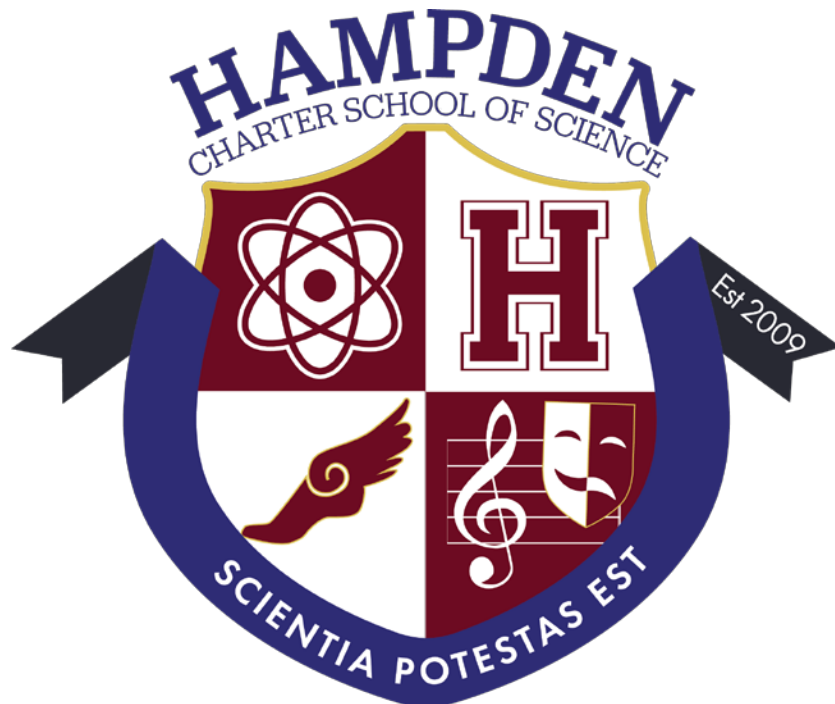


# **HAMPDEN CHARTER SCHOOL OF SCIENCE EAST - WEST**



## **Student Code of Conduct 2020-2021**

Updated: 5/18/2020

In accordance with M.G.L. c. 76, s. 5, Hampden Charter School of Science East shall not discriminate nor tolerates harassment based on race, color, national origin, creed, sex, ethnicity, gender identity, sexual orientation, mental or physical disability, age, ancestry, athletic performance, special need, proficiency in the English language or a foreign language, or prior academic achievement. HCSS has a zero tolerance for harassment based on these areas.

# 1. OVERALL GOAL AT HCSS

HCSS has as its goal helping every student fulfill his or her intellectual, social, physical, and emotional potential. Everything in and about the school has been designed to create an orderly and distraction-free environment in which all students can learn effectively and pleasantly.

Substitute teachers, part-time teachers, mentors, and tutors have the same authority and rights as the regular classroom teachers. In addition, before and after school activities are regarded as class time.

## 2. DISCIPLINE - POSITIVE REINFORCEMENT

The teacher will reinforce positive behavior through any of these ways:

- Oral praise
- Note to parents
- Phone call to parents
- Class rewards
- Field trips
- Notes to student
- Notes accompanying report cards
- Notes on papers, tests, etc.
- Power of Praise - PBIS Program
- Academic & Behavioral Rewards

## 3. CLASSROOM EXPECTATIONS:

1. Students are expected to be respectful of teachers, classmates, and themselves at all times. Following the individual classroom rules will help create an environment intended to maximize learning. Each teacher will discuss classroom policies and expectations.
2. No violence will be tolerated at the School. Violent or destructive acts will result in severe consequences determined by the Administration, depending upon the severity of the act.
3. Racial slurs, verbally abusive language, or bullying will not be tolerated.
4. Dishonesty (such as cheating, plagiarism, and stealing) will be handled with severe consequences. Plagiarism—taking ideas or writings from another person and offering them as original ideas—will not be tolerated. Repeated offences of academic dishonesty shall prompt full scrutiny of all student grades and may result in re-testing of previous examinations.
5. Students are expected to be in every class on time.
6. Students must be fully prepared for all classes. Chronic unpreparedness will prompt a referral for disciplinary consequences.

7. All lockers should remain tidy and able to be closed for proper storage of school materials and personal belongings.
8. Littering of any kind is not allowed.
9. Eating and drinking are not allowed in the hallway and classrooms. Food and beverages are restricted to the cafeteria.
10. We learn best through imitating others; older students are expected to model good behavior for younger students.
11. No tobacco products are allowed on school property. Alcohol and controlled substances are strictly forbidden. Students in possession of illegal items will be suspended or expelled. Students found under the influence of alcohol or controlled substances while at school must be picked up by parents or guardians and will be suspended or possibly expelled. Law enforcement officials may also be notified of such conduct.

