary action, when necessary, will be firm, fair and consistent so as to be the most effective in changing student behavior. In determining the appropriate disciplinary action, school personnel will consider the following:

1. The student’s age.
2. The nature of the offense and the circumstances that led to the offense.
3. The student’s prior disciplinary record.
4. The effectiveness of other forms of discipline.

5. Information from parents, teachers and/or others, as appropriate.
6. Other extenuating circumstances.

As a general rule, discipline will be progressive. This means that a student's first violation will usually merit a lighter consequence than subsequent violations. A student identified as having a disability shall not be disciplined for behavior related to his/her disability.

## **VII. Disciplinary Consequences and Procedures**

The Richmond Consolidated School Leadership Team and Special Education Team meet weekly to review discipline data of all students, including special populations and high needs students. The team consists of special education liaison, school adjustment counselor, principal, teachers and para-professionals.

Students who are found to have violated the school's Code of Conduct may be subject to the following consequences, either alone or in combination.

1. Oral warning
2. Written warning
3. Written notification to parent
4. Detention
5. Suspension from transportation
6. Suspension from athletic participation
7. Suspension from social or extracurricular activities
8. Suspension of other privileges
9. In-school suspension
10. Removal from classroom
11. Short-term (five days or less) suspension from school
12. Long-term (more than five days) suspension from school
13. Permanent suspension from school

### **A. Procedures**

The school personnel who imposes a consequence must inform the student of the alleged misconduct and must investigate, to the extent necessary, the facts surrounding the alleged misconduct. All students will have an opportunity to present their version of the facts to the school personnel imposing the disciplinary consequence. The student and the student's parent will be provided with a reasonable opportunity for an informal conference with the building principal, the principal's designee or teacher to discuss the conduct and the consequence involved.

1. Detention will be imposed as a consequence only after the student's parent has been notified, preferably by phone, to confirm that there is no parental objection to the detention and the student has appropriate transportation home.
2. If a student does not conduct himself/herself properly on a bus, the bus driver is expected to bring such misconduct to the building principal's attention through a bus referral. Students who become a serious disciplinary problem may have their riding privileges suspended by the building principal or the superintendent.
3. Building principal and the superintendent are authorized to place students in "in-school suspension." The in-school suspension supervisor will be a teacher or para-professional.
4. Suspension from school is a severe penalty, which may be imposed upon students who are insubordinate, disorderly, violent or disruptive, or whose conduct otherwise endangers the safety, morals, health or welfare of others. Richmond Consolidated School retains its authority to suspend students, but places primary responsibility for the suspension of students with the principal.

- When the superintendent or principal (referred to as the "suspending authority") determines that a suspension for

five days or less is warranted, they will immediately notify the student orally. The suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student's parents in writing that the student may be suspended from school. Where possible, notice should also be provided by telephone.

- When the superintendent or building principal determines that a suspension for more than five days may be warranted, reasonable notice will be provided to the student and the student's parents of their right to a fair hearing. The superintendent shall personally hear and determine the procedure. A record of the hearing shall be maintained.

An appeal of the superintendent's decision may be made to the Richmond School Committee that will make its decision based solely upon the record before it. All appeals to the Richmond School Committee must be in writing and submitted to the school secretary within 10 business days of the date of the superintendent's decision. Richmond School Committee may adopt in whole or in part the decision of the superintendent. Final decisions of the Richmond School Committee may be appealed to the Commissioner of Education within 30 days of the decision.

#### B. Minimum Periods of Suspension

Emergency Removal: Section 37H  $\frac{3}{4}$  Section 53.07

1. Nothing in these regulations shall prevent a principal from removing a student from school temporarily when a student is charged with a disciplinary offense and the continued presence of the student poses a danger to persons or property, or materially disrupts the order of the school. The temporary removal shall not exceed five (5) school days, which shall include the day of the emergency removal, during which time the principal shall:

- a. Make immediate and reasonable efforts to orally notify the student and the student's parent of the emergency removal, the reason for the need for emergency removal, and the other matters set forth in 603 CMR 53.06(2);
- b. Provide written notice to the student and parent as provided in 603 CMR 53.06(2);
- c. Provide the student an opportunity for a hearing with the principal that complies with 603 CMR 53.08(3) and provide the parent an opportunity to attend the hearing, before the expiration of the five (5) school days, unless an extension of time is otherwise agreed to by the principal, student, and parent.

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

NOTE: The federal Gun-free Schools Act of 1994 (20 USC §8921) requires all states that receive funds under the Elementary and Secondary Education Act of 1965 to have a law that requires schools to suspend students who bring weapons to school for a minimum of one calendar year. Section 3214(3)(d) of the Education Law has been amended to comply with the federal law. The federal law defines "weapon" somewhat narrowly. (See 18 USC §914.)

