



Code of Conduct

Hill View Montessori Charter Public School complies with all applicable Commonwealth and Federal law having to do with non-discrimination on the basis of age, ancestry, athletic performance, color, creed, ethnicity, gender, gender identity, gender expression, genetic information, homelessness, mental or physical disability, national origin, proficiency in the English language or a foreign language, prior academic achievement, race, religion, sexual orientation, and special need in its educational programs and activities.

Non-Discrimination Policy available upon request and is also on our HVM website.

At Hill View Montessori Charter Public School (HVM) our educational philosophy is to individualize instruction to the greatest extent possible. We recognize that every scholar undergoes a unique learning process, and that we must honor each scholar's individuality. We also believe that our educational responsibility extends beyond academics to character development, including self-control, sound decision making and respect for others and the environment. In that spirit, we approach our Code of Conduct and disciplinary actions with the same intention of providing an individualized response to each incident. Though illegal or egregious actions will require the school to abide by Massachusetts state law and due process guidelines, lesser infractions allow us to evaluate the circumstances of each situation and craft a disciplinary response that we believe best serves the educational interests of the scholars while protecting the safety and integrity of our learning environments.

As a Montessori school, our primary goal is to create a positive learning environment in which all scholars are provided an opportunity to grow academically, emotionally, and socially. In order to attain this goal, there must be a shared commitment among parents, staff and scholars to understand and accept a balance between individual freedom and responsible behavior. As Dr. Montessori stated, *"To let the child do as he likes when he has not yet developed any powers of control, is to betray the idea of freedom."* ~Maria Montessori

The Code of Conduct is intended to clarify scholar behaviors and actions that are encouraged, as well as those which are considered unacceptable in the HVM community. The Major Discipline section of the Code also reflects the current status of Massachusetts law as it pertains to scholar conduct, and more specifically, the subsequent discipline that may be imposed when scholars engage in certain types of extreme or illegal behavior. This Code of Conduct has been reviewed and adopted by the Hill View Montessori Charter Public School Board of Trustees, supersedes any Code of Conduct previously issued by HVM.

It is important to remember that the Code of Conduct applies to scholars in all schools' settings, including while at school, traveling to and from school, on school property, at school sponsored events and on school field trips. If misconduct occurs during any of these times and/or events, a scholar shall be subject to a disciplinary response from the school. Additionally, state law permits a school to respond to any incident that happens off school grounds or outside of school hours if that incident has a significant impact on the learning experience of scholars during the school day.

The Individuals and Disabilities Act (IDEA) and the Americans with Disabilities Act (ADA) provide eligible scholars (those with disabilities and those in the pre-referral process) with certain procedural rights and protections in the context of scholar discipline. These rights are in addition to the due process rights applicable to all scholars as described below in this Code of Conduct. In addition, IDEA protections apply to a child who has not yet been found eligible for services under the statute if the district is "deemed to have knowledge" that the child was eligible for such services before the conduct that precipitated the disciplinary action occurred. The district is "deemed to have knowledge" if the child's parent had expressed concern in writing to district supervisory, of administrative personnel, or the child's teacher, that they believe the child needs special education or related services, or if the child's parent had requested an evaluation to determine eligibility for special education services, or the current teacher, or other district personnel, had expressed specific concerns about a pattern of behavior by the child to district personnel. The school district is not "deemed to have knowledge" if the scholars were determined not eligible for special education through an evaluation or the parents refused an evaluation for the child of IDEA services. Should a request be made for evaluation to determine eligibility while a scholar is subject to disciplinary measures, the district will conduct an evaluation in an expedited manner. Pending these results, the scholar will remain in the educational placement determined by school authorities, which may include suspension or expulsion without services. If determined eligible, the district will provide the scholar with special education and related services in accordance with IDEA.

See Appendix A of this Code of Conduct for more information.

RESPECT, GRACE & COURTESY

Mutual respect and commitment to grace and courtesy among all members of our school community is the cornerstone of our interaction and behavior. We seek to acknowledge and honor the dignity and value of every school member. We strive to celebrate our differences and create a welcoming and supportive atmosphere through courtesy to others and respectful conduct.

