

Code of Conduct

The Richmond Consolidated School is committed to providing a safe and orderly school environment where students may receive, and school personnel may deliver, quality educational services without disruption or interference. Responsible behavior by students, teachers, other school personnel, parents and other visitors is essential to achieving this goal. Unless otherwise indicated, this Code applies to all students, school personnel, parents and other visitors when on school property or attending school functions.

The following measures, although inclusive of grades PreK-8 are adjusted, as needed, according to grade level and prior discipline history.

Dress Code

All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. Students and their parents/caregivers have the primary responsibility for acceptable student dress and appearance. Teachers and all other school personnel should exemplify and reinforce acceptable student dress and help students develop an understanding of the dress code. The student dress code supports equitable educational access and is written in a manner that does not reinforce stereotypes, or increase marginalization or oppression of any group and is committed to safeguarding the rights given to all students under state and federal law. In addition, to promote a safe, healthy, orderly and civil school environment, regardless of race, ethnicity, religion, gender, gender identity, sexual orientation, disability or appearance in the school setting.

- • Hats, including religious headwear, may be worn and must allow the face to be visible to staff and not interfere with the line of sight of any student or staff.
- • Hoodie sweatshirts may not be worn during instructional time. When worn, they must allow the face to be visible to staff.
- • Students will be asked to remove headwear if it prevents them or others from fully or safely participating in the learning experience.
- • Attire must be clean, safe, appropriate and not disrupt or interfere with the educational process. Students must wear a shirt, bottom, and footwear.
- • All tops, including dresses, must have fabric on the front, backs, and sides.
- • Must have fabric covering all private parts and must not be see through.
- • Must not depict hate speech targeting groups based on race, ethnicity, religion,
gender, gender identity, sexual orientation or disability.
- • May not depict, advertise, or advocate the use of alcohol, tobacco, marijuana, or

other controlled substances.

- • Must not show undergarments, with the exception of straps.
- • May not depict pornography, nudity, or sexual acts.
- • Should not include pajamas (with the exception of lounge pants), unless on a designated special event day.

32

- • 5th -8th grade students may not wear swimsuits. PreK-4th grade students may wear swimsuits for designated events such as field day.
- • May not wear or have accessories that could be considered dangerous or could be used as a weapon, including sunglasses within the building.
- • May not wear clothing with images or language that creates a hostile or intimidating environment based on any protected class.
- • Footwear must be worn at all times and must be appropriate and safe for the learning activity (i.e. sneakers for P.E. classes).
- • For safety reasons, students may not wear sandals that don't have straps to hold them on or open toe shoes during recess. Students in Prek-grade 5 may not wear crocs at recess. Students must have a change of shoes. Students in grades 6-8 may wear crocs.
- • Snow boots may only be worn outside. Students must have a change of shoes.

The principal or his or her designee shall be responsible for informing all students and their parents/caregivers of the student dress code at the beginning of the school year and any revisions to the dress code made during the school year. Students who violate the student dress code shall be required to modify their appearance by covering or removing the offending item and, if necessary or practical, replacing it with an acceptable item.

Cell Phones and Personal Electronic Devices

Students shall have the electronic devices turned off at all times during school hours, which includes recess, lunch and bus rides. Cell phones must be kept in your classroom/or school's holding system while attending school and school sponsored activities. All other electronic devices (earbuds, headphones, etc.) must be kept in the student's locker or backpack and turned off.

The school accepts no responsibility for students who lose or have their devices stolen.

Students found using an signaling device will have the following consequences:

- • The device shall be confiscated and given to an administrator. The student may

pick up the device at the end of the day in the principal's office.

- A second infraction shall result in the device being confiscated and the parent/caregiver will be required to meet with the principal in order to retrieve the device.
- A third infraction shall result in the student being denied consent to have a signaling device in school until the end of the trimester.

If a student needs to use a telephone, he/she is advised to come to the office and ask permission to use the school phone.

Electronic devices may be used on field trips with the permission of the chaperones. Phones will not be allowed in the students' rooms overnight.

