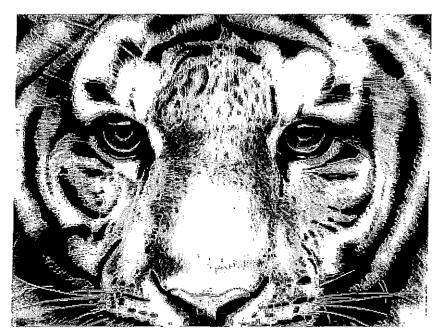
Michael E. Smith Middle School



Student Handbook 2021-2022

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

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

GENERAL INFORMATION

Letter From the Principal

Dear Students, Parents, Guardians, and Caregivers,

On behalf of the faculty and staff, I would like to welcome the Classes of 2025, 2026, 2027, and 2028 to Michael E. Smith Middle School! We look forward to continued support from our students, parents, guardians, caregivers, and the community for the 2021-2022 school year.

We will work together to create an inclusive environment in which we incorporate our Core Values of Resilience, Respect and Responsibility. We expect our students to set appropriate goals for themselves as we implement a curriculum infused with 21st Century Learning Skills which involves problem solving, creative thinking, collaboration, writing, and speaking. We will continually encourage our students to work hard to achieve their goals and expectations. We will foster an environment in which struggle provides an opportunity to learn and grow, rather than being seen as a negative.

Our focus is to make MESMS a safe learning environment that promotes academics, community, and social growth and independence. We will use our Tiger attributes to build community and foster a positive and healthy climate in school. We want to create positive memories here at MESMS, uphold current traditions, look to instill new traditions and make our MESMS community one to be proud of.

The Michael E. Smith Middle School Student Handbook contains information and answers to many of the questions you may have. It identifies people who can help you, and explains rules, regulations and daily procedures. We hope that you will find it helpful, and that it will encourage you to model the appropriate behavior expected of all of us.

We are here to help you, motivate you, and support you. We look forward to getting to know you academically and personally. In closing, I welcome you to our school and extend the invitation to become part of our community.

Sincerely,

David F. Gallagher Interim Principal

WE ARE TIGERS!

Tigers are relentless!

Towards achievement, standing up for fellow students, and making the right choice.

Tigers are distinctive! In our attitudes, actions, expectations, understanding, and empathy.

Tigers protect their habitat!
Create an environment where all feel safe and comfortable.

Tigers need help!

Seek out teachers, counselors, nurses, paraprofessionals, secretaries, custodians, and administrators for help.

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

INTRODUCTION

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

ATTENDANCE

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

7:32 AM Adult supervision will be present on school grounds; students should report to approved areas

PLEASE DO NOT ARRIVE BEFORE 7:32 AM

7:40 AM Students enter the building

7:47 AM Daily attendance is taken in homeroom

STUDENTS ARE TARDY IF THEY ARRIVE AFTER 7:47 AM

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

TARDINESS/ABSENCES

Student attendance in class is essential for academic success. This means that students need to be in attendance at the start of the school day and for the course of the entire school day. When a student is needlessly absent or tardy, it negatively impacts their education, as well as that of their peers. All students and families are strongly, encouraged to take vacation during the scheduled school vacations and discouraged from taking vacation while school is in session.

In order to minimize student absences, several levels of intervention have been put into place. The interventions are for situations where the reason for the absences have not been provided to the school and are broken into two categories: tardiness and absenteeism (Massachusetts General Law Chapter 76, Section 2). In accordance with M.G.L. 76 §2 students can be absent 7 days in a half year and 14 days in a full year.

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

Tardiness (per trimester)	Absenteeism
5 th tardy- School notification home	5 th absence - School notification home and
10 th tardy-Parent/Student/School meeting	Parent/Student/School meeting
14 th tardy- Possible referral to outside agencies	14 th absence- Possible referral to outside
	agencies

No School & Emergency Closings

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

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

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

ARRIVAL/DEPARTURE

CARS

Parents who drop off and pick up their Middle School students need to use the drop off zone located in the east (larger) parking lot.

BUSES

Students who live more than 1.5 miles from the Middle School are eligible to ride the bus. Conduct on the bus and at the bus stop **is related to school.** Students are expected to uphold the code of conduct while waiting at the bus stop and riding the bus. Should a student demonstrate unacceptable behaviors, then the bus driver has the complete authority to inform the school and consequences may follow. If anyone makes the bus ride dangerous for other students, then he/she will have to find alternative transportation.

BUS PASSES

Students who may need to take an alternate bus for extenuating circumstances must submit a note from their parent/guardian stating the reason, the alternate bus, and the alternate bus stop at which the student will be picked-up or dropped-off for approval. The school can limit the number of bus passes given due to overcrowding. Students will be expected to use mobile devices appropriately, consistent with the district's Acceptable Use Policy.

LATE BUS

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

BIKES, SKATEBOARDS, ROLLERBLADES

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

ACADEMICS

REPORT CARDS

Report cards are issued three times a year. Parents/guardians are asked to sign and return the report card envelope as soon as possible after the report cards are issued. A permanent record of the report card is kept in each student's cumulative file.

PROGRESS REPORTS

Progress reports are issued three times a year, midway through each trimester. Parents/guardians are asked to sign this report and return it to the issuing teacher within two (2) days. These reports are intended to be an opportunity for parents/guardians to check their student's current academic status for the trimester. The student management software, PowerSchool, is also accessible to interested families. Parents/guardians can attain a username and password through the school's main office. Access will provide parents/guardians with real time information about their student's current academic performance and grades.

EXTRA HELP

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

MAKE-UP WORK

Students must complete make up work for daily absences within three (3) days of the student's return to school. Arrangements should be made with the teacher if it is a prolonged absence and/or circumstances that require additional time. If a student is absent for one to two (1-2) days, students should pick-up work from their teacher upon their return to school. If a student is absent for three (3) or more days, parents/guardians are encouraged to contact the school for make-up work if work completion is possible for the absent student

HOMEWORK

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

- 1. Homework will be regularly assigned to become part of the school routine.
- 2. Homework will be clearly stated to insure student understanding and expectations.
- 3. Students are expected to return homework assignments on time, complete, and neatly done.
- 4. Students enrolled in accelerated classes will have an increased amount of homework.
- 5. Homework will be collected regularly, assessed promptly, and returned to the students. This process promotes a sense of routine and provides immediate constructive feedback for students.
- 6. Homework will be one of the following types:
 - a. Preparation
 - b. Practice
 - c. Extension
 - d. Creativity
- 7. Homework will not be assigned for the purpose of punishment.
- 8. Homework shall not exceed 10% of the overall student grade.
- 9. Parents/guardians are expected to provide their child with an appropriate space and time to do homework.

- 10. Parents/guardians can check on the homework assigned to their student in two places.
 - a) Student Agenda all students are issued an agenda on the first day of school. They are expected to write all homework assignments in the agenda every day.
 - b) All teachers have a class web page which can be found on our school website. Teachers are required to post all homework assignments.
- 11. Parents/guardians are expected to communicate with their son's/daughter's teacher if difficulties arise in meeting homework requirements.

Average time expected to complete homework assignments

Fifth Grade	1 hour per night	Seventh Grade	2 hours per night
Sixth Grade	1.5 hours per night	Eighth Grade	2 hours per night

STUDY TIME

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

PROMOTION

Students must pass three of their four core academic subjects (English, mathematics, science, and social studies) in order to be promoted to the next grade. Students who fail more than one core subject are required to attend and pass a comparable course in summer school. A maximum of two summer school courses can be applied to the promotion requirement. Any student that fails a core academic (i.e., English, math, science or social studies) subject more than once during their academic career at MESMS will be required to attend summer school in that academic core subject.

Grading for year-long academic courses:

- In each trimester, the minimum grade a student can receive is a 50%. That is, student grades will be 50 points or the actual number of points earned, whichever is higher.
- To pass for the year, students need a 60% overall. Stated in points, this is an average of 60 points per trimester or 180 points per year.

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

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

CLASS CHANGES

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

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

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

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

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

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

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

HOME TUTORING

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

PRO MERITO TIGER SCHOLARS

I. Qualifications for Acceptance into the Middle School Pro Merito Tiger Scholars

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

II. Maintenance Policy

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

<u>Service</u>

I.

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

II. Examples of Service

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

HONOR ROLL

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

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

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

HEALTH SERVICES

THE NURSE

The school nurse is available to all students. During the course of the school year, the nurse schedules vision and hearing screening and assists in postural screening. The nurse keeps an accurate and complete health record, including an updated listing of all immunizations as required by law. Students are not allowed to attend school without required immunizations. Parents/guardians should make arrangements with their physicians to maintain current immunizations prior to the beginning of school. Any medication that is required to be distributed in school MUST BE kept in the nurse's office. The parent must send in the original bottle from the pharmacy with the doctor's order and parent/guardian's permission. This includes all prescription and nonprescription medicine.

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

SPECIAL HEALTH CONDITIONS

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

PARENTAL NOTIFICATION RELATIVE TO HUMAN SEXUALITY

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

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

EMERGENCY INFORMATION

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

STUDENT RECORDS

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

Chapter 713E Parents Rights to Inspect Student's Records

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

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

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

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

TRANSFER PROCEDURE

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

CHAPTER 76, SECTION 5

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

U.S. Department of Education Title IX Final Rule Overview

GUIDING PRINCIPLES

• Historic Recognition of Sexual Harassment as Sex Discrimination

For the first time, the Department's Title IX regulations recognize that sexual harassment, including sexual assault, is unlawful sex discrimination. The Department previously addressed sexual harassment only through guidance documents, which are not legally binding and do not have the force and effect of law. Now, the Department's regulations impose important legal obligations on school districts, colleges, and universities (collectively "schools"), requiring a prompt response to reports of sexual harassment. The Final Rule improves the clarity and transparency of the requirements for how schools must respond to sexual harassment under Title IX so that every complainant receives appropriate support, respondents are treated as responsible only after receiving due process and fundamental fairness, and school officials serve impartially without bias for or against any party.

• Supporting Complainants & Respecting Complainants' Autonomy

Under the Final Rule, schools must offer free supportive measures to every alleged victim of sexual harassment (called "complainants" in the Final Rule). Supportive measures are individualized services to restore or preserve equal access to education, protect student and employee safety, or deter sexual harassment. Supportive measures must be offered even if a complainant does not wish to initiate or participate in a grievance process. Every situation is unique, and individuals react to sexual harassment differently. Therefore, the Final Rule gives complainants control over the school-level response best meeting their needs. It respects complainants' wishes and autonomy by giving them the clear choice to file a formal complaint, separate from the right to supportive measures. The Final Rule also provides a fair and impartial grievance process for complainants, and protects complainants from being coerced or threatened into participating in a grievance process.

