

STUDENT DISCIPLINE

Section J: Students	File: JIC
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1 Specific Misconduct and Disciplinary Action

Respect is at the heart of Newburyport Public Schools, respect for yourself, respect for the staff, and respect for your school. Every student has a right to an education in a safe, secure and supportive environment, and every teacher has a right to expect respectful, prepared students in his/her classroom. The administration will treat all students consistently and equitably, and will respect the rights of all students to an education in a safe and healthy environment. It is the policy of the Newburyport Public Schools to ensure fair and effective disciplinary practices. Accordingly, the following rules and regulations will be administered fairly and consistently to all students:

Enforcement of discipline is based on a system of progressive actions, starting with restorative justice, with a goal of limiting the use of long-term suspension as a consequence for student misconduct until other consequences need to be considered, as appropriate. The administrator will exercise discretion in determining disciplinary consequences. The administrator may utilize his/her discretion to significantly increase penalties in the cases of second and third offenses or for other factors. In determining the severity of the penalty or suspension, the appropriate administrator may consider all relevant facts, including but not limited to: 1) previous disciplinary record, 2) severity of disruption to the educational process, 3) degree of danger to self and/or others, 4) the degree to which the student is willing to change his/her inappropriate behavior and 5) whether alternative consequences are appropriate to re-engage the student in learning. Alternative consequences may include the use of evidence-based strategies and programs such as mediation, conflict resolution, restorative justice, and positive behavioral interventions and supports.

Student Conduct and Discipline Policies

The school's primary goal is to educate, not to discipline; however, when the behavior of individual students comes in conflict with the rights of others, corrective actions may be necessary both for the benefit of that individual and the school as a whole.

Students are governed by the policies, regulations, and rules of this district and state law, which are applicable in school, on the school grounds, at a school activity away from school, on the way to or from school, and on a school bus . . . The School Committee expects that students will be particularly mindful of their conduct when traveling for school events as they become "ambassadors" for our City. Students may also be subject to discipline for actions that affect the operation of the school but which occur beyond the areas listed above (cyber-bullying, harassment of school personnel, among others)..

The principal, in consultation with the School Council, shall prepare and distribute to each student a student handbook setting forth the rules pertaining to the conduct of students. The School Council shall review the student handbook each spring to consider changes in disciplinary policy to take effect in September of the following school year, but may consider policy changes at any time. The annual review shall cover all areas of student conduct. Such governing rules shall be published and disseminated to school personnel, students and parents each year. In the case of the High School, the School Committee must approve the handbook by their Second June meeting.

We recognize that effective discipline should result in a positive change in the student's behavior, and at times must be adjusted to fit the individual situation. To this end, we list the offenses and recommended punishment to be incurred by a student for the indicated offense..

2 Process for Classroom Discipline

Teachers are in charge of classroom management within their classrooms. Teachers are expected to maintain the expectations for student behavior/conduct that meet the general code of conduct as outlined in this handbook. Additionally, teachers should be explicit about their own expectations that may be unique to their own rooms. These rules or guidelines should be outlined in the course syllabus. Teachers should hold students accountable for their conduct within the classroom. When issues of misconduct arise, teachers should attempt to find a resolution based on any or all of the following:

1. A student/teacher conference (or teacher detention) to resolve the problem;
2. Communication with the parent through phone, email or conference;
3. A teacher/parent/student conference to resolve the problem;
4. Referral of the student to the Principal/Associate Principal for disciplinary action.

3 Guidelines for Referrals to the Principal and/or his/her Designee

It is expected that teachers will handle their own discipline situations on a normal basis. However, it is recognized that situations do occur which demand that a student be referred to the Principal/Associate Principal for disciplinary actions.

Newburyport students have the privilege of making decisions. However, all students must understand the rules and possible consequences for violating them. The consequences for infractions of school rules include the following range of responses:

- ☐ Teacher-Student Conferences
- ☐ Parent Conference
- ☐ Exclusion from areas in the school
- ☐ Loss of activity privilege
- ☐ Loss of "Senior Week" activities up to and/or including graduation exercises
- ☐ Office detention
- ☐ In School Suspension
- ☐ Friday Extended-day detention
- ☐ Out-of-school suspension – both short term (10 days or less) and long term (over 10 days)
- ☐ Expulsion
- ☐ Mediation, conflict resolution, restorative justice, as appropriate
- ☐ Positive behavioral interventions and supports, as appropriate
- ☐ Other, as appropriate

4 Teacher-Student Conferences

Every teacher has the right to request that a student report after school for extra help or for disciplinary reasons. Students and teachers will make every effort to honor these appointments. The Teacher-Student Conference will be held upon the teacher's request.