**One or a combination of the following consequences for violating daily classroom rules may be implemented:**

**Options and Procedures:**

Each discipline case will carry its own merit and will be decided according to the facts accompanying the case. Effort will be made to discipline students while maintaining them in regular school programs. Parents are encouraged to become actively involved in the disciplinary process. In many cases, however, the following discipline procedures may take place:

1. Bus privileges may be revoked for acts of misbehavior.
2. Students may have campus driving privileges revoked.
3. Students may be placed on social probation
4. Students may be suspended from school when they are a danger to themselves or others, or when they demonstrate a chronic inability or unwillingness to abide by school regulations.
5. Students may be required to perform school-based community service.
6. Students may be required to pay restitution, be assigned special projects, or asked to write a letter of apology.
7. A student may be expelled from school.

In addition to disciplinary consequences, a student may be referred for counseling, risk assessments, or psychological and/or educational evaluations.

## **4. HALLWAY EXPECTATIONS:**

As in every part of the Hampden Charter School of Science East-West, students are expected to behave in the halls. Everyone in the School should make an effort to control noise. Students should not shout or slam lockers. When classes are in session, students, teachers, and parents passing in the hallway are expected to keep their voices low. *Students must possess a pass when traveling the halls during class time.* Running and horseplay in the hallway is prohibited. Safety for all students is important at school. Students are asked to *stay to the right* when traveling through the hallways or on the stairs.

## 5. STUDENT LOCKER POLICY:

Students will be issued assigned lockers at the opening of the School. **You may not trade lockers with another student. It is not recommended to share your locker with another student.** All student lockers must remain tidy and be able to be closed for proper storage of materials and belongings.

**For safety reasons, only unframed, collapsible book bags will be permitted to be stored in school lockers.**

**Book bags are not allowed in class. Students should keep their book bags in lockers.**

**Students are not allowed to tamper with locks. For security purposes, *no outside locks will be permitted unless permission is granted by administration.* Hampden Charter School of Science East-West is not responsible for lost or stolen personal belongings.**

## 6. CORRECTIVE ACTIONS:

Discipline problems have been classified as minor and major infractions. In an effort to insure uniformity in the discipline code, the guidelines on the following pages have been developed consistent with Massachusetts Law. The code of discipline applies whenever a student is on school grounds, is at a school-sponsored activity, is on public or private transportation to or from school or a school-sponsored activity, is walking or waiting for transportation to or from school or a school-sponsored activity, or engages in serious misconduct outside the school that causes disruption or disorder to the school environment. Throughout the discipline procedure, the substantive and procedural rights of the students, as well as the teachers, will be observed. The handling of major disciplinary infractions, including but not limited to weapons violations and assault cases, is the responsibility of the Director and the discipline committee. Within the established guidelines, hearings must be held with the Director or designee as Hearing Officer. The Director may impose a long-term suspension or expulsion depending upon testimony presented on the record and preserved on tape.

1. Any student who is found on school premises or at school sponsored or school-related events, including athletic games, or on the way to or from school or such events as named above, whether on foot, on school provided transportation, on public transportation, or on private transportation, or while waiting for any form of transportation, *in possession of a dangerous weapon, including, but not limited to, a gun or a knife; or a controlled substance as defined in Chapter 94C, including, but not limited to, marijuana, cocaine, and heroin, may be subject to expulsion from the school by the Director.*
2. Any student who *assaults the CEO, Administrator, teacher, teacher's aide or other education staff on school premises or at school sponsored or school-related events, including athletic games, may be subject to expulsion from the school by the Director.*
3. Any student who is charged with a violation of either paragraph (1) or (2) *shall be notified in writing of an opportunity for a hearing; provided, however, that the student may have representation, along with the*

opportunity to present evidence and witnesses at said hearing before the Director. After said hearing, Director may, at his/her discretion, decide to expel a student who has been determined by the Director to have violated provisions in either paragraph (1) or (2) noted above.

Students who violate the following rules on school premises or at school-sponsored or school-related events including athletic games, or on the way to or from school or such events as named above, whether on foot, on school-provided transportation, on public transportation, or on private transportation, or while waiting for any form of transportation, will be **SUSPENDED** or, in some cases, **EXPELLED**. Expulsion means the loss of a seat at HCSS.

Students are **NOT** allowed to bring to school dangerous objects of no reasonable use to school, such as knives, guns, mock guns, studded belts or bracelets, or other weapons or weapon paraphernalia prohibited by state law.

## 6.a. Major Corrective Actions

School-related offences include those occurring on school grounds; during a school-sponsored activity; on public or private transportation to or from school or a school-sponsored activity; while walking or waiting for transportation to or from school or a school-sponsored activity; when serious misconduct outside the school will have an adverse effect on the maintenance of discipline in the school.