Any student found guilty of bringing a weapon onto school property will be subject to suspension from school for at least one calendar year. Before being suspended, the student will have an opportunity for a hearing. The superintendent has the authority to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the following:

1. The student's age.
2. The student's grade in school.
3. The student's prior disciplinary record.
4. The superintendent's belief that other forms of discipline may be more effective.
5. Input from parents, teachers and/or others.
6. Other extenuating circumstances.

A student with a disability may be suspended only in accordance with the requirements of state and federal law. The SAVE legislation requires that a violent student be subject to a minimum period of suspension under the school's Code of Conduct (§3214(b)(2) and §2801(2)(m)). Schools are free to choose any minimum period so long as it is reasonable. The sample Code adopts a five-day minimum period to avoid the more detailed procedures that must accompany a suspension of more than five days.

## **VIII. Due Process for Suspensions**

### School-Wide Education Service Plan for students on Short or Long term suspension

#### A. Notice of Proposed Suspension, School-Wide Education Service Plan Notice to Parents

Except in the case of an emergency removal or disciplinary offense defined under M.G.L. c. 71, §§37H or 37H½ or an in-school suspension as defined by 603 CMR 53.02(6), the school shall provide the student and parent/guardian with written and oral notice of the proposed out-of-school suspension, an opportunity to be heard at hearing, and the opportunity to participate at the hearing. Notice shall set forth in plain language:

1. the disciplinary offense;
2. the basis for the charge;
3. the potential consequences, including the potential length of the student's suspension;
4. 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;
5. the date, time, and location of the hearing;
6. the right of the student and student's parent/guardian to interpreter services at the hearing if needed to participate;

Principal Hearing. The purpose of the hearing with the principal is to hear and consider information regarding the alleged incident for which the student may be suspended, provide the student an opportunity to dispute the charges and explain the circumstances surrounding the alleged incident, determine if the student has committed the disciplinary offense, the basis for the charge, and any other pertinent information. The student shall have an opportunity to present information, including mitigating facts. A parent/guardian present at the hearing shall have the opportunity to discuss the student's conduct and offer information, including mitigating circumstances. The principal shall make reasonable efforts to notify the parent/guardian orally of the opportunity to attend the hearing. In order to conduct a hearing without the parent/guardian present, the principal must be able to document reasonable efforts to include the parent/guardian. Reasonable effort is presumed if the principal sent written notice and documented at least two attempts to contact the parent/guardian in the manner specified by the parent/guardian for emergency situations.

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

1) Any student who is serving an in-school suspension, short-term suspension, long-term-suspension, or expulsion shall have the opportunity to earn credits, as applicable, make up assignments, tests, papers, and other school work as needed to make academic progress during the period of his or her removal from the classroom or school. The principal shall inform the student and parent of this opportunity in writing when such suspension or expulsion is imposed. Opportunities to earn credits are 1-1 tutoring of content covered during the missed time, work sent home to complete during suspension, after school drop in, and assigned virtual projects or portfolios.

(2) Any student who is expelled or suspended from school for more than ten consecutive days, whether in school or out of school, shall have an opportunity to receive education services and to make academic progress toward meeting state and local requirements, through the school-wide education service plan. Opportunities to receive education services are 1-1 tutoring of content covered during the missed time, work sent home to complete during suspension, after school drop in, and assigned virtual projects or portfolios.

Please contact Jill Pompei, Principal 413-698-2207 if you would like more detailed information.

(a) The principal shall notify the parent and student of the opportunity to receive education services at the time the student is expelled or placed on long-term suspension. Notice shall be provided in English and in the primary language spoken in the student's home if other than English, or other means of communication where appropriate. The notice shall include a list of the specific education services that are available to the student and contact information for a school district staff member who can provide more detailed information.

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

**B. Short-Term Suspensions: School Wide Education Service Plan Notice to Parents, Hearing, Principal Determination**

Except in the case of an emergency removal or disciplinary offense defined under M.G.L. c. 71, §§37H or 37H½ or an in-school suspension as defined by 603 CMR 53.02(6), the school shall provide the student and parent/guardian with written and oral notice of the proposed out-of-school suspension, an opportunity to be heard at hearing, and the opportunity to participate at the hearing. Notice shall set forth in plain language:

1. the disciplinary offense;
2. the basis for the charge;
3. the potential consequences, including the potential length of the student's suspension;
4. 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;
5. the date, time, and location of the hearing;
6. the right of the student and student's parent/guardian to interpreter services at the hearing if needed to participate;

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

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

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

(1) Any student who is serving an in-school suspension, short-term suspension, long-term-suspension, or expulsion shall have the opportunity to earn credits, as applicable, make up assignments, tests, papers, and other school work as needed to make academic progress during the period of his or her removal from the classroom or school. The principal shall inform the student and parent of this opportunity in writing when such suspension or expulsion is imposed. Opportunities to earn credits are 1-1 tutoring of content covered during the missed time, work sent home to complete during suspension, after school drop in, and assigned virtual projects or portfolios.

