

File: JIC - STUDENT DISCIPLINE

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

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

Principals and staff shall not use academic punishment of any form as a consequence to inappropriate behaviors/actions by students.

The Principal may, as a disciplinary measure, remove a student from privileges, such as extracurricular activities and attendance at school-sponsored events, based on the student's misconduct. Such a removal is not subject to the remainder of this policy, law, or regulation.

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

Any of the following actions may subject a student to suspension, expulsion, subject to School District action, or other disciplinary measures:

1. Intentionally causing or attempting to cause damage to school property; or stealing or attempting to steal school property.
2. Intentionally causing or attempting to cause damage to private property; or stealing or attempting to steal private property.
3. Intentionally causing or attempting to cause physical injury to another person, except in self-defense.
4. Any behavior that poses a danger to persons or property, or materially and substantially disrupts the order of the school.

~~The above list may not be fully inclusive of all situations that may result in suspension or expulsion.~~

~~(adapted from Acton-Boxborough, policy JIC – Student Conduct)~~

Suspension

In every case of student misconduct for which suspension may be imposed (except for offenses referenced in the note at the end of this policy), a Principal shall consider ways to re-engage the student in learning; and avoid using long-term suspension from school as a consequence until alternatives have been tried. Alternatives may include the use of evidence-based strategies and programs such as mediation, conflict resolution, restorative justice, and positive behavioral interventions and supports.

Notice of Suspension:

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

Emergency Removal

A Principal may remove a student from school temporarily when a student is charged with a disciplinary offense and the continued presence of the student poses a danger to persons or property, or materially and substantially disrupts the order of the school, and, in the Principal's judgment, there is no alternative available to alleviate the danger or disruption. The Principal shall immediately notify the Superintendent in writing of the removal including a description of the danger presented by the student.

The temporary removal shall not exceed two (2) school days following the day of the emergency removal, during which time the Principal shall: Make immediate and reasonable efforts to orally notify the student and the student's parent/guardian of the emergency removal, the reason for the need for emergency removal, and the other matters required in the notice as referenced in the applicable regulation; Provide written notice to the student and parent/guardian as required above; Provide the student an opportunity for a hearing with the Principal that complies with applicable regulations, and the parent/guardian an opportunity to attend the hearing, before the expiration of the two (2) school days, unless an extension of time for hearing is otherwise agreed to by the Principal, student, and parent/guardian; Render a decision orally on the same day as the hearing, and in writing no later than the following school day, which meets the requirements of applicable law and regulation.

A Principal shall also ensure adequate provisions have been made for the student's safety and transportation prior to removal.

In School Suspension - not more than 10 days consecutively or cumulatively

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

The Principal may impose an in-school suspension for a disciplinary offense under this provision, provided that the Principal follows the process set forth in regulation and the student has the opportunity to make academic progress as required by law and regulation.

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

The hearing with the Principal shall be to hear and consider information regarding the alleged incident for which the student may be suspended, provide the student an opportunity to dispute the charges and explain the circumstances surrounding the alleged incident, determine if the student committed the disciplinary offense, and if so, the consequences for the infraction.

At a minimum, the Principal shall discuss the disciplinary offense, the basis for the charge, and any other pertinent information.

The student also shall have an opportunity to present information, including mitigating facts, that the Principal should consider in determining whether other remedies and consequences may be appropriate as set forth in law and regulation.

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

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

The Principal shall notify the student and parent/guardian of the determination and the reasons for it, and, if the student is suspended, the type and duration of suspension and the opportunity to make up assignments and such other school work as needed to make academic progress during the period of removal, as required by law and regulation. The determination shall be in writing and may be in the form of an update to the original written notice. If the student is in a public preschool program or in grades K through 3, the Principal shall send a copy of the written determination to the Superintendent and explain the reasons for imposing an out-of-school suspension, before the short-term suspension takes effect.

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

The hearing with the Principal shall be to hear and consider information regarding the alleged incident for which the student may be suspended, provide the student an opportunity to dispute the charges and explain the circumstances surrounding the alleged incident, determine if the student committed the disciplinary offense, and if so, the consequences for the infraction.