LEVEL	Offense
Level 1	Any point
	Accumulation of 5
	Accumulation of 10
	Accumulation of 15
	Accumulation of 20
	Accumulation of 25
Level 2	Electronic Device Policy Violation
	Leaving class without permission/ Accessing non-student areas
	Leaving campus without permission
	Inappropriate use of technology/materials
	Using profanity
	Defiance of staff or authority
	Excessive tardiness /Truancy
	Academic Dishonesty / Cheating / Plagiarism
	PDA
	Forgery
	Stealing/Possessing/Vandalizing or Defacing School or Private Property

	Chronic Disruption
	Conspiracy
	Provoking/Harassing/ Intimidating Behavior
	Reckless Vehicle Use
Level 3	Disrespect to staff or authority
	Arranged/Arranging Fight
	Assault
	Threat
	Possession / Use of tobacco products
	Under the influence of alcohol or in possession of alcohol
	Engaging in acts that promote promiscuity and/or sexual contact
	Bullying/Chronic/Hazing/Sexual Harassment school offender
	Give a False Bomb Threat/Fire Alarm
Repetitive Level 2 Incidents	
Level 4	Arson
	Education Staff Assault and/or Battery
	Possession, use, or sale of illegal drugs or controlled substances
	Felony
	Possession of an illegal* or dangerous weapon

**ADMINISTRATION RESERVES THE RIGHT TO USE ITS DISCRETION WHEN DETERMINING DISCIPLINARY CONSEQUENCES. SUSPENSIONS MAY BE GIVEN FOR ANYWHERE BETWEEN ONE DAY AND THE REMAINDER OF THE SCHOOL YEAR.**

**Mini Course:** Level 2 and above incidents require completion of the mini course and follow-up assignment before the student returns to the class.

Dean of School Culture develops short, stand-alone units or modules on topics related to various types of inappropriate behavior. Module activities may include readings, videos, workbook tasks, tests, and oral reports. The modules are designed to teach awareness, knowledge, or skills about targeted areas in order to promote students' behavioral change. Topics include: inappropriate language, inappropriate behaviors, sexual harassment, alcohol/drug use, conflict resolution, and social skill development. Once created, students are assigned to complete the appropriate modules based on their offense.

## 6.b. Minor Corrective Action Plan

Minor infractions of the HCSS Discipline Code may result in:

Corrective Actions	
1	Discipline Point (DPS)
2	After School Detention
3	Friday Detention
4	Saturday Detention
5	ASR (Alternative Study Room)
6	Social Probation
7	Community Service
8	Parental Consultation
9	Completion of assigned Mini-Course
10	ISS (In School Suspension)
11	OSS (Out of School Suspension)

- 1. Discipline point** is the notification by the issuing teacher to the student of a minor infraction of the rules. Accumulation of discipline points during a given week, marking period, and/or year will result in a failing grade in conduct and further disciplinary action. Discipline point may be issued anywhere in the school building. (SEE DISCIPLINE POINT SYSTEM CHART FOR FURTHER INFO)
- 2. After School Detention / Friday Detention / Saturday Detention** are held daily after school or on Saturdays as a penalty for minor infractions. Detention takes precedence over extracurricular activities including sports and work. **NOTE: Detentions will be held in the ASR or in an Alternative Room and the rules will be posted on the wall.** Failure to report to detention will cause Friday or Saturday detention. Failure to attend Friday or Saturday detention may result in alternate consequences.
- 3. Alternative Study Room (ASR)** is the exclusion of a student from specified classes and school activities for a specified time. The student is supervised within the school and is expected to complete assigned work for all academic classes and assignments from ASR teacher and/or administration while in ASR.
- 4. Social Probation** is a reprimand by the school and notification to the parents of a major discipline problem. Students on social probation may be excluded from all extracurricular activities for a period of time to be determined by the Dean of School Culture.
- 5. Parental Consultations** is having meetings with the parent to discuss the corrective action plans.
- 6. Community Service – Alternative Discipline** is discipline that does not occur during class time hours. The student will be assigned type and time of community service. The Community Service assignment will be held in community at administration discretion.
- 7. Mini-Course – Level 2 and above incidents** requires completion of the mini course and follow-up assignment before the student can return to class.

8. **Suspension** is the exclusion of a student from all classes, from school, and from school activities for a specified time (This can either be **In-School Suspension** or **Out-of-School Suspension**). As part of the process a parent/guardian conference should occur. A student who is suspended is automatically prevented from participating in the next regularly scheduled interscholastic activity or competition in which he/she is involved and may be barred from all extracurricular activities for up to two weeks.

