

Martha's Vineyard Public Schools Student Conduct and Discipline

The Martha's Vineyard Public Schools (MVPS) strive to provide all students with a quality education in a safe environment. Students are expected to conduct themselves in a manner, which promotes a safe, orderly learning environment within the schools and may be subject to disciplinary action up to and including the possibility of expulsion for serious offenses if they fail to do so. In imposing disciplinary action, school staff should consider the need to maintain or restore an orderly environment, the overall disciplinary record of the individual student, and the need to improve the student's behavior where appropriate. Because effective discipline involves the participation of staff, parents or guardians, and students, school officials are required to contact parents or guardians of students under age 18 for offenses of this disciplinary policy, which may result in students' suspension or expulsion.

A student whose safety or learning at school is jeopardized by other students is expected to report the matter to a professional staff member. Retaliation in any form against a person who makes a complaint is forbidden. Staff members who are aware of disruptive students should take appropriate action, including immediately reporting matters, which cannot be appropriately handled in the classroom, to the school administration.

SCHOOL RULES

Each school principal, in conjunction with the school staff and/or school council, will prepare a student handbook setting forth the school rules and possible consequences of violation of such rules. In addition to addressing matters specific to the individual school, such rules should address students' possession of controlled substances (including drugs and alcohol) or dangerous weapons, use of force, theft, vandalism, knowingly making a false accusation, or violation of other students' civil rights, all of which are strictly prohibited. The school committee shall review the student handbook each spring to consider changes to take effect the following September, but may also consider changes at other times.

NON-DISCRIMINATION

No student shall be excluded from or discriminated against in admission to a public school on account of race, color, sex, gender identity, religion, national origin or sexual orientation as detailed in M.G.L. Chapter 76, Section 5. Further, the Martha's Vineyard Public Schools has no tolerance for harassment based upon race, color, sex, religion, national origin or sexual orientation.

HARASSMENT POLICY AND PROCEDURE

The Martha's Vineyard Public Schools are committed to equal educational opportunity for all students, without regard to race, color, sex, gender identity, religion, national origin or sexual orientation. Please review the policy procedures and consequences detailed in the Martha's Vineyard Public Schools' Sexual Harassment Policy, which is attached and are used for all harassment complaints.

DISCIPLINE PROCEDURAL DUE PROCESS

53.13: Education Services and Academic Progress under M.G.L. c. 71, §§ 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 consecutive days, whether in school or out of school, shall have an opportunity to receive education services and to make academic progress toward meeting state and local requirements, through the school-wide education service plan.

(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 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 M.G.L. c 69, §§ 1D and 1F.

(4) Notice of Education Services for Students in Long-Term Suspension and Expulsion; Enrollment Reporting.

1. (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.

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

Regulatory Authority: M.G.L. c.69, s. 1B & c.71, s. 37H & 37H 3/4

53.06: Notice of Suspension and Hearing under M.G.L. c. 71, § 37H^{3/4}

(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:

1. (a) the disciplinary offense;
2. (b) the basis for the charge;
3. (c) the potential consequences, including the potential length of the student's suspension;
4. (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;
5. (e) the date, time, and location of the hearing;
6. (f) the right of the student and the student's parent to interpreter services at the hearing if needed to participate;
7. (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.

(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.

Regulatory Authority:

M.G.L. c.69, s. 1B & c.71, s. 37H & 37H ^{3/4}

53.08: Principal's Hearing under M.G.L. c. 71, § 37H³/₄

(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.

Principal Hearing - Short-term Suspension

1. (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.

2. (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.

3. (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 notice.

4. (d) If the student is in a 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.

Principal Hearing - Long-term Suspension

1. (a) The purpose of the hearing is the same as the purpose of a short-term suspension hearing.

2. (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; and
4. the right to cross-examine witnesses presented by the school district; and
5. the right to request that the hearing be recorded by the principal, and to receive a copy of the audio recording provided to the student or parent 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.

3. (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.

4. (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 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 calendar days of the effective date of the long-term suspension;

provided that within the five 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 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.

5. (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.