5 Parent Conferences

Meetings may be arranged including parents/guardians, the student, administration, faculty and/or involved or pertinent personnel.

6 Peer Mediation

At the determination of the Associate Principal and the director of the Peer Mediation Program, students may be referred for mediation of disputes between two or more students. Peer mediation will not be used to address bullying.

7 Exclusion from Areas of the School

If student behavior is disruptive and/or causes a safety concern, s/he may be excluded from an area of the school (for example a class, the library, a laboratory) for a period of time.

8 Loss of Activity Privileges

ELIGIBILITY TO PARTICIPATE IN SCHOOL ACTIVITIES AND EVENTS

Extra-curricular activities and events are an important part of the educational experience for our students, but participation in these activities is a privilege, not a right. The variety of clubs, activities and events is extensive and students are encouraged to become involved in one or more of these opportunities.

Participation in clubs and activities at Newburyport Schools and attending school-sponsored, school-related events is a privilege afforded to students who remain in good standing (e.g. acceptable attendance, no disciplinary action). To participate in school activities, events and clubs, students are expected to maintain good attendance and demonstrate good behavior and citizenship during school and at school-sponsored events. Eligibility for participation in activities, events, clubs, awards, scholarships and honorary positions at Newburyport Schools is limited to students who are currently enrolled in and attending Newburyport High School in good standing. Students not meeting these expectations may be excluded at the discretion of the Principal or his/her designee. A student's removal from extracurricular activities and attendance at school sponsored events is not subject to the procedural requirements of Massachusetts Laws Chapter 71, section 37H ¾ (Principal's Hearing). The removal is not a suspension for the purpose of counting the school days that a student is suspended. Parents will be notified when a student is removed or excluded from extracurricular activities.

9 Loss of "Senior Week" activities up to and/or including graduation exercises

Senior activities are privileges afforded to students in good standing. If, during the senior activities after senior classes are over and before graduation, a student commits an infraction that warrants a suspension or expulsion, s/he will also forfeit his/her opportunity to participate in any other senior activities including the graduation ceremony. The student's diploma will be given to him/her at some time after the official graduation date.

10 Office Detentions

Office detention is held at the end of the SAME school day as the infraction. A twenty-four hour grace period **may** be extended by the administration. Failure to report to an office detention may result in an extended-day detention. Parents will be notified.

11 Suspensions

The Newburyport Public Schools adheres to the Student Discipline Laws and Regulations as set forth in Massachusetts General Laws Chapter 71, sections 37H, 37 H1/2 and 37 H ¾ and 603 CMR 53.00 et seq.

IN-SCHOOL SUSPENSION PROCEDURES:

A student may be removed from regular classroom activities, but not from the school premises, for up to ten (10) consecutive school days or up to ten (10) school days cumulatively for multiple infractions during the school year. Students who are placed in in-school suspension shall have the opportunity to earn credits, make up assignments, tests, papers, and other school work as needed to make academic progress during the in-school suspension.

A student who is unable to consistently adhere to acceptable classroom standards in a particular class may be removed from the class permanently and assigned to a different class at the discretion of the principal and/or his/her designee.

Notice of In-School Suspension:

The principal or his/her designee shall inform the student of the disciplinary offense charged and the basis for the charge, and provide the student with an opportunity to dispute the charges and explain the circumstances surrounding the alleged incident. If the principal or his/her designee determines that the student committed the disciplinary offense, the principal or his/her designee shall inform the student of the length of the student's in-school suspension. If the in-school suspension exceeds ten (10) days, cumulatively or consecutively, in a school year, the student shall have the right to appeal the suspension to the Superintendent of Superintendent's designee.

On the same day as the in-school suspension decision, the principal or his/her designee 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.

On the day of the suspension, the principal or his/her designee shall send written notice (by hand-delivery, certified mail, first class mail or email) to the student and parent including the reason and the length of the in-school suspension, and inviting the parent to a meeting if the meeting has not already occurred. The notice shall be in English and the primary language of the home if another language is identified in the home language survey, or by other means, as appropriate.

Parent Meeting:

The principal or his designee 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 or his/her designee 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.

No Right to Appeal:

The decision of the Principal or his/her designee is the final decision for in-school suspensions not exceeding ten (10) days, consecutively or cumulatively during a school year.

