



## **Code of Conduct**

## **Philosophy of Discipline**

Foxborough Regional Charter School strives to create and sustain a positive school culture and climate by creating systems, structures and procedures that promote positive student behavior, while responding swiftly and appropriately to challenging student misbehavior. Creating and sustaining a positive school culture and climate is the responsibility of all stakeholders including the board of trustees, staff, students, families, community partners, etc. Foxborough Regional Charter School is committed to fostering a school culture and climate where community members feel safe and supported. This includes assessing the function of behavior, while utilizing a multi tiered system of support framework to determine interventions and respond to student needs. The purpose of disciplinary action is to restore acceptable behavior. When disciplinary action is necessary, it shall be administered with fairness and shall relate to the individual needs and the individual circumstances.

Students violating any of the rules concerning student conduct will be subject to disciplinary action. The degree, frequency, and circumstances surrounding each incident shall determine the method used in enforcing these policies.

## **Code of Conduct**

The Foxborough Regional Charter School Discipline System is designed to promote a safe and orderly environment for learning to take place. Any member of the faculty observing a Code of Conduct violation is expected to take action through implementation of the Foxborough Regional Charter School progressive discipline system described below. The Foxborough Regional Charter School Code of Conduct is a three tiered disciplinary infraction system in which challenging student behaviors are categorized by offense and responded to with a corrective consequence or intervention aligned with the severity and frequency of the behavior. Foxborough Regional Charter School utilizes two digital platforms, Educators Handbook and School Brains, to record student Code of Conduct offenses, corrective actions and interventions; in addition to analyzing student behavioral data to inform programs, practices and procedures. The Educator Handbook platform contains discipline data for District level review, while School Brains contains data for state mandated reporting on student discipline.

When a faculty member deems a behavior serious enough to merit a Code of Conduct offense and corrective consequence, they should use the progressive discipline model below to document, respond, and report the incident to the Dean of Students through Educators Handbook (M.S./H.S.) the online discipline referral system, within one school day from the time a staff member has been made aware of the incident.

Level 1 disciplinary offenses are initially considered minor infractions documented in Educators Handbook (M.S. & H.S.) with interventions administered by the classroom teacher. Examples of Level 1 offenses include Dress Code Violation, Tardiness to Class, Disruptive/Non-Compliant Behavior et al. A Level 1 offense can escalate to a Level 2 offense if there is an established pattern of behavior, as evidenced by at least three separate incidents of the same offense. A Level 1 offense that rises to a Level 2 offense will be referred to the Dean of Students for further disciplinary action.

Level 2 disciplinary offenses are considered major behavioral infractions that are documented in Educators Handbook (M.S./H.S.) and may result in an administrative investigation and in some circumstances a referral to the School Resource Officer. Level 2 offenses are managed by the Dean of Students, who in consultation with the school based behavior intervention team will determine the appropriate intervention and next steps. Examples of Level 2 offenses include Cutting Class, Cutting Detention, Internet Usage Violations, Leaving Class or School Property Without Permission et al. Any Level 2 offense that results in a suspension must be reported to the Massachusetts Department of Elementary and Secondary Education (DESE). Therefore, Level 2 offenses resulting in suspension will be logged into School Brains, the Districts student data information system.

Level 3 disciplinary offenses are considered major behavioral infractions that are documented in Educators Handbook (M.S./H.S.) and may result in an administrative investigation and in some circumstances a referral to the School Resource Officer. Level 3 offenses are aligned with a Massachusetts Department of Elementary and Secondary Education (DESE) code number. Level 3 offenses must be reported to DESE as indicated by Massachusetts General Law. Therefore, Level 3 offenses and interventions/outcomes will also be logged into School Brains, the District's student data information system. Examples of Level 3 offenses include Assault of a Staff Member, Bullying/Cyber Bullying, False Alarm et al. Level 3 offenses are managed by the Dean of Students, who in consultation with the school based behavior intervention team will determine the appropriate interventions and next steps.

### **Discipline Procedure**

Consistent with the age of the students, the responsibilities set forth in no way diminish the legal authority of school officials to deal with disruptive behavior. If a student does not accept their responsibilities to respect the rights of others in our school community and commits an infraction of the discipline code of conduct a corrective consequence and/or other intervention will be implemented. It should be noted that it is impossible to list all infractions, corrective consequences and interventions; therefore, the administration retains the right to impose corrective consequences and/or interventions for all acts contrary to proper behavior not expressly stated within.

The School Administration team has the right to add to this list, as needed, and use a mixture of consequences for an incident.