At a minimum, in addition to the rights afforded a student in a short-term suspension hearing, the student shall have the following rights: In advance of the hearing, the opportunity to review the student's record and the documents upon which the Principal may rely in making a determination to suspend the student or not; The right to be represented by counsel or a lay person of the student's choice, at the student's/parent's/guardian's expense; The right to produce witnesses on his or her behalf and to present the student's explanation of the alleged incident, but the student may not be compelled to do so; The right to cross-examine witnesses presented by the school district; The right to request that the hearing be recorded by the Principal, and to receive a copy of the audio recording upon request. If the student or parent/guardian requests an audio recording, the Principal shall inform all participants before the hearing that an audio record will be made and a copy will be provided to the student and parent/guardian upon request.

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

The Principal shall, based on the evidence, determine whether the student committed the disciplinary offense, and, if so, after considering mitigating circumstances and alternatives to suspension as required by law and regulation, what remedy or consequence will be imposed, in place of or in addition to a long-term suspension. The Principal shall send the written determination to the student and parent/guardian by hand-delivery, certified mail, first-class mail, email to an address provided by the parent/guardian for school communications, or any other method of delivery agreed to by the Principal and the parent/guardian.

If the Principal decides to suspend the student, the written determination shall: Identify the disciplinary offense, the date on which the hearing took place, and the participants at the hearing; Set out the key facts and conclusions reached by the Principal; Identify the length and effective date of the suspension, as well as a date of return to school; Include notice of the student's opportunity to receive education services to make academic progress during the period of removal from school as required by law and regulation; Inform the student of the right to appeal the Principal's decision to the Superintendent or designee, but only if the Principal has imposed a long-term suspension. Notice of the right of appeal shall be in English and the primary language of the home if other than English, or other means of communication where appropriate, and shall include the following information: The process for appealing the decision, including that the student or parent/guardian must file a written notice of appeal with the Superintendent within five (5) calendar days of the effective date of the long-term suspension; provided that within the five (5) calendar days, the student or parent/guardian may request and receive from the Superintendent an extension of time for filing the written notice for up to seven (7) additional calendar days; and that the long-term suspension will remain in effect unless and until the Superintendent decides to reverse the Principal's determination on appeal.

If the student is in a public preschool program or in grades K through 3, the Principal shall send a copy of the written determination to the Superintendent and explain the reasons for imposing an out-of-school suspension before the suspension takes effect.

Superintendent's Hearing

A student who is placed on long-term suspension following a hearing with the Principal shall have the right to appeal the Principal's decision to the Superintendent.

The student or parent/guardian shall file a notice of appeal with the Superintendent within the time period noted above (see Principal's hearing - Suspension of more than 10 days). If the appeal is not timely filed, the Superintendent may deny the appeal, or may allow the appeal in his or her discretion, for good cause.

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

The Superintendent shall make a good faith effort to include the parent/guardian in the hearing. The Superintendent shall be presumed to have made a good faith effort if he or she has made efforts to find a day and time for the hearing that would allow the parent/guardian and Superintendent to participate. The Superintendent shall send written notice to the parent/guardian of the date, time, and location of the hearing.

The Superintendent shall conduct a hearing to determine whether the student committed the disciplinary offense of which the student is accused, and if so, what the consequence shall be. The Superintendent shall arrange for an audio recording of the hearing, a copy of which shall be provided to the student or parent/guardian upon request. The Superintendent shall inform all participants before the hearing that an audio record will be made of the hearing and a copy will be provided to the student and parent/guardian upon request. The student shall have all the rights afforded the student at the Principal's hearing for long-term suspension.

The Superintendent shall issue a written decision within five (5) calendar days of the hearing which meets the requirements of law and regulation. If the Superintendent determines that the student committed the disciplinary offense, the Superintendent may impose the same or a lesser consequence than the Principal, but shall not impose a suspension greater than that imposed by the Principal's decision. The decision of the Superintendent shall be the final decision of the school district with regard to the suspension.