OUT-OF-SCHOOL SUSPENSION PROCEDURES UNDER M.G.L. CH. 71, SEC. 37H¾:

Due Process Procedures for Out-of-School Suspensions:

There are two types of out-of-school suspensions, Short-Term Suspensions and Long-Term Suspensions. The principal or his/her designee 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 or his/her designee shall afford the student, additional rights as described below, in addition to those rights afforded to students who may face a short-term suspension from school. All students facing out-of-school suspension shall have the right to oral and written notice, as described below.

Notice for Any Out-of-School Suspension:

Prior to suspending a student, the Principal or his/her designee will provide the student and the Parent oral and written notice of the possible suspension, an opportunity for the student to have a hearing and the opportunity of the Parent(s) to participate in the hearing. The notice will be in English and in the primary language of the home if other than English as identified in the home language survey, or by other means of communication where appropriate. The notice will 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 or his designee 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:
1. the rights set forth in 603 CMR 53.08(3)(b) ; and
 2. the right to appeal the principal's decision to the superintendent.

The principal or his/her designee shall make reasonable efforts to notify the parent orally of the opportunity to attend the hearing. Prior to conducting a hearing without the parent present, the principal or his/her designee will document reasonable efforts to include the parent. The principal or his/her designee is presumed to have made reasonable efforts if the principal or his/her designee has sent written notice and has documented at least two (2) attempts to contact the parent in the manner specified by the parent for emergency notification.

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.

Emergency Removal of Student:

Under certain emergency circumstances, it may not be practical for the principal or his/her designee to provide prior oral and written notice before removing a student from school. The principal or his/her designee may remove 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 (or his/her designee's) judgment, there is no alternative available to alleviate the danger or disruption. The principal or his/her designee will 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, the disciplinary offense, the basis for the charge, the potential consequences, including potential length of suspension, the opportunity for a hearing including the date/time/location of the hearing, the right to interpreter services, and other rights permitted for students who may be placed on long-term suspension as set forth in 603 CMR. 53.08(3)(b);
- (b) Provide written notice to the student and parent, including the information described in 603 CMR 53.06(2);
- (c) Provide the student an opportunity for a hearing with the principal or his/her designee 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.

A principal will 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.

SHORT-TERM SUSPENSION PROCEDURES UNDER M.G.L. CH. 71, SEC. 37H½ :

A Short-Term Suspension is the removal of a student from the school premises and regular classroom activities for ten (10) consecutive school days or less. The principal, or his/her designee, may, in his or her discretion, allow a student to serve a short-term suspension in school. Any student facing a potential short-term suspension is entitled to a hearing with the Principal or his/her designee with the following process:

Principal Hearing - Short-term Suspension:

(a) The purpose of the hearing with the principal or his/her designee 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 or his/her designee 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 or his/her designee should consider in determining whether other remedies and consequences may be appropriate as alternatives to suspension. The principal or his/her designee 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 or his/her designee shall determine whether the student committed the disciplinary offense, and, if so, what remedy or consequence will be imposed.

(c) The principal or his/her designee shall notify the student and parent of the determination and the reasons for it, and, if the student is suspended, the type and duration of suspension and the opportunity to make up assignments and such other school work as needed to make academic progress during the period of removal, as provided in 603 CMR 53.13(1). The determination shall be in writing and may be in the form of an update to the original written notice.

(d) If the student is in a public preschool program or in grades K through 3, the principal shall send a copy of the written determination to the superintendent and explain the reasons for imposing an out-of-school suspension, before the short-term suspension takes effect.

No Right to Appeal:

The decision of the Principal or his/her designee is the final decision for short-term out-of-school suspensions not exceeding ten (10) days, consecutively or cumulatively during a school year.

LONG-TERM SUSPENSION PROCEDURES UNDER M.G.L. CH. 71, SEC. 37H½:

A Long-Term Suspension is the removal of a student from the school premises and regular classroom activities for more than ten (10) consecutive school days, or for more than ten (10) school days cumulatively for multiple disciplinary offenses in any school year. The principal or his/her designee, may, in his or her discretion, may allow a student to serve a long-term suspension in school. Except for students who are charged with a disciplinary offense set forth in Massachusetts General Laws Chapter 71, §37 H, or in Massachusetts General laws Chapter 71 § 37H ½, 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. Any student facing a potential long-term suspension is entitled to a hearing with the Principal or his/her designee with the following process

Principal Hearing - Long-term Suspension:

(a) The purpose of the hearing with the principal or his/her designee 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 or his/her designee 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 alternatives to suspension. The principal or his/her designee 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) In addition to the rights afforded a student in a short-term suspension hearing, the student shall have the following additional 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 or his/her designee 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 or his/her designee shall determine whether the student committed the disciplinary offense, and, if so, after considering mitigating circumstances and alternatives to suspension, what remedy or consequence will be imposed, in place of or in addition to a long-term suspension. The principal or his/her designee 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 or his/her designee 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;
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 as determined by the home language survey, 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 the long-term suspension will remain in effect unless and until the superintendent decides to reverse the principal's determination on appeal.

