



File: JIC - STUDENT CONDUCT DISCIPLINE

The Framingham School Committee believes that all students deserve every opportunity to achieve academic success in a safe, secure learning environment. Good citizenship in schools is based on respect and consideration for the rights of others, ~~as well as respect for self.~~ Students will be expected to conduct themselves in a way that the rights, ~~property~~ and ~~safety~~ privileges of others are not violated. They will be required to respect constituted authority, to conform to school rules and to those provisions of law that apply to their conduct.

Each Principal shall include prohibited actions in the student handbook or other publication ~~and to be~~ made available to students and parents/guardians.

Principals and staff shall not use academic punishment of any form as a consequence to inappropriate behaviors/actions by students. ~~The expectation is for all students to receive equitable treatment from staff.~~

The Principal may, as a disciplinary measure, 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 remainder of this policy, law, or regulation.

General Principles

~~The goal of student discipline is to teach students to behave in ways that contribute to academic achievement and school success, and to promote a school environment where students and staff are responsible and respectful. When disciplinary action is necessary, it shall be administered with fairness and shall relate to the individual needs and the individual circumstances. Successful school discipline is guided by the following principles:~~

- ~~• Effective and engaging instruction and classroom management are the foundation of effective discipline.~~
- ~~• School discipline is best accomplished by preventing misbehavior before it occurs, and using effective interventions after it occurs.~~
- ~~• School safety and academic success are formed and strengthened when all school staff and personnel build positive relationships with students.~~
- ~~• School staff will promote high standards of behavior by teaching, modeling, and monitoring behavior, and by fairly and consistently connecting misbehavior as necessary.~~
- ~~• School discipline that is paired with meaningful instruction and guidance offers students an opportunity to learn from their mistakes and contribute to the school community, and is more likely to result in getting the student re-engaged in learning.~~
- ~~• Effective school discipline maximizes the amount of time students spend learning and minimizes the amount of time students are removed from their classrooms due to misbehavior.~~
- ~~• If a situation should arise in which there is no applicable written policy or rule, school staff shall exercise reasonable and professional judgment.~~

Strategies In Using Interventions

~~Teachers and administrators should consider utilizing different types of strategies, or multiple~~

strategies simultaneously, to deal with misbehavior, especially for the 2nd or 3rd instance of the same misbehavior.

Reasonable Consequences

Students violating any of the policies on student conduct will be subject to disciplinary action. The degree, frequency and circumstances surrounding each incident shall determine the method used in enforcing these policies. In all instances, school discipline should be reasonable, timely, fair, age-appropriate, and should match the severity of the student's misbehavior.

School staff will make reasonable effort to correct student misbehavior through school-based resources at the lowest possible level, and to support students in learning the skills necessary to enhance a positive school environment and avoid misbehavior. Most of the situations which require disciplinary action and can be resolved within the confines of the classroom or as they occur by reasonable but firm reprimand, and/or by teacher conferences with the student and/or parents or guardians.

Use of Out-of-School Suspensions Should Be Minimized

All students have a right to a high quality education. Punitive measures that result in the loss of valuable instructional time should be reserved for infractions that cannot be appropriately addressed through other interventions and disciplinary responses.

Principals shall ensure that students who are suspended from school for ten or fewer consecutive days, whether in or out of school, shall have an opportunity to make academic progress during the period of suspension, to make up assignments and earn credits missed including, but not limited to, homework, quizzes, exams, papers, and projects. Students shall receive full academic credit, according to the quality of their work, for made-up assignments.

Relevant Factors In Making Discipline Decisions

When choosing consequences for students' misbehaviors, teachers, administrators, and staff must consider the following:

- Age, health and special education status of the student;
- Student's academic program;
- Student's prior conduct and record of behavior;
- Student's willingness to repair the harm and accept responsibility;
- Seriousness of the offense and the degree of harm caused; and
- Impact of the incident on overall school community.

The Superintendent shall provide each Principal with a copy of the regulations promulgated by DESE and shall have each Principal sign a document acknowledging receipt thereof, which shall be placed in their personnel file.

Suspension

In every case of student misconduct for which suspension may be imposed (except for offenses referenced in the note at the end of this policy), a Principal shall 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.

Notice of Suspension

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Except for emergency removal or an in-school suspension of less than 10 days, a Principal must provide the student and the parent/guardian oral and written notice, and provide the student an opportunity for a hearing and the parent/guardian an opportunity to participate in such hearing before imposing suspension as a consequence- for misconduct. The Principal shall provide both oral and written notice- to student and parent(~~s~~)/guardian(s) in English and in the primary language of the home if other than English. The notice shall include the rights enumerated in law and regulation. To conduct a hearing without a parent/guardian- present, the Principal must be able to document reasonable efforts to include the parent/guardian.

Emergency Removal

A Principal 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 judgment, there is no alternative available to alleviate the danger or disruption. ~~The~~ Principal shall immediately- notify the Superintendent- in writing of the removal including a description of 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: Make immediate and reasonable efforts to orally notify the student and the student's parent(~~s~~)/guardian(s) of the emergency removal, the reason for the need for emergency- removal, and the other matters required in the notice as referenced- in the applicable- regulation; Provide written notice to the student and parent(~~s~~)/guardian(s) as required above; Provide the student an opportunity for a hearing with the Principal that complies with applicable regulations, and the parent(~~s~~)/guardian(s) 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(~~s~~)/Guardian(s)/guardian; 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 applicable law and regulation. ~~A principal shall also ensure adequate provisions have been made for the student's safety and transportation prior to removal.~~

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In School- Suspension: ~~Not More Than~~ - not more than 10 Days Consecutivelydays consecutively or Cumulatively

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

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 regulation and the student has the opportunity to make academic progress as required by law and regulation.