• Non-Discrimination, Free Speech, and Due Process

The Final Rule reflects core American values of equal treatment on the basis of sex, free speech and academic freedom, due process of law, and fundamental fairness. Schools must operate free from sex discrimination, including sexual harassment. Complainants and respondents must have strong, clear procedural rights in a predictable, transparent grievance process designed to reach reliable outcomes. The Final Rule ensures that schools do not violate First Amendment rights when complying with Title IX.

A SCHOOL'S RESPONSE TO SEXUAL HARASSMENT

- Under the Final Rule, any of the following conduct on the basis of sex constitutes sexual harassment:
 - A school employee conditioning an educational benefit or service upon a person's participation in unwelcome sexual conduct (often called "quid pro quo" harassment);
 - Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's education program or activity; or
 - Sexual assault, dating violence, domestic violence, or stalking (as those offenses are defined in the Clery Act, 20 U.S.C. § 1092(f), and the Violence Against Women Act, 34 U.S.C. § 12291(a)).

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U.S. Department of Education Title IX Final Rule Overview

• Consistent with Supreme Court precedent and the text of Title IX, a school must respond when: (1) the school has actual knowledge of sexual harassment; (2) that occurred within the school's education program or activity; (3) against a

person in the United States. The Final Rule expands "actual knowledge" to include notice to any elementary or secondary school employee, and states that any person (e.g., the alleged victim or any third party) may report to a Title IX Coordinator in person or by e-mail, phone, or mail. The Final Rule also specifies that a school's "education program or activity" includes situations over which the school exercised substantial control, and also buildings owned or controlled by student organizations officially recognized by a postsecondary institution, such as many fraternity and sorority houses.

- Consistent with Supreme Court precedent, a school violates Title IX when its response to sexual harassment is clearly unreasonable in light of the known circumstances, and the Final Rule adds mandatory response obligations such as offering supportive measures to every complainant, with or without a formal complaint.
- Schools must investigate every formal complaint (which may be filed by a complainant or by a school's Title IX Coordinator). If the alleged conduct does not fall under Title IX, then a school may address the allegations under the school's own code of conduct and provide supportive measures.

A FAIR GRIEVANCE PROCESS

The Final Rule requires schools to investigate and adjudicate formal complaints of sexual harassment using a grievance process that incorporates due process principles, treats all parties fairly, and reaches reliable responsibility determinations. A school's grievance process must:

- Give both parties written notice of the allegations, an equal opportunity to select an advisor of the party's choice (who may be, but does not need to be, an attorney), and an equal opportunity to submit and review evidence throughout the investigation;
- Use trained Title IX personnel to objectively evaluate all relevant evidence without prejudgment of the facts at issue and free from conflicts of interest or bias for or against either party;
- Protect parties' privacy by requiring a party's written consent before using the party's medical, psychological, or similar treatment records during a grievance process;
- Obtain the parties' voluntary, written consent before using any kind of "informal resolution" process, such as mediation or restorative justice, and not use an informal process where an employee allegedly sexually harassed a student;
- Apply a presumption that the respondent is not responsible during the grievance process (often called a "presumption of innocence"), so that the school bears the burden of proof and the standard of evidence is applied correctly;
- Use either the preponderance of the evidence standard or the clear and convincing evidence standard (and use the same standard for formal complaints against students as for formal complaints against employees);
- Ensure the decision-maker is not the same person as the investigator or the Title IX Coordinator (i.e., no "single investigator models");
- For postsecondary institutions, hold a live hearing and allow cross-examination by party advisors (never by the parties personally); K-12 schools do not need to hold a hearing, but parties may submit written questions for the other parties and witnesses to answer;
- Protect all complainants from inappropriately being asked about prior sexual history ("rape shield" protections);

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U.S. Department of Education Title IX Final Rule Overview

• Send both parties a written determination regarding responsibility explaining how and why the decision- maker reached conclusions;

- Effectively implement remedies for a complainant if a respondent is found responsible for sexual harassment;
- Offer both parties an equal opportunity to appeal;
- Protect any individual, including complainants, respondents, and witnesses, from retaliation for reporting sexual harassment or participating (or refusing to participate) in any Title IX grievance process;
- Make all materials used to train Title IX personnel publicly available on the school's website or, if the school does not maintain a website, make these materials available upon request for inspection by members of the public; and
- Document and keep records of all sexual harassment reports and investigations.

SEX DISCRIMINATION REGULATIONS

Relating to sex discrimination generally, and not only to sexual harassment, the final regulations also:

- Affirm that the Department may require schools to take remedial action for discriminating on the basis of sex or otherwise violating the Department's Title IX regulations;
- Expressly state that in response to any claim of sex discrimination under Title IX, schools are never required to deprive an individual of rights guaranteed under the U.S. Constitution;
- Account for the interplay of Title IX, Title VII, and FERPA, as well as the legal rights of parents or guardians to act on behalf of individuals with respect to exercising Title IX rights;
- Update the requirement for schools to designate and identify a Title IX Coordinator, disseminate their non-discrimination policy and the Title IX Coordinator's contact information to ensure accessible channels for reporting sex discrimination (including sexual harassment), and notify students, employees, parents, and others of how the school will respond to reports and complaints of sex discrimination (including sexual harassment); and
- Clarify that an institution controlled by a religious organization is not required to submit a written statement to the Department to qualify for the Title IX religious exemption.

STUDENTS NAMES/PUBLICATIONS MEDIA RELEASE

Many times during the school year, students' names will be published in the school newsletters that go home or for documenting other school activities. At the beginning of the school year, and when new students enroll, a release form will be given to parents or legal guardians for signature. If for any reason you so not wish to have your child's name published in these media, you should indicate that on the release form.

THE CAFETERIA

Breakfast is offered at \$1.50 per day. Lunch is offered at \$2.50 per day. The lunchroom management and your fellow students will appreciate your cooperation in:

- 1. Courteous behavior in the cafeteria.
- 2. Depositing all litter in wastebaskets.
- 3. Returning all trays and utensils to the dishwashing area.
- 4. Leaving the table and floor around your place in clean condition.
- 5. Eating in designated areas only.
- 6. No eating in the band or music room. The stage area in the dining area can be used if additional space is needed.

PRE-PURCHASE LUNCH

On Monday mornings in the cafeteria, students may pre-purchase lunch for the week at a cost of \$12.50. Breakfast for the week will cost \$7.50. A weekly combination of lunch and breakfast will cost \$20.00. Pre-purchasing of breakfast and/or lunch is also available on a monthly, quarterly and yearly basis with either cash, check or with our convenient online payment option at myschoolbucks.com.

FREE AND REDUCED LUNCH

Any student who qualifies can receive a free or reduced price for lunch. Application forms are sent home to all families at the start of the school year and are always available in the Middle School's main office. Parents or guardians are encouraged to apply.

PUBLIC SAFETY

FIRE DRILLS

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

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

EVACUATIONS

At least one time during the school year all schools are also expected to conduct an emergency off-site evacuation. Michael E. Smith Middle School's primary emergency off-site evacuation site is Mosier School, located across the street. Our secondary off-site evacuation site is Chapin Hall at Mount Holyoke College. The school will provide a general notification to families that we will be conducting an off-site drill within a designated time frame. Such a drill, for the purpose of safety; will not require a signed permission slip by parents/guardians. If you have questions, please contact the building principal.

EMERGENCY CODES

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

SCHOOL PROPERTY

SCHOOL PROPERTY AND ITS CARE

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

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

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

LOCKERS

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

BACKPACKS

Due to growing concern for health and safety of the students, Michael E. Smith Middle School does not allow backpacks to be worn during the school day. Backpacks are similar to lockers in that the school, with cause, has the right to inspect the contents of the bag at any time.

PROCEDURES

HALLPASSES

Students are permitted in the halls when accompanied by a teacher or with a hall pass from an authorized staff member. There should not be more than one (1) student out of a room on a single, classroom pass. If it is necessary for a group of two or more students to leave a room, the teacher must write a special pass, or the teacher must accompany them.

VISITORS

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

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

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

Michael E. Smith Middle School Code of Discipline 2020-2021

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

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

PURPOSE AND SCOPE OF THE DISCIPLINE CODE

PURPOSE

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

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

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

SCOPE

School discipline codes will apply to the school and its grounds, to school buses and other normal means of egress to and from school, to threats against the school and its members, and to student/staff interactions in person, electronically, or otherwise. They shall also apply to all events sponsored by the school departments, including but not limited to field trips, extracurricular activities, sports, social events, etc.

AUTHORIZED OFFICIALS

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

ADMINISTRATIVE DISCRETION

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

CONCLUSION

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

APPROVAL

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

Please refer to: South Hadley Public Schools Policies: JBA/JI/JIC/JIC-R/JK-R/JIC-R-1/JIC-R-2/JICA/JICB/JICF/JICFA/JICFA-E/JICFA-E/JICFB/JICG/JICH/JIH/JII/JII-R-1/JII-R-2/JJBA/JK/JKA regarding Student Conduct and Discipline as revised April 2017.

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

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

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

INTERPERSONAL RELATIONSHIPS

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

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

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

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

DISCIPLINARY PROCEDURES IN THE CLASSROOM

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

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

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

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

- Abusive language (e.g., yelling, swearing, et cetera)
- Cheating
- Disruptive behavior in class or hallway
- Dress Code Violation (see: Dress Code Policy)
- Lying

- Plagiarism
- Refusal to follow directions
- Roughhousing
- Tardiness to class
- Unprepared for class
- Use of items that cause disruption (e.g., electronics, food & drink, toys, et cetera.)
- II. Students should not possess, openly wear, or display on their person nor operate any cell phone, laser pointer/gun, Ipod, radio, electronic games, et cetera in class, school buildings, or on school grounds from 7:47 am to 2:25 pm.
 - The use of lasers, laser locks, laser pens, laser pointers, or devices which project intensive light upon surfaces is not allowed on school grounds or in school buildings.
- III. A student should only be sent to the administration for repeated offenses or serious disruptions.
- IV. Detention- When a student has persisted in a behavior contrary to this Discipline Policy, a teacher may assign the student a written warning, teacher lunch detention, teacher after-school detention or call the parents in for a conference. The student will be given twenty-four (24) hour notice before he/she must serve detention. This notice may only be waived by the mutual consent of both parties for students enrolled in grades 9 12; for students in grades K 8, this notice may only be waived with parental consent. Teachers will not leave students unsupervised on school grounds. Classroom teachers are encouraged to discuss with students the violation(s) of the Discipline Policy leading to the detention and alternative ways of reacting in similar situations. Multiple violations will result in the teacher contacting parents to discuss the situation.