## 7. DISCIPLINARY MEASURES:

The Code of Conduct for Hampden Charter School of Science East-West provides for graduated penalties for students who engage in repeated misbehaviors despite the prior imposition of appropriate disciplinary measures.

- Under progressive discipline, more severe penalties will be imposed on those students who engage in a pattern of persistent misconduct.
- Alternate or additional consequences may be imposed by the Dean of Students and/or Director

## 8. DISCIPLINE POINT SYSTEM (DPS)

Along with the established disciplinary procedure, Hampden Charter School of Science East-West will implement a Discipline Point System (DPS) in which students will be given points for unacceptable behavior. Each teacher and staff must use this system and the administration has the discretion to implement certain consequences for students who have earned points above a set limit. Parents will be notified about the consequences and the behavior resulting in DPS system.

### Rules of Discipline Point System

1. Every Level 1 unwanted behavior has a numerical point. (See Discipline Point Case File)
2. Every teacher is required to mention our DPS in his/her syllabus and use it.
3. Students can receive DPS points from anywhere in the building.
4. A student may receive “Praise Points” for positive and/or improved behavior.

	Level 1 - Category	Offense(Alt)	Offense	Points
1	Respect	Being Disrespectful	Antagonistic behavior	1
2	Respect		Inappropriate behavior to another student	1
3	Respect		Vulgarity	1
4	Respect		Talking back to the teacher	1
5	Respect		Other	1
6	Responsibility	Being Defiant	Disturbing class	1



7	Responsibility		Excessive talking	1
8	Responsibility		Failure to Follow Instruction	1
9	Responsibility		Safety Violation	1
10	Responsibility		Other	1

Point	Action	Consequence
Any point	Teacher email/phone call to parents	Teacher's discretion
5	Grade level chair Phone Call	Grade Chair's discretion
10	Admin Phone Call	1-2 day after school detention
15	Admin Meeting with Parent	Friday Detention
20	Admin Meeting with Parent	Saturday Detention
25	Admin Meeting with Parent	ISS

## 9. DISCIPLINE OF STUDENTS WITH SPECIAL NEEDS

Special Education staff must be directly involved when exclusionary discipline is being considered for special education students.

The Code of Conduct must describe the discipline procedures that apply to students who have been identified as having special needs and requiring modifications to the regular code of conduct, as required by their Individualized Education Plans (MGL c. 71B § 3). Hampden Charter School of Science East/West does not discriminate on the basis of sex or disability (M.G.L. c. 76, s.5).

In general, the discipline of a student who has been identified as having special needs pursuant to federal law or the Individuals with Disabilities Education Act (IDEA) is subject to the requirements of the student's Individualized Education Plan (IEP). The IEP for every special needs student should indicate whether the student can meet the requirements of the regular discipline code, or if a modification is necessary.

- If a modification is necessary, it must be described in the student IEP.
- A record of all offences punishable by suspension committed by special needs students must be kept.
- If it becomes apparent that a student identified as having special needs or referred for a special education evaluation (prior to the misconduct) may be excluded from school for a total of ten days in any school year (including both in-school and out-of-school suspensions), the student's special education team or 504 Team must be convened prior to the suspension beyond the ten days. Federal and state laws regarding students with disabilities must be followed. The Team (IEP or 504, depending on the student's disability and if there is any relationship between the misconduct and the student's

disability. If the behavior is not a manifestation of the student's disability, then the discipline code will be followed. If the Team determines that the conduct is a manifestation of the disability, the student will return to his placement. However, the Team may decide to modify the student's program or recommend a different placement for the student. In all cases, the school will provide educational services to the student for suspensions of greater than 10 days.

## **10. DUE PROCESS FOR DISCIPLINARY REMOVALS AND SERVICES DURING REMOVALS**

In a democracy, everyone has the right to be treated fairly, even when it seems that he or she has violated rules or laws. Students are entitled to due process outlined in the Code of Conduct. At the hearing, student and parents must be told what the charge is. They have the right to tell their side of the story. The purpose of these standards and rules is to develop self-discipline; to prevent trouble from arising; and to make our schools safe and wholesome places in which to learn. Any changes made to the Code of Conduct will be distributed to all students and will be available in the school office or online.

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

Please note that students have the right to be represented by counsel or a lay person of the student's choice, at the student's/parent's expense, at any and all hearings concerning student discipline. If you wish to bring an attorney to any hearing or meeting at the school, please inform Hampden Charter School of Science East-West immediately. If you fail to inform the school prior to bringing an attorney to a hearing, and Hampden Charter School of Science East-West's attorney is not present, then Hampden Charter School of Science East-West 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. Hampden Charter School of Science East-West hereby notifies you that it may have its legal counsel present at any hearings and meetings involving student discipline.