Principal's- Hearing: - Short Term Suspension of up to 10 days

The hearing with the Principal shall be 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 law and regulation.

The Principal shall provide the parent/guardian,- if present, an opp~~m~~ort~~n~~ity to discuss the student's conduct and offer information, including mitigating circumstances,- that the Principal should consider in determining consequences for the student.

The Principal shall, based on the available information, including mitigating circumstances, determine whether the student committed the disciplinary- offense, and, if so, what remedy or consequence will be imposed.

The Principal shall notify the student and parent/guardian 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 required by law and regulation. The determination- shall be in writing and may be in the form of an update to the original written notice.

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.

Principal's- Hearing: - Long Term Suspension- of more than 10 days but less than 90 days (consecutive or cumulative)

The hearing with the Principal shall be 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, in addition to the rights afforded a student in a short-term suspension- hearing, the student shall have the following rights: In advance of the hearing, the opportunity- to review the student's record and the documents upon which the Principal may rely in making a determination- to suspend the student or not; ~~¶~~The right to be represented- by counsel or a lay person of the student's choice, at the student's/parent's/guardian's expense; ~~¶~~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; The[!] right to cross-examine witnesses presented by the school district; ~~¶~~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/guardian 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/guardian upon request.

The Principal shall provide the parent/guardian, 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.

The Principal shall, based on the evidence, determine whether the student committed the disciplinary offense, and, if so, after considering mitigating circumstances and alternatives to suspension as required by law and regulation, 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/guardian by hand-delivery, certified mail, first-class mail, email to an address provided by the parent/guardian for school communications, or any other method of delivery agreed to by the Principal and the parent/guardian.

If the Principal decides to suspend the student, the written determination shall: Identify the disciplinary offense, the date on which the hearing took place, and the participants at the hearing; Set out the key facts and conclusions reached by the Principal; Identify the length and effective date of the suspension, as well as a date of return to school; Include notice of the student's opportunity to receive education services to make academic progress during the period of removal from school as required by law and regulation; 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: The process for appealing the decision, including that the student or parent/guardian 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/guardian 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.

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 Hearing

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.

The student or parent/guardian shall file a notice of appeal with the Superintendent within the time period noted above (see Principal's hearing - Suspension of more than 10 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.

The Superintendent shall hold the hearing within three (3) school days of the student's request, unless the student or parent/guardian requests an extension of up to seven (7) additional calendar days, in which case the Superintendent shall grant the extension.

The Superintendent shall make a good faith effort to include the parent/guardian 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/guardian and Superintendent to participate. The Superintendent shall send written notice to the parent/guardian- of the date, time, and location of the hearing.

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/guardian 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/guardian upon request. The student shall have all the rights afforded the student at the Principal's hearing for long-term suspension.

The Superintendent shall issue a written decision within five (5) calendar days of the hearing which meets the requirements- of law and regulation.- 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. The decision of the Superintendent shall be the final decision of the school district with regard to the suspension.

Expulsion-

Expulsion- is defined as the removal- of a student from school for more than ninety (90) school days, indefinitely, or permanently as allowed- by law for possession of a dangerous- weapon; possession of a controlled substance; assault on a member of the educational staff; or 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.

~~Any student alleged to have committed one of these acts shall be afforded the same due process rights as for a long term suspension.~~ Any student expelled from school for such an offense shall be afforded an opportunity to receive educational- services and make academic progress.

Academic Progress

Any student who is suspended or expelled shall have the opportunity to earn credits, 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/guardian- of this opportunity in writing, in English and in the primary language of the home, 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.

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 parent(s)/guardian(s)parents/guardians of the services and manranging 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 the law.

The Principal shall notify the parent/guardian 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.

For each student expelled or suspended from school for more than ten (10) 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 of Elementary and Secondary Education.

Reporting

The school district shall collect and annually report data to the DESE regarding in-school suspensions, short-and long-term suspensions, expulsions, emergency removals, access to education services, and such other information as may be required by the DESE. ~~This report will be given to the Framingham Schools Committee no later than September 1st of the following academic year.~~

The Principal- of each school shall periodically- review discipline data by selected student populations, including but not limited to race and ethnicity, ~~sexual orientation/~~ gender ~~identity~~, socioeconomic- status, ~~and~~ English language learner status, and student with a disability status in accordance- with law and regulation. _

~~REF:~~SOURCE: MASC December 2014

LEGAL REF: M.G.L. 71:37H; 71:37H;71:37H ½; 71:37H3/437H ¾; 76:17; ; 603 CMR 53.00

NOTE: The DESE regulations on student discipline and this policy, consistent with law, set forth the minimum procedural requirements applicable to the suspension of a student for a disciplinary offense other than: possession of a dangerous weapon; possession of a controlled substance; assault on a member of the educational staff; or 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 the school would have a substantial detrimental effect on the general welfare of the school, as

provided in M.G.L. c. 71, S. 37H or 37H¹/₂. The Principal, pursuant to the previously referenced statute may remove a student who has committed any of the disciplinary offenses above referenced from school for more than 90 days in a school year. Except that the removal from school for such offenses is subject to the provision of continuing educational services needed to make academic progress and, the requirement that all school districts regardless of the type of offense shall report school discipline data and analysis to DESE. Also, the prohibited actions above referenced are subject to the provision that allows the Commissioner to investigate each school that has a significant number of students suspended and expelled for more than 10 cumulative days in a school year and to make recommendations thereon.