(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 suspension takes effect.

Superintendent's Appeal Hearing:

(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 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. 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.

(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, with regard to the suspension.

A parent conference (re-entry meeting) with the Principal or his/her designee is strongly encouraged before students who are suspended return to school. This conference will be used to promote the engagement of the parents or guardians in discussions of the student's misconduct and to assist the student in re-engaging with the school community.

LONG-TERM SUSPENSION/EXPULSION PROCEDURES FOR SPECIAL CIRCUMSTANCES:

The long-term suspension or expulsion of a student from school will be in accordance with Massachusetts General Laws, Chapter 71, Section 37H. The grounds for long term suspension or expulsion include but are not limited to the following:

1. any student who is found on school premises or at school-sponsored or school-related events, including athletic games, in possession of a dangerous weapon, including, but not limited to, a gun, a knife, or their facsimile, or anything used in the commission of assault and battery; or a controlled substance as defined in Chapter 94 C, including, but not limited to, marijuana, cocaine, and heroin, may be subject to long-term suspension or expulsion from the school by the principal or his/her designee.
2. Any student who assaults a principal, assistant principal, teacher, teacher's aide, or other educational staff on school premises or at school-sponsored or school-related events, including athletic games, may be subject to long-term suspension or expulsion from the school or school district by the principal or his/her designee.

Due process for a student who is subject to an expulsion or a long-term suspension as a result of possessing drugs/weapons or assaulting school staff includes:

- a. A student shall receive written notice before the expulsion or a long-term suspension takes place and written notice of the right to appeal.
- b. The student shall be given an opportunity for a hearing and the opportunity to present witnesses and evidence. The student may have an attorney at their own expense.
- c. Following the hearing, the principal or his/her designee may, in his/her discretion, decide to suspend rather than expel the student.
 - d. The student may appeal the expulsion or long-term suspension to the Superintendent provided the appeal is requested in writing, within ten (10) calendar days following the long-term suspension or expulsion.
 - e. At the appeal hearing the student may be represented by an attorney and may present oral and written testimony.
 - f. The subject matter of the appeal shall not be limited solely to a factual determination of whether the student has violated any provisions of MGL c. 71 Section 37H.
 - g. The Superintendent's decision is final.
 - h. Any student who is suspended or expelled for more than ten (10) consecutive days shall have the opportunity to receive education services and make academic progress toward meeting state and local requirements, through the school-wide education service plan.

PROCEDURES FOR STUDENTS WITH FELONY COMPLAINT OR CONVICTION:

In accordance with Massachusetts General Laws Chapter 71 (§37 H ½), principals have the authority to suspend students charged with a felony and expel or issue a long-term suspension to students convicted or adjudicated of committing a felony if the principal has determined that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school.

Due process for a student who is subject to suspension as a result of a felony charge includes:

- a. The student shall receive written notice before the suspension takes effect and written notice of the right to appeal.
- b. The student shall be given an opportunity to respond to the charges before the suspension takes effect.
- c. The student may appeal the suspension to the Superintendent, provided the appeal is requested in writing within five (5) calendar days following the suspension.
- d. The Superintendent must hold the appeal hearing within three (3) calendar days of the request.
- e. At the appeal hearing the student may be represented by an attorney. The student has the right to present oral or written testimony on his/her behalf.
- f. The Superintendent must render a decision within five (5) calendar days.
- g. The Superintendent's decision is final.
- h. Any student who is suspended or expelled pursuant to this section 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/her removal.
- i. Any student who is suspended or expelled for more than ten (10) consecutive days shall have the opportunity to receive education services and made academic progress toward meeting state and local requirements, through the school-wide education service plan.

Due process for a student who is subject to an expulsion or a long-term suspension as a result of a felony conviction includes:

- a. A student shall receive written notice before the expulsion or a long-term suspension takes place and written notice of the right to appeal.
- b. The student shall be given an opportunity to respond to the charges.
- c. The student may appeal the expulsion or long-term suspension to the Superintendent provided the appeal is requested in writing, within five (5) calendar days following the expulsion.
- d. The Superintendent must hold the appeal hearing within three (3) calendar days of the request.
- e. At the appeal hearing the student may be represented by an attorney and may present oral and written testimony.
- f. The Superintendent must render a decision within five (5) calendar days.
- g. The Superintendent's decision is final. Any student who is suspended or expelled for more than ten (10) consecutive days shall have the opportunity to receive education services and made academic progress toward meeting state and local requirements, through the school-wide education service plan.