### **10.a. Notice of Student and Parent Rights under G.L. c. 71 §37H**

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

Specifically, 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 a knife, may be subject to expulsion from the school by the Dean of School Culture. Any student who is found on school premises or at school-sponsored or school-related events, including athletic games, in possession of a controlled substance, including, but not limited to, marijuana, cocaine, and heroin, may be subject to expulsion from the school by the Dean of School Culture. Any student who assaults the CEO, Administration, Dean of School Culture, 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 expulsion from the school or school district by the Dean of School Culture.

Any student who is charged with any of the misconduct detailed above has an opportunity for a hearing before the Dean of School Culture. At the hearing, the student may have representation at his or her own expense, along with the opportunity to present evidence and witnesses at said hearing before the Dean of School Culture. After said hearing, the Dean of School Culture may, in his discretion, decide to suspend rather than expel a student who has been determined by the Dean of School Culture to have committed the misconduct detailed above.

Any student who has been expelled from a school district pursuant to GL c. 71 §37H shall have the right to appeal to the Director. The expelled student shall have ten days from the date of the expulsion in which to notify the Director of his appeal. The student has the right to counsel, at his or her own expense, at a hearing before the Director. The subject matter of the appeal shall not be limited solely to a factual determination of whether the student has violated any provisions of this section.

Students who are suspended or expelled under §37H are entitled to receive educational services during the period of suspension or expulsion under Hampden Charter School of Science East-West's Education Service Plan, which is described below in Section 11.m. If the student withdraws from the charter school 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 student to its schools or provide educational services to the student under the new school or district's education service plan.

### **10.b. Suspension Following Student Misconduct That Involves Weapons, Drugs, Assault on School Staff**

Upon the finding of weapons, drugs, assault on school staff by a student, the Dean of School Culture of the school in which the student is enrolled may suspend such student for a period of time determined appropriate if he or she determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school. The student is entitled to receive written notification of the charges and the reasons for such suspension prior to such suspension taking effect. The student shall also receive written notification of his right to appeal and the process for appealing such suspension; provided, however, that such suspension shall remain in effect prior to any appeal hearing conducted by the Director.

The student shall have the right to appeal the suspension to the Director. The student shall notify the Director in writing of his request for an appeal no later than five calendar days following the effective date of the suspension. The Director shall hold a hearing with the student and the student's parent within three calendar days of the student's request for an appeal. At the hearing, the student shall have the right to present oral and written testimony on his behalf, and shall have the right to counsel. The Director shall have the authority to overturn or alter the decision of the Dean of School Culture, including recommending an alternate educational program for the student. The Director shall render a decision on the appeal within five calendar days of the hearing. The Director's decision shall be the final decision of Hampden Charter School of Science East-West with regard to the suspension.

### **10.c. Expulsion Following Student Misconduct That Involves Weapons, Drugs, Assault on School Staff**

Upon the finding of weapons, drugs, or assault on school staff by a student, the Dean of School Culture of the school in which the student is enrolled may expel said student if the Dean of School Culture determines that the

student's continued presence in school would have a substantial detrimental effect on the general welfare of the school. The student shall receive written notification of the charges and reasons for such expulsion prior to such expulsion taking effect. This written notification shall include the student's right to a hearing with the Dean of School Culture before the expulsion takes effect, including date, time and location. Student's parent or guardian will be present at the hearing. The student shall also receive written notification of his right to appeal and the process for appealing such expulsion and the opportunity to receive educational services; provided, however, that the expulsion shall remain in effect prior to any appeal hearing conducted by the Director.

The student shall have the right to appeal the expulsion to the Director. The student shall notify the Director, in writing, of his request for an appeal no later than ten (10) calendar days following the effective date of the expulsion. The Director shall hold a hearing with the student and the student's parent within three calendar days of the expulsion appeal. At the hearing, the student shall have the right to present oral and written testimony on his behalf, and shall have the right to counsel and the right to confront and cross examine witnesses presented by the school. The Director shall have the authority to overturn or alter the decision of the Dean of School Culture, including recommending an alternate educational program for the student. The Director shall render a decision on the appeal within five calendar days of the hearing. The Director's decision shall be the final decision of Hampden Charter School of Science East-West with regard to the expulsion.

Students who are suspended or expelled under §37H are entitled to receive educational services during the period of suspension or expulsion under Hampden Charter School of Science East-West's Education Service Plan, which is described below in Section 11.m. If the student withdraws from the charter school 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 student to its schools or provide educational services to the student under the new school or district's education service plan.