(2) Any student who is expelled or suspended from school for more than ten consecutive days, whether in school or out of school, shall have an opportunity to receive education services and to make academic progress toward meeting state and local requirements, through the school-wide education service plan. Opportunities to receive education services are 1-1 tutoring of content covered during the missed time, work sent home to complete during suspension, after school drop in, and assigned virtual projects or portfolios.

Please contact the Principal 413-698-2207 if you would like more detailed information.

(a) The principal shall notify the parent and student of the opportunity to receive education services at the time the student is expelled or placed on long-term suspension. Notice shall be provided in English and in the primary language spoken in the student's home if other than English, or other means of communication where appropriate. The notice shall include a list of the specific education services that are available to the student and contact information for a school district staff member who can provide more detailed information.

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

Based on the available information, including mitigating circumstances, the principal will make a determination whether the student committed the disciplinary offense, and if so, the consequence. The principal will provide notification in writing of his/her determination in the form of an update to the student and parent/guardian, and provide reasons for the determination. If the student is suspended, the principal shall inform the parent/guardian of the type and duration of the suspension, and shall provide an opportunity for the student to make up assignments and other school work as needed to make academic progress during the period of removal.

If the student is in grades pre-k through 3, the principal shall send his/her determination to the superintendent and explain the reasons prior to imposing an out-of-school suspension, before the short-term suspension takes effect. All written communications regarding the hearing and principal determination shall be either hand delivery or delivered by first-class mail, certified mail, or email to the address provided by the parent/guardian for school communications (or other method agreed to by the principal and parent/guardian) in English, and in the primary language in the home if other than English, or other means of communication where appropriate.

C. Long-Term Suspensions: School-Wide Education Service Plan Notice to Parents, Hearing and Principal Determination

Except in the case of an emergency removal or disciplinary offense defined under M.G.L. c. 71, §§37H or 37H½ or an in-school suspension as defined by 603 CMR 53.02(6), the school shall provide the student and parent/guardian with written and oral notice of the proposed out-of-school suspension, an opportunity to be heard at hearing, and the opportunity to participate at the hearing. Notice shall set forth in plain language:

1. the disciplinary offense;
2. the basis for the charge;
3. the potential consequences, including the potential length of the student's suspension;
4. 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;
5. the date, time, and location of the hearing;
6. the right of the student and student's parent/guardian to interpreter services at the hearing if needed to participate

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

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

A long-term suspension is the removal of a student from the school premises and regular classroom activities for more than ten (10) consecutive school days, or for more than ten (10) school days cumulatively for multiple disciplinary offenses in any school year. The purpose of the hearing with the principal is to hear and consider information regarding the alleged incident for which the student may be suspended, provide the student an opportunity to dispute the charges and explain the circumstances surrounding the alleged incident, determine if the student has committed the disciplinary offense, the basis for the charge, and any other pertinent information. The student shall have an opportunity to present information, including mitigating facts, that the principal will consider in determining whether alternatives to suspension such as loss of privileges, detention, an apology, a student contract, restitution, and/or probation are appropriate.

1) Any student who is serving an in-school suspension, short-term suspension, long-term-suspension, or expulsion shall have the opportunity to earn credits, as applicable, make up assignments, tests, papers, and other school work as needed to make academic progress during the period of his or her removal from the classroom or school. The principal shall inform the student and parent of this opportunity in writing when such suspension or expulsion is imposed. Opportunities to earn credits are 1-1 tutoring of content covered during the missed time, work sent home to complete during suspension, after school drop in, and assigned virtual projects or portfolios.

(2) Any student who is expelled or suspended from school for more than ten consecutive days, whether in school or out of school, shall have an opportunity to receive education services and to make academic progress toward meeting state and local requirements, through the school-wide education service plan. Opportunities to receive education services are 1-1 tutoring of content covered during the missed time, work sent home to complete during suspension, after school drop in, and assigned virtual projects or portfolios.

Please contact Jill Pompei, Principal 413-698-2207 if you would like more detailed information.