EDUCATION SERVICES AND ACADEMIC PROGRESS UNDER M.G.L. CH. 71, SECS. 37H, 37H1/2 AND 37H3/4:

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.

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. A description of the school-wide education service plan is provided below.

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 as determined by the home language survey, 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.

12 Sending Student Home

If the situation indicates that the student should be removed from the premises, the administrator shall attempt to reach the student's parents or guardians to request that they come to school for their child. The administrator may forgo the previous provision in the event of mass violations of school rules and where it is not possible to keep the student(s) on school grounds and restore order to protect people on school property. Even in such an emergency situation, the administrator will take into account such factors as the distance to home and the age of the individual students involved and shall take whatever action is necessary and possible, **including having the student removed from the campus by the police.**

13 Multiple Suspension Alternatives

The administration may, at its discretion, substitute community service projects in place of some portion of multiple suspensions. The community service suspension alternative can only be approved in conjunction with consecutive external suspensions, and only when the administration feels that the specifics of the individual situation warrant such consideration.

14 Corporal Punishment

Corporal punishment in public schools is illegal in Massachusetts. School staff may not hit or physically punish students. School staff may, however, use reasonable force if necessary to protect students, other persons, or themselves from an assault by a student.

15 Discipline of Students With Disabilities

In general, all students are expected to meet the requirements for behavior as set forth in the student handbook and the school's code of conduct. In accordance with Chapter 71B of the Massachusetts General Laws and with federal law IDEA 2004: Section 615 (k), and with Section 504 of the Rehabilitation Act of 1973: 29 U.S.C. Section 794 (A), the school may suspend or remove your child from his or her current placement for no more than 10 school days. Special provisions are outlined below for students with a documented disability who have an Individualized Education Program (IEP) or a Section 504 Plan.

Suspension of Students with Disabilities

Procedures for suspension(s) not exceeding 10 school days:

- Any student with a disability may be suspended for up to ten (10) days during a school year. Disciplinary decisions are the same as for students without disabilities.
- Special circumstances exist if your child: possesses, uses, sells or solicits illegal drugs on school grounds or at a school-sponsored event; carries a weapon to school or a school-sponsored event; or inflicts serious bodily harm upon another person at school or a school-sponsored event. Under these circumstances, the principal may place your child in an interim alternate educational setting (IAES) for up to 45 school days. Your child may remain in this IAES for a period of time not to exceed 45 school days. Thereafter, your child will return to the previously agreed-upon placement unless a hearing officer has ordered another placement, or you and the school agree to another placement.

Procedures for suspension of students with a disability when suspension exceeds 10 school days.

- If your child is suspended for more than 10 school days in a school year, this removal is considered a “change of placement”. A change of placement invokes certain procedural protections under federal special education law and Section 504.
- Prior to any removal that constitutes a change of placement, the school will convene a Team meeting to develop a plan for conducting a functional behavioral assessment (FBA) that will be used as the basis for developing specific strategies to address your child’s problematic behavior.
- Prior to any removal that constitutes a change in placement, the school must inform you that the law requires the school district consider whether or not the behavior that forms the basis of the disciplinary action is related to your child’s disability. This consideration is called a “manifestation determination”. Parents have a right to participate in this process. All relevant information will be considered including the IEP or Section 504 Plan, teacher observations, and evaluations reports.
- At a manifestation determination meeting, the Team will consider:
 - Did the student’s disability *cause* or have a *direct and substantial relationship* to the conduct in question?
 - Was the conduct a *direct result* of the district’s failure to implement the IEP?
 - If the manifestation determination decision is that the disciplinary action *was* related to the disability, then your child may not be removed from the current educational placement (unless under the special circumstances). The Team will review the IEP or Section 504 Plan and any behavioral intervention plans.
 - If the manifestation determination decision is that the disciplinary action *was not* related to the disability, then the school may suspend or otherwise discipline your child according the school’s code of conduct. For students with IEPs, during the period of time of removal from school that exceeds 10 school days, the school district must provide educational services that allow your child to continue to make educational progress. For students with Section 504 Plans, there is no automatic right to receive educational services beyond the 10th school day of suspension.