<b>Corrective Consequences and Interventions</b>		
<b>Level 1</b>	<b>Level 2</b>	<b>Level 3</b>
<b>Minor Referral</b> Teacher Managed Offense	<b>Major/Office Referral</b> Administrator Offense	<b>Major/Office Referral</b> Administrator Offense with DESE Code #
<ul style="list-style-type: none"> <li>→ Verbal Warning/Redirection</li> <li>→ Temporary or Permanent Seat Change</li> <li>→ Phone Call or Email Home</li> <li>→ Buddy Room/Alternative Learning Space.</li> <li>→ Student and Teacher Problem Solving Conference</li> <li>→ Student, Teacher, Behavior Intervention Team Problem Solving Conference</li> <li>→ Time-Out/Break In Classroom</li> <li>→ Time-Out/Break Outside of Classroom w/Assignment</li> <li>→ Mediation (Teacher-Student or Student -Student)</li> <li>→ Loss of Classroom Privilege/Temporary Restrictions</li> <li>→ Silent Lunch</li> <li>→ Loss of Recess</li> <li>→ Teacher Assigned Written Reflection i.e. Think Sheet or Restorative Accountability Questions</li> <li>→ Classroom Based Community Service</li> <li>→ Teacher Administered After School Detention</li> <li>→ Teacher Lunch Detention</li> <li>→ Additional Academic Assignment</li> <li>→ Teacher Facilitated Student Call to Parent</li> </ul>	<ul style="list-style-type: none"> <li>→ Any combination of corrective consequences and interventions listed under Level 1.</li> <li>→ Administrative Conference w/Student</li> <li>→ Administrative Conference with Parent</li> <li>→ Pass Restriction/Increased Supervision During Transitions</li> <li>→ Modified Class Schedule</li> <li>→ Loss of a Schoolwide Privilege i.e. Dress Down Day</li> <li>→ Extracurricular Activity Ineligibility</li> <li>→ Loss of Field Trip Privileges</li> <li>→ Suspension from Athletic Participation</li> <li>→ Social Probation</li> <li>→ Stay Away Agreement</li> <li>→ Psycho educational session/specialized lesson with School/Adjustment Counselor and/or other Behavior Intervention Team Member</li> <li>→ Psycho educational session/specialized lesson w/School Resource officer and School/Adjustment Counselor</li> <li>→ Restitution</li> </ul>	<ul style="list-style-type: none"> <li>→ Any combination of corrective consequences and interventions listed under Level 1 and Level 2.</li> <li>→ In School Suspension (ISS)</li> <li>→ Out of School Suspension</li> <li>→ Safety Plan</li> <li>→ Safety/Threat Assessment</li> <li>→ Functional Behavioral Assessment/Behavior Intervention Plan</li> <li>→ Permanent Removal from School Based Transportation</li> <li>→ School Resource Office/Police Contact</li> </ul>

<ul style="list-style-type: none"> <li>→ Teacher Facilitated Check In/Check Out W/ or Without Daily Behavior Report Card</li> <li>→ Restorative Conversation</li> <li>→ Daily Communication Plan w/Parent</li> </ul>	<ul style="list-style-type: none"> <li>→ School Administration Hearing Board Presentation</li> <li>→ Bus Suspension</li> <li>→ Administrative Lunch Detention</li> <li>→ Administrative Afterschool Detention</li> <li>→ Administrative Saturday Detention</li> <li>→ Behavior Contract</li> <li>→ Check-In/Check-Out with School Behavior Intervention Team Member w/Daily Behavior Report Card</li> <li>→ School Counseling/Outpatient Mental Health Referral</li> <li>→ School Based Community Service</li> <li>→ Administrative Teacher Assigned Written Reflection i.e. Think Sheet or Restorative Accountability Questions Reflection</li> <li>→ Referral to Social Skills Group</li> <li>→ Period of Required Uniform Inspection</li> <li>→ Student Intervention Plan</li> </ul>	
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Offense	Description	Level 1	Level 2	Level 3	Minor	Major
<b>Abusive Language Profanity/Obscenities</b>	Profanity	•			•	
	Directed to an individual to bring ridicule		•			•
	Any comment from a student that the teacher finds disruptive or inappropriate.	•				
	Directed Cursing		•			•
	Threatening language or comments regarding religion, race, heritage, color, gender, sexual orientation, and/or disability		•	•		•
<b>Academic Dishonesty (Cheating/Plagiarism)</b>	Any form of copying or cheating on assignments or assessments; Student copying another student's work or using cheat sheets or an electronic device to get answers.		•	•		•
<b>Alcohol</b>	<p>Sale of Alcohol; Distribution of alcohol; Drinking alcohol; Possession of alcohol; Suspicion of alcohol use and other alcohol offense</p> <p>*Where any such activity has the reasonable likelihood of threatening the health, safety or welfare of the school property, individuals, there on and/or the educational process.</p> <p>Up to ten (10) day Suspension from school. Potential For Expulsion. Referral to the police.</p>			•		•

<p><b>Arson (Police Contact Required)</b></p>	<p>A student sets fire to any part of the school building, grounds or off campus. Includes burning of paper</p> <p>Up to ten (10) days suspension from school. Potential for expulsion.</p>		•	•		•
<p><b>Assault/Battery</b></p>	<p>An unlawful threat to attempt bodily injury to another. The Act or an instance of unlawfully threatening or attempting to injure another (assault). And/or willful hitting a person by another with intent to do harm with any instrument, article or substance, or any portion of the body (battery). On or off campus</p> <p>Up to ten (10) days suspension with possible referral to police.</p>			•		•
<p><b>Assault on Staff Member</b></p>	<p>Physical contact with the intent to harm or cause bodily injury to a staff member on or off campus.</p> <p>Up to ten (10) days suspension from school. Potential for expulsion. Referral to police. Refer to M.G.L. c. 71, sec. 37H.</p>			•		•
<p><b>Bullying/Cyberbullying</b></p>	<p>Any overt acts by a student or a group of students directed against another student with the intent to ridicule, humiliate, or intimidate the other student while on school grounds, at a</p>			•		•

