



DISCIPLINE CODE

Chapter 71, Section 37H of the Massachusetts General Laws requires that the School Committee of every town or district shall publish its adopted rules or regulations pertaining to the conduct of students and teachers. The law also provides that copies of the rules and regulations be filed with the Department of Education, for informational purposes only. The following discipline code has been adopted by the Lincoln Public Schools.

INTRODUCTION

Self-discipline, the ability of a learner to control his/her behavior, is the desired outcome of Lincoln's discipline code. Cooperation between the parents and the school is an important step to achieving this outcome. The proper school and classroom atmosphere, in which considerate and caring behavior towards others is expected and modeled, supports in a positive way this discipline code. School personnel are committed to encourage compliance with this code in a fair, consistent and judicious manner.

The school will take disciplinary action when behavior becomes disruptive to the learning process, destructive to property, abusive of other persons, and/or injurious to oneself. When persuasive and supportive measures are unsuccessful, it may become necessary to use punishment as a disciplinary measure. In extreme cases, reasonable, force or restraint may be used by the teacher and/or administrator for the purpose of maintaining order and safety (See also Physical Restraint Policy - File Code: JG),

Whenever disciplinary action is warranted, all students will be dealt with equitably, including special treatment that has been specified in an Individual Education Plan under Chapter 766 of the Massachusetts General Laws. Implementation of the code will respect all students' statutory rights.

Any searches of individuals shall be conducted in a manner that is consistent with both federal and state law. All students and staff should be aware that all lockers, desks, computers and/or any other school equipment are the property of the Lincoln Public Schools and, as such, students should not have a reasonable expectation of privacy with respect to any items or information placed in these areas.

RULES

The following rules are based on common sense and allow us to do four things:

1. Be physically safe
2. Work together in a common space
3. Assure good health
4. Obey local and state laws

These listed rules are not intended to be all inclusive and disciplinary consequences may result from other conduct which is inconsistent with the four goals stated above. These rules apply to all the Lincoln Public Schools and the general enforcement of the rules is the responsibility of all school personnel.

- Rule 1 Students are expected to behave in an orderly fashion. Such activities as pushing, shoving, fighting, wrestling, running, loud noise or any other disruptions which interfere with the educational process in the school are prohibited.
- Rule 2 Students are expected to show respect for other people. There will be no physical or sexual abuse and no verbal harassment.
- Rule 3 Students will not take anything, without permission, that belongs to someone else or to the school.
- Rule 4 Students will not damage school and/or student property.
- Rule 5 Students will not bring objects to school which are dangerous to other people and/or disruptive to the educational process.
- Rule 6 Students will not leave the school grounds without permission.
- Rule 7 Students will not possess and/or use illegal objects, i.e. weapons or fireworks, or facsimile weapons, in school or at any school sponsored event.
- Rule 8 Students will not possess and/or use illegal substances, i.e. drugs, in school or at any school sponsored event.
- Rule 9 Students will not bring nor use cigarettes or alcohol in school or at any school sponsored event.

CONSEQUENCES - Due Process

When any of these rules are abused, certain consequences will follow. In all cases the infraction of the rule(s) should be reported to the school principal who will confer with the student and parents, if necessary. The school department will make every effort to issue discipline in a manner that is both equitable and commensurate with the nature of the infraction and will provide the student a meeting before imposing any consequences.

The assignment of consequences #1-9 (listed below) shall be the joint responsibility of the faculty and administration and can be taken by the school principal or his/her designee. Consequences #10 or #11 shall be taken only by the principal, and suspension or expulsion requires additional due process requirements outlined further below in this policy.