Special circumstances for exclusion

- Special circumstances exist if your child: possesses, uses, sells or solicits illegal drugs on school grounds or at a school-sponsored event; carries a weapon to school or a school-sponsored event; or inflicts serious bodily harm upon another person at school or a school-sponsored event. Under these circumstances, the principal may place your child in an interim alternate educational setting (IAES) for up to 45 school days. Your child may remain in this IAES for a period of time not to exceed 45 school days. Thereafter, your child will return to the previously agreed-upon placement unless a hearing officer has ordered another placement, or you and the school agree to another placement. For students with Section 504 Plans, there is no automatic right to receive educational services beyond the 10th school day of suspension.

School personnel will provide Parent’s Notice of Procedural Safeguards (Special Education) or Notice of Parent and Student Rights Under Section 504 for students with disabilities prior to any suspension exceeding 10 school days in one school year. These notices will provide an explanation of the process should there be disagreement regarding the manifestation determination or any placement decision. Parent, guardian and/or student may petition Bureau of Special Education Appeals for a hearing or the Office of Civil Rights (Section 504). Until issues are resolved, the student remains in his or her current placement.

16 Plagiarism/Cheating Policy

A student who is found cheating or plagiarizing his/her schoolwork will lose credit for that assignment and **may** also receive up to a maximum three-day suspension (OSS) from school. Any suspension incurred as a result of a cheating incident shall not take place during a formal exam period. Examples of plagiarism/cheating follow, but are not limited to: 1. Failure to credit an appropriate author(s). 2. Downloading Internet materials without citing appropriate source and author. 3. The sale or purchase and submission of teacher-directed academic assignments-prose, poetry, term papers, and/or any such written document. 4. The use of online translators (Internet translation sites are prohibited). 5. Unauthorized use of any electronic device during the time of a formal assessment/test/exam.

17 Forgery/Misrepresentation

Signing a name other than your own is considered forgery. This includes, but is not limited to, the names of parents, teachers, staff members, and peers. Misrepresentation electronically or over the phone is also considered a serious infraction.

18 Conduct

Students at Newburyport Schools are expected to demonstrate the Clipper Values and act in a respectful, courteous manner at all times, including those times when they are in the corridors, on the bus or otherwise traveling to and from school. This respect and courtesy shall be extended to fellow students, teachers, administrators and staff members.

19 Gambling

Gambling in the building or on school grounds is not acceptable. Violations will be referred to the Associate Principal for disciplinary action.

20 Laser Pointers/Pens

Any device that projects a laser beam is prohibited from school. If confiscated by a teacher or administrator, these items may be claimed from the Associate Principal's Office at the end of the school day. If confiscated a second time, these items will be returned only to a parent/guardian.

21 School Property

We care a great deal about, and are very proud of, our school building and facilities and we hope that you will share that with us. The building and its equipment need to be treated with care and respect in order for them to remain attractive and functional. It is expected that you will treat all school property well, pick up any paper or litter that you see in the classrooms, corridors, lavatories, dining areas or grounds, and that you immediately report any marring or destruction of property which you observe in the building to a teacher or custodian.

22 Tobacco, Smoking, Vaping

Use of any tobacco products, including, but not limited to: cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco and snuff and electronic cigarettes, electronic cigars, electronic pipes or other similar products that rely on vaporization or aerosolization, within the school buildings, school facilities, on school grounds or school buses, or at school sponsored events by any individual, including school personnel and students, is prohibited at all times.

A student determined to be in violation of this policy shall be subject to disciplinary action pursuant to the student discipline code as outlined below:

First Violation:

- Notification to the athletic director and all other club/activity/co-curricular advisors for the implementation of a probationary period due to a "Chemical Health Violation". See 8.13 for co-curricular penalties and 9.7 & 9.8 for athletic penalties.
- Dismissed to custody of the parents.
- Student will participate in a school run health education course held after school taught by certified Health/Wellness professional.

Students who do not show or refuse to participate in the health education course will be assigned to a 3 hour extended day detention.

Second Violation:

- Subsequent Chemical Health Violation (See penalties, 8.13 and 9.7/9.8)
- Sent home with parents and suspended the following day (OSS).

Third and Subsequent Violations:

- Two day OSS (out of school suspension).

☐ Notification of all sports and activities directors

23 Safety Issues

Any act that imperils the safety of others, including but not limited to: throwing objects (snowballs, ice, food, water, etc.) or other actions which could cause injury or damage is forbidden. The severity of discipline will depend on the severity of the incident.

24 Trespassing/Triggering Alarm

Students who enter the building when the facility is shut down will be considered trespassing. Students who trigger the security alarm will be required to pay for the custodial overtime to do a building check.