IMPLEMENTATION OF THE DISCIPLINE CODE

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

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

DEFINITION OF TERMS

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

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

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

DANGEROUS STUDENT: To demonstrate before a hearing officer that a student is "dangerous" under the Federal Individuals with Disabilities Education Act (IDEA), the following required elements must be met: 1) the student's behavior presents substantial likelihood of injury to self or others; 2) the school has taken reasonable steps to minimize the likelihood of harm; 3) the current IEP is appropriate; and 4) any proposed interim educational setting allows the student to participate in general curriculum and continue to receive Individual Education Plan services and provides services to ensure behavior does not recur.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SOCIAL PROBATION: Social Probation may be assigned to students whose behavior has placed others in danger, whose behavior has caused them to be suspended from school for more than five days, has a record of chronic misbehavior, or has ten or more tardies in a trimester. Students placed on Social Probation will not be eligible to attend after school functions, e.g. clubs, dances/socials, performances, etc., and may be on school

grounds only from 7:47 am -2:25 pm (3:45 pm if extra help or detention is scheduled.) Social Probation will be reviewed regularly to determine if behavior has improved and if probation should be rescinded.

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

All programs, activities, and employment opportunities are offered without regard to race, color, sex, gender identity, religion, national origin, sexual orientation and disability, pregnancy or pregnancy related conditions. For information regarding access related to Special Education, Title VI, Title IX and Section 504, please contact Elizabeth Cooke, Director of Student Services at 538-5060 x2614(ecooke@shschools.com).

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

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

CODE OF CONDUCT

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

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

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

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

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

Administrative detention, parent conference, and internal suspension, represent preferred consequences for student accountability. However, behavior, which threatens others, violates the law or disrupts the environment for learning represent legitimate cause for student suspension or expulsion by an administrator. Please note that each category of negative behaviors carries a range of consequences dependent upon the severity of violation, prior offenses and the well-being of everyone involved.

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

Minor Behaviors and Possible Consequences:

- o Abusive/Inappropriate Language, Profanity
- Cheating/Plagiarism
- Defiance
- Disrespect (low-intensity)
- Disruption (low-intensity behavior in classroom or hallway)
- Dress Code Violation (close, but not quite meeting code)
- Failure to Report to Assigned Detention
- Improper Use of Electronic Devices (cell phones, iPads)
- Inappropriate Language (low-intensity)
- Lying
- Physical Contact/Aggression (non-serious, but inappropriate)
- Property Misuse
- Refusal to Follow Directions
- Roughhousing
- o Skip Class
- o Tardiness to Class
- o Tardy to School
- Technology Violation (non-serious, but inappropriate use)
- Unprepared for Class
- Use of Disruptive Items

Possible Consequences Minor:

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

Major Behaviors and Possible Consequences:

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

Possible Consequences Major:

- Alternate Placement
- $\circ \quad \text{ Bus Suspension } \quad$
- $\circ \quad \textit{Community Service}$
- Conference with Student (admin, teacher, parent)
- Expulsion
- In-School Suspension
- Individualized Instruction
- Loss of Privilege
- Out-of-School Suspension
- Parent Contact
- Referral to Police
- Restitution/Community Service/Reparations
- Social Probation
- o Time in Office
- Time Out/Detention

OTHER APPLICABLE CODES and MASSACHUSETTS GENERAL LAWS

STUDENT CONDUCT ON SCHOOL BUSES

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

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

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

DRESS CODE POLICY

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

- Students must wear shoes at all times.
- Students may not wear hats, caps, bandanas, hoods or coats while in the building. The only exception occurs when particular classrooms are very cold.
- Students may not wear clothing that contains obscenities, fighting words, incitement, or defamation on them
- Students may not wear clothing that promotes drugs, alcohol, or tobacco.
- Students may not wear clothing that is sexually suggestive and therefore distracting to learning and inappropriate for school.
- Shorts and skirts must be a reasonable length. Reasonable, in this case, is defined as: the garment reaching the fingertips of the person wearing them when the person's arms are at his / her side.
- All shirts should cover the skin between the bottom of the shirt and top of the skirt, shorts or pants. Spaghetti straps and halter-tops are not allowed.
- No undergarments (underwear, bras, et cetera) should be showing at any time.
- No pajamas should be worn to school.

If your dress is inappropriate, we will expect you to correct the situation by having a change of clothes. If you don't correct the situation, your parents will be notified and asked to bring clothes to school, in addition to consequences outlined in this handbook.

POSSESSION AND/OR USE OF ILLEGAL SUBSTANCE:

As required by the Education Reform Act, any student who is found to be in possession and/or using illegal substances (including tobacco, alcohol and e-cigarettes) is subject to suspension, and at the discretion of the principal and as provided for in law, recommended to the school committee for expulsion. In addition, the

student must be assessed and counseled. The principal must file an incident report with the superintendent and the chief of police. By law, these consequences are invoked upon the first or any subsequent offense involving the possession and/or use of illegal substances.

Policy: JFCG/JFCH/JFCI

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

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

VOLUNTARY ADMISSION OF PROBLEM WITH SUBSTANCE USE

The schools will offer assistance and support to students who voluntarily seek help for a problem with substance use. While the school will maintain confidential records of students who come forward seeking self-help support, school personnel will not impose discipline nor file a police report in such cases. Middle School students are still minors and it is the school's responsibility to inform parents that their child has voluntarily come forward for assistance. The student will be counseled regarding all community-based and school-sponsored services available. At all times, school personnel should encourage the student to confide in his/her parents. Prompt parent notification will occur.

USE OF TOBACCO

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

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

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

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

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

- I. If the student appears to be physically impaired:
 - a. The school nurse will assess the student's condition and provide any emergency first aid that may be needed. If the situation warrants it, the student will be taken to the hospital for medical attention.
 - b. Parents will be notified of the student's condition and asked to transport the student home. If a parent is unavailable, the police department will be asked to remove the student from the building.

- II. Parents will be notified of the suspicion.
- III. A conference with the student and parents will be conducted as soon as possible, generally by the next school day, to provide information about agencies and programs offering help with substance abuse.

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

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

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

Disciplinary Action:

- I. On first offense, the following steps may be taken:
 - a. Any alcohol, drugs, other substances or paraphernalia found in the student's possession will be confiscated and may be turned over to the South Hadley Police Department for possible prosecution under the laws of the Commonwealth of Massachusetts.
 - b. The student may be suspended from school for three five (3-5) days.
 - c. Those students who participate in extra-curricular activities will not be allowed to participate in the next two regularly scheduled games, performances, or group-sponsored activities, or for a period of two weeks, whichever is greater.
 - d. Parents will be notified of the offense and disciplinary action in writing.
 - e. Prior to re-entry to school, a conference will be held with the student and parents. The student will be clearly informed of the consequences of any subsequent offense.
- II. On second offense (except for subsequent offense during any one school year; see item c), the following actions will be taken:
 - a. Any alcohol, drugs, other substances or paraphernalia found in the student's possession will be confiscated and may be turned over to the South Hadley Police Department for prosecution under the laws of the Commonwealth of Massachusetts.
 - b. The student may be externally suspended from school for five to ten (5-10) days.
 - c. Parents will be notified of the offense and disciplinary action in conference and written notice.
 - d. The student, parents, principal and drug counselor or health educator will meet to discuss the student's degree of involvement in substance abuse and the best remedy for that involvement. A treatment plan which specified the nature and length of treatment and the consequences of failing to complete the approved plan will be developed. Implementation of the approved treatment plan will be a condition for the student's re-entry into school.
 - e. Those students who participate in extra-curricular activities may not be allowed to participate for a period of six weeks from the date of the offense. Under no circumstances will a student be allowed to return to an athletic team, club or other extra-curricular activity during the same season in which the offense occurred. However, at the end of three weeks and with the continued compliance of the student with the approved treatment plan, the student may request permission to participate in one or more extra-curricular activities. The student's request will be considered by a committee consisting of the building administrator, a guidance counselor, and the advisor of the extra-curricular activity. The student has the right to appeal the committee's decision to the superintendent.

III. On second offense within one school year or third offense during a student's school career in South Hadley, the student may be externally suspended for ten to twenty 10-20 days, pending expulsion proceedings. All evidence and contraband found in the student's possession will be confiscated and turned over to the South Hadley Police Department for prosecution under the laws of the Commonwealth of Massachusetts.

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

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

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

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

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

POSSESSION AND/OR USE OF WEAPONS:

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

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

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

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

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

BULLYING

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

hate crimes. Copies of the District Civil Rights Policy for staff and students are available upon request, and may be viewed at the main office of any school building within the district.

Disciplinary Policy regarding Civil Rights Issues

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

The prohibitions against harassment, discrimination, hate crimes, bullying, and retaliation apply to all individuals: on school grounds, property immediately adjacent to school grounds, at school-sponsored or school-related activities, functions, or programs whether on or off school grounds, at school bus stops, on school buses, or other vehicles owned, leased, or used by our district or school, or through the use of technology or electronic devices owned, leased, or used by our school district or school and at locations, activities, functions, or programs that are not school-related, or through the use of technology or electronic devices that are not owned, leased, or used by our school district, if the bullying creates a hostile environment at school for the victim, infringes on the rights of the victim at school or materially and substantially disrupts the education process or the orderly operation of our school. Nothing contained herein shall require schools to staff any non-school related activities, functions, or programs.

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

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

- A verbal warning
- A written warning
- Parent conference
- Exclusion from participation in school-sponsored functions, school-sponsored after-school programs, or extracurricular activities;
- Short-term or long-term suspension
- Expulsion from school
- Referral to School Resource Officer and/or police department for criminal action
- Any other action authorized by and consistent with the disciplinary code

Possible Corrective Actions

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

False Charges

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

Student Responsibilities

Each student is responsible for:

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

Key Definitions

BULLYING: "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.

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

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

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

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

HATE SPEECH: Any speech not protected by the First Amendment because it is intended to foster hatred against individuals or groups based on race, religion, gender, gender identity, sexual preference, place of national origin, or other improper classification.

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

PERPETRATOR/AGGRESSOR: A person who engages in bullying or retaliation. A member of the school staff may be named the "aggressor" or "perpetrator" in a bullying report.

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

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

TARGET: A person against whom bullying or retaliation has been perpetrated.