	school-sponsored activity, or over social media which is repeated against the same student overtime.					
<b>Bus Misconduct</b>	While on district transportation, conduct that is inappropriate or unsafe. See District Bus Policy for more details		•	•		•
<b>Cutting Class</b>	Student is absent from any class without authorization from a staff member.		•	•		•
<b>Detention--Cutting Teacher/ Administrative Detention</b>	Failing to attend detentions as assigned		•			•
<b>Disruptive or Non-Compliant Behavior</b>	Students engaged in unacceptable behavior during class time; failure to follow a reasonable request by a school staff member; Do in the opposite instructions, negative response redirection, walking out of the learning environment without permission, arguing with adults, etc.  Not completing assignments, slow to follow directions, off task after several directions, etc.	•	•		•	•
<b>Dress Code Violation</b>	Student fails to wear clothing according to the FRCS Dress Code Policy	•	•		•	•
<b>Drugs</b>	Sale of Illegal Drug; Sale of a			•		•



	<p>Substance represented as an illegal drug; distribution of an illegal drug; or prescription/over the counter medication; Distribution of a substance represented as an illegal drug; Use of an illegal drug (i.e. edibles, vaping, smoking, inhaling etc.); Marijuana use; Possession of an illegal drug; Marijuana possession; Possession of illegal drugs with intent to sell; Possession of drug paraphernalia; Suspicion of use of illegal drug; Other drug offense</p> <p>*Where any such activity has the reasonable likelihood of threatening the health, safety or welfare of the school property, individuals, there on and/or the educational process.</p> <p>Up to ten (10) day Suspension from school. Potential For Expulsion. Referral to the police.</p>					
<p><b>Electronic Devices— Inappropriate Use</b></p>	<p>Use or possession of a cellular phone, headphones, or electronic device without specific medical or other authorized permission is prohibited during the school day</p>	<p>•</p>	<p>•</p>		<p>•</p>	<p>•</p>
<p><b>False Alarm</b></p>	<p>Student sets off any school alarm system without probable cause or collaborates with other student(s) in setting a false alarm</p>			<p>•</p>		<p>•</p>

<b>Forgery, Alteration, or Misuse of Official School Documents or Parental Communication Forgery</b>	The falsification of written Information, the changing of Information or use of such documents beyond defined purposes of documents would include but not be limited to building passes, parental notes for early dismissal, parental notes for tardiness or absence, homeroom forms for tardiness or absence, and report cards.		•			•
<b>Gambling</b>	Playing games of chance/bet for money or desired reward		•			•
<b>Harassment</b>	The unwanted attention from anyone through annoying; threatening or demanding behavior causing fear and/or interfering with another's behavior and actions.  FRCS Harassment policy will be applied (see handbook). Up to ten (10) days suspension. Possible referral to police.			•		•

<b>Horseplay/Aggressive Behavior</b>	Invasion of personal space or Horse play without the intent to purposely harm	•	•		•	•
<b>Fighting/Physical Aggression (K-12)</b>	Intentionally hitting, pushing, or kicking another person with hands or feet. Throwing Objects; intent to harm			•		•

<p><b>Inciting/Attempting To Incite Other Students to Create Disturbance; Disruption of School Assembly</b></p>	<p>Encouraging other students to participate in unacceptable behavior,through verbal comments or actions (e.g. group either fighting, throwing food,or yelling loudly to encourage others).</p>		●			●
<p><b>Internet Usage Violation</b></p>	<p>Student not complying with FRCS Internet Policy</p>		●			●
<p><b>Leaving Class or School Property Without Permission</b></p>	<p>Students may not exit school grounds prior to their authorized dismissal time without permission from an administrator, school nurse, or an approved note from a parent.</p>		●			●
<p><b>Possession of Staff Personal Information</b></p>	<p>Possessing or accessing staff personal information from district resources, regardless means</p>			●		
<p><b>Sexual Harassment</b></p>	<p>Any unwelcome sexual advances, request for sexual favors,or other verbal or physical conduct of a sexualnature.</p> <p>FRCS Sexual Harassment policy will be applied (see handbook).</p>			●		●

<b>Tardiness to Class</b>	Any student who is not in their respective classroom on time when the bell rings to signify the start of each period.	•	•		•	•
<b>Tardiness to School</b>	Any student not in homeroom/1st period class when 7:40a.m. bell rings is considered tardy to school.	•	•		•	•

<b>Theft, PettyTheft, or Violation of Personal Property</b>	Theft of any material owned by another student, staff member, or the school system or looking through someone's personal belongings.		•	•		•
<b>Threat to Staff or Student(s)</b>	<p>Expressed through gesture, body language, Written communication or verbal expression of intent to harm or otherwise cause injury to another person or his/her possessions.</p> <p>Minimum of three (3) days suspension. Referral To Police. Potential for expulsion.</p>		•	•		•

<b>Tobacco</b>	Sale of tobacco; Distribution of tobacco; Use (i.e. smoking,			•		•
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	<p>chewing, vaping, electronic cigarette, etc.) of tobacco;          Possession of tobacco;          Suspicion of tobacco use and other tobacco offense in school building, on school grounds, on a school bus, or at a school sponsored activity anytime</p> <p>*Where any such activity has the reasonable likelihood of threatening the health, safety or welfare of the school property, individuals, there on and/or the educational process.</p> <p>Up to ten (10) day Suspension from school.          Potential For Expulsion.          Referral to the police.</p>					
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**Possession or Use of Illegal Weapons or Substances or Use of Force**

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 knife, or a controlled substance\* as defined in Chapter 94, including, but not limited to marijuana, cocaine, and heroin, will be subject to suspension from the school by the Building Based Dean.