A commitment to respect, grace and courtesy will ensure that HVM is a physically and emotionally safe environment. In order to achieve this goal, all staff and scholars share several common core responsibilities:

- *To act as kind individuals and refrain from physically or emotionally harming others*
- *To refrain from any actions that compromise the health or safety of others*
- *To accept difference and seek to resolve conflicts in a mutually agreeable manner*
- *To value and respect personal and school property*
- *To express opinions and emotions in a positive and constructive manner*
- *To always be honest*
- *To support other school members in their efforts to maintain a safe, positive, and respectful school*

Scholar behavior that falls outside of these common core responsibilities is subject to a disciplinary response from teachers and/or the Dean of Students. Below, you will find Hill View Montessori's Tier Misbehavior System.

Tier 1 Challenges: Behavior that is generally managed with a brief intervention. Typically seen as not complying with a request

- Disrespectful tone towards peers and/or staff
- Distracting classmate(s)
- Leaving class without permission
- Disrupting class
- Not following class routines and/or expectations
- Not working during instructional time
- Running in hallways
- Horseplaying (hands on peers)
- Phone in possession during school hours

Tier 2 Challenges: Disrespectful behavior towards another person or that is disruptive to the learning environment. Can be repeated Tier 1 unexpected behaviors

- Wandering the building without permission
- Being in staff/faculty area without permission
- Graffiti/vandalism
- Continually disrupting the classroom
- Stealing from classmates and/or staff
- Plagiarism (copying others work)
- Willfully showing disrespect/mocking (talking back, rolling eyes, etc.)
- Teasing, spreading rumors, or gossiping about other scholars and/or staff (including social media, email, texting, etc.)
- Using phone and/or personal electronic devices
- Using unsafe, offensive, or inappropriate language
- Blatant public displays of affection (e.g. kissing, touching, etc.)

Tier 3 Challenges: Behavior that involves safety concerns.

- Theft
- Possession, using, or distributing tobacco, drugs or alcohol
- Being under the influence of drugs or alcohol in school
- Destroying school property/equipment or personal property
- Not following expectations during an emergency procedure or drill
- Bullying/Cyberbullying
- Physical aggression/assault/fighting (hitting, kicking, punching, etc) toward faculty or scholar
- Verbally or physically threatening any school faculty/staff and/or scholar
- Verbally or physically targeting faculty/staff and/or scholar
- Possession of a weapon
- Inciting chaos that disrupts the school community
- Harassment/Discrimination/Sexualized Comments/Violating civil rights
 - Based on race, color, national origin, sex, gender identity, sexual orientation, religion, homelessness, disability

Responses to Challenges: Scholars will sometimes make poor choices. In the event they do make a poor choice a response can be issued. The core message you send by issuing responses to these is you believe that all of your scholars are lifelong learners. By choosing the right words and using the proper tone, the educator creates a safe environment where scholars can learn and grow from their mistakes.

Tier 1 Responses

- Scholar has a conversation with a teacher/staff
- Verbal, non-verbal prompts regarding behavior
- A written/verbal word of encouragement
- Take space in the Peace Corner
- Take a walk to regroup
- Private individual redirection
- Positive classroom narration
- Temporary seat change
- Reset classroom expectations to entire class.
- Notify parent/ guardian of behavior via phone, email, or in person
- Collaborative Problem Solving
- Complete reflection packet

(In the case scholar does not comply with response assigned by educator, Dean of Students will assist in matter)

Tier 2 Responses.

- Support meeting with parent and/or Guardian.
- Schedule parent and/or guardian to shadow scholar for day
- Verbal or written apology to the peer and/or staff member offended
- A classroom-wide restorative circle or a smaller restorative circle with a few scholars and/or staff member
- Collaborating with the scholar(s) to develop a support plan. This response will help the scholar(s) become responsible for their own choices
- Permanent seat change (Can revisit if choices improve)
- Complete Reflection packet
- Call Dean of Students or support team (Counselors, nurse etc.)
- Become one with the community (Community Service around the building)

(In the case scholar does not comply with consequence assigned by educator, Dean of Students will assist in matter)

Tier 3 Responses

- Call Dean of Students or Admin for support
- Complete Reflection packet
- Support meeting with school Resource Officer Steve
- In-School community service assigned
- Safety contract developed with the collaboration of the scholar(s) and parent(s) and/or guardian
- Suspension Hearing facilitated by the Dean of Students
- In or out of school suspension and/or possible expulsion depending on the nature of the

- behavior
- Re-entry meeting with parent(s) and/or guardian upon returning to school

Along with our Tier System, HVM will also facilitate Restorative Practices to help strengthen relationships and help problem-solve with staff, families, and scholars. **What is a Restorative Practice?** The restorative practice is a strategy that seeks to repair relationships that have been damaged, including those damaged through bullying. It does this by bringing about a sense of remorse and restorative action on the part of the offender and forgiveness by the victim.