Expulsion

Any of the following actions may subject a student to expulsion by the Principal under the terms of M.G.L. 71:37H:

1. 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 or a controlled substance.
2. Any student who assaults a Principal, Teacher, Education Support Professional or other educational staff member on school premises or at a school-sponsored or school-related event, including athletic events.

(adapted from Acton-Boxborough, policy JIC – Student Conduct)

Expulsion is defined as the removal of a student from school for more than ninety (90) school days, indefinitely, or permanently as allowed by law for possession of a dangerous weapon; possession of a controlled substance; assault on a member of the educational staff; or a felony charge or felony delinquency complaint or conviction, or adjudication or admission of guilt with respect to such felony, if a Principal determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school.

Any student expelled from school for such an offense shall be afforded an opportunity to receive educational services and make academic progress.

Academic Progress

Any student who is suspended or expelled shall have the opportunity to earn credits, make up assignments, tests, papers, and other school work as needed to make academic progress during the period of his or her removal from the classroom or school. The Principal shall inform the student and parent/guardian of this opportunity in writing, in English and in the primary language of the home, when such suspension or expulsion is imposed.

Any student who is expelled or suspended from school for more than ten (10) consecutive days, whether in school or out of school, shall have an opportunity to receive education services and make academic progress toward meeting state and local requirements, through the school-wide education service plan.

The Principal shall develop a school-wide education service plan describing the education services that the school district will make available to students who are expelled or suspended from school for more than ten (10) consecutive days. The plan shall include the process for notifying such students and their parents/guardians of the services and arranging such services. Education services shall be based on, and be provided in a manner consistent with, the academic standards and curriculum frameworks established for all students under the law.

The Principal shall notify the parent/guardian and student of the opportunity to receive education services at the time the student is expelled or placed on long-term suspension. Notice shall be provided in English and in the primary language spoken in the student's home if other than English, or other means of communication where appropriate. The notice shall include a

list of the specific education services that are available to the student and contact information for a school district staff member who can provide more detailed information.

For each student expelled or suspended from school for more than ten (10) consecutive days, whether in-school or out-of-school, the school district shall document the student's enrollment in education services. For data reporting purposes, the school shall track and report attendance, academic progress, and such other data as directed by the Department of Elementary and Secondary Education.

Reporting

The school district shall collect and annually report data to the DESE regarding in-school suspensions, short- and long-term suspensions, expulsions, emergency removals, access to education services, and such other information as may be required by the DESE.

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

Discipline of Students Receiving Special Education

All students are expected to meet the requirements for behavior as set forth in the student handbook. 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. Anytime school personnel seek to remove a student on an IEP from their current educational placement for more than ten school days in a school year, 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 their educational placement unless the parent/guardian and the school agree otherwise.

If the behavior is not a manifestation of the student's disability, then the student may be removed from their educational placement to the same extent that a general education student would be removed, provided that the special education student continues to receive educational services to enable them to continue to receive their special education services in order to participate in the general education curriculum and to progress toward meeting their IEP goals. These services may take place in another setting. 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 to or at school, on school premises, or to or at a school function under the jurisdiction of a State or local educational agency;
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.

Discipline of Students Not Yet Eligible for Special Education

A student 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 that 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/guardian 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/guardian 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/guardian 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 on 504 Plans

As with a student on an IEP, school personnel may not suspend a student on a 504 plan 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. Contact the Administrator for Student Services, for more information.

SOURCE: MASC - Reviewed 2021

LEGAL REF: M.G.L. [71:37H](#); [71:37H ½](#); [71:37H ¾](#); [76:17](#)

603 CMR [53.00](#)

LEGAL REF: Discipline of Special Education Students Under IDEA 2004
20 U.S.C. § 1415(k) and 34 CFR §§ 300.530-300.536