Any student, who assaults a principal, assistant principal, teacher, teacher’s aide, or other educational staff on school premises or at school-sponsored events, including athletic games, will be subject to suspension from the school by the Building Based Dean.

Any student who is charged with the offense cited above will be notified in writing of an opportunity for a hearing before the Building Based Dean. At the hearing, a student may have representation along with the opportunity to present evidence and witnesses. After the hearing, the Building Based Dean will notify the student and parents in writing of the outcome. (See Massachusetts General Law, Chapter 71, Section 37 H and 37 H ½ for complete guidelines regarding this policy).

\*At FRCS, possession or use of a controlled substance also includes alcohol.

**Smoking, Vaping and Tobacco Use Policy**

Foxborough Regional Charter School is committed to having a smoke, vape and tobacco free environment for all members of the school community. Therefore, the use of tobacco products and

the possession of smoking related products on school property are strictly prohibited. Tobacco and vaping products are defined as cigars, chewing tobacco, snuff or any other form of tobacco.

**Regulatory Authority:**

603 CMR 23.00: M.G.L. c. 71, 34D, 34E.

**23.09: Appeals**

(1) In the event that any decision of a principal or his/her designee (i.e. Building Based Dean) regarding any of the provisions contained in 603 CMR 23.00 is not satisfactory in whole or in part to the eligible student or parent/guardian, they shall have the right of appeal to the superintendent of schools. Requests for such appeal shall be in writing to the superintendent of schools.

(2) The superintendent of schools or his/her designee shall within two weeks after being notified of such appeal (longer should the appellant request a delay) review the issues presented and render a written decision to the appellant, stating the reason or reasons for the decision. If the decision is in favor of the appellant, the superintendent of schools or his/her designee shall promptly take such steps as may be necessary to put the decision into effect.

(3) In the event that the decision of the superintendent of schools or his/her designee is not satisfactory to the appellant in whole or in part, the appellant shall have the right of appeal to the Board of Trustees. Requests for such appeal shall be in writing to the chairperson of the Board of Trustees.

(4) The Board of Trustees shall within four weeks after being notified of such appeal (longer should the appellant request a delay) conduct a fair hearing to decide the issues presented by the appellant.

(a) School officials shall have the burden of proof on issues presented by the appellant.

(b) The appellant shall have the right to be represented by an advocate of his/her choosing, to cross-examine witnesses, to present evidence, to make a tape or other recording of the proceedings, and to receive a written decision within two weeks after the hearing.

(c) If the appeal concerns statements by an employee of the Board of Trustees, such person(s) shall have the right to be present and to have an advocate of his/her own choosing.

(5) Nothing in 603 CMR 23.00 shall abridge or limit any right of an eligible student or parent/guardian to seek enforcement of 603 CMR 23.00 or the statutes regarding student records, in any court or administrative agency of competent jurisdiction.

**In-School Suspension**

An in-school suspension is a suspension in which the student reports to the Alternative Room prior to homeroom and remains in there for the remainder of the school day. The student will not be permitted to attend any classes, lunch, or recess while serving an in-school suspension. The student will be provided with classwork including assignments, tests, quizzes, etc. The student will be expected to work on assigned tasks, while in the Alternative Room. The student will be dismissed from the alternative room at the close of the school day. During the course of an in-school suspension a student is also ineligible to participate in any extra-curricular activities or school-related events.

### **Out of School Suspension**

An out-of-school suspension is a suspension in which the student is removed from the school premises. The student will not be permitted on the school premises and expected to engage in learning from home. The student will be provided with classwork including assignments, tests, quizzes, etc. The student will be expected to return completed assignments upon return from out-of-school suspension. During the course of an out-of-school suspension from school, a student may not be on school premises, during or after school for extracurricular activities or school-related events. Students serving suspensions that last through a weekend or vacation period are not allowed to participate in any extra-curricular activities or school-related events that take place on those weekends or during those vacation periods. A violation of this school policy will be considered a trespass resulting in immediate notification of the Foxborough Police Department.

Students and their parents/guardians will be expected to participate in a re-entry meeting with a school administrator and if applicable additional student support team members, prior to returning to class following an in-school or out-of-school suspension.

### **Short Term and/or Long Term Suspension Pursuant to M.G.L. CH. 71, §37H ¾**

Suspensions may be short term or long term. 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. 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.

Short Term and/or Long Term Suspensions may occur in-school or out-of-school. In-school short term suspension is the removal of a student from regular classroom activities, but not from the school premises, for no more than ten (10) consecutive school days, or no more than ten (10) school days cumulatively for multiple infractions during the school year. A principal/designee (i.e. Building Level Dean) at their discretion, may allow a student to serve a long-term suspension in-school. Long-term in-school suspension means the removal of a student from regular classroom activities, but not from the school premises, 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.

Short-term out-of-school suspension means the removal of a student from the school premises for ten (10) consecutive school days or less. Long-term out-of-school 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.