The impact of Restorative Practices:

1. Address and discuss the needs of the school community.
2. Build healthy relationships between educators and scholars.
3. Reduce, prevent, and improve harmful behavior
4. Repair, harm, and restore positive relationships
5. Resolve conflict, hold individuals and groups accountable.

Major Discipline

Massachusetts General Laws (Chapter 71, Section 37H, 37H/1/2 and 37H3/4) govern due process for disciplinary removals from a public school (suspensions) and the services that a public school must provide during such removals. While such events are rare at HVM, it is important for families to know their rights and the procedures that the school will follow in order to comply with state law.

One aspect of these formal procedures is worth noting. Every school district must have an appeal process in place for any disciplinary removals from school. In a typical district, appeals would be made to the superintendent. As a Charter school, our Executive Director serves as the superintendent, so the Director cannot also serve as the primary arbiter in disciplinary decisions regarding suspension. Consequently, the procedures that follow list the Dean of Students as the administrator who will hear and decide upon all disciplinary cases that may result in the removal of a scholar from school. This leaves the school Executive Director available for any appeals that scholars or families may decide to pursue.

Provisions Governing Due Process for Disciplinary Removals and Services during Removals

Scholar disciplinary offenses resulting in removal from the school setting (i.e., suspensions) are subject to due process procedures, including notices, hearings, appeals, and educational services during removals. The following sections provide information about these rights.

Please note that scholars have the right to be represented by counsel or a lay person of the scholar's choice, at the scholar's/parent's expense, at any and all hearings concerning scholar discipline. If you wish to bring an attorney to any hearing or meeting at the school, please inform HVM immediately. If you fail to inform the school prior to bringing an attorney to a hearing, and HVM's attorney is not present, then HVM will exercise its right to cancel and reschedule the meeting to ensure that its attorney can attend. This rescheduling may delay the hearing or meeting, and if so, your child's disciplinary removal will be extended until a decision is rendered following the rescheduled hearing or meeting. HVM hereby notifies you that it may have its legal counsel present at any hearings and meetings involving scholar discipline.

A. Notice of Student and Parent Rights Under G.L. c. 71§37H

This *Notice of Student and Parent Rights* applies to scholar misconduct that involves weapons, drugs or assault on school staff.

Scholars who are suspended under §37H are entitled to receive educational services during the period of suspension. If the scholar withdraws from the HVM and/or moves to another school district during the period of suspension, the new school/district/ district of residence shall either admit the scholar to its schools or provide educational services to the scholar under the new school or district’s educational service plan.

B. Notice of Rights under G.L. c. 71§37H½

This *Notice of Student and Parent Rights* applies to scholar misconduct that involves scholar criminal or felony delinquency charges, findings, or admissions.

Suspension Following Criminal or Felony Delinquency Complaint

Upon the issuance of a criminal or felony delinquency complaint against a scholar, the Dean of Students may suspend such scholar for a period of time determined appropriate by the Dean of Students if he or she determines that the scholar’s continued presence in school would have a substantial detrimental effect on the general welfare of the school. The scholar is entitled to receive written notification of the charges and the reasons for such suspension prior to such suspension taking effect. The scholar shall also receive written notification of his/her right of appeal and the process for appealing such suspension, provided, however, that such suspension shall remain in effect prior to any hearing conducted by the Executive Director.

The scholar shall have the right to appeal the suspension to the Executive Director. The scholar shall notify the Executive Director in writing of his/her request for an appeal no later than five calendar days following the effective date of the suspension. The Executive Director shall hold a hearing with the scholar and the scholar’s parent within three calendar days of the scholar’s request for an appeal. At the hearing, the scholar shall have the right to present oral and written testimony on his/her behalf, and shall have the right to counsel. The Executive Director shall have the authority to overturn or alter the decision of the Dean of Students, including recommending an alternate educational program for the scholar. The Executive Director’s decision shall be the final decision of HVM with regard to the suspension.

Scholars who are suspended or expelled under §37H are entitled to receive educational services during the period of suspension. If the scholar withdraws from the HVM and/or moves to another school district during the period of suspension or expulsion, the new school/district/ district of residence shall either admit the scholar to its schools or provide educational services to the scholar under the new school or district’s educational service plan.