#### **10.d. Notice of Rights under G.L. c. 71 §37H<sup>1/2</sup>**

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

#### **10.e. Suspension Following Criminal or Felony Delinquency Complaint**

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

The student shall have the right to appeal the suspension to the Director. The student shall notify the Director in writing of his request for an appeal no later than five calendar days following the effective date of the suspension. The Director shall hold a hearing with the student and the student's parent within three calendar days of the student's request for an appeal. At the hearing, the student shall have the right to present oral and written testimony on his behalf, and shall have the right to counsel. The Director shall have the authority to overturn or alter the decision of the Dean of School Culture, including recommending an alternate educational program for the student. The Director shall render a decision on the appeal within five calendar days of the

hearing. The Director's decision shall be the final decision of Hampden Charter School of Science East-West with regard to the suspension.

## **10.f. Expulsion Following Felony Adjudication or Admission**

Upon a student being convicted of a felony or upon an adjudication or admission in court of guilt with respect to such a felony or felony delinquency, the Dean of School Culture of the school in which the student is enrolled may expel said student if the Dean of School Culture determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school. The student shall receive written notification of the charges and reasons for such expulsion prior to such expulsion taking effect. This written notification shall include the student's right to a hearing with the Dean of School Culture before the expulsion takes effect, including date, time and location. Student's parent or guardian will be present at the hearing. The student shall also receive written notification of his right to appeal and the process for appealing such expulsion and the opportunity to receive educational services; provided, however, that the expulsion shall remain in effect prior to any appeal hearing conducted by the Director.

The student shall have the right to appeal the expulsion to the Director. The student shall notify the Director, in writing, of his request for an appeal no later than five (5) calendar days following the effective date of the expulsion appeal. The Director shall hold a hearing with the student and the student's parent within three calendar days of the expulsion appeal. At the hearing, the student shall have the right to present oral and written testimony on his behalf, shall have the right to counsel and the right to confront and cross examine witnesses presented by the school. The Director shall have the authority to overturn or alter the decision of the Dean of School Culture, including recommending an alternate educational program for the student. The Director shall render a decision on the appeal within five calendar days of the hearing. The Director's decision shall be the final decision of Hampden Charter School of Science East-West with regard to the expulsion.

Students who are suspended or expelled under §37H½ are entitled to receive educational services during the period of suspension or expulsion under Hampden Charter School of Science East-West's Education Service Plan, which is described below in Section 11.m. If the student withdraws from the charter school 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 student to its schools or provide educational services to the student under the new school or district's education service plan.

## **10.g. Notice of Student and Parent Rights under *G.L. c. 71 §37H¾***

This section governs all student offenses that may be subject to short- or long-term suspensions that *do not* involve dangerous weapons, controlled substances, assault on school staff, felony or 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 student misconduct for which suspension may be imposed, the Dean of School Culture is required to exercise discretion in deciding the consequence for the offense; consider ways to re-engage the student in learning; and avoid using long-term suspension from school as a consequence until alternatives have been tried. The following document outlines student and parent rights when the Dean of School Culture is considering, and/or decides to implement a removal from school as a consequence for student misconduct.

Students who are suspended under §37H<sup>3</sup>/<sub>4</sub> are entitled to receive educational services during the period of suspension or expulsion under Hampden Charter School of Science East/West's Education Service Plan, which is described below in Section 11.m. If the student withdraws from the charter school and/or moves to another school district during the period of suspension, the new school/district/district of residence shall either admit the student to its schools or provide educational services to the student under the new school or district's education service plan.

### **10.h. Notice of Suspension and Hearing under §37H<sup>3</sup>/<sub>4</sub>**

Unless the Dean of School Culture 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 10 cumulative days per school year) (*see* In-School Suspension section below), the Dean of School Culture may not impose a suspension as a consequence for a disciplinary offense without first providing the student and the parent with verbal 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.

The Dean of School Culture is required to provide this verbal 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 must set forth the following information:

- (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 Dean of School Culture 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 Dean of School Culture, the student's short and long term suspension hearing rights and the right to appeal to the Dean of School Culture's decision to the Director (*see* Hearing Rights section below).

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

### **10.i. Emergency Removal**

The Dean of School Culture has the authority to remove a student from school temporarily when a student is

charged with a disciplinary offense and the Dean of School Culture determines that 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 Dean of School Culture's judgment, there is no alternative available to alleviate the danger or disruption. The Dean of School Culture is required to notify the Director immediately in writing of an emergency 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 Dean of Students is required to:

- (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 Hearing Rights outlined below;
- (b) Provide written notice to the student and parent;
- (c) Provide the student 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 time for hearing is otherwise agreed to by the Dean of School Culture, 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.

The Dean of School Culture 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.

## **10.j. Hearing Rights**

### **11.j.1 Dean of School Culture's Hearing under §37H¾: Short-term Suspension**

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

The Dean of School Culture is required to provide written notification to 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.

Please note that if the student is in grades pre-K through 3, the Dean of School Culture is required to send a copy of the written determination to the Director and explain the reasons for imposing an out-of-school suspension, before the short-term suspension takes effect.