CITATIONS

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

Procedures Related to Acts of Bullying

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

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

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

- 1. The Principal or administrative designee must initiate an investigation of a report of bullying, harassment, or retaliation within one (1) school day after being notified of a possible incident, consistent with due process rights, using the Bullying Investigation and Determination Form.
 - a. If the target is injured, medical treatment will be provided without delay, and the student's parents will be notified immediately.
- 2. The Principal or administrative designee will conduct an investigation to determine both whether an act of bullying, harassment, or retaliation occurred, and which person(s) were responsible for the act(s) and/or played a role in perpetuating it. The Bullying Determination Flowchart will be followed.
- 3. Other related complaints regarding the involved parties, including those from previous schools, will be reviewed as part of the investigative process.
- 4. The Principal or administrative designee will contact the parents/guardians of all related parties by the end of the administrator's day in which the investigation was initiated and inform them of the status of the investigation.
- 5. Discussions with all parties should be documented by the investigating administrator as soon as possible after the event.
- 6. When an act of bullying, harassment, or retaliation has been determined, the Principal or administrative designee will apply consequences consistent with due process rights using the school Code of Conduct as a guide.
- 7. Measures will be taken to ensure that any person providing information contributing to the investigation of an incident will be protected from retaliation by the aggressor or those acting on the aggressor's behalf. Those measures include:
 - a. Specific instructions to all reporters and/or witnesses to immediately report any behavior that may be interpreted as retaliatory in nature.

- b. Information provided to the aggressor explaining what behavior is considered to be retaliation and the consequences of such behavior, including influencing others to retaliate on their behalf.
- 8. If the aggressor's actions are delinquent acts, they shall be reported by the Principal or administrative designee promptly to the responsible law enforcement agency according to the laws of the State of Massachusetts.
- 9. The Principal or administrative designee will notify parents/guardians of all parties involved of the incident, the outcome of the investigation, and whether disciplinary action was taken.
- 10. The Principal or administrative designee will create a written record of the incident and any disciplinary actions taken, as well as the statements of the victim, witnesses, and offender. No material records or evidence will be discarded until all students involved have left the school district.
- 11. The Superintendent shall be notified and will summarily document the investigation.

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

- 1. After the determination that an act of bullying, harassment, or retaliation has occurred and after appropriate discipline has been enforced, the Principal or administrative designee will develop with the target student and their parents or guardians a safety plan; and with the aggressor student and their parents or guardians a conduct plan. Both plans will include notifying the teachers not only of the incident, but also of all the parties involved, specifying their roles.
- 2. The safety plan for the victim will include, but not be limited by, the following: a staff member (as designated by the administrator, student, and the parents/guardians) will be assigned as a check-in person to regularly meet with the student to ensure the following:
 - a. No acts of retaliation have occurred.
 - b. Strategies are provided for dealing with future incidents, emphasizing immediate reporting of any further acts.
 - c. Information regarding outside support services are provided to student and family.
 - d. The frequency and duration of check-ins will be determined on a case-by-case basis, but will not be less than two (2) times per week for a period of four (4) weeks.
 - e. After two weeks, the check-in person will provide a progress report on the emotional well-being of the student to the Principal or administrative designee.
 - f. The safety plan cannot be discontinued without the agreement of the student, the parents/guardians, the designated check-in person, and the Principal or administrative designee.
- 3. The conduct plan for the aggressor will include, but not be limited by, the following: The Principal or administrative designee will conduct compulsory conduct meetings to ensure the following:
 - a. No further acts of bullying, harassment, or retaliation have been committed.
 - b. The student has been educated regarding acceptable alternative behaviors.
 - c. The student has received further education regarding the school's anti-bullying policy, including the potential for more severe school consequences and/or criminal charges being filed. In addition, the student will be informed of the consequences for retaliating against victims, reporters, or witnesses.
 - d. The frequency and duration of these meetings will be agreed upon and will depend upon future actions. However, the minimum requirement should be at least two (2) times per week for a period of four (4) weeks.
 - e. Information regarding outside support resources will be made available to the student and their parents/guardians.
 - f. A progress report identifying student conduct will be provided after two weeks.

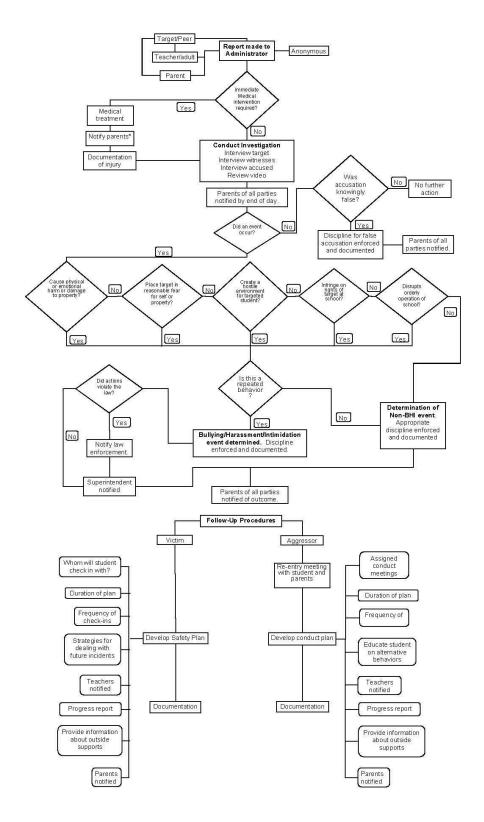
g. Discontinuation of the conduct plan will be determined by the Principal or administrative designee. All meetings and the ending of the conduct plan should be documented and kept throughout the student's school career. Parents/guardians will be notified of the discontinuance of a conduct plan.

D. Availability of the Bullying Incident Reporting Form

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

Each school will devise ways in which the reporting form may be submitted to school administration, including means to submit anonymously.

South Hadley Schools Bullying/Harassment/Intimidation Flowchart



South Hadley Public Schools Bullying Incident Reporting Form

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

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

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

Name of Student Target:		Grade/School:	Grade/School:Date:	
Name(s) of Alleged Offenders		Grade	School Is she/he a student?	
Incident Date: / / Appro	oximate Time:	· — ·		
Where did the incident occur? (Check all that apply)	What happened during the incident? (Check all that apply)		Did a physical injury result from this incident? (Check one)	
School Bus/Stop	□Taunting	Retaliation	□No	
□To/From School	□Threat	Humiliation	Yes, medical attention required (# of school days lost)	
Text/Phone/Internet/ Social Media	☐Intimidation	Exclusion	Yes, medical attention NOT required	
File School sponsored activity	Stalking	Physical Contact	Did student miss school for emotional reasons? ☐Yes(# of school days lost) ☐No	
□Event off school property □School Grounds	□Extortion/Theft □Other_	☐Cyber-bullying	Have there been other reported or non-reported incidents with the Alleged Aggressor(s) in the past? Yes No	
Other			If yes, describe those incidents in the space provided.	
Describe this incident:				
[Note any unreported incidents that may have occurred in the past (use the back of this sheet for additional space)]				
Are you: Student Faculty/Staff Parent/Guardian Other: Leave blank if reporting anonymously. Person reporting incident: (Please Print)				
If not a student, telephone/cell Information: Signature: Date:				

HAZING – PENALTIES

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

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

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

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

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

Section 19: Each institution of secondary education and each public and private institution of post-secondary education shall issue to every student group, student team or student organization which is part of such institution or permitted by the institution to use its name or facilities or is known by the institution to exist as an unaffiliated student group, student team or student organization, a copy of this section and sections seventeen and eighteen to unaffiliated student groups, teams or organizations shall not constitute evidence of the institution's recognition or endorsement of said unaffiliated student groups, teams or organizations. Each such group, team or organization shall distribute a copy of this section and sections seventeen and eighteen of its members, plebes, pledges, or applicants for membership. It shall be the duty of each such group, team or organization, acting through its designated officer, to deliver annually, to the institution an attested acknowledgment stating that such group, team or organization has received a copy of this section and said sections seventeen and eighteen, that each of its members, plebes, pledges, or applicants has received a copy of sections seventeen and eighteen, and that such group, team or organization understands and agrees to comply with the provisions of this section and sections seventeen and eighteen.

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

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

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

VIOLENT JUVENILE OFFENDER BILL

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

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

NONDISCRIMINATION

PROHIBITION OF SEXUAL HARASSMENT

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

DEFINITION

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

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

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

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

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

M.G.L. Chapter 151C

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

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

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

DISCIPLINARY ACTION

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

COMPLAINT PROCEDURES

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

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

EXTERNAL/IN-SCHOOL SUSPENSION OF STUDENTS

53.01: Authority, Scope, and Purpose

- 1. 603 CMR 53.00 is promulgated pursuant to the authority of the Department of Elementary and Secondary Education under G.L. c. 69, §§ 1A and 1B, G.L. c. 71, §37H, and G.L. c. 71, § 37H¾
- 2. The purpose of 603 CMR 53.00 is: for those discipline offenses subject to G.L. 71, § 37H¾, as set forth in 603 CMR 53.01(3)(a), to limit the use of long-term suspension as a consequence for student misconduct until other consequences have been considered and tried as appropriate; to promote

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

- 3. (603 CMR 53.00 sets forth, for all public preschool, elementary, and secondary schools and programs in Massachusetts, including charter and virtual schools:
 - at 603 CMR 53.03 through 53.11, the minimum procedural requirements applicable to the suspension of a student for a disciplinary offense *other than*: a) possession of a dangerous weapon; b) possession of a controlled substance; c) assault on a member of the educational staff; or d) a felony charge or felony delinquency complaint or conviction, or adjudication or admission of guilt with respect to such felony, if a principal determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school, as provided in G.L. c. 71, §§37H or 37H½;
 - the minimum requirements and procedures necessary to ensure that all students who have been suspended, in-school or out-of-school, or expelled, regardless of the type of offense, have an opportunity to make academic progress during their period of suspension, expulsion, or removal from regular classroom activities; and
 - the requirements pertaining to school discipline data reporting and analysis.