C. Notice of Student and Parent Rights Under G.L. c. 71 §37H¾

This section governs all scholars’ offenses that may be subject to short or long-term suspensions that *do not* involve dangerous weapons, assault on HVM staff, felony, felony delinquency charges, and/or felony delinquency findings or admissions, all of which are governed by G.L. c.71 §§37H and 37H½, as detailed above.

In every case of scholar misconduct for which suspension may be imposed, the Dean of Students is required to exercise discretion in deciding the consequences for the offense, consider ways to re-engage

the scholar in learning; and avoid using long-term suspension from school as a consequence until alternatives have been tried. The following document outlines scholar and parent rights when the Dean of Students is considering and/or decides to implement a removal from school as a consequence for scholar misconduct.

Scholars who are suspended under §37H¾ are entitled to receive educational services during the period of suspension. If the scholar withdraws from the HVM and/or moves to another school district during the period of suspension, the new school/district/ district of residence shall either admit the scholar to its schools or provide educational services to the scholar under the new school or district's educational service plan.

Notice of Suspension and Hearing under §37H¾

Unless the Dean of Students determines that an emergency removal is required (*see* Emergency Removals section below) or decides to implement an in-school suspension of ten or fewer consecutive days (and no more than ten(10) cumulative days per school year) (*see* In-School Suspension section below), the Dean of Students may not impose a suspension as a consequence for a disciplinary offense without first providing the scholar and the parent with verbal and written notice, and providing the scholar an opportunity for a hearing on the charge and the parent an opportunity to participate in such hearing.

The Dean of Students is required to provide this verbal and written notice to the scholar 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 must set forth the following information:

- a) The disciplinary offense
- b) The basis for the charge
- c) The potential consequence, including the potential length of the scholar's suspension
- d) The opportunity for the scholar to have a hearing with the Dean of Students concerning the proposed suspension, including the opportunity to dispute the charges and to present the scholar'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 scholar and the scholar's parent to interpreter services at the hearing if needed to participate
- g) If the scholar may be placed on long-term suspension following the hearing with the Dean of Students, the scholar's short and long-term suspension hearing rights and the right to appeal the Dean of Students' decision to the Executive Director (*see* Hearing Rights section below).

The Dean of Students is required to make and document reasonable efforts to notify the parent verbally of the opportunity to attend the hearing. The Dean of Students is presumed to have made reasonable efforts, and therefore may conduct hearing without the parent present, if the Dean of Students has sent written notice (by hand delivery, first-class mail, email, or any other method of delivery agreed to the Dean of Students and parent) and has documented at least two attempts to contact the parent in the manner specified by the parent for emergency notification.

Emergency Removal

The Dean of Students has the authority to remove a scholar from HVM temporarily when a scholar is charged with a disciplinary offense and the Dean of Students determines that the continued presence of the scholar poses danger to persons or property, or materially and substantially disrupts the order of the school, and, in the Dean of Students' judgment, there is no alternative available to alleviate the danger

or disruption. The temporary removal shall not exceed two (2) school days following the day of the emergency removal, during which time the Dean of Students is required to:

- a) Make immediate and reasonable efforts to orally notify the scholar and the scholar's parent of the emergency removal, the reason for the need for emergency removal, and the Hearing Rights outlined below
- b) Provide written notice to the scholar and parent
- c) Provide the scholar an opportunity for a hearing with the Dean of Students that complies with the rights outlined below in the Hearing Rights section, as applicable, and the parent an opportunity to attend the hearing, before the expiration of the two (2) school days, unless an extension of the time for hearing is otherwise agreed to by the Dean of Students, scholar, and parent
- d) Render a decision orally on the same day as the hearing, and in writing no later than the following school day

The Dean of Students may not remove a scholar from school on an emergency basis for a disciplinary offense until adequate provisions have been made for the scholar's safety and transportation.

Hearing Rights

Dean of Students' Hearing under §37H½; Short-term Suspension

Short-term suspension means the removal of a scholar from the school premises and regular classroom activities for ten (10) consecutive school days or less.