25 Arson, Pulling Fire Alarms, or False Dialing 911

Pulling fire alarms, arson and dialing 911 (when there is not an emergency) are violations of state laws. If such instances occur, the school will inform the police and may file a court complaint against the student(s). In addition, the student(s) will receive a minimum of ten days suspension. If a second offense is committed, the school administration will recommend that the student be excluded from school.

26 Assault on an Administrator, Teacher, Teacher's aide or other staff

Any student, who assaults an administrator, teacher, teacher's aide, or other educational or support staff, on school premises or at school-sponsored or school-related events, including athletic games, may be subject to expulsion from the school or school district by the principal. The student will be suspended and a hearing will be held with the principal to consider expulsion of the student. Police will be notified (see *Memorandum of Understanding*, Section 3A).

27 Student Searches

The Fourth Amendment to the Constitution of the United States prohibits unreasonable search and seizures. If, however, there is reasonable suspicion to believe that a student has violated school rules or the law, or is in possession of contraband (e.g. weapons, narcotics, alcohol, stolen property) on his/her person or possessions or located in his/her locker, Newburyport Schools reserves the right to search that student, his/her possession(s) and/or locker. This shall be done in the presence of the principal or his/her designee and the student, if possible. **Lockers are the property of Newburyport Public Schools and are provided as a privilege for convenience only. The locker, in its entirety, including the space within the locker, shall be the property of the school. Students are cautioned that they may use the locker subject to the right of the school to open the locker at any time for inspection, and there should be no expectation of privacy in the student locker.**

When necessary, the school may work in cooperation with local authorities to allow the use of K-9 units. Every effort will be made to limit direct contact between the K-9 units and the students.

28 Theft

Students involved in the act of stealing or receiving stolen property may receive disciplinary consequences up to and including suspension (OSS). Additionally, students should expect to pay restitution and notification of parents. Depending on the circumstances, the police may be notified. (See the *Memorandum of Understanding*, Section 6.40).

Students involved in a second or subsequent offenses may be suspended (OSS) for up to five days.

29 Vandalism

Vandalism includes all willful damage to school or personal property. Depending on the circumstances and severity, the police may be notified. Students involved in vandalism of school property may receive disciplinary consequences such as detention, Friday Extended-day detention, or suspension (OSS). Additionally, students should expect to pay restitution.

Second or subsequent offenses will result in more severe consequences.

30 Weapons

Any student who is found on school premises or at school-sponsored or school related events, including athletic games, in possession of a dangerous weapon, including, but not limited to a gun or knife (including pocket knives and box cutters) may be subject to expulsion from the school by the principal. State laws identify such possession as a crime punishable by substantial fines and/or imprisonment. The student will be suspended and a hearing will be held with the principal to consider expulsion of a student found in possession of a dangerous weapon in school or at school activities. Police will be notified (See *Memorandum of Understanding*, Section 6.40).

31 Possession or Use of a Deadly Weapon

The term "dangerous or deadly weapon" is used to include knives, chains, section of pipe, tire irons, razors, razor blades, guns, and any other object used by a student to intimidate or to inflict bodily harm on another person.

A student found to be in possession of a dangerous or deadly weapon will receive an external suspension of a minimum of 10 days, pending review by the principal for further suspension or expulsion: parents and police are notified verbally and in writing.

Massachusetts General Law, .71, s.10 states: "Whoever not being a law enforcement officer, and notwithstanding any license obtained by him under the provisions of Chapter 140, carries on his person a firearm as hereinafter defined, loaded or unloaded, in any building or on the grounds of any secondary school, college or university without the written authorization of the board or officer in charge of such secondary school, college or university 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."

32 Memorandum of Understanding: Collaborative Initiative Involving the Newburyport Schools, Police, and District Attorney

I. General Principles: The Newburyport Public Schools, the Newburyport Police Department, and the Essex County District Attorney's Office agree to coordinate their response to violent, delinquent, or criminal acts by students and to alcohol and other drug use, which occur on school premises or at school sponsored or school-related events. To ensure a safe educational environment, this collaborative effort between school administration and law enforcement supports "zero tolerance" for drugs, alcohol, weapons and violence. Non-students involved in such acts on school premises or at school events are to be reported as students are.

It continues to remain the sole prerogative of school officials to impose discipline for infractions of school rules and policies. In cases where the school has reported an incident to the police, as described below, the school agrees to notify the police department before suspending a student under the provisions of M.G.L. Chapter 71, Section 37H 1/2.