53.02: Definitions

- (1) "Commissioner" means the commissioner of the Department of Elementary and Secondary Education appointed in accordance with G.L. c. 15, §1F, or his or her designee.
- (2) "Department" means the Department of Elementary and Secondary Education.
- (3) "Disciplinary offense" means any alleged or determined disciplinary infraction by a student, *except for*: a) possession of a dangerous weapon; b) possession of a controlled substance; c) assault on a member of the educational staff; or d) a felony charge or felony delinquency complaint or conviction, or adjudication or admission of guilt with respect to such felony, if a principal determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school, as provided in G.L. c. 71, §§37H or 37H½. A disciplinary offense, as defined, is subject to the provisions of G.L. c. 71, § 37H¾ and these regulations.
- (4) "Disciplinary offense under G.L. c. 71, §§37H or 37H½" means one or more of the following alleged or determined disciplinary infractions: a) possession of a dangerous weapon; b) possession of a controlled substance; c) assault on a member of the educational staff; and d) a felony charge or felony delinquency complaint or conviction, or adjudication or admission of guilt with respect to such felony, if a principal determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school, as provided in G.L. c. 71, §§37H or 37H½.
- (5) "Expulsion" means the removal of a student from the school premises, regular classroom activities, and school activities for more than ninety (90) school days, indefinitely, or permanently, as permitted under G.L. c. 71, §§37H or 37H½ for: a) possession of a dangerous weapon; b) possession of a controlled substance; c) assault on a member of the educational staff; or d) a felony charge or felony delinquency complaint or conviction, or adjudication or admission of guilt with respect to such felony, if a principal determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school, as provided in G.L. c. 71, §§37H or 37H½.
- (6) "In-school suspension" means removal of a student from regular classroom activities, but not from the school premises, for no more than (10) consecutive school days, or no more than ten (10) school days cumulatively for multiple infractions during the school year. Removal solely from participation in

extracurricular activities or school-sponsored events, or both, shall not count as removal in calculating school days. In-school suspension for ten (10) days or less, consecutively or cumulatively during a school year, shall not be considered a short-term suspension under these regulations. If a student is placed in in-school suspension for more than ten (10) days, consecutively or cumulatively during a school year, such suspension shall be deemed a long-term suspension for due process, appeal, and reporting purposes under 603 CMR 53.00. (7) "Long-term suspension" means the removal of a student from the school premises and regular classroom activities for more than ten (10) consecutive school days, or for more than ten (10) school days cumulatively for multiple disciplinary offenses in any school year. A principal may, in his or her discretion, allow a student to serve a long-term suspension in school. Removal solely from participation in extracurricular activities or school-sponsored events, or both, shall not count as removal in calculating school days. Except for students who are charged with a disciplinary offense set forth in subsections (a) or (b) of G.L. c. 71, §37 H, or in section 37H ½ of G.L. c. 71, no student may be placed on long-term suspension for one or more disciplinary offenses for more than ninety (90) school days in a school year beginning with the first day that the student is removed from school. No long-term suspension shall extend beyond the end of the school year in which such suspension is imposed.

- (8) "Parent" means a student's father, mother, or legal guardian, or person or agency legally authorized to act on behalf of the student in place of or in conjunction with the father, mother, or legal guardian.
- (9) "Principal" means the instructional leader or headmaster of a public school or his or her designee for purposes of school disciplinary matters. The board of trustees of a charter school or virtual school shall designate in the school discipline code who will serve as the principal for purposes of 603 CMR 53.00. (10) "School-wide education service plan" means the document developed by a principal, in accordance with
- G.L. c. 76, §21, that includes a list of education services available to students who are expelled or suspended from school for more than 10 consecutive days.
- (11) "Short-term suspension" means the removal of a student from the school premises and regular classroom activities for ten consecutive school days or less. A principal may, in his or her discretion, allow a student to serve a short-term suspension in school. Removal solely from participation in extracurricular activities or school-sponsored events, or both, shall not count as removal in calculating school days.
- (12) "Superintendent" means the chief executive officer employed by a school committee or board of trustees to administer a school system, charter school, or virtual school pursuant to G.L. c. 71, §§59, 59A, 89, or 94, or his or her designee appointed for purposes of conducting a student disciplinary hearing. The board of trustees of a charter school or virtual school shall designate in the school's discipline code who will serve as the superintendent for the purposes of 603 CMR 53.00.
- (13) "Suspension" means short-term suspension and long-term suspension unless otherwise stated.

53.03: Policies and Procedures

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

53.04: Investigation of Disciplinary Incidents

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

53.05: Alternatives to Suspension under Section 37H¾

In every case of student misconduct for which suspension may be imposed, a principal shall exercise discretion in deciding the consequence for the offense; consider ways to re-engage the student in learning; and avoid using long-term suspension from school as a consequence until alternatives have been tried. Alternatives may include

the use of evidence-based strategies and programs such as mediation, conflict resolution, restorative justice, and positive behavioral interventions and supports.

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

- (1) Except as provided in 603 CMR 53.07 and 603 CMR 53.10, a principal may not impose a suspension as a consequence for a disciplinary offense without first providing the student and the parent oral and written notice, and providing the student an opportunity for a hearing on the charge and the parent an opportunity to participate in such hearing.
- (2) The principal shall provide oral and written notice to the student and the parent in English and in the primary language of the home if other than English, or other means of communication where appropriate. The notice shall set forth in plain language:
- (a) the disciplinary offense; (b) the basis for the charge; (c) the potential consequences, including the potential length of the student's suspension; (d) the opportunity for the student to have a hearing with the principal concerning the proposed suspension, including the opportunity to dispute the charges and to present the student's explanation of the alleged incident, and for the parent to attend the hearing; (e) the date, time, and location of the hearing; (f) the right of the student and the student's parent to interpreter services at the hearing if needed to participate; (g) if the student may be placed on long-term suspension following the hearing with the principal: the rights set forth in 603 CMR 53.08; and the right to appeal the principal's decision to the superintendent.
- (3) The principal shall make reasonable efforts to notify the parent orally of the opportunity to attend the hearing. To conduct a hearing without the parent present, the principal must be able to document reasonable efforts to include the parent. The principal is presumed to have made reasonable efforts if the principal has sent written notice and has documented at least two attempts to contact the parent in the manner specified by the parent for emergency notification.
- (4) Written notice to the parent may be made by hand delivery, first-class mail, certified mail, email to an address provided by the parent for school communications, or any other method of delivery agreed to by the principal and parent.

53.07: Emergency Removal under Section 37H¾

- (1) Nothing in these regulations shall prevent a principal from removing a student from school temporarily when a student is charged with a disciplinary offense and the continued presence of the student poses a danger to persons or property, or materially and substantially disrupts the order of the school, and, in the principal's judgment, there is no alternative available to alleviate the danger or disruption. The principal shall immediately notify the superintendent in writing of the removal and the reason for it, and describe the danger presented by the student. The temporary removal shall not exceed two (2) school days following the day of the emergency removal, during which time the principal shall:
- (a) Make immediate and reasonable efforts to orally notify the student and the student's parent of the emergency removal, the reason for the need for emergency removal, and the other matters set forth in 603 CMR 53.06(2);
- (b) Provide written notice to the student and parent as provided in 603 CMR 53.06(2);
- (c) Provide the student an opportunity for a hearing with the principal that complies with 603 CMR 53.08(2) or 53.08(3), as applicable, and the parent an opportunity to attend the hearing, before the expiration of the two (2) school days, unless an extension of time for hearing is otherwise agreed to by the principal, student, and parent.
- (d) Render a decision orally on the same day as the hearing, and in writing no later than the following school day, which meets the requirements of 603 CMR 53.08(2)(c) and 53.08(2)(d) or 603 CMR 53.08(3)(c) and 53.08(3)(d), as applicable.
- (2) A principal may not remove a student from school on an emergency basis for a disciplinary offense until adequate provisions have been made for the student's safety and transportation.

53.08: Principal's Hearing under Section 37H¾

- (1) The principal shall determine the extent of the rights to be afforded the student at a disciplinary hearing based on the anticipated consequences for the disciplinary offense. If the consequence may be long-term suspension from school, the principal shall afford the student, at a minimum, all the rights set forth in 603 CMR 53.08(3) in addition to those rights afforded to students who may face a short-term suspension from school.
- (2) Principal Hearing Short-term Suspension
- (a) The purpose of the hearing with the principal is to hear and consider information regarding the alleged incident for which the student may be suspended, provide the student an opportunity to dispute the charges and explain the circumstances surrounding the alleged incident, determine if the student committed the disciplinary offense, and if so, the consequences for the infraction. At a minimum, the principal shall discuss the disciplinary offense, the basis for the charge, and any other pertinent information. The student also shall have an opportunity to present information, including mitigating facts, that the principal should consider in determining whether other remedies and consequences may be appropriate as set forth in 603 CMR 53.05. The principal shall provide the parent, if present, an opportunity to discuss the student's conduct and offer information, including mitigating circumstances, that the principal should consider in determining consequences for the student.

 (b) Based on the available information, including mitigating circumstances, the principal shall determine whether the student committed the disciplinary offense, and, if so, what remedy or consequence will be
- imposed.
 (c) The principal shall notify the student and parent of the determination and the reasons for it, and, if the student is suspended, the type and duration of suspension and the opportunity to make up assignments and such other school work as needed to make academic progress during the period of removal, as provided in 603 CMR 53.13(1). The determination shall be in writing and may be in the form of an update to the original written
- (d) If the student is in a public preschool program or in grades K through 3, the principal shall send a copy of the written determination to the superintendent and explain the reasons for imposing an out-of-school suspension, before the short-term suspension takes effect.
- (3) Principal Hearing Long-term Suspension
- (a) The purpose of the hearing is the same as the purpose of a short-term suspension hearing.
- (b) At a minimum, in addition to the rights afforded a student in a short-term suspension hearing, the student shall have the following rights:
 - 1. In advance of the hearing, the opportunity to review the student's record and the documents upon which the principal may rely in making a determination to suspend the student or not;
 - 2. the right to be represented by counsel or a lay person of the student's choice, at the student's/parent's expense;
 - 3. the right to produce witnesses on his or her behalf and to present the student's explanation of the alleged incident, but the student may not be compelled to do so;
 - 4. the right to cross-examine witnesses presented by the school district;
 - 5. the right to request that the hearing be recorded by the principal, and to receive a copy of the audio recording upon request. If the student or parent requests an audio recording, the principal shall inform all participants before the hearing that an audio record will be made and a copy will be provided to the student and parent upon request.
- (c) The principal shall provide the parent, if present, an opportunity to discuss the student's conduct and offer information, including mitigating circumstances, that the principal should consider in determining consequences for the student.
- (d) Based on the evidence, the principal shall determine whether the student committed the disciplinary offense, and, if so, after considering mitigating circumstances and alternatives to suspension as set forth in 603 CMR

53.05, what remedy or consequence will be imposed, in place of or in addition to a long-term suspension. The principal shall send the written determination to the student and parent by hand-delivery, certified mail, first-class mail, email to an address provided by the parent for school communications, or any other method of delivery agreed to by the principal and the parent. If the principal decides to suspend the student, the written determination shall:

- 1. Identify the disciplinary offense, the date on which the hearing took place, and the participants at the hearing;
- 2. Set out the key facts and conclusions reached by the principal;
- 3. Identify the length and effective date of the suspension, as well as a date of return to school;
- 4. Include notice of the student's opportunity to receive education services to make academic progress during the period of removal from school as provided in 603 CMR 53.13(4)(a);
- 5. Inform the student of the right to appeal the principal's decision to the superintendent or designee, but only if the principal has imposed a long-term suspension. Notice of the right of appeal shall be in English and the primary language of the home if other than English, or other means of communication where appropriate, and shall include the following information stated in plain language:
- a) the process for appealing the decision, including that the student or parent must file a written notice of appeal with the superintendent within five (5) calendar days of the effective date of the long-term suspension; provided that within the five (5) calendar days, the student or parent may request and receive from the superintendent an extension of time for filing the written notice for up to seven (7) additional calendar days; and that
- b) the long-term suspension will remain in effect unless and until the superintendent decides to reverse the principal's determination on appeal.
- (e) If the student is in a public preschool program or in grades K through 3, the principal shall send a copy of the written determination to the superintendent and explain the reasons for imposing an out-of-school suspension, whether short-term or long-term, before the suspension takes effect.