1. Revoking recess privileges.
2. Writing a note of apology to the offended party.
3. Writing a letter of explanation to his/her parents.
4. Revoking participation in special school activities, such as field trips, attending programs after-school activities, etc. only with principal's review and permission.
5. Detaining the student(s) after school after notifying parents.
6. Noting infractions of the discipline code on the student's report card.
7. Suspension from school according to the procedures established by the Lincoln School Committee, for extreme or repeated cases or in cases falling within the purview of Mass

Gen. L. ch. 71, § 37H 1/2, and where parents have been notified. (For a further elaboration of the due process requirements for suspension, see below)

8. Warning the student(s) against future infractions.
9. Notifying parent(s) of the behavior.
10. Requiring the student(s) to perform repair work and/or paying for damages, in cases where there are damages. [Assignment of restitution for damages shall be the sole responsibility of the principal.]
11. Notification of the police by the principal.
12. Expulsion of the student(s) from school, consistent with the due process requirements outlined below.
13. Invoking other more stringent discipline in the case of serious or repeat violations of this policy.

SUSPENSION

The principal may suspend a student who is guilty of serious disobedience or misconduct for a period of up to ten (10) school days. The suspension may be as a disciplinary measure or as a prelude to expulsion or expulsion procedures.

The “due process” suspension procedure will be:

1. A student reported by a faculty member for an infraction of a regulation that could warrant a suspension is given a hearing by the principal.
2. At the hearing, the student is orally informed of the infraction, told by whom it was reported, and allowed to speak in his/her own defense.
3. If there is any question on the part of the student about the infraction, a meeting of the student, the faculty member reporting the infraction, and the principal is arranged.
4. If a student is suspended, he/she is informed of the reasons for the suspension, number of days and dates of suspension, and what day (date) he/she may return to school.
5. Parents of the student being suspended are notified by telephone, when possible, of the suspension.
6. A letter is sent to the parents notifying them of the suspension, reasons for the suspension, dates of suspension, and date student may return to school.
7. Parents are requested to contact the school before the student returns from suspension.

EXPULSION

Expulsion is defined as a long term or permanent dismissal. Generally, expulsion is the very last measure. It will be reserved for instances of serious infractions or cases of chronic behavior for which there is little hope for improvement under school conditions and, because of which, the welfare of other students is seriously endangered.

Two specific violations that can result in expulsion are:

1. Any student who is found on school premises or at school sponsored or school-related events, including athletic games, in possession of or using a dangerous weapon, including, but not limited to a gun, knife, facsimile, replica or toy; or controlled substance as defined in Chapter 94-C of the Education Reform Act of 1993, including, but not limited to, marijuana, cocaine, and heroin; or
2. Any student who assaults a student, a principal, assistant principal, teacher, teacher's aide or other educational staff on school premises or at school-sponsored or school-related events, including athletic games.

Other than in cases covered by Massachusetts General Laws, Chapter 71, Section 37H and 37H 1/2, the School Committee shall not expel a student for alleged misconduct without following prescribed due process procedures.

Expulsion "due process" procedure:

1. Any student charged with a violation of a rule for which the student may be expelled from school shall be: a) notified in writing of the infraction and the fact that it could result in expulsion; b) provided an opportunity for a hearing before the principal; with legal representation if the student or his/her parents so desire; c) provided an opportunity to present oral and written testimony at said hearing.
2. To support a recommendation for an expulsion by the Lincoln School Committee ("the Committee"), the Superintendent will present to the Committee a comprehensive written report of the offenses committed and measures taken by the staff to correct the student's conduct.
3. The Committee will ascertain whether the parent(s)/ guardian(s)' cooperation has been sought and obtained in the corrective efforts; and whether they have been notified of their right to be present at the meeting during which the expulsion of their child was considered.
4. At the time an expulsion is imposed, the Committee will set the duration of the expulsion. School Committee action will be necessary for any possible re-admission of an expelled student.

DISCIPLINE OF SPECIAL EDUCATION STUDENTS

All students are expected to meet the requirements for behavior as set forth in this policy. However, students eligible for special education are entitled to certain additional protections under state and federal law. Specifically, these laws include M.G.L. c. 71B and its implementing regulations (603 CMR 28.00) and 20 USC 1401 et. seq. ("the IDEA") and its implementing regulations (34 CFR 300 et. seq.).

Students eligible for special education who violate school rules are subject to removal from their current educational placement for up to ten school days per school year, to the extent that such removal would be applied to students without disabilities, without prior determination as to whether the misconduct is related to the student's disability.