(a) The principal shall notify the parent and student of the opportunity to receive education services at the time the student is expelled or placed on long-term suspension. Notice shall be provided in English and in the primary language spoken in the student's home if other than English, or other means of communication where appropriate. The notice shall include a list of the specific education services that are available to the student and contact information for a school district staff member who can provide more detailed information.

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

Additionally, the student shall have the following additional rights:

In advance of the hearing, the opportunity to review the student's record and the documents upon which the principal may rely in making a determination to suspend the student or not;

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

Based on the evidence submitted at the hearing the principal shall make a determination as to whether the student committed the disciplinary offense, and, if so, after considering mitigating circumstances and alternatives to suspension (the use of evidence-based strategies and programs, such as mediation, conflict resolution, restorative justice, and positive interventions and supports) what remedy or consequence will be imposed. If the principal decides to impose a long-term suspension, the written determination shall:

Identify the disciplinary offense, the date on which the hearing took place, and the participants at the hearing;

Set out key facts and conclusions reached by the principal;

1. Identify the length and effective date of the suspension, as well as a date of return to school;
2. Include notice of the student's opportunity to receive a specific list of education services to make academic progress during removal, and the contact information of a school member who can provided more detailed information.
3. Inform the student of the right to appeal the principal's decision to the superintendent or his/her designee (only if a long-term suspension has been imposed) within five (5) calendar days, which may be extended by parent/guardian request in writing an additional seven (7) calendar days.

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

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

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

D. Appeal of Long-Term Suspension

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

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

E. Emergency Removal

A student may be temporarily removed prior to notice and hearing when a student is charged with a disciplinary offense and the continued presence of the student poses a danger to persons or property, or materially and substantially disrupts the order of the school and, in the principal's judgment, there is no alternative available to alleviate the danger or disruption. The temporary removal shall not exceed two (2) school days, following the day of the emergency removal.

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

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

F. In-School Suspension Under 603 CMR 53:02(6) & CMR 53.10

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

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

1. The principal shall inform the student of the disciplinary offense charged and the basis for the charge, and provide the student an opportunity to dispute the charges and explain the circumstances surrounding the alleged incident. If the principal determines that the student committed the disciplinary offense, the principal shall inform the student of the length of the student's in-school suspension, which shall not exceed ten (10) days, cumulatively or consecutively, in a school year.
2. On the same day as the in-school suspension decision, the principal shall make reasonable efforts to notify the parent orally of the disciplinary offense, the reasons for concluding that the student committed the infraction, and the length of the in-school suspension. The principal shall also invite the parent to a meeting to discuss the student's academic performance and behavior, strategies for student engagement, and possible responses to the behavior. Such meeting shall be scheduled on the day of the suspension if possible, and if not, as soon thereafter as possible. If the principal is unable to reach the parent after making

and documenting at least two (2) attempts to do so, such attempts shall constitute reasonable efforts for purposes of orally informing the parent of the in-school suspension.

3. The principal shall send written notice to the student and parent about the in-school suspension, including the reason and the length of the in-school suspension, and inviting the parent to a meeting with the principal for the purpose set forth above, if such meeting has not already occurred. The principal shall deliver such notice on the day of the suspension by hand-delivery, certified mail, first-class mail, email to an address provided by the parent for school communications, or by other method of delivery agreed to by the principal and the parent.

G. Suspension or Expulsion for Disciplinary Offenses Under M.G.L. 71 §§37H and 37H½

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

1. Possession of a dangerous weapon, possession of a controlled substance, or assault of staff

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

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

2. Felony complaint or issuance of felony delinquency complaint

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

The Principal shall notify the student in writing of the charges, the reasons for the suspension (prior to such suspension taking effect), and the right to appeal. The Principal will also provide the student and parent(s)/guardian(s) the process for appealing the suspension to the Superintendent. The request for appeal must be made in writing within five (5) calendar days. The hearing shall be held within three (3) days of the request. The suspension shall remain in effect prior to any appeal hearing before the Superintendent. At the hearing, the student shall have the right to present oral and written testimony, and the right to counsel. The Superintendent has the authority to overturn or alter the decision of the Principal. The Superintendent shall render a decision on the appeal within five (5) calendar days of the hearing.

3. Felony conviction or adjudication/admission in court of guilt for a felony or felony delinquency

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

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

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

Any student expelled from school for such an offense shall be afforded an opportunity to receive educational services and make academic progress.

## **IX. Alternative Instruction**

Students removed from class due to a suspension must be provided with alternative instruction, school wide education plan.