NOTE: The DESE regulations on student discipline and this policy, consistent with law, set forth the minimum procedural requirements applicable to the suspension of a student for a disciplinary offense other than: possession of a dangerous weapon; possession of a controlled substance; assault on a member of the educational staff; or a felony charge or felony delinquency complaint or conviction, or adjudication or admission of guilt with respect to such felony, if a Principal determines that the student's continued presence in the school would have a substantial detrimental effect on the general welfare of the school, as provided in M.G.L. c. [71, S. 37H](#) or [37H ½](#). The Principal, pursuant to the previously referenced statute may remove a student who has committed any of the disciplinary offenses above referenced from school for more than 90 days in a school year except that the removal from school for such offenses is subject to the provision of continuing educational services needed to make academic progress and, the requirement that all school districts regardless of the type of offense shall report school discipline data and analysis to DESE. Also, the prohibited actions above referenced are subject to the provision that allows the Commissioner to investigate each school that has a significant number of students suspended and expelled for more than 10 cumulative days in a school year and to make recommendations thereon.



CODE OF CONDUCT

It is the goal of the Lincoln Public Schools to establish and maintain respectful learning environments. The development and display of appropriate behavior, self-discipline and responsibility is a prerequisite for good education. School is a place where children and adults spend many hours learning, working and playing together. Schools need rules of behavior that ensure that everyone can be free from distraction, fear, or discomfort, so that learning can be successful. All members of the Lincoln school community have the following rights in our school:

- ❖ To be physically safe
- ❖ To work together in a common space that is pleasant, safe and orderly
- ❖ To be free from insults, bullying, harassment or abusive treatment
- ❖ To be protected by local, state, and federal laws

The Code of Conduct for the Lincoln Public Schools complies with chapter 71, section 37H of the Massachusetts General Laws, and federal regulations. Self-discipline and the ability of a learner to control his or her behavior is the desired outcome for our schools' Code of Conduct. Collaboration and cooperation between parents and school personnel is an important step to achieving this outcome. Please take the time to review our expectations for student behavior with your child.

While it is the school's expectation that students behave appropriately at all times, school personnel will take disciplinary action when behavior is disruptive to the learning process, destructive to property, abusive of others, or causes risk of injury. When positive behavioral supports and persuasive measures are not successful it may become necessary to impose sanctions as disciplinary measures.

The following rules are not intended to be all-inclusive and disciplinary consequences may result from other conduct, which is inconsistent with maintaining a respectful learning environment or is disruptive to the safe operation of the school. These rules apply in each of our schools and the general enforcement of the rules is the responsibility of all school personnel. Serious infractions are times when students are sent away from the classroom and will be investigated by the school Principal who will also be responsible for determining disciplinary consequences, if necessary.

LPS students at all times will:

- ❖ Be honest
- ❖ Act in a manner that does not disrupt learning
- ❖ Walk, not run, in the hallways or classrooms
- ❖ Be respectful and not break, damage, or destroy school property, personal property and the materials of others
- ❖ Be respectful and not break, damage, or steal personal property or the materials of others
- ❖ Respect the rights of other students
- ❖ Act in a manner that is welcoming and friendly
- ❖ Use appropriate language

LPS students will not:

- ❖ Break, damage, steal or destroy school property
- ❖ Break, damage, steal or destroy personal property of others
- ❖ Fight, tease, bully, or call others names
- ❖ Use vulgar or profane language
- ❖ Bring objects to school that are dangerous to others or disruptive to the educational process. This includes illegal objects such as knives, firearms, fireworks or other objects whether they are real or facsimile
- ❖ Possess or use illegal substances such as alcohol or drugs and will not smoke on school property or at any school sponsored event

Bullying Prevention and Intervention

The Lincoln Public Schools has implemented a professional development plan for all faculty; established a bullying intervention and prevention plan; established reporting requirements for all staff who witness or are aware of any incidents of bullying; developed investigation and disciplinary policies for acts of bullying; and established a plan to notify law enforcement when criminal charges may be appropriate. (JICK - Bullying Prevention). Parents of students who are the target or the aggressor will be notified by the Principal when alleged incidents of bullying occurs.

Bullying is defined as the repeated use by one or more students of a written, verbal or electronic expression or a physical act or gesture or any combination thereof, directed at a victim that: (i) causes physical or emotional harm to the victim or damage to the victim's property; (ii) places the victim in reasonable fear of harm to himself or of damage to his property; (iii) creates a hostile environment at school for the victim; (iv) infringes on the rights of the victim at school; or (v) materially and substantially disrupts the education process or the orderly operation of the school. This also includes cyberbullying.