53.09: Superintendent's Hearing under Section 37H¾

- (1) A student who is placed on long-term suspension following a hearing with the principal shall have the right to appeal the principal's decision to the superintendent.
- (2) The student or parent shall file a notice of appeal with the superintendent within the time period set forth 603 CMR 53.08 (3) (c) 5.a). If the appeal is not timely filed, the superintendent may deny the appeal, or may allow the appeal in his or her discretion, for good cause.
- (3) The superintendent shall hold the hearing within three (3) school days of the student's request, unless the student or parent requests an extension of up to seven (7) additional calendar days, in which case the superintendent shall grant the extension.
- (4) The superintendent shall make a good faith effort to include the parent in the hearing. The superintendent shall be presumed to have made a good faith effort if he or she has made efforts to find a day and time for the hearing that would allow the parent and superintendent to participate. The superintendent shall send written notice to the parent of the date, time, and location of the hearing.
- (5) The superintendent shall conduct a hearing to determine whether the student committed the disciplinary offense of which the student is accused, and if so, what the consequence shall be. The superintendent shall arrange for an audio recording of the hearing, a copy of which shall be provided to the student or parent upon request. The superintendent shall inform all participants before the hearing that an audio record will be made of the hearing and a copy will be provided to the student and parent upon request.
- (6) The student shall have all the rights afforded the student at the principal's hearing for long-term suspension under 603 CMR 53.08(3)(b).
- (7) The superintendent shall issue a written decision within five (5) calendar days of the hearing which meets the requirements of 603 CMR 53.08(3)(c)1 through 5. If the superintendent determines that the student

committed the disciplinary offense, the superintendent may impose the same or a lesser consequence than the principal, but shall not impose a suspension greater than that imposed by the principal's decision.

(8) The decision of the superintendent shall be the final decision of the school district, charter school, or virtual school, with regard to the suspension.

53.10: In-School Suspension under Section 37H¾

- (1) The principal may use in-school suspension as an alternative to short-term suspension for disciplinary offenses.
- (2) The principal may impose an in-school suspension for a disciplinary offense under this provision, provided that the principal follows the process set forth in 603 CMR 53.10(3) through 603 CMR 53.10(5) and the student has the opportunity to make academic progress as set forth in 603 CMR 53.13(1).
- (3) The principal shall inform the student of the disciplinary offense charged and the basis for the charge, and provide the student an opportunity to dispute the charges and explain the circumstances surrounding the alleged incident. If the principal determines that the student committed the disciplinary offense, the principal shall inform the student of the length of the student's in-school suspension, which shall not exceed 10 days, cumulatively or consecutively, in a school year.
- (4) On the same day as the in-school suspension decision, the principal shall make reasonable efforts to notify the parent orally of the disciplinary offense, the reasons for concluding that the student committed the infraction, and the length of the in-school suspension. The principal shall also invite the parent to a meeting to discuss the student's academic performance and behavior, strategies for student engagement, and possible responses to the behavior. Such meeting shall be scheduled on the day of the suspension if possible, and if not, as soon thereafter as possible. If the principal is unable to reach the parent after making and documenting at least (2) attempts to do so, such attempts shall constitute reasonable efforts for purposes of orally informing the parent of the in-school suspension.
- (5) The principal shall send written notice to the student and parent about the in-school suspension, including the reason and the length of the in-school suspension, and inviting the parent to a meeting with the principal for the purpose set forth in 603 CMR 53.10(4), if such meeting has not already occurred. The principal shall deliver such notice on the day of the suspension by hand-delivery, certified mail, first-class mail, email to an address provided by the parent for school communications, or by other method of delivery agreed to by the principal and the parent.

53.11: Emergency Removal under Section 37H¾

The principal may remove a student from privileges, such as extracurricular activities and attendance at school-sponsored events, based on the student's misconduct. Such a removal is not subject to the procedures in G.L. c. 71, § 37H³/₄ or 603 CMR 53.00.

53.12: Disciplinary Offenses under Section 37H or 37H½

- (1) School districts shall adopt disciplinary policies and procedures applicable to a student who is accused of a disciplinary offense under G.L. c. 71, §§37H or 37H- ½. Such policies and procedures shall be consistent with the applicable statute and provide due process of law.
- (2) The principal may remove a student who has committed a disciplinary offense under G.L. c. 71, §§37H or 37H½ from school for more than ninety (90) days in a school year.
- (3) Any student who is removed from school for a disciplinary offense under G.L. c. 71, §37H or §37H½ shall have an opportunity to receive education services and make academic progress during the period of removal, as provided in 603 CMR 53.13.

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

- (1) Any student who is serving an in-school suspension, short-term suspension, long-term suspension, or expulsion shall have the opportunity to earn credits, as applicable, make up assignments, tests, papers, and other school work as needed to make academic progress during the period of his or her removal from the classroom or school. The principal shall inform the student and parent of this opportunity in writing when such suspension or expulsion is imposed.
- (2) Any student who is expelled or suspended from school for more than ten (10) consecutive days, whether in school or out of school, shall have an opportunity to receive education services and make academic progress toward meeting state and local requirements, through the school-wide education service plan.
- (3) The principal shall develop a school-wide education service plan describing the education services that the school district will make available to students who are expelled or suspended from school for more than ten (10) consecutive days. The plan shall include the process for notifying such students and their parents of the services and arranging such services. Education services shall be based on, and be provided in a manner consistent with, the academic standards and curriculum frameworks established for all students under G.L. c 69, §§ 1D and 1F.
- (4) Notice of Education Services for Students in Long-Term Suspension and Expulsion; Enrollment Reporting.
- (a) The principal shall notify the parent and student of the opportunity to receive education services at the time the student is expelled or placed on long-term suspension. Notice shall be provided in English and in the primary language spoken in the student's home if other than English, or other means of communication where appropriate. The notice shall include a list of the specific education services that are available to the student and contact information for a school district staff member who can provide more detailed information.
- (b) For each student expelled or suspended from school for more than ten (10) consecutive days, whether inschool or out-of-school, the school district shall document the student's enrollment in education services. For data reporting purposes, the school shall track and report attendance, academic progress, and such other data as directed by the Department.

Regulatory Authority:

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

53.10: In-School Suspension under Section 37H¾

- 1. The principal may use in-school suspension as an alternative to short-term suspension for disciplinary offenses.
- 2. The principal may impose an in-school suspension for a disciplinary offense under this provision, provided that the principal follows the process set forth in 603 CMR 53.10(3) through 603 CMR 53.10(5) and the student has the opportunity to make academic progress as set forth in 603 CMR 53.13(1).
- 3. The principal shall inform the student of the disciplinary offense charged and the basis for the charge, and provide the student an opportunity to dispute the charges and explain the circumstances surrounding the alleged incident. If the principal determines that the student committed the disciplinary offense, the principal shall inform the student of the length of the student's in-school suspension, which shall not exceed 10 days, cumulatively or consecutively, in a school year.
- 4. On the same day as the in-school suspension decision, the principal shall make reasonable efforts to notify the parent orally of the disciplinary offense, the reasons for concluding that the student committed the infraction, and the length of the in-school suspension. The principal shall also invite the parent to a meeting to discuss the student's academic performance and behavior, strategies for student engagement, and possible responses to the behavior. Such meeting shall be scheduled on the day of the suspension if possible, and if not, as soon thereafter as possible. If the principal is unable to reach the parent after making and documenting at least (2) attempts to do so, such attempts shall constitute reasonable efforts for purposes of orally informing the parent of the in-school suspension.

5. The principal shall send written notice to the student and parent about the in-school suspension, including the reason and the length of the in-school suspension, and inviting the parent to a meeting with the principal for the purpose set forth in 603 CMR 53.10(4), if such meeting has not already occurred. The principal shall deliver such notice on the day of the suspension by hand-delivery, certified mail, first-class mail, email to an address provided by the parent for school communications, or by other method of delivery agreed to by the principal and the parent.

READMISSION OF AN EXPELLED STUDENT

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

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

DISCIPLINE FOR STUDENTS WITH DISABILITIES

Students

1. All students are expected to meet the requirements for behavior as set forth in this Handbook. Chapter 71B of the Massachusetts General Laws, formerly known as Chapter 766, requires that additional provisions be made for students who have been found by an evaluation TEAM to have special needs and whose individualized program is described in an Individualized Educational Plan (IEP). Federal and Massachusetts laws, regulations and policies do not prohibit the suspension of special needs students in all cases. However, when it is permitted, the removal of a student from the program which is prescribed in his/her Individualized Educational Plan (IEP) must be preceded by a more deliberate review of the causes and reasons for the proposed suspension and the development of an alternative program, consistent with federal and state law.

- 1. Students with Special Needs may be suspended for up to ten (10) consecutive days and may also be suspended in excess of ten (10) cumulative days, as fully outlined under MGL Ch. 71B, and the Individuals with Disabilities Education Act. Such suspensions may be carried out without any further or additional process.
- 2. Suspensions or exclusions in excess of ten (10) consecutive days or ten (10) cumulative days may also occur, provided that the conduct for which the student is being disciplined is not a manifestation of his/her disability, and the District provides educational services, which will allow the student to access the general curriculum and to make progress toward his/her goals.
- 2. The IDEA and MGL Ch.71B allow school personnel to move a student with disabilities to an interim alternative educational setting (IAES) for up to 45 school days, if that student is in possession of a dangerous weapon at school or a school function or on school property, is in possession or uses a controlled substance or sells or solicits the sale of a controlled substance, while at school or a school function or on school property, or inflicts serious bodily injury on a person, including him/herself. The appropriate interim alternative educational setting shall be determined by the IEP TEAM.
- 3. The IDEA and MGL Ch. 71B also allows school personnel the option of asking a hearing officer or a court to move children with disabilities to an interim alternative educational setting for up to 45 school days, if they are substantially likely to injure themselves or others in their current placement.
- 4. When a special needs student has been suspended for more than ten (10) consecutive or cumulative days in a school year, such that a substantial change in placement is occurring or will occur, the IEP TEAM will meet to conduct a manifestation determination. Relevant members of the TEAM meet for the manifestation determination, and they answer two questions, after reviewing relevant documents and the misconduct of the student:
 - 1. Is the misconduct the result of failure to implement the student's IEP? And
 - 2. Is the misconduct caused by, or does it have a direct and substantial relationship to the student's disability?
- 5. 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.
- 6. If the TEAM finds that the misconduct was not a manifestation of the student's disability, then the student may be disciplined according to the discipline policy in this handbook. The student will receive educational services during this period of suspension or exclusion. If the TEAM finds that the misconduct was a manifestation of the student's disability, then the school may still be able to implement an IAES (see #2 and #3 above). If the IAES is not possible, then the student will remain in his/her current placement, and the TEAM will arrange for a functional behavioral assessment (if one has not been conducted on the student) and the development or modification of a behavior intervention plan.
- 7. The Principal (or designee) will notify the Special Education Office of the suspendable offenses of a special needs student and a record will be kept of such notices.