The purpose of the hearing with the Dean of Students is for the Dean of Students to hear and consider information regarding the alleged incident; provide the scholar an opportunity to dispute the charges and explain the circumstances of his/her alleged incident; determine if the scholar committed the disciplinary offense, and if so, the consequences for the infraction. At a minimum, the Dean of Students is required to discuss the disciplinary offense, the basis for the charge, and any other pertinent information. The scholar and parent both shall have an opportunity to present and offer information, including mitigating facts, that the Dean of Students should consider in determining whether other remedies and consequences may be appropriate. Based on the available information, including mitigating circumstances, the Dean of Students shall determine whether the scholar committed the disciplinary offense, and if so, what remedy or consequence will be imposed.

The Dean of Students is required to provide written notification to the scholar and the parent of the determination and reasons for it, and, if the scholar 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.

Dean of Students' Hearing under §37H½: Long-term Suspension

Long-term suspension means the removal of a scholar 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 single year.

The purpose of the long-term suspension hearing is the same as the purpose of a short-term suspension hearing. At a minimum, in addition to the rights afforded a scholar in a short-term suspension hearing, the scholar shall have the following rights during a long-term suspension hearing:

- a) In advance of the hearing, the opportunity to review the scholar's record and the documents upon which the Dean of Students may rely in making a determination to suspend the scholar or not;

- b) The right to be represented by counsel or a lay person of the scholar's choice, at the scholar's/parent's expense;
- c) The right to produce witnesses on his/her behalf and to present the scholar's explanation of the alleged incident, but the scholar may not be compelled to do so;
- d) The right to cross-examine witnesses presented by the school district; and
- e) The right to request that the hearing be recorded by the Dean of Students, and to receive a copy of the audio recording upon request. If the scholar or parent requests an audio recording, the Dean of Students shall inform all participants before the hearing that an audio record will be made and a copy will be provided to the scholar and parent upon request.

The Dean of Students shall provide the parent, if present, an opportunity to discuss the scholar's conduct and offer information, including mitigating circumstances, that the Dean of Students should consider in determining consequences of the scholar.

Based on the evidence, the Dean of Students shall determine whether the scholar committed the disciplinary offense, and, if so, after considering mitigating circumstances and alternatives to suspension, what remedy of consequence will be imposed, in place of or in addition to a long-term suspension. The Dean of Students shall send the written determination to the scholar 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 Dean of Students and the parent. If the Dean of Students decides to suspend the scholar, the written determination will:

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 Dean of Students
3. Identify the length and effective date of the suspension, as well as a date of return to school
4. Include notice of the scholar's opportunity to receive education services to make academic progress during the period of removal from school
5. Inform the scholar of the right to appeal the Dean of Students' decision to the Executive Director or designee (only if the Dean of Students has imposed a long-term suspension). Notice of the right to 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 of appealing the decision, including that the scholar or parent must file a written notice of appeal with the Executive Director within five (5) calendar days of the effective date of the long-term suspension; provided that within the five (5) days, the scholar or parent may request and receive from the Executive Director an extension of time for filing the written notice for up to seven (7) additional calendar days, and that
 - b. The long-term suspension will remain in effect unless and until the Executive Director decides to reverse the Dean of Students' determination on appeal.
6. Serious case is defined as involving the possession of or use of illegal substances or weapons, assault, vandalism, or violation of a scholar's civil rights. In practice, the decision to suspend rather than expel in serious cases may depend on whether the principal determines that the scholar's continued presence in school would have a substantial detrimental effect on the general welfare of the school.

Executive Director's Hearing under §37H%

A scholar who is placed on long-term suspension following a hearing with the Dean of Students, has the right to appeal the Dean of Students' decision to the Executive Director.

In order to appeal the Dean of Students' decision to impose a long-term suspension, the scholar or parent must file a notice of appeal with the Executive Director within five calendar days of the effective date of the long-term suspension (parent may request and receive from the Executive Director an extension of time for filing written notice for up to seven days). If the appeal is not timely filed, the Executive Director may deny the appeal, or may allow the appeal in his or her discretion, for good cause.

The Executive Director shall hold the hearing within three school days of the scholar's request, unless the scholar or parent requests an extension of up to seven additional calendar days, in which case the Executive Director shall grant the extension.

The Executive Director must make a good faith effort to include the parent in the hearing and will presume to have made good faith effort if he or she has attempted to find a day and time for the hearing that would allow the parent and Executive Director to participate. The Executive Director shall send written notice to the parent of the date, time, and location of the hearing.