## **Student and Parent/Guardian Rights under Massachusetts' Law, M.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 M.G.L. c.71 §§37H and 37H¾, as detailed above.

In every case of student misconduct for which suspension may be imposed, the principal/designee (i.e. Building Level Dean) 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 principal/ or designee (i.e. Building Level Dean) is considering and/or decides to implement a removal from school (suspension or expulsion) as a consequence for student misconduct.

Parents /guardians will be invited to attend a meeting with the administration after an out-of-school suspension prior to reinstatement. The meeting for students who are suspended for less than ten days will be attended by the parent(s) or guardian, the student, administration and student support team member (as needed).

### **Due Process**

- I. **In-School Suspension:** An in-school suspension is a removal of a student from regular classroom activities, but not from the school premises. The procedure for an in-school suspension of no more than (10) school days (consecutive or cumulatively for multiple infractions during the school year) will be as follows:
  - a. The Dean will inform the student of the disciplinary offense charged, the basis for the charge, and provide the student an opportunity to respond. If the Dean determines that the student committed the disciplinary offense, the Dean will inform the student of the length of the student's in-school suspension, which may not exceed 10 days, cumulatively or consecutively, in a school year.
  - b. On the same day as the in-school suspension decision, the Dean will make reasonable efforts to notify the parent orally of the disciplinary offense, the reasons for concluding that the student committed the infraction, and the length of the in-school suspension. The Dean will also invite the parent/guardian to a meeting to discuss the student's academic performance and behavior, strategies for student engagement, and possible responses to the behavior. Such a meeting will be scheduled on the day of the suspension if possible, and if not, as soon thereafter as possible. If the Dean is unable to reach the parent/guardian after making and documenting at least two (2) attempts to do so, such attempts will constitute reasonable efforts for purposes of orally informing the parent of the in-school suspension.
  - c. The Dean will 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 for the purpose set forth above, if such meeting has not already occurred. The Dean will deliver such notice on the day of the suspension by hand-delivery, certified mail, first-class mail, email to an address provided by the parent for school communications, or by other method of delivery



agreed to by the administrator and the parent/guardian.

- d. An in-school suspension of more than 10 cumulative days in a school year will be subject to the procedures for long-term suspension found at page 36.

**II. Short Term, Out-of-School Suspension:** Except in the case of an Emergency Removal, prior to imposing a short term out-of-school suspension (10 days or less in a school year) for conduct not covered by M.G.L. c. 71, §37H and 37H ½, Dean will provide the student and parent/guardian with oral and written notice and an opportunity to participate in an informal hearing.

1. **Notice:** The written notice to the student and the parent/guardian will be provided in English (also in the primary language of the home if the family has marked that they need translation on our Home Language Survey) and will include the following:
  - 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 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; and
  - f) The right of the student and the student's parent to interpreter services at the hearing if needed to participate.

Written notice to the parent/guardian may be made by hand delivery, first-class mail, certified mail, and email to an address provided by the parent for school communications, or any other method of delivery agreed to by the school and parent/guardian.

2. **Efforts to Involve Parents/Guardians:** The Dean will make reasonable efforts to notify the parent/guardian of the opportunity to attend the hearing. To conduct a hearing without the parent/guardian present, the Dean must be able to document reasonable efforts to include the parent/guardian. The Dean is considered to have made reasonable efforts if the Dean has sent written notice and has documented at least two (2) attempts to contact the parent in the manner specified by the parent for emergency notification.
3. **Format of Hearing:** The Dean will discuss the disciplinary offense, the basis for the charge, and any other pertinent information. The student also will have an opportunity to present information, including mitigating facts, that the Dean should consider in determining whether other remedies and consequences may be appropriate. The Dean will provide the parent/guardian, if present, an opportunity to discuss the student's conduct and offer information, including mitigating circumstances, that the Dean should consider in determining consequences for the student.
4. **Decision:** The Dean will provide written notice to the student and parent/guardian of 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. The notice of determination may be in the form of an update to the original written notice of hearing.

### III. Long Term Suspension

Additional due process hearing rights arise under federal and Massachusetts law when a long-term suspension is sought. Except in the case of an Emergency Removal prior to imposing a long-term suspension (more than 10 days of suspension, whether in school or out-of-school, whether consecutive or cumulative for multiple offenses during a school year), an administrator will follow the procedures for short-term suspension plus additional procedures as follows:

1. *Notice:* The notice will include all of the components for a short-term suspension in Section above, plus the following:
  - a) In advance of the hearing, the opportunity to review the student's record and the documents upon which the Dean may rely in making a determination to suspend the student or not;
  - b) The right to be represented by counsel or a lay person of the student's choice, at the student's/parent's expense;
  - c) 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;
  - d) The right to cross-examine witnesses presented by the school district;
  - e) The right to request that the hearing be recorded by the Dean, and a copy of the audio recording provided to the student or parent upon request; and
  - f) The right to appeal Dean's decision to impose long-term suspension to the Building Based Principal.
2. *Format of Hearing:* The Hearing will afford the rights set forth in the notice above. The Dean will also provide the parent/guardian, if present, an opportunity to discuss the student's conduct and offer information, including mitigating circumstances, that the Dean should consider in determining consequences for the student.
3. *Decision:* Based on the evidence, the Dean will determine whether the student committed the disciplinary offense, and, if so, after considering mitigating circumstances and alternatives to long-term suspension, what remedy or consequence will be imposed, in place of or in addition to a long-term suspension. The Dean will 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 for school communications, or any other method of delivery agreed to by the school and the parent.