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

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

RE-ADMISSION OF AN EXPELLED STUDENT

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

- 1. The student has successfully completed a treatment program that may include counseling or therapy.
- 2. The student agrees to a contract that specifies expectations and consequences for failure to meet the expectations.
- 3. The student agrees to provide references from responsible adults attesting to his/her ability to appropriately participate in the school community.
- 4. The student agrees to continue counseling with a mutually agreeable counselor and/or meet regularly with an adult mentor as specified by the Principal of the school.

5. The student successfully meets such other conditions specified by the Principal and approved by the superintendent. These additional conditions will be established for the purpose of ensuring the safety and educational well-being of the student, staff, and other students.

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

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

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

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

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

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

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

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

General Requirements:

Each school shall ensure that:

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

Meeting to review IEP with student's special needs:

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

demonstrated repeated instances of dangerously assaultive or self-abusive behavior, an emergency evaluation and placement may be made with parental consent.

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

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

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

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

Court order necessary to authorize suspension:

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

PLEASE NOTE THE FOLLOWING STATUTORY REQUIREMENTS UNDER FEDERAL LAW:

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

(k) Placement in alternative educational setting

- 1. Authority of school personnel
 - 1. School personnel may order a change in the placement of a child with a disability —

- 1. to an appropriate interim alternative setting, another setting, or suspension, for not more than 10 school days (to the extent such alternatives would be applied to children without disabilities); and
- 2. to an appropriate interim alternative educational setting for the same amount of time that a child without a disability would be subject to discipline, but for not more than 45 days if
 - the child carries a weapon to school or to a school function under the jurisdiction of a state or local educational agency; or
 - 2. the child knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function under the jurisdiction of a state or local educational agency.
- b. Either before or not later than 10 days after taking a disciplinary action described in subparagraph (A)
 - 1. if the local educational agency did not conduct a functional behavioral assessment and implement a behavioral intervention plan for such child before the behavior that resulted in the suspension described in subparagraph (A), the agency shall convene an IEP meeting to develop an assessment plan to address that behavior, or
 - 2. if the child already has a behavioral intervention plan, the IEP Team shall review the plan and modify it, as necessary, to address the behavior.
- 2. Authority of hearing officer. A hearing officer under this section may order a change in the placement of a child with a disability to an appropriate interim alternative educational setting for not more than 45 days if the hearing officer determines that the public agency has demonstrated by substantial evidence that maintaining the current placement of such child is substantially likely to result in injury to the child or to others;
- a. considers the appropriateness of the child's current placement;
- b. considers whether the public agency has made reasonable efforts to minimize the risk of harm in the child's current placement, including the use of supplementary aids and services; and
- c. determines that the interim alternative educational setting meets the requirements of paragraph (3)(B).
 - 3. Determination of setting
- In general. The alternative educational setting described in paragraph (1)(A)(ii) shall be determined by the IEP Team.

 Additional requirements. Any interim alternative educational setting which a child is placed under paragraph (1) or (2)
- shall-
- 1. be selected so as to enable the child to continue to participate in the general curriculum, although in another setting, and to continue to receive those services and modifications, including those described in the child's current IEP, that will enable the child to meet the goals set out in that IEP; and
- 2. include services and modifications designed to address the behavior described in paragraph (1) or paragraph (2) so that it does not recur.
- 4. Manifestation determination review
- . In general. If a disciplinary action is contemplated as described in paragraph (1) or paragraph (2) for a behavior of a child with a disability described in either of those paragraphs, or if a disciplinary action involving a change of placement for more than 10 days is contemplated for a child with a disability who has engaged in other behavior that violated any rule or code of conduct of the local educational agency that applies (to?) all children
 - 1. not later than the date on which the decision to take that action is made, the parents shall be notified of that decision and of all procedural safeguards accorded under this section; and
 - 2. immediately, if possible, but in no case later than 10 school days after the date on which the decision to take that action is made, a review shall be conducted of the relationship between the child's disability and the behavior subject to the disciplinary action.
- a. Individuals to carry out review. A review described in subparagraph (A) shall be conducted by the IEP Team and other qualified personnel.
- b. Conduct of review. In carrying out a review described in subparagraph (A), the IEP Team may determine that the behavior of the child was not a manifestation of such child's disability only if the IEP Team
 - first considers, in terms of the behavior subject to disciplinary action, all relevant information, including
 - 1. evaluation and diagnostic results, including such results or other relevant information supplied by the parent of the child;
 - 2. observations of the child; and
 - 3. the child's IEP and placement; and
 - 2. then determines that -

- 1. in relationship to the behavior subject to disciplinary action, the child's IEP and placement were appropriate and the special education services, supplementary aids and services, and behavior intervention strategies were provided consistent with the child's IEP and placement;
- 2. the child's disability did not impair the ability of the child to understand the impact and consequences of the behavior subject to disciplinary action; and
- 3. the child's disability did not impair the ability of the child to control the behavior subject to disciplinary action.
- 5. Determination that behavior was not manifestation of disability
- . In general. If the result of the review described in paragraph (4) is a determination, consistent with paragraph (4)(C), that the behavior of the child with a disability was not a manifestation of the child's disability, the relevant disciplinary procedures applicable to children without disabilities may be applied to the child in the same manner in which they would be applied to children without disabilities; except as provided in Sec. 1412(a)(1).
- a. Additional requirement. If the public agency initiates disciplinary procedures applicable to all children, the agency shall ensure that the special education and disciplinary records of the child with a disability are transmitted for consideration by the person or persons making the final determination regarding the disciplinary action.
 - 6. Parent appeal
- . In general
- 1. If the child's parent disagrees with a determination that the child's behavior was not a manifestation of the child's disability or with any decision regarding placement, the parent may request a hearing.
- 2. The state or local educational agency shall arrange for an expedited hearing on any case described in this subsection when requested by a parent.
- a. Review of decision
 - 1. In reviewing a decision with respect to the manifestation determination, the hearing officer shall determine whether the public agency has demonstrated that the child's behavior was not a manifestation of such child's disability consistent with the requirements of paragraph (4)(C).
 - 2. In reviewing a decision under paragraph (1)(A)(ii) to place the child in an interim alternative educational setting, the hearing officer shall apply the standards set out in paragraph (2).
 - 7. Placement during appeals
- In general. When a parent requests a hearing regarding a disciplinary action described in paragraph (1)(A)(ii) or paragraph (2) to challenge the interim alternative educational setting or the manifestation determination, the child shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the time period provided for in paragraph (1)(A)(ii) or paragraph (2), whichever occurs first, unless the parent and the state or local educational agency agree otherwise.
- a. Current placement: If a child is placed in an interim alternative educational setting pursuant to paragraph (1)(A)(ii) or paragraph (2) and school personnel propose to change the child's placement after expiration of the interim alternative placement, during the pendency of any proceeding to challenge the proposed change in placement, the child shall remain in the current placement (the child's placement prior to the interim alternative educational setting), except as provided in subparagraph (C).
- b. Expedited hearing
 - 1. If school personnel maintain that it is dangerous for the child to be in the current placement (placement prior to removal to the interim alternative education setting) during the pendency of the due process proceedings, the local educational agency may request an expedited hearing.
 - 2. In determining whether the child may be placed in the alternative educational setting or in another appropriate placement ordered by the hearing officer, the hearing shall apply the standards set out in paragraph (2).
 - 8. Protections for children not yet eligible for special education and related services
- . In general. A child who has not been determined to be eligible for special education and related services under this part and who has engaged in behavior that violated any rule or code of conduct of the local educational agency, including any behavior described in paragraph (1), may assert any of the protections provided for in this part if the local educational agency had knowledge (as determined in accordance with this paragraph) that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred.
- a. Basis of knowledge. A local educational agency shall be deemed to have knowledge that a child is a child with a disability if

- 1. The parent of the child has expressed concern in writing (unless the parent is illiterate or has a disability that prevents compliance with the requirements contained in this clause) to personnel of the appropriate educational agency that the child is in need of special education and related services.
- 2. The behavior or performance of the child demonstrates the need for such services;
- 3. The parent of the child has requested an evaluation of the child pursuant to Sec. 1414; or
- 4. The teacher of the child, or other personnel of the local educational agency, has expressed concern about the behavior or performance of the child to the director of special education of such agency or to other personnel of the agency.
- b. Conditions that apply if no basis of knowledge
 - 1. In general: If a local educational agency does not have knowledge that a child is a child with a disability in accordance with subparagraph (B) prior to taking disciplinary measures against the child, the child may be subjected to the same disciplinary measures as measures applied to children without disabilities who engaged in comparable behaviors consistent with clause (ii).
 - 2. Limitations: If a request is made for an evaluation of a child during the time period in which the child is subject to disciplinary measures under paragraph (1) or (2), the evaluation shall be conducted in an expedited manner. If the child is determined to be a child with a disability, taking into consideration information from the evaluation conducted by the agency and information provided by the parents, the agency shall provide special education and related services in accordance with the provisions of this part, except that, pending the results of the evaluation, the child shall remain in the educational placement determined by school authorities.
 - 9. Referral to and action by law enforcement and judicial authorities
- Nothing in this part shall be construed to prohibit an agency from reporting a crime committed by a child with a disability to appropriate authorities or to prevent state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by a child with a disability.
- a. An agency reporting a crime committed by a child with a disability shall ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom it reports the crime.
 - 10. Definitions. For the purposes of this subsection, the following definitions apply:
- Controlled substances. The term 'controlled substance' means a drug or other substance identified under schedules I, II, III, IV, or V in Sec. 202(c) of the Controlled Substances Act (21 U.S.C. 831(c)).
- a. Illegal drug. The term 'illegal drug' means a controlled substance; but does not include such a substance that is legally possessed or used under the supervision of a licensed health care professional or that is legally possessed or used under any other authority or Act or under any other provision or federal law.
- b. Substantial evidence. The term 'substantial evidence' means beyond a preponderance of the evidence.
- c. Weapon. The term 'weapon' has the meaning given the term 'dangerous weapon' under paragraph (2) of the first subsection (g) of Sec. 930 of Title 18, United States Code.
- Title 18 U.S.C. §930, paragraph (2) of the first subsection (g) provides: "The term 'dangerous weapon' means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except that such term does not include a pocket knife with a blade less than 2 ½ inches in length."