### **A. Educational Services and Academic Progress During Suspensions and Expulsion**

Students removed from class due to a suspension must be provided with alternative instruction

(1) Any student who is serving an in-school suspension, short-term suspension, long-term-suspension, or expulsion shall have the opportunity to earn credits, as applicable, make up assignments, tests, papers, and other school work as needed to make academic progress during the period of his or her removal from the classroom or school. The principal shall inform the student and parent of this opportunity in writing when such suspension or expulsion is imposed. Opportunities to earn credits are 1-1 tutoring of content covered during the missed time, work sent home to complete during suspension, after school drop in, and assigned virtual projects or portfolios.

(2) Any student who is expelled or suspended from school for more than ten consecutive days, whether in school or out of school, shall have an opportunity to receive education services and to make academic progress toward meeting state and local requirements, through the school-wide education service plan. Opportunities to receive education services are 1-1 tutoring of content covered during the missed time, work sent home to complete during suspension, after school drop in, and assigned virtual projects or portfolios.

Please contact the Principal 413-698-2207 if you would like more detailed information.

(a) The principal shall notify the parent and student of the opportunity to receive education services at the time the student is expelled or placed on long-term suspension. Notice shall be provided in English and in the primary language spoken in the student's home if other than English, or other means of communication where appropriate. The notice shall include a list of the specific education services that are available to the student and contact information for a school district staff member who can provide more detailed information.

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

## **X. Discipline of Students with Disabilities**

While students with disabilities are disciplined by the same criteria applied to all students in the Richmond School, students who have been identified as having special needs based on a disability may have procedural protections in addition to those provided other students in accordance with the Individuals with Disabilities Education Act (IDEA). In general, students may be excluded from their programs, just as any other student can be, for up to ten school days per year. However, when a student is excluded from his/her program for more than ten school days in the school year, school staff may be required to provide alternative educational services for the student. In addition, in many instances, the student's IEP Team must convene to determine whether the student's behavior was caused by or had a direct and substantial relationship to his/her disability (a "manifestation determination"). If the Team determines the behavior was not caused by the disability, the school may discipline the student according to the school's code of student conduct except that the district must continue to provide the student with educational services during the period of suspension or expulsion. However, if the Team determines that the behavior was caused by the disability, the student may not be excluded from the current educational placement (except in the case of weapons, drugs, or

serious bodily injury) until the Team develops, and the parent/ guardian consents, to a new Individualized Education Program. The Team must also conduct a functional behavioral assessment and develop or revise a behavioral plan for the student. In the event a student possesses, uses, sells or solicits a controlled substance or possesses a weapon, or seriously injures an individual at school or a school function, the school may place a student in an interim alternative education setting for up to 45 days. Hearing officers may also order the placement of a student in an appropriate interim setting for up to 45 days upon determination that the current placement is substantially likely to result in injury to the student or to others. When a parent/guardian disagrees with the Team's decision on the "manifestation determination" or with a decision regarding placement, the parent/guardian has a right to request an expedited due process hearing from the Bureau of Special Education Appeals. Similar procedures apply to students with accommodation plans under Section 504 of the Rehabilitation Act of 1973 and students who are in the process of evaluation under special education for whom eligibility has not yet been determined. If the school district has no knowledge that a student is an eligible student under the IDEA before taking disciplinary measures against the student, the student may be disciplined just as any other student may be. If, however, a request is made for an evaluation to determine eligibility while the student is subject to disciplinary measures, the district must conduct the evaluation in an expedited manner. Pending the results of the evaluation, the student must remain in the educational placement determined by school authorities, which may include suspension or expulsion without services. If the student is determined eligible 21 for an IEP as a result of the evaluation, the school district must provide the student with special education and related services in accordance with the IDEA.

In accordance with Richmond Policy JKA, Section 1415 of the individuals with Disabilities Education Act (IDEA) sets forth the following procedures with respect to the suspension of students with special needs and protections for those children not yet eligible for special education and related services: School personnel may order a change in placement of a child with a disability to an appropriate interim alternative setting, another setting, or suspension, for not more than ten (10) school days (to the extent such alternatives would be applied to children without disabilities). 34 if a child with disabilities carries a weapon to school or to a school function, knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function, school personnel may order a change in placement to an appropriate interim alternative educational setting for the same amount of time that a child without a disability would be subject to discipline, but not for more than forty-five 45 days. When a child with a disability or suspected disability has been suspended or placed in an alternative setting for ten (10) days (cumulative), the Individual Education Plan team will be convened to conduct a Functional Behavioral Assessment, including a Manifestation Determination, and will develop a Behavioral Intervention Plan that will be accepted by the IEP team. If the child has an existing Behavioral Intervention Plan, the IEP team will review the plan and modify if necessary. If an alternative educational setting is warranted, the placement will be determined by the IEP team. The placement will be selected so as to enable the child to continue to participate in the general curriculum in another setting and will ensure the provision of those services and modifications described in a child's IEP that will enable the child to meet the goals set forth in the IEP.