#### **10.j.2. Dean of School Culture's Hearing under §37H<sup>3</sup>/<sub>4</sub>: Long-term Suspension**

Long-term suspension means the removal of a student from the school premises and regular classroom activities for more than ten (10) consecutive school days, or for more than ten (10) school days cumulatively for multiple disciplinary offenses in any school year.

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 student in a short-term suspension hearing, the student shall have the following rights during a long-term suspension hearing:

1. In advance of the hearing, the opportunity to review the student's record and the documents upon which the Dean of School Culture 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; and
5. the right to request that the hearing be recorded by the Dean of School Culture, and to receive a copy of the audio recording upon request. If the student or parent requests an audio recording, the Dean of School Culture 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. The Dean of School Culture shall provide the parent, if present, an opportunity to discuss the student's conduct and offer information, including mitigating circumstances, that the Dean of School Culture should consider in determining consequences for the student.

Based on the evidence, the Dean of School Culture 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 Dean of School Culture shall send the written determination to the student and parent by hand-delivery, certified mail, first-class mail, email to the address provided by the parent for school communications, or any other method of delivery agreed to by the Dean of School Culture and the parent. If the Dean of School Culture decides to suspend the student, 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 School Culture;
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 to the Dean of School Culture's decision to the Director (only if the Dean of School Culture 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 Director 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 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 Director decides to reverse the Dean of School Culture's determination on appeal.

If the student is in a public preschool program or in grades K through 3, the Dean of School Culture shall send a copy of the written determination to the Director and explain the reasons for imposing an out-of-school suspension, whether short-term or long-term, before the suspension takes effect.

### **10.j.3. Director's Hearing under §37H¾**

A student who is placed on long-term suspension following a hearing with the Dean of School Culture has the right to appeal the Dean of School Culture's decision to the Director.

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

The Director shall hold the hearing within three school days of the student's request, unless the student or parent requests an extension of up to seven additional calendar days, in which case the Director shall grant the extension. The Director must make a good faith effort to include the parent in the hearing, and will be presumed to have made a good faith effort if he or she has attempted to find a day and time for the hearing that would allow the parent and Director to participate. The Director shall send written notice to the parent of the date, time, and location of the hearing.

The Director will conduct a hearing to determine whether the student committed the disciplinary offense of which the student is accused, and if so, what the consequences will be. An audio recording of the hearing will be made, a copy of which shall be provided to the student or parent upon request. The student and parent shall have all the rights afforded them at the Dean of School Culture's hearing for long-term suspension, as detailed above in the sections entitled Dean of School Culture's Hearing under §37H¾: Short-term Suspension and Dean of School Culture's Hearing under §37H¾: Long-term Suspension.

The Director shall issue a written decision within five calendar days of the hearing. If the Director determines

that the student committed the disciplinary offense, the Director may impose the same or a lesser consequence than the Dean of School Culture, but shall not impose a suspension greater than that imposed by the Dean of School Culture's decision. The decision of the Director shall be the final decision of the school.

### **10.k. In-School Suspension under §37H<sup>3</sup>/<sub>4</sub>**

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

The Dean of School Culture is required to 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 Dean of School Culture determines that the student committed the disciplinary offense, the Dean of School Culture must inform the student of the length of the student's in-school suspension, which shall not exceed 10 days, cumulatively or consecutively, in a school year.

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

The Dean of School Culture 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 Dean of School Culture 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 verbally informing the parent of the in-school suspension.

The Dean of School Culture 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 Dean of School Culture, if such meeting has not already occurred). The Dean of School Culture shall deliver such notice on the day of the suspension by hand-delivery, certified mail, first-class mail, email to the address provided by the parent for school communications, or by other method of delivery agreed to by the Dean of School Culture and the parent.

### **10.l. Removal from Privileges and Extracurricular Activities**

The Dean of School Culture may remove a student from privileges, such as extracurricular activities and attendance at school-sponsored events, based on the student's misconduct. A removal from privileges and/or extracurricular activities is not subject to the procedures set forth herein.

### **10.m. Education Services and Academic Progress under §37H<sup>3</sup>/<sub>4</sub>**

Students 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.

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

### **10.n. Services during Removals and School-Wide Education Service Plan**

Students who are suspended from school for 10 or fewer consecutive days, whether in or out of school, have the opportunity to make academic progress during the period of suspension; make up assignments; and earn credits missed including, but not limited to, homework, quizzes, exams, papers and projects missed.