If the Dean decides to suspend the student on a long-term basis, the written determination will:

- a) Identify the disciplinary offense, the date on which the hearing took place, and the participants at the hearing;
- b) Set out the key facts and conclusions reached;
- c) Identify the length and effective date of the suspension, as well as a date of return to school;
- d) Include notice of the student's opportunity to receive education services to make academic progress during the period of removal from school (if more than 10 cumulative days);
- e) Inform the student of the right to appeal the Dean's decision to the Building Based Principal.

Notice of the right of appeal will be in English and the primary language of the home if other than English, or other means of communication where appropriate, and will include the following

information stated in plain language. The process for appealing the decision, including that the student or parent/guardian must file a written notice of appeal with the Building Based Principal 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 Building Based Principal 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 Building Based Principal decides to reverse the Dean's determination on appeal. No long-term suspension will extend beyond the end of the school year in which such suspension is imposed.

### **Appeal to the Building Based Principal**

If a decision made by the Dean, following the parent/guardian meeting, results in suspension of a student for more than 10 cumulative school days for the school year, the student may appeal the decision to the Building Based Principal. In order to do so the student or parent/guardian must file a notice of appeal with the Building Based Principal within five (5) calendar days with a seven (7) day postponement option. The Building Based Principal must hold the hearing within three (3) school days of the student's request, unless the student or parent requests an extension of up to seven (7) additional calendar days. If the appeal is not filed within this time frame, the Building Based Principal may deny the appeal, or may allow the appeal in his or her discretion, for good cause.

#### *The following apply:*

The Building Based Principal will make a good faith effort to include the parent/guardian in the hearing. The Building Based Principal will be presumed to have made a good faith effort to find a day and time for the hearing that would allow the parent/guardian and Building Based Principal to participate. The Building Based Principal will send written notice to the parent/guardian of the date, time, and location of the hearing.

The Building Based Principal will conduct a hearing to determine whether the student committed the disciplinary offense of which the student is accused, and if so, what the consequence will be. The Building Based Principal will arrange for an audio recording of the hearing, a copy of which will be provided to the student or parent/guardian upon request. The Building Based Principal will 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 will have all the rights afforded the student at the administrator's hearing for long-term suspension as described in Section D above. The Building Based Principal will issue a written decision within five (5) calendar days of the hearing, which meets the requirements for a long-term suspension as described in Section D above. If the Building Based Principal determines that the student committed the disciplinary offense, the Building Based Principal may impose the same or a lesser consequence than the Dean, but will not impose a suspension greater than that imposed by the Dean's decision. The decision of the Building Based Principal constitutes the final decision of the school.

### **Exception for Emergency Removal**

Notwithstanding the provisions for short or long-term suspension set forth above, a student who is charged with a disciplinary offense may be removed temporarily from school if 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's judgment, there is no alternative available to alleviate the danger or disruption.

The Dean will immediately notify the Building Based Principal in writing of the removal and the reason for it, and describe the danger [or disruption] by the student.

The temporary removal will not exceed two (2) school days following the day of the emergency removal, during which time the Dean will provide the following, as applicable to the length of suspension:

- 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 other applicable matters;
- Provide written notice to the student and parent as provided in Section C or D above, as applicable;
- Provide the student an opportunity for a hearing with the administrator, 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, student, and parent.
- Render a decision orally on the same day as the hearing, and in writing no later than the following school day.
- Dean 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.

#### **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.

Foxborough Regional Charter School 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 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.

Foxborough Regional Charter School'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 Foxborough Regional Charter School expels a student or suspends a student for more than 10 consecutive school days, Foxborough Regional Charter School is required to provide the student and the parent/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/guardian, the school shall facilitate and verify enrollment in the service.

#### **Suspension and/or Expulsion Pursuant to M.G.L. CH. 71, §37H AND §37H½**

Under certain circumstances, students may be subject to suspension and/or expulsion by the Building Based Principal and/or Superintendent as explained below. Students are subject to suspension and/or expulsion (i.e., permanent exclusion) by the Building Based Principal and/or Superintendent

for the conduct listed below. (See also, Ch. 71, §§37H)

- Possession of a dangerous weapon\*
- Possession of a controlled substance (such as marijuana, cocaine, or prescription drugs not authorized by the school nurse)
- Assault on teachers, administrative staff or other educational personnel\*\*

\*This includes not only knives and guns, explosive devices and realistic replicas of such weapons/devices, but also other objects used to assault another person or to otherwise create a dangerous situation, such as a baseball bat, a pair of scissors, matches or a lighter. While such objects would not always constitute "dangerous weapons", administrators and educational professionals will review the circumstances of each case and make a reasonable determination about whether a particular object in a student's possession constitutes a dangerous weapon in the school setting. Any illegal weapon will be turned over to the Police Department. Any student who brings a firearm to school must be expelled for a minimum of one school year, with exceptions granted only by the Superintendent. (The definition of a firearm includes but is not limited to guns [including a starter gun], bombs, grenades, rockets, missiles, mines and similar devices.)