The Executive Director will conduct a hearing to determine whether the scholar committed the disciplinary offense of which the scholar is accused, and if so, what the consequence will be. An audio recording of the hearing will be made, a copy of which shall be provided to the scholar or parent upon request.

The scholar and parent shall have the right afforded them at the Dean of Students' hearing for long-term suspension, as detailed in the sections entitled Dean of Students' Hearing under §37H~~4~~: Short-term Suspension and Dean of Students' Hearing under §37H~~4~~: Long-term Suspension.

The Executive Director shall issue a written decision within five calendar days of the hearing. If the Executive Director determines that the scholar committed the disciplinary offense, The Executive Director may impose the same or a lesser consequence than the Dean of Students, but shall not impose a suspension greater than that imposed by the Dean of Students' decision. The decision of the Executive Director shall be the final decision of the school.

In-School Suspension under §37H~~4~~

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

The Dean of Students is required to inform the scholar of the disciplinary offense charged and the basis for the charge, and provide the scholar an opportunity to dispute the charges and explain the circumstances surrounding the alleged incident. If the Dean of Students determines that the scholar committed the disciplinary offense, the Dean of Students must inform the scholar of the length of the scholar's in-school suspension, which shall not exceed 10 days, cumulatively, in a school year.

On the same day the Dean of Students decides to impose an in-school suspension, the Dean of Students must make reasonable efforts to verbally notify the parent/guardian of the disciplinary offense, the reasons for concluding that the scholar committed the infraction, and the length of the in-school suspension.

The Dean of Students shall also invite the parent/guardian to a meeting to discuss the scholar's academic performance and behavior, strategies for scholar engagement, and possible responses to the behavior. Such meeting shall be scheduled on the day of the suspension if possible, if not, as soon as

possible. If the Dean of Students is unable to reach the parent/guardian after making and documenting at least two attempts to do so, such attempts shall constitute reasonable efforts for purpose of verbally informing the parent of the in-school suspension.

The Dean of Students shall send written notice to the scholar and parent about the in-school suspension, including the reason and length of the in-school suspension (and inviting the parent/guardian to a meeting with the Dean of Students, if such meeting has not already occurred). The Dean of Students shall deliver such notice on the day of the suspension by hand delivery, certified mail, first-class mail, email to an address provided by the parent for school communications, or by other method of delivery agreed to by the Dean of Students and the parent.

Removal from Privileges and Extracurricular Activities

The Dean of Students may remove a scholar from privileges, such as extracurricular activities and attendance at school-sponsored events, based on the scholar's misconduct. A removal from privileges and/or extracurricular activities is of subject to the procedures set forth herein.

Education Services and Academic Progress under §37H³

Scholars serving an in-school suspension, short-term suspension, long-term suspension, or expulsion 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.

Scholars who were expelled or suspended from school for more than ten (10) consecutive days, whether in school or out of school, have the opportunity to receive education services and make academic progress toward meeting state and local requirements, through the school-wide Education Service Plan.

School Wide Education Service Plan including Alternative Educational Services

Scholars who are suspended from school for 10 or fewer consecutive school days, whether in or out of school, have the opportunity to make academic progress during the period of suspension; make up assignments; including, but not limited to, homework, quizzes, exams, papers and projects. The Dean of Students or designee shall ensure these scholars have an opportunity to make academic progress during the period of suspension or expulsion, to make up assignments, including, but not limited to, homework, quizzes, exams, papers and projects missed.

These services may include, but is not limited to, school work sent home via worksheets, google classroom, research projects, tutoring, Saturday school, remote learning and/or alternative educational services or placement.

If HVM suspends a scholar for more than 10 consecutive school days, HVM is required to provide the scholar and the parent or guardian of the scholar with a list of alternative educational services. Upon selection of an alternative educational service by the scholar and the scholar's parent or guardian, the school or school district shall facilitate and verify enrollment in the service.