Hampden Charter School of Science East-West has developed a school-wide Education Service Plan for all students who are expelled or suspended from school for more than 10 consecutive school days, whether in or out of school. The Dean of Student Services and The Dean of School Culture shall ensure these students have an opportunity to make academic progress during the period of suspension or expulsion, to make up assignments and earn credits missed, including, but not limited to, homework, quizzes, exams, papers and projects missed. Hampden Charter School of Science East-West's Education Service Plan is subject to change, and may include, but is not limited to, tutoring, alternative placement, Saturday school, and online or distance learning.

If Hampden Charter School of Science East-West expels a student or suspends a student for more than 10 consecutive school days, Hampden Charter School of Science East is required to provide the student and the parent or guardian of the student with a list of alternative educational services. Upon selection of an alternative educational service by the student and the student's parent or guardian, the school or school district shall facilitate and verify enrollment in the service.

## **11. LAWS REGARDING DRUGS, ALCOHOL, AND FIREARMS AND GANG-RELATED ACTIVITIES**

1. For Dealing Drugs Near School-mandatory two-year jail sentence. A conviction for selling drugs within 1000 feet of school property in Massachusetts will result in a minimum mandatory two-year jail sentence plus a fine of up to \$10,000.
2. Massachusetts General Laws Chapter 269, Section 10j states: "Whoever, not being a law enforcement officer, and not withstanding any license obtained by him under the provisions of Chapter one-hundred and forty, carries on his person a firearm as hereafter defined, loaded, or other dangerous weapon in any building or on the grounds of any elementary or secondary school, college or university without the written authorization of the board of officer in charge of such elementary or 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. Any office in charge of an elementary or secondary school, college, or university or any faculty member or administrative officer of an elementary or secondary school, college, or university failing to report violations of this paragraph shall be guilty of a misdemeanor and punished by a fine of not more than five hundred dollars.”

3. “Other dangerous weapons” are those mentioned in Massachusetts General Laws Chapter

269, Section 12 and other weapons as defined using the “reasonable man standard.”

4. Gang-Related Activities—Whoever commits an assault and battery on a child under the age of 18 for the purpose of causing or coercing such child to join or participate in a criminal conspiracy in violation of section seven of Chapter 274, including but not limited to a criminal street gang or other organization of three or more persons which has a common name, identifying sign or symbol and whose members individually or collectively engage in criminal activity, shall, for the first offence, be punished by imprisonment in the state prison for not less than three nor more than five years or by imprisonment in the house of corrections for not more than two and one half years and for a second subsequent offence by imprisonment in the state prison for not less than five nor more than ten years.

## 12. MEDICATION POLICY:

Students are not allowed to use personal cell phones to call home if ill. Doing so may result in disciplinary action.

Medication should not be brought to school unless it is essential to the health of the student. If a student must take medicine at school, these procedures must be followed:

- The medication to be administered by designated school personnel must be brought to school by the student’s parent/guardian.
- The school must receive a Medication Administration Consent Form signed by the student’s physician and parent/guardian. (This form can be found on the HCSS website or it can be printed by most doctor offices)
- If it is a prescription medication being brought in, the following information must be clearly printed on the prescription bottle:
  - o Student’s Name
  - o Name of the medication
  - o Dosage
  - o Time the medication must be taken.

*All medication will be kept in a secure location in the nurse's office. Students are not allowed to carry any medication on them or in their lockers during school. This includes but is not limited to Tylenol, Ibuprofen, inhalers, vitamins, or prescription medications.*

## **13. BULLYING AND HARASSMENT**

See "Bullying Plan"

### **13.a. CONSEQUENCES AND SUPPORT SERVICES:**

Consequences and appropriate remedial action for students who commit acts of bullying and/or harassment may range from positive behavioral interventions up to and including suspension as outlined in the schools' Codes of Conduct/Student Handbook.

Retaliation or threats of retaliation in any form designed to intimidate the target of bullying and/or harassment, those who are witnesses to such behavior or those who are investigating such behavior will be subject to discipline as outlined in each school's student Code of Conduct/Student Handbook and the Staff Handbook.

## **14. HAZING**

Secondary schools must include the hazing provision in either their Code of Conduct or Student Handbook, as required by MGL c. 269 § 19.

Section 17 of Chapter 269 states,

"Whoever is a principal organizer or participant in the crime of hazing as defined herein shall be punished by a fine of not more than one thousand dollars or by imprisonment in a house of correction for not more than one hundred days, or by both such fine and imprisonment. The term "hazing" as used in this section, shall mean any conduct or method of initiation into any student organization, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person. Such conduct shall include whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug or other substance, or any other brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of any such student or other person, or which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation."

Section 18 of Chapter 269 states,

"Whoever knows that another person is the victim of hazing as defined and is at the scene of such crime shall,

to the extent that such person can do so without danger or peril to himself or others, report such crime to an appropriate law enforcement official as soon as reasonably practicable. Whoever fails to report such crime shall be punished by a fine of not more than five hundred dollars.”