\*\* An "assault" is defined as "an intentional, unlawful offer of corporal injury to another by force, or force unlawfully directed toward person of another, under such circumstances as create well-founded fear of imminent peril, coupled with apparent present ability to execute attempt, if not prevented." Because the potential penalty (expulsion from school) is so serious, we believe courts are likely to interpret the term in Section 37H(a) strictly, requiring either an actual physical assault, or at least a threat accompanied by the means to carry it out, in circumstances that create a reasonable fear of imminent danger.

#### ***Suspension Following Criminal or Felony Delinquency Complaint***

Upon the issuance of a criminal or felony delinquency complaint against a Foxborough Regional Charter School student, the Building Based Principal or designee (Building Based Dean) may suspend such student for a period of time determined appropriate by the Building Based Principal 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.

#### ***Expulsion Following Felony Adjudication or Admission***

Upon a Foxborough Regional Charter School 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 Building Based Principal may expel said student if the Building Based Principal determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school. For information on Due Process Procedures pursuant to M.G.L. Ch. 71, §37H and §37H 1/2, please see Appendix.

#### ***Continuation of Educational Services under M.G. L. Ch. 71, §37H and §37H½***

Any student who is removed from school for a disciplinary offense under G.L. c. 71, §37H or §37H½ for more than ten consecutive days will have an opportunity to receive educational services and make academic progress during the period of removal under a school-wide education service plan, which is described below, and will be so informed at the time of the suspension/expulsion. 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. Any student that is subject to possible expulsion has the right to due process under

Massachusetts General Law chapter 71 section 37H and 37H 1/2 as follows:

**MGL CHAPTER 71: SECTION 37H:**

- (a) 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; 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 or school district, by the principal.
- (b) Any student, who assaults an administrator, teacher, teacher's aide or other educational staff on school premises or at school-sponsored or school-related events, including educational athletic games, may be subject to expulsion from the school or school district by the Building Based Principal and/or Superintendent.
- (c) Any student who is charged with a violation of either paragraph (a) or (b) 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 principal. After said hearing, a Building Based Principal may, in his/her discretion, decide to suspend rather than expel a student who has been determined by the Building Based Principal to have violated either paragraph (a) or (b).
- (d) Any student who has been expelled from a school or school district pursuant to these provisions shall have the right to appeal to the Superintendent. The expelled student shall have ten days from the date of expulsion in which to notify the Superintendent of his appeal. The student has the right to counsel at a hearing before the Superintendent. 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.
- (e) Any school district that suspends or expels a student under this section shall continue to provide educational services to the student during the period of suspension or expulsion under section 21 of chapter 76. If the student moves to another district during the period of suspension or expulsion, the new district of residence shall either admit the student to the school or provide educational services to the student in an education service plan, under section 21 of chapter 76.

**MGL Chapter 71 Section 37H 1/2:**

- 1.) Upon the issuance of a criminal complaint charging a student with a felony or upon the issuance of a felony delinquency complaint against a student, the Building Based Principal in which the student is enrolled may suspend such student for a period of time determined appropriate by said Building Based Principal if said Building Based Principal 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 the reasons for such suspension prior to such suspension taking effect. The student shall also receive written notification of this 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 Superintendent. The student shall have the right to appeal the suspension to the Superintendent. The student shall notify the Superintendent in writing of his request for an appeal no later than five calendar days following the effective date of suspension. The Superintendent shall hold a hearing with the student and student's parent or guardian 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 Superintendent shall have the authority to overturn or alter the decision of the Building Based Principal, including recommending an alternate educational program for the student. The Superintendent shall render a decision on the appeal within five calendar days of the hearing. Such decision shall be the final decision of the school with regard to the suspension.

- 1.) 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 Building Based Principal in which the student is enrolled may expel said student if such Building Based Principal 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. The student shall also receive written notification of his/her right to appeal and the process for appealing such expulsion; provided, however, that the expulsion shall remain in effect prior to any appeal hearing conducted by the Superintendent. The student shall have the right to appeal the expulsion to the Superintendent. The student shall notify the Superintendent, in writing, of his/her request for an appeal no later than five calendar days following the effective date of the expulsion. The Superintendent shall hold a hearing with the student and the student's parent or guardian within three calendar days of the expulsion. 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 Superintendent shall have the authority to overturn or alter the decision of the Building Based Principal, including recommending an alternative educational program for the student. The Superintendent shall render a decision on the appeal within five calendar days of the hearing. Such decision shall be the final decision of the school with regard to the expulsion. Any school district that suspends or expels a student under this section shall continue to provide educational services to the student during the period of suspension or expulsion under section 21 of chapter 76. If the student moves to another district during the period of suspension or expulsion, the new district of residence shall either admit the student to the school or provide educational services to the student in an education service plan, under section 21 of chapter 76.

### **Due Process**

When considering the exclusion of a student from school for possession of a dangerous weapon, possession of a controlled substance (such as marijuana, cocaine, or prescription drugs not authorized by the school nurse), or assault on teachers, Dean may place a student on short term suspension (ten days or less) based upon an informal hearing, to be followed by a formal hearing before the Building Based Principal within that period of suspension to determine whether to take additional disciplinary action, up to and including expulsion from school.