SEARCHES

LOCKERS/DESKS/COMPUTERS/CLOTHING – SEARCHES OF STUDENTS

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

DISCIPLINARY ACTION RELATIVE TO SPECIAL NEEDS STUDENTS

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

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

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

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

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

- 1. Students are expected to meet the expectations for behavior identified in this handbook. A student on a Section 504 plan may be disciplined like any other non-disabled student. However, if the student is going to be suspended for ten (10) or more consecutive days, expelled or suspended for more than fifteen (15) cumulative days (and there is a change in placement as a result), then a manifestation determination review shall be conducted. The student's 504 team shall convene, and answer two questions, after reviewing relevant documents and the misconduct of the student.
 - a. Is the misconduct the result of failure to implement the student's 504 plan?
 - b. Is the misconduct caused by, or does it have a direct and substantial relationship to the student's disability?

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

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

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

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

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

GENERAL REQUIREMENTS: Each school shall ensure that:

- a. Its Code of Conduct is on file with the Department of Elementary and Secondary Education and all student handbooks contain the specific procedures in these regulations for the suspension of a student with special needs
- b. It has an appropriate procedure to notify the Administrator of Special Education of the misconduct for which suspension of a student with special needs for more than ten (10) cumulative days is proposed so that the procedures required can be implemented consistently (See FORM 6);
- c. The number and duration of suspensions of students with special needs is recorded and maintained by school administrators

- d. The IEP of every student with special needs indicates whether the student is or is not expected to meet the school's discipline code, and, if not, what modifications of the code are required, which shall be described in the IEP; and
- e. No student with special needs may be suspended may be suspended for more than ten (10) cumulative days in the school year except as provided hereunder.

MEETING TO REVIEW IEP WITH STUDENT'S SPECIAL NEEDS:

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

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

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

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

a. If the school wishes to impose a suspension which results in more than ten (10) cumulative days of suspension in the school year, and the TEAM concludes that: the student's misconduct is not

a manifestation to the student's special needs; is not the result of an inappropriate special education program/placement; and the current IEP was fully implemented, the school shall:

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

COURT ORDER NECESSARY TO AUTHORIZE SUSPENSION:

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

PLEASE NOTE THE FOLLOWING STATUTORY REQUIREMENTS UNDER FEDERAL LAW:

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

(k) Placement in alternative educational setting

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

- (ii) to an appropriate interim alternative educational setting for the same amount of time that a child without a disability would be subject to discipline, but for not more than 45 days if –
- (I) the child carries a weapon to school or to a school function under the jurisdiction of a state or local educational agency; or
- (II) the child knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function under the jurisdiction of a state or local educational agency.
- (B) Either before or not later than 10 days after taking a disciplinary action described in subparagraph (A) –
- (i) if the local educational agency did not conduct a functional behavioral assessment and implement a behavioral intervention plan for such child before the behavior that resulted in the suspension described in subparagraph (A), the agency shall convene an IEP meeting to develop an assessment plan to address that behavior, or
- (ii) if the child already has a behavioral intervention plan, the IEP Team shall review the plan and modify it, as necessary, to address the behavior.

(2) Authority of hearing officer

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

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

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

- (B) Additional requirements
 - Any interim alternative educational setting which a child is placed under paragraph (1) or (2) shall:
- (i) be selected so as to enable the child to continue to participate in the general curriculum, although in another setting, and to continue to receive those services and modifications, including those described in the child's current IEP, that will enable the child to meet the goals set out in that IEP; and
- (ii) Include services and modifications designed to address the behavior described in paragraph (1) or paragraph (2) so that it does not recur.
- (4) Manifestation determination review
- (A) In general

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

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

- (ii) The state or local educational agency shall arrange for an expedited hearing on any case described in this subsection when requested by a parent.
- (B) Review of decision
- (i) In reviewing a decision with respect to the manifestation determination, the hearing officer shall determine whether the public agency has demonstrated that the child's behavior was not a manifestation of such child's disability consistent with the requirements of paragraph (4)(C).
- (ii) In reviewing a decision under paragraph (1)(A)(ii) to place the child in an interim alternative educational setting, the hearing officer shall apply the standards set out in paragraph (2).
- (7) Placement during appeals
- (A) In general

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

- (B) Current placement
 - If a child is placed in an interim alternative educational setting pursuant to paragraph (1)(A)(ii) or paragraph (2) and school personnel propose to change the child's placement after expiration of the interim alternative placement, during the pendency of any proceeding to challenge the proposed change in placement, the child shall remain in the current placement (the child's placement prior to the interim alternative educational setting), except as provided in subparagraph (C).
- (C) Expedited hearing
- (i) If school personnel maintain that it is dangerous for the child to be in the current placement (placement prior to removal to the interim alternative education setting) during the pendency of the due process proceedings, the local educational agency may request an expedited hearing.
- (ii) In determining whether the child may be placed in the alternative educational setting or in another appropriate placement ordered by the hearing officer, the hearing shall apply the standards set out in paragraph (2).
- (8) Protections for children not yet eligible for special education and related services
- (A) In general

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

- (B) Basis of knowledge
 - A local educational agency shall be deemed to have knowledge that a child is a child with a disability if –
- (i) The parent of the child has expressed concern in writing (unless the parent is illiterate or has a disability that prevents compliance with the requirements contained in this clause) to personnel of the appropriate educational agency that the child is in need of special education and related services.
- (ii) The behavior or performance of the child demonstrates the need for such services.

- (iii) The parent of the child has requested an evaluation of the child pursuant to Sec. 1414; or
- (iv) The teacher of the child, or other personnel of the local educational agency, has expressed concern about the behavior or performance of the child to the director of special education of such agency or to other personnel of the agency.
- (C) Conditions that apply if no basis of knowledge
- (i) In general

If a local educational agency does not have knowledge that a child is a child with a disability in accordance with subparagraph (B) prior to taking disciplinary measures against the child, the child may be subjected to the same disciplinary measures as measures applied to children without disabilities who engaged in comparable behaviors consistent with clause (ii).

(ii) Limitations

If a request is made for an evaluation of a child during the time period in which the child is subject to disciplinary measures under paragraph (1) or (2), the evaluation shall be conducted in an expedited manner. If the child is determined to be a child with a disability, taking into consideration information from the evaluation conducted by the agency and information provided by the parents, the agency shall provide special education and related services in accordance with the provisions of this part, except that, pending the results of the evaluation, the child shall remain in the educational placement determined by school authorities.

- (9) Referral to and action by law enforcement and judicial authorities
- (A) Nothing in this part shall be construed to prohibit an agency from reporting a crime committed by a child with a disability to appropriate authorities or to prevent state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by a child with a disability.
- (B) An agency reporting a crime committed by a child with a disability shall ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to which it reports the crime.
- (10) Definitions

For the purposes of this subsection, the following definitions apply:

(A) Controlled substances

The term 'controlled substance' means a drug or other substance identified under schedules I, II, III, IV, or V in Sec. 202(c) of the Controlled Substances Act (21 U.S.C. 831(c)).

(B) Illegal drug

The term 'illegal drug' means a controlled substance; but does not include such a substance that is legally possessed or used under the supervision of a licensed healthcare professional or that is legally possessed or used under any other authority or Act or under any other provision or federal law.

(C) Substantial evidence

The term 'substantial evidence' means beyond a preponderance of the evidence.

(D) Weapon

The term 'weapon' has the meaning given the term 'dangerous weapon' under paragraph (2) of the first subsection (g) of Sec. 930 of Title 18, United States Code.

Title 18 U.S.C. §930, paragraph (2) of the first subsection (g) provides:

"The term 'dangerous weapon' means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily

injury, except that such term does not include a pocket knife with a blade less than 2 ½ inches in length."

IDEA: The Individuals with Disabilities Education Act

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

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

You may also contact:

Ms. Beth Cooke, Director of Student Services 413-538-5072 ecooke@shschools.com

Section 504 of the Rehabilitation Act of 1973

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

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

Examples of Major Life Activities:

- Self-care
- Walking
- Hearing
- Breathing

- Performing manual tasks
- Seeing
- Speaking
- Learning

ReadingOther

C. Eligibility Process:

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

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

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

You have the right to:

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

procedure had led to a decision with which you disagree. You and the student may take part in the hearing and have an attorney represent you.

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

Coordinators:

Plains School: Hank Skala, Principal Mosier School: Cindy Flynn, Principal

Middle School: Melissa Lake, Guidance Counselor and David Gallagher, Principal

High School: Pat Lemieux, Assistant Principal

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

You can also contact the Office for Civil Rights (OCR) at 1-800-872-5327 or www.ed.gov/about/offices/list/ocr/index.html for publications regarding this issue. Their address is:

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

What is the Difference between Section 504 and IDEA?

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

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

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

The Americans With Disabilities Act and Your Civil Rights

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

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

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

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

Civil Rights and Issues of Harassment (Title IX)

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

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

File: JICH

VI. IMPORTANT POLICIES

ALCOHOL, TOBACCO, AND DRUG USE BY STUDENTS PROHIBITED

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

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

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

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

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

the Department of Public Health within 90 days of the completion of the screening process.

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

SOURCE: MASC February 2018

LEGAL REFS.: M.G.L.71:2A; 71:96; 71:97; <u>272:40A</u>

CROSS REFS.: IHAMB, Teaching About Drugs, Alcohol, and Tobacco GBEC,

Drug Free Workplace Policy

Revised: March 5, 2018

South Hadley Public Schools

File: IHAMB

TEACHING ABOUT ALCOHOL, TOBACCO, AND DRUGS

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

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

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

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

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

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

SOURCE: MASC March 2016

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

CROSS REFS: GBEC, Drug Free Workplace Policy

JICH, Drug and Alcohol Use by Students

PHYSICAL RESTRAINT OF STUDENTS

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

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

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

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

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

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

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

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

File: GBEBD

MUTUAL RESPECT

COMMITMENT

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

VIOLATIONS OF MUTUAL RESPECT

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

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

PROCEDURES

Step 1:

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

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

Step 2:

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

File: GBEBD

Step 3:

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

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

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

Adoption date: January 5, 2016

File: ADC

TOBACCO PRODUCTS ON SCHOOL PREMISES PROHIBITED

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

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

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

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

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

JICH, Alcohol, Tobacco and Drug Use by Students Prohibited

Adoption date: January 10, 2006 Re-adoption date: November26, 2013

Revised: January 7, 2019 South Hadley Public Schools