All students are expected to meet the requirements for behaviors as set forth in this handbook. Chapter 71B of the Massachusetts General Laws, known as 603 CMR 28.00 and the Individuals with Disabilities Education Act (IDEA) 20 U.S.C. Section 1400 and 34 CFR Section 300, require that additional provisions be made for students who have been found by an evaluation team to have a disability and whose program is described in an Individualized Educational Program (I.E.P.) or a 504 Accommodation Plan. The following additional requirements apply to the disciplining of students with special needs and students with 504 Accommodation Plans:

1. Any modifications of the discipline code will be identified in the student's IEP or 504 Accommodations Plan.
2. The Principal (or designee) will notify the Special Education Director of the suspendable offense of 45 a student with a disability and a record will be kept of such notices.
3. When it is known that the suspension(s) of a student with a disability will accumulate beyond 10 days in a school year, a review of the IEP/Accommodation Plan will be held to determine the appropriateness of the student's placement or program. The team will make a finding as to the relationship between the student's misconduct and:
  - Develop or review a functional behavior assessment

- Determine if the misconduct is a manifestation of the disability
- Consider a modified program or alternate placement for the student
- Consider an amendment to provide for the delivery of services during the suspension and any needed modification of the IEP/504 Accommodation Plan.

In addition, the Department of Education will be notified when required by law, and the procedures promulgated by the Department of Education for requesting the approval of the alternative plan will be followed.

Parents will be notified with written notice of their rights under special education regulations.

A. Procedural requirements applied to students not yet determined to be eligible for special education

1. If, prior to the disciplinary action, a district had knowledge that the student may be a student with a disability, then the district makes all protections available to the student until and unless the student is subsequently determined not to be eligible. The district may be considered to have prior knowledge if:
  - a. The parent had expressed concern in writing; or
  - b. The parent had requested an evaluation; or
  - c. District staff had expressed directly to the special education director or other supervisory personnel specific concerns about a pattern of behavior demonstrated by the student.
2. The district may not be considered to have had prior knowledge if the parent has not consented to evaluation of the student or has refused special education services, or if an evaluation of the student has resulted in a determination of ineligibility.
3. If the district had no reason to consider the student disabled, and the parent requests an evaluation subsequent to the disciplinary action, the district must have procedures consistent with federal requirements to conduct an expedited evaluation to determine eligibility.
4. If the student is found eligible, then he/she receives all procedural protections subsequent to the finding of eligibility.

**State Requirements:** This criterion is related to State Performance Plan Indicator 4. (See <http://www.doe.mass.edu/sped/spp/>.)

Federal Requirements (IDEA-97)

34 CFR 300.534

Richmond Consolidated School recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior. Richmond Consolidated School also recognizes that students with disabilities enjoy certain procedural protections whenever school authorities intend to impose discipline upon them. Richmond Consolidated School is committed to ensuring that the procedures followed for suspending, removing or otherwise disciplining students with disabilities are consistent with the procedural safeguards required by applicable laws and regulations. This Code of Conduct affords students with disabilities subject to disciplinary action no greater or lesser rights than those expressly afforded by applicable federal and state law and regulations.

The Special Education Director will be notified when it is necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior.

## **XI. Corporal Punishment**

Corporal punishment is any act of physical force upon a student for the purpose of punishing that student. Corporal punishment of any student by any school employee is strictly forbidden. However, in situations where alternative procedures and methods that do not involve the use of physical force cannot reasonably be used, reasonable physical force may be used to:

1. Protect oneself, another student, teacher or any person from physical injury.
2. Restrain or remove a student whose behavior interferes with the orderly exercise and performance of school district functions, powers and duties, if that student has refused to refrain from further disruptive acts.

The school will file all complaints about the use of corporal punishment with the Commissioner of Education in accordance with the Commissioner's regulations.

## **XII. Student Searches and Interrogations**

The Richmond Consolidated School is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of environment, any school official authorized to impose a disciplinary penalty on a student may question a student about an alleged violation or law or the school Code of Conduct. Students are not entitled to any sort of "Miranda"-type warning before being questioned by school officials, nor are school officials required to contact a student's parent before questioning the student. However, school officials will tell all students why they are being questioned.

In addition, Richmond Consolidated School authorizes the superintendent, building principal, and the school nurse to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the school Code of Conduct.

An authorized school official may conduct a search of a student's belongings that is minimally intrusive, such as touching the outside of a book bag, without reasonable suspicion, so long as the school official has a legitimate reason for the very limited search.