M.G.L. Chapter 71, Section 37H requires each school district to have a written Code of Conduct reflected in student handbooks stating the standards and procedures to assure building security and safety of students and school personnel, and the disciplinary measures to be taken in cases involving the possession or use of illegal substances or weapons, the use of force, vandalism, or civil rights violations. Reference to this Memorandum shall be made in these handbooks.

II. Objectives

A. To develop and implement a process for school officials and local police to coordinate a response to criminal/delinquent behavior and to refer appropriate first time or early offenders, ages 7-17, to the Essex County District Attorney's Juvenile Diversion Program. The Juvenile Diversion Program is an alternative to the court system. Participating youth are required to attend counseling/education programs, perform community service and in some cases pay restitution. Youth who successfully complete the Juvenile Diversion Program will have no court record.

B. To work with the Substance Abuse Advisory Committee, which should include representatives for the school age population, local police, clergy, parents, teachers, school administrators, community agency representatives and the District Attorney's Juvenile Diversion Coordinator, and which should make recommendations to the appropriate school officials and parent groups concerning more effective ways to promote an awareness of the dangers of drug and alcohol use and abuse and sound preventative measures.

III. Procedures

While acknowledging that school officials are not agents of the police or Commonwealth and the Commonwealth and police are not agents of the agents of the school, the school and police should develop policies and protocols for coordinated efforts.

A. The Superintendent of Schools and the school Principal are responsible for reporting acts. The Police Chief shall designate an officer (or officers) to coordinate all reported criminal acts.

A mandatory reportable act shall include:

- Any serious incident of assaultive behavior, assault and battery, destruction of property, or theft;
- Violation of a restraining order;
- Possession of a dangerous weapon;
- Finding any student who is in actual or constructive possession of what is reasonably believed to be a controlled substance as defined by state law, except that possession of drugs pursuant to a valid prescription is a discretionary reportable act; and
- Having a reasonable belief that any student has sold or offered to sell or otherwise distributed a drug that is believed to be a controlled substance under the law.

A discretionary reportable act shall include

- Any student's violation of a state criminal statute which warrants reporting but is not as serious as a mandatory reportable act; and
- Finding any student, regardless of age, who is reasonably believed to be under the influence of alcohol or other drugs.

B. Any teacher or other school employee who has reasonable grounds to believe that student has committed a mandatory reportable act or a discretionary reportable act, as defined above, shall take (or cause to be taken) the student to the Principal or Superintendent. The Principal/Superintendent shall ask the reporting teacher/employee what happened and take custody of any physical evidence.

C. The Principal/Superintendent shall inform the student and his/her parent or guardian of the nature of the offense and inform them that certain offenses must be reported to the police. The Principal/Superintendent may offer the student the opportunity to respond to the teacher/employee's report. The Principal/Superintendent shall in the case of a mandatory reportable act, and may in the case of a discretionary reportable act, notify the police of the incident and the existence of any physical evidence. All contraband (drug, alcohol, firearms, and dangerous weapons) shall be immediately surrendered to the appropriate police department. In addition, the Principal/Superintendent will comply with M.G.L. Chapter 71, Section 37L requiring that an incident involving a student's possession or use of a dangerous weapon on school premises at any time be reported in writing to the Chief of Police. This report must be filed in any case involving a student's possession or use of a dangerous weapon on school premises, regardless of whether it occurred during school hours, and whether or not the student has been expelled

D. School personnel are permitted to search a student's clothing, personal possessions or locker at the direction of the Principal/Superintendent if there is a reasonable basis for believing that the student is concealing material the possession of which is prohibited by federal, state, or local law, or the provisions of the School Discipline Code. However, if the Principal/Superintendent believes, prior to the search, that the student's act should be reported to the police, they should inform the police that the school intends to conduct the search. The Principal/Superintendent shall inform students in writing at the beginning of each school year of this practice. The Principal/Superintendent should keep a record of such searches detailing time, place, reasons and witnesses.

E. Upon notification from the Principal/Superintendent, police shall respond in cases of mandatory reportable acts and may respond in other cases.

F. Juvenile offenders who meet the eligibility criteria for the Essex County District Attorney's Juvenile Diversion Program may be admitted to that program in lieu of prosecution. The Juvenile

Diversion/Juvenile Justice Coordinator together with police and the Assistant District Attorney will decide which candidates should be offered the Juvenile Diversion Program. Cases that are not appropriate for Juvenile Diversion will be prosecuted through the Juvenile Justice System. For those student offenders who have reached their seventeenth birthday, the police and the Assistant District Attorney will decide which adult cases to prosecute in the criminal court.

References:

Source: MASC

LEGAL REFS.:

M.G.L. 71:38M;

Version Control

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