Regulatory Authority:

M.G.L. c.69, s. 1B & c.71, s. 37H & 37H ¾

53.07: Emergency Removal under M.G.L. c. 71, § 37H¾

(1) Nothing in 603 CMR 53.00 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 temporary removal shall not exceed two school days following the day of the emergency removal, during which time the principal shall:

1. (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);
2. (b) Provide written notice to the student and parent as provided in 603 CMR 53.06(2);
3. (c) Provide the student an opportunity for a hearing with the principal that complies with 603 CMR 53.08(2) or (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.
4. (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 (d) or (3)(c) and (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.

Regulatory Authority:

M.G.L. c.69, s. 1B & c.71, s. 37H & 37H ¾

In-School Suspension under M.G.L. c. 71, § 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 603 CMR 53.10, provided that the principal follows the process set forth in 603 CMR 53.10(3) through (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 ten 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 as soon as possible 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 a meeting shall be scheduled on the day of the suspension if possible, and if not, as soon thereafter as possible. If the principal is unable to reach the parent after making and documenting at least two 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 other method of delivery agreed to by the principal and the parents/guardians..

Regulatory Authority:

M.G.L. c.69, s. 1B & c.71, s. 37H & 37H 3/4

DISCIPLINE AND STUDENTS WITH DISABILITIES

All students are expected to meet the requirements for behavior as set forth in this handbook. In addition to those due process protections afforded to all students, the Individuals with Disabilities Education Act and related regulations require that additional provisions be made for students who have been found eligible for special education services or who the school district knows or has reason to know might be eligible for such services. Students who have been found to have a disability that substantially limits a major life activity, as defined under §504 of the Rehabilitation Act, are, generally, also entitled to increased procedural protections prior

to imposing discipline that will result in the student's removal for more than ten (10) consecutive school days or where there is a pattern of short-term removals exceeding ten (10) school days in a given year. The following additional requirements apply to the discipline of students with disabilities:

(1) The IEP for every student eligible for special education or related services shall indicate whether the student can be expected to meet the regular discipline code of the school or whether the code should be modified to address the student's individual needs.

(2) Students with disabilities may be excluded from their programs for up to ten (10) school days to the extent that such sanctions would be applied to all students. Before a student with a disability can be excluded from his/her program for more than ten (10) consecutive school days in a given school year or subjected to a pattern of removal constituting a "change of placement", building administrators, the parent(s)/guardian(s) and relevant members of the student's IEP or 504 Team will meet to determine the relationship between the student's disability and behavior (Manifestation Determination). In most instances, during disciplinary exclusions exceeding ten (10) school days in a single school year, the students receiving services pursuant to an IEP shall have the right to receive services identified as necessary by the Team to provide him/her with a free appropriate public education during the period of exclusion. Under Section 504, students are not entitled to services if the team determines the conduct is not a manifestation of the student's disability.

(3) If building administrators, the parent(s)/guardian(s) and relevant members of the student's IEP or 504 Team determine that the student's conduct was not a manifestation of the student's disability, the school may discipline the student in accordance with the procedures and penalties applicable to all students but will continue to provide a free appropriate public education to those students with IEPs. The student's IEP or 504 Team will identify the services necessary to provide a free appropriate public education during the period of exclusion, review any existing behavior intervention plan or, where appropriate, conduct a functional behavioral assessment.

(4) If building administrators, the parent(s)/guardian(s) and relevant members of the student's IEP or 504 Team determine that the conduct giving rise to disciplinary action was a manifestation of the student's disability, the student will not be subjected to further removal or exclusion from the student's current educational program based on that conduct (except for conduct involving weapons, drugs, or resulting in serious bodily injury to others) until the IEP or 504 Team develops, and the parent(s)/guardian(s) consent to, a new placement or unless the District obtains an order from a court or from the Bureau of Special Education Appeals (BSEA) authorizing a change in the student's placement. The student's Team shall also review, and modify as appropriate, any existing behavior intervention plan or arrange for a functional behavioral assessment.

(5) If a student with a disability possesses or uses illegal drugs, sells, or solicits a controlled substance, possesses a weapon, or causes serious bodily injury to another on school grounds or at a school function, the district may place the student in an Interim Alternative Educational Setting (IAES) for up to forty-five (45) school days. A court or BSEA Hearing Officer may also order the placement of a student who presents a substantial likelihood of injury to self or others in an appropriate interim setting for up to forty-five (45) school days.