Cyberbullying is defined as bullying through the use of technology or any electronic communication, which shall include, but shall not be limited to, the transfer of signals, writing, images, sounds, or data that is transmitted in whole or in part by wire, radio, or electronic system. This includes electronic mail, internet communications, instant messages, or facsimile communications. Cyberbullying shall also include the distribution by electronic means of communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons, if the distribution or posting creates any of the conditions listed in the definition of bullying.

Students who engage in inappropriate behavior

Whenever disciplinary sanctions are warranted, all students will be dealt with fairly and equitably, including the implementation of specially designed support plans that have been specified in Individualized Education Programs (IEPs) for students with special needs. Implementation of the Code of Conduct will respect the statutory rights for all students. Given that the development of good behavior is a learning process, a system of progressively more severe consequences may be implemented for students who are unable to follow the school's rules and change their behavior.

Consequences may range from warnings to the loss of certain school privileges including after-school detentions or suspension, either in school or out of school. In situations where

consequences result from inappropriate behavior, parents will be notified by appropriate school personnel both by telephone and with written notification. In all cases where a student may be suspended, either in school or out of school, the school Principal will contact the parents by phone and in writing. Parents and students should be advised that discipline records are maintained as part of each student's temporary record. Temporary records are destroyed when students leave our schools except in cases when the school is required by law to forward information to the receiving school.

Each of our schools has programs in place to help students build safe, respectful communities and to be reflective about the role that they play in our school. At the elementary grades the district uses Responsive Classroom® and at the middle school we are beginning Developmental Designs for Middle School®. Both of these programs have been successful in helping schools to emphasize social, emotional, and academic growth in a strong and safe school community thus enabling optimal student learning.

Property Searches

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.

Suspension from school

If inappropriate behavior disrupts the orderly operation of the school or threatens the safety of other children or staff, a student may be temporarily separated from the classroom and sent to a designated area in the school. In those rare instances when a student's actions may be detrimental to the health or welfare of the school, including repeated disruptions, the student may be suspended from school for a period of time, typically 1 to 3 days but possibly up to 10. Suspensions may take the form of an in-school suspension in which students are expected to complete the work assigned by their teachers in a supervised area separate from their peers. Out of school suspensions are more serious and students will not be permitted to attend school until a reentry meeting between the student, the student's parents and the school Principal is conducted to review expectations for appropriate behavior.

In all cases, "due process" will be followed when students are disciplined. The following steps constitute due process:

1. All reports of serious infractions will be investigated by the school Principal who shall afford each student the opportunity to detail their involvement or describe the incident.
2. During the investigation, the student will be informed of the infraction and the evidence of their behavior.
3. The student will be provided an opportunity to explain his or her behavior and speak in his or her defense.
4. If the student will be suspended, the Principal shall afford the student a meeting prior to the decision to suspend from school. Parents shall be notified in advance of the meeting and have the right to be present at such meeting.
5. The student and parents will be informed of the reason for suspension, the number of days and the date that he or she may return to school.

6. Parents of a student being suspended will be notified by telephone and receive written notice indicating the reason for suspension, the dates of the suspension, and the date for a reentry meeting and return to school.
7. Parents and students will receive written notice of their right to appeal a suspension. Hearings for appeal will be scheduled with the Superintendent.

Expulsion from School

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. who assaults another person 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" procedures:

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 and/or legal representation present if so desired; and 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 Students Receiving Special Education

All students are expected to meet the requirements for behavior as set forth in this handbook. 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. Anytime 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 or her 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 or her educational placement to the same extent that a general 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 or her 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 to or at school, on school premises, or to or at a school function under the jurisdiction of a State or local educational agency;
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 Administrator for Student Services 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 on 504 Plans

School personnel may not suspend a student on a 504 plan 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. Contact the Administrator for Student Services, for more information.

Approved at School Committee Meeting of May 26, 2011