## **XIII. Student Lockers, Desks and Other School Storage Places**

Students have no reasonable expectation of privacy with respect to student lockers, desks and other school storage places. School officials retain complete control over them. This means that student lockers, desks and other school storage places may be subject to search at any time by school officials, without prior notice to students and without their consent.

### **A. Police Involvement in Searches and Interrogations of Students**

School officials are committed to cooperating with the police officials and other law enforcement authorities to maintain a safe school environment. Police officials, however, have limited authority to interview or search students in schools or at school functions, or to use school facilities in connection with police work. Police officials may enter school property or a school function to question or search a student or to conduct a formal investigation involving students only if they have:

1. A search or an arrest warrant; or
2. Probable cause to believe a crime has been committed on school property or at a school function; or
3. Been invited by school officials.

Before police officials are permitted to question or search any student, the building principal or his or her designee shall first try to notify the student's parents to give the parent the opportunity to be present during the police questioning or search. If the student's parent cannot be contacted prior to the police questioning or search, the questioning or search shall not be conducted. The principal or designee will also be present during any police questioning or search of a student on school property or at a school function. Students who are questioned by police officials on school property or at a school function will be afforded the same rights they have outside the school.

This means:

1. They must be informed of their legal rights.
2. They may remain silent if they so desire.
3. They may request the presence of an attorney.

### **B. Child Protective Services Investigations**

Consistent with the school's commitment to keep students safe from harm and the obligation of school officials to report to child protective services when they have reasonable cause to suspect that a student has been abused or maltreated, the school will cooperate with local child protective services workers who wish to conduct interviews of students on school property relating to allegations of suspected child abuse, and/or neglect, or custody investigations.

All requests by child protective services to interview a student on school property shall be made directly to the building principal or his or her designee.

#### **XIV. Visitors to the School**

Richmond Consolidated School encourages parents and other school citizens to visit the classrooms to observe the work of students, teachers and other staff. Since schools are a place of work and learning, however, certain limits must be set for such visits. The building principal is responsible for all persons in the building and on the grounds. For these reasons, the following guidelines should be followed:

1. Parental/Guardian requests for classroom visitations will be welcomed as long as the educational process is not disrupted. To this end we ask that such requests be made at least forty-eight hours in advance to allow for proper arrangements to be made.
2. The building Principal has the authority to determine the number, times, and dates of observations by the visitors. This will be done in consultation with staff members so as to give adequate notice to the staff members of the impending visits.
3. For security purposes it is required that all visitors report to the Principal's office upon entering and leaving the building, sign a guest log showing arrival and departure times, and receive a visitor's badge that must be worn at all times within the school. Teachers are encouraged to ask visitors if they have registered in the Principal's office.
4. Under ordinary circumstances classroom observations will be strongly discouraged during the first three weeks of school in September and during the month of June.
5. Any student who wishes to have a guest in school will ask permission of one of the administrative staff (i.e. Superintendent, Principal) 24 HOURS in advance of the proposed visit. If permission is granted, the guest is expected to follow the standards of behavior expected of all students. Upon arrival the guest must register in the office. Any guest who fails to comply with student regulations will be asked to leave the school building and grounds immediately.
6. Any unauthorized person on school property will be reported to the Principal. Unauthorized persons will be asked to leave. The police may be called if the situation warrants. If someone is behaving inappropriately, the Principal has the right to ask him or her to leave.

#### **XV. Public Conduct on School Property**

The school is committed to providing an orderly, respectful environment that is conducive to learning. To create and maintain this kind of environment, it is necessary to regulate public conduct on school property and at school functions. For purposes of this section of the Code, "public" shall mean all persons when on school property or attending a school function including students, teachers and school personnel. The restrictions on public conduct are not intended to limit freedom of speech or peaceful assembly. All persons on school property or attending a school function shall conduct themselves in a respectful and orderly manner.

#### **XVI. Electronic Communication Policy**

The School Committee recognizes that parents/guardians may wish to be in close contact with their children during the school day, and therefore, students may be provided with an electronic signaling device such as a cell phone. Through the use of cell phones, families can communicate better and students and staff can feel a greater sense of security while at school.

The following procedures are in place:

1. Students are permitted to be in possession of electronic signaling devices while attending school and school sponsored activities.
2. Students shall have the electronic signaling devices turned off at all times including recess and lunch. The only time that students may have the devices turned on or used is before school and after school. This policy also pertains to text-messaging and listening to music. Signaling devices should be kept in a locked locker or backpack. They should not be visible.
3. Should a student be found with an electronic signaling device, the device shall be confiscated and given to

an administrator. The student may pick up the device at the end of the day in the principal's office. A second infraction shall result in the signaling device being confiscated and the parent/guardian will be required to meet with the principal in order to retrieve the device. A third infraction shall result in the student being denied consent to have a signaling device in school until the end of the semester.