Appendix A

Discipline for Scholars with Disabilities

Scholars identified as having special needs

1. All HVM scholars are expected to abide by the guidelines as set forth in this Code of Conduct Chapter 71B of the Mass. General Laws, formerly known as Chapter 766, requiring that additional provisions be made for scholars who have been found by an evaluation team to have special needs and whose individualized program is described in an Individualized Educational Program (IEP).
 - a. Scholars with Special Needs may be suspended for up to ten (10) consecutive days, and may also be suspended in excess of ten (10) cumulative days, as fully outlined under M.G.L.c. 71B, and the Individuals with Disabilities Education Act. Such suspensions may carry out without any further or additional process.
 - b. Suspensions or exclusions in excess of ten (10) consecutive days or ten (10) cumulative days may also occur, provided that the conduct for which the scholar is being disciplined is not a manifestation of his/her disability, and the District provides educational services which will allow the scholar to access the general curriculum and to make progress toward his/her goals.
2. The Individuals with Disabilities Education (IDEA) and M.G.L.c. 71B allow school personnel to move a scholar with disabilities to an Interim Alternative Educational Setting (IAES) for up to 45 school days, if that scholar is in possession of a dangerous weapon at school or a school function or on school property, is in possession or uses a controlled substance or sells or solicits the sale of a controlled substance while at school or a school function or on school property, or inflicts serious bodily injury on a person, including him/herself. The appropriate interim alternative educational setting shall be determined by the IEP team.
3. The IDEA and M.G.L. c. 71B also allow school personnel the option of asking a hearing officer or a court to move children with disabilities to an interim alternative educational setting for up to 45 school days, if they are substantially likely to injure themselves or others in their current placement.
4. When a special needs scholar has been suspended for more than (10) consecutive or cumulative days in a school year, such that a substantial change in placement is occurring or will occur, the IEP TEAM will meet to conduct a manifestation determination. Relevant, members of the TEAM meet for the manifestation determination, and they answer two questions, after reviewing relevant documents and misconduct of the scholar:
 - Is the misconduct the result of failure to implement the scholar's IEP? And
 - Is the misconduct caused by, or does it have a direct and substantial relationship to the scholar's disability?

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

5. If the IEP team finds that the misconduct was not a manifestation of the scholar's disability, then the scholar may be disciplined according to the discipline policy in the HVM Code of Conduct. The scholar will receive educational services during the period of suspension or exclusion. If the IEP Team finds that the misconduct was a manifestation of the scholar's disability, then the school may still be able to implement an IAES (see#2 and 3 above). If the IAES is not possible, then the scholar will remain in his/her current placement, and the team will arrange for a functional behavioral assessment (if one has not been conducted on the scholar) and the development or modification of a behavior intervention plan.
6. The Executive Director (or designee) will notify the Special Education Office of offenses that warrant a suspension of a special needs scholar and a record will be kept of such notice.

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

Section 504 of the Rehabilitation Act of 1973 is a federal statute which prohibits a qualified individual with a disability from being excluded from the participation in, denied the benefits of, or subjected to discrimination under any program or activity receiving Federal financial assistance because of his/her disability. 29 U.S.C.—794 and its implementing regulations, 34 C.F.R. 104 *et seq.*

1. All HVM scholars are expected to abide by the guidelines as set forth in this Code of Conduct. A scholar on a Section 504 plan may be disciplined like any other non-disabled scholar. However, if the scholar is going to be suspended for ten (10) or more consecutive days, expelled or suspended for more than ten (10) cumulative days (and there is a change in placement as a result), then a manifestation determination review shall be conducted. The scholar's 504 team shall convene, and answer two questions after reviewing relevant documents and the misconduct of the scholar:
 - Is the misconduct the result of failure to implement the scholar's 504 plan? And
 - Is the misconduct caused by, or does it have a direct and substantial relationship to the scholar's disability?

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

2. If the 504 team finds that the misconduct was not a manifestation of the scholar's disability, then the scholar may be disciplined according to the discipline policy in the HVM Code of Conduct. The scholar will receive educational services during the period of suspension or exclusion. If the 504 Team finds that the misconduct was a manifestation of the scholar's disability, then the school may still be able to implement an IAES. If the IAES is not possible, then the scholar will remain in his/her current placement, and the team will arrange for a functional behavioral assessment (if one has not been conducted on the scholar) and the development or modification of a behavior intervention plan.

When a scholar with a disability is reported to the police for an alleged crime, special education and disciplinary records may be furnished to the police.

The Individuals with Disabilities Education Act Regulations at 34 CFR 300.535 state the following:

Nothing in this part prohibits an agency from reporting a crime committed by a child with a disability to appropriate authorities or prevents State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes by a child with a disability.

An agency reporting a crime committed by a child with a disability must ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom the agency reports the crime. An agency reporting a crime under this section may transmit copies of the child's special education and disciplinary records only to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act. (Authority: 20 U.S.C 1415(k)(6)).