1. The informal hearing will be in the form of a conference between the student and the Dean. At this conference, the student (1) shall be informed of the reason for the conference, (2) shall be given the opportunity to present his or her side of the story, and (3) shall be given a decision on the suspension. If the Dean designee deems delay of the hearing necessary to avoid danger or substantial disruption, this process may occur immediately after, rather than before, the suspension.
2. Prior to putting a suspension into effect, the Dean shall make a reasonable effort to telephone and inform the student's parent or guardian of the impending suspension; this shall include

attempts to contact the parents or guardian at home and at work. Parents may contact the school for additional information regarding the suspension.

3. Formal Hearing. Any student who is charged with any of the misconduct detailed above has an opportunity for a formal hearing before the Building Based Principal. 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 Building Based Principal. After said hearing, the Building Based Principal may, in his or her discretion, decide to suspend rather than expel a student who has been determined by the Building Based Principal to have committed the misconduct detailed above. The student is entitled to this hearing prior to an expulsion or prior to a suspension reaching more than ten (10) days in length, and the following procedures will apply:
  - The student shall receive written notice of the following:
    - Charges and a statement of the evidence;
    - Date, time, and place of a hearing;
    - Notice of the right at the hearing to:
      - Be represented by their parents, legal or other representative (at the student's/parent's own expense.)
      - Present evidence.
      - Confront and cross-examine witnesses.
  - The school will record (by tape or other appropriate means) the hearing and a copy of such will be made available to the student upon request.
  - Notices and proceedings will be translated into the student's/parent's primary language if necessary for their understanding of the proceedings.
  - A student and/or parent, upon request, will have the right to review the student's records in accordance with the Massachusetts Student Records Regulations or other applicable law.
  - The hearing will be conducted by the Building Based Principal.
  - Decisions shall be put in writing and sent to the student and parents.

When considering a suspension/expulsion of a student charged with/convicted of felony, the Building Based Principal will use the standards and procedures set forth in M.G.L. c.71, §37H1/2. In addition, prior to initiating such procedures, the Building Based Principal may meet informally with the student and/or his parents to review the charge and the applicable standards if the Principal deems appropriate.

#### ***Appeals to Expulsions or Long-Term Suspensions under §37H***

Any student who has been expelled or suspended long-term from Foxborough Regional Charter School pursuant to MGL c. 71 §37H shall have the right to appeal to the Superintendent. The expelled or suspended student shall have ten days from the date of the expulsion or long-term suspension in which to notify the Superintendent, in writing, of his or her appeal. The student has the right to counsel, at his or her own expense, at a hearing before the Superintendent. At the appeal hearing, the student shall have the right to present oral and written testimony on his/ her behalf, and shall have the right to counsel. 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. The Superintendent shall render a decision on the appeal. Such decision shall be the final decision of the school.

#### ***Appeals to Expulsions or Suspensions under §37H1/2***

The student shall have the right to appeal the expulsion or suspension to the Superintendent. The student shall notify the Superintendent, in writing, of his request for an appeal no later than five calendar days following the effective date of the expulsion or suspension. The Superintendent shall



hold a hearing with the student and the student's parent/guardian 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 or her behalf, and shall have the right to counsel. The Superintendent shall have the authority to overturn or alter the decision of the Building Based Principal, including recommending an alternate educational program for the student. The Superintendent shall render a decision on the appeal within five calendar days of the hearing. The Superintendent's decision shall be the final decision of Foxborough Regional Charter School with regard to the expulsion or suspension.

### **Discipline for Scholars with Disabilities**

All special education scholars are expected to follow the expectations for behavior at FRCS and may receive discipline for misconduct like any other scholar. However, special considerations and protections are required before imposing a scholar's removal exceeding 10 school days from his or her current education placement, including transportation. School authorities can suspend a scholar with a disability from his or her current placement for less than 10 consecutive or cumulative days for any violation of school rules if non-disabled scholars would be subject to removal for the same offense.

However, removal of a scholar with a disability for more than 10 consecutive or cumulative days requires consideration as to whether the behavior is a manifestation of the scholar's disability. The scholar's individualized education program (IEP) team must conduct a "manifestation determination" by reviewing all relevant information and determine if the scholar's conduct has a direct and substantial relationship to the disability or is a direct result of the school's failure to implement the IEP. If the Team determines the behavior was not a direct result of the scholar's disability or the school's failure to implement the IEP, the school may discipline the scholar according to the school's code of scholar conduct, except that the district must continue to provide the scholar with educational services during the period of suspension.

If the misconduct is determined to be a manifestation of the scholar's disability, the IEP team must review the current IEP, conduct a functional behavioral assessment and implement a behavioral intervention plan for the scholar and, except under special circumstances, return the scholar to the placement from which the scholar was removed, unless the parent and the charter school agree to a change of placement as part of a modification of the scholar's behavioral intervention plan.

In the event a scholar possesses, uses, sells or solicits a controlled substance or possesses a weapon, or seriously injures an individual at school or a school function, a school may place a scholar in an interim alternative education setting for up to 45 days. Building Based Principal or his/her designee may also order the placement of a scholar in an appropriate interim setting for up to 45 days upon determination that the current placement is substantially likely to result in injury to the scholar or others.

When a parent(s)/guardian(s) disagrees with the Team's decision on the "manifestation determination" or with a decision regarding placement, the parent(s)/guardian(s) has a right to request an expedited due process hearing from the Bureau of Special Education Appeals. Similar procedures apply to scholars with plans under Section 504 of the Rehabilitation Act of 1973.