If a student needs to use a telephone, he/she is advised to come to the office and ask permission to use the school phone. The school will NOT investigate stolen or lost electronic devices as this would be too time consuming. Their security is the sole responsibility of the student. The school accepts no responsibility for students who lose or have their devices stolen while traveling to and from school, or on field trips.

Electronic signaling devices may be used on field trips with the permission of the chaperones. Phones will not be allowed in the students' rooms overnight.

Mobile phones with cameras and screens create a new set of privacy issues for the school as images of people can be taken without their knowledge, images can be saved and then sent to other people, and it is possible to send these images to the Internet. This creates the potential for gross invasion of privacy in areas around the school such as rest rooms and on field trips.

In cases where there are gross invasions of privacy or where student images are used without permission (i.e., sent to another person or posted on the Internet) there will be serious consequences. In some cases, students could be suspended from school and in extreme circumstances they could be expelled from school.

Cell phones are not permitted during school hours. They may be stored in backpacks or lockers. Students found using a cell phone will have the phone taken from them and stored in the school safe. They may pick it up at the end of the day. For a second offense, a parent must meet with the principal and pick it up during school hours. If a third offense occurs the phone will not be allowed in school at any time, including before and after school functions. Staff may carry cell phones, but must have them turned off during teaching time. They may use them during preps, breaks and recess. If there is a family emergency and phones need to be on at all times, they must notify the principal in advance. Staff can be reached via the school phone at all times.

Electronic listening devices include but are not limited to cell phones, IPODs, pagers and hand held game devices.

## **XVII. Attendance and After School Functions**

Students who do not attend school during the day may not attend any school function that evening.

## **XVIII. Disruptive Student/Adult Policy**

The Principal has the right to ask that a student be removed or an adult to leave the school property if the Principal feels that person is a significant disruption to the educational environment. If necessary, the police will be called.

## **XIX. Dissemination and Review**

### **A. Dissemination of Code of Conduct**

Richmond Consolidated School will work to ensure that the community is aware of the Code of Conduct by providing a copy to each family, as part of the family/student handbook.

1. Providing copies of a summary of the Code to all students in Grades K – 8 at the beginning of each school year in the first day folder. Homeroom teachers will review with students.
2. Providing all current teachers and other staff members with a copy of the Code for their binders and a copy of any amendments to the Code as soon as practicable after adoption.
3. Providing all new employees with a copy of the current Code of Conduct when they are hired.
4. The Richmond Consolidated School will review this Code of Conduct and update it as necessary. In conducting the review, Richmond Consolidated School will consider how effective the Code's provisions have been and whether the Code has been applied fairly and consistently.

## **XX. Definitions**

For purposes of this Code, the following definitions apply:

“Disruptive student” means an elementary or secondary student under the age of 21 who is substantially disruptive of the educational process or substantially interferes with the teacher’s authority over the classroom.

“Parent” means parent, guardian or person in parental relation to a student.

“School property” means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school, or in or on a school bus.

“School function” means any school-sponsored extra-curricular event or activity.

“Violent student” means a student under the age of 21 who:

1. Commits an act of violence upon a school employee, or attempts to do so.
2. Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function, or attempts to do so.
3. Possesses, while on school property or at a school function, a weapon.
4. Displays, while on school property or at a school function, what appears to be a weapon.
5. Threatens, while on school property or at a school function, to use a weapon.
6. Knowingly and intentionally damages or destroys the personal property of
7. any school employee or any person lawfully on school property or at a school function.
8. Knowingly and intentionally damages or destroys school property.

“Weapon” means a firearm as defined in 18 USC §921 for purposes of the Gun-Free Schools Act. It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutter, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death.

## **XXI. Behavior Consequences**

Consequences:

- A. Verbal Warning
- B. Referral to School Adjustment Counselor
- C. Parent Contact
- D. Modified Recess
- E. Modified Bus Seating
- F. Lunch Detention
- G. After School Detention Behavioral Plan Instituted
- H. In School Suspension
- I. Out of School Suspension
- J. Out of School Suspension 10 days-hearing scheduled with Superintendent
- K. Bus suspension

\*Referral process: A sample referral is included in this handbook. .

\*A major referral is directed to the principal. Minor referrals are written up and dealt with by the staff member who referred the student. 3 minor referrals equal a major referral.

\*Students who receive Detention, In School Suspension or Out of School Suspension will work on a project during the time served that has to do with the offense. The principal will assign the project.