Any time school personnel seek to remove a student from his or her current educational placement for more than ten school days in a school year, this constitutes a "change of placement" and invokes certain procedural rights including but not limited to a review by the IEP Team of the relationship between the student's disability and the behavior subject to the disciplinary action, which is referred to a Manifestation Determination.

If the behavior is a manifestation of the student's disability the student's Team will conduct a functional behavior assessment and develop a behavior intervention plan, provided that such an assessment was not already conducted before the behavior occurred. In the situation where an assessment was already conducted and a behavior intervention plan is already in place, the Team will review the plan and revise it accordingly. The student will also be returned to his educational placement unless the parent and the school agree otherwise.

If the behavior is not a manifestation of the student's disability, then the student may be removed from his educational placement to the same extent that a regular education student would be removed, provided that the special education student must continue to receive educational services to enable the child to continue to receive his special education services in order to participate in the general education curriculum, although in another setting, and to continue to progress toward meeting the goals set out in the student's IEP. Additionally, the student should receive, as appropriate, a functional behavioral assessment and behavior intervention plan to prevent the behavior from happening again.

There are certain situations in which school personnel may order a change in placement of a special education student without regard to whether the student's behavior is determined to be a manifestation of the student's disability. These situations include when a special education student:

1. Carries or possesses a weapon (including facsimile weapons) to or at school, on school premises, or to or at a school function under the jurisdiction of a State or local educational agency; or
2. Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of a State or local educational agency; or
3. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of a State or local educational agency.

In these situations, school personnel may remove the special education student to an appropriate Interim Alternative Educational Setting (IAES) for not more than forty-five (45) school days without regard to whether the student's behavior is determined to be a

manifestation of the student's disability. If a special education student commits an offense which causes the student to be expelled from school, the school district continues to be responsible for providing the student with a free appropriate public education in another educational setting.

For more information regarding the rights of special education students see the Massachusetts Department of Education's Procedural Safeguards Notice, which is available in many languages, at <http://www.doe.mass.edu/sped/prb/>. Additionally, copies of the state and federal special education laws are available online at the Massachusetts Bureau of Special Education Appeals website, at <http://www.doe.mass.edu/bsea/> or can be requested from the Director Pupil Personnel at 781-259-9403.

DISCIPLINE OF STUDENTS NOT YET ELIGIBLE FOR SPECIAL EDUCATION

A child who has not been determined to be eligible for special education and related services and who has engaged in behavior that violates a code of student conduct, may assert any of the protections provided for special education students if the school had knowledge (as determined by the IDEA) that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred.

The school district may be considered to have prior knowledge if, before the behavior that resulted in the disciplinary action occurred:

1. The parent of the student expressed concern in writing to supervisory or administrative personnel of the student's school or to a teacher of the student that the student is in need of special education and related services; or
2. The parent requested an evaluation of the student; or
3. District staff expressed, directly to the special education director or other supervisory personnel, specific concerns about a pattern of behavior demonstrated by the student.

The district may not be deemed to have had knowledge if the parent has not consented to an evaluation of the student or has refused special education services, or if an evaluation of the student was completed and resulted in a determination of ineligibility.

If the district had no knowledge that the student is a student with a disability prior to taking disciplinary action, the student may be subjected to disciplinary measures applied to students without disabilities. However, if an evaluation is requested during the time period in which the student is subjected to these disciplinary measures, the district must conduct the evaluation in an expedited manner. Until the evaluation is completed, the student remains in the educational placement determined by the district, which can include suspension or expulsion without educational services. If, after the evaluation, the student is determined to be eligible the district must provide special education and related services in accordance with the IDEA.

DISCIPLINE OF STUDENTS WITH 504 PLANS

School personnel may not suspend a student with an accommodation plan in accordance with Section 504 of the Rehabilitation Act for more than ten consecutive school days without a manifestation determination. Procedural protections for eligible 504 students are the same as those afforded to special education students.

Please contact the Administrator for Student Services for more information:

Hartwell Building
Ballfield Road
Lincoln, MA 01773
781-259-9403

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