33

Technology

ACCEPTABLE USE POLICY AND GUIDELINES

Introduction

This document formalizes the policy for users of the Richmond Consolidated School (RCS) Network resources. All users, including but not limited to students, teachers, administrators, staff, guests and educational organizations are covered by this policy and are expected to be familiar with its provisions.

User Responsibilities

It is the responsibility of any person using the RCS Network resources to read, understand, and to follow these guidelines. In addition, users are expected to exercise reasonable judgment in interpreting these guidelines and in making decisions about the appropriate use of the RCS Network resources. Any person with questions regarding the application or meaning of these guidelines should seek clarification from the RCS Network Administrator. Use of the RCS Network resources shall constitute acceptance of the terms of these guidelines. It is the responsibility of any person using the RCS devices such as teacher laptops and student Chromebooks to read, sign and submit the RCS Acceptable Use policy online document.

RCS Network Administrator Responsibilities

It is the responsibility of the person who has been designated as the RCS Network Administrator to ensure that only educators and students in his/her school are registered users of the RCS Network. The Administrator is responsible for making certain that the educators and students within the school understand and abide by the Acceptable and Unacceptable Uses as stated in this document (Paragraph 3). If the RCS Network Administrator has reason to believe that a user (educator or student) is misusing the system, the Administrator has the right to access the user's account in order to review the use of the RCS Network tools by the user. It is also the responsibility of the Administrator to report any misuse of the system to the Principal.

RCS Educator Responsibilities

It is the responsibility of educators who are using the RCS Network resources with students to teach students about safe and responsible use of the Internet and the RCS Network. Educators are responsible for monitoring students' use of these resources, and to intervene if students are using them inappropriately. Educators should make sure that students understand and abide by the Acceptable and Unacceptable Uses as stated in this document (Paragraph 3). If an educator has reason to believe that a student is misusing the system, he or she has the right to request that the RCS Network Administrator review the use of the RCS Network tools by the student. It is

34

also the responsibility of the teacher to report any misuse of the system to his/her RCS Network Administrator or directly to the Principal.

RCS Network Student Responsibilities

It is the responsibility of students who are using the RCS Network resources to learn about safe and responsible use of the Internet and RCS Network. They are responsible to use these resources responsibly and appropriately. They must abide by the Acceptable and Unacceptable Uses as stated in this document (Paragraph 4). If a student is misusing the system, RCS educators or the RCS Network Administrator must report it to the Principal and/or the RCS Network Administrator who have the right to discontinue his/her use of the system.

Technologies Covered

RCS may provide the privilege of Internet access, desktop computers, mobile computers or devices, iPods, iPads, cell phones, videoconferencing capabilities, online collaboration capabilities, message boards, email and more. This Acceptable Use Policy applies to both school owned and privately owned devices accessing the RCS network, the RCS Internet connection, and/or private networks/Internet connections while on

school property. The policies outlined in this document cover *all* available technologies now and into the future, not just those specifically listed or currently available.

Technology Educational Technology Tools (EdTech) being used this year at Richmond Consolidated School

This year students will be using a variety of EdTech tools (websites/apps) during core class time as well as specialist classes.

We strive to review these websites and apps regularly to make sure they are following the Family Educational Rights and Privacy Act (FERPA), which is a federal law enacted in 1974 that protects the privacy of student education records and Children's Online Privacy Protection Act (COPPA) which requires that the federal trade commission to issue and enforce regulations concerning children's online privacy. We have adopted a process for reviewing these apps and websites and we now belong to the Student Data For Privacy Consortium (SDPC) along with other schools in Massachusetts. These schools all work together to stay updated on student data privacy laws and best practices.

If you have any questions regarding the websites/apps that students are using, please contact the school.

35

Acceptable and Unacceptable Uses

The resources available to the RCS Network users are to be used for educational purposes. All RCS Network users are responsible for all activity on the RCS Network. Users should not use the RCS Network to store any files that are not educational.

It is acceptable for users to:

- Use school technologies for school-related activities.
- Follow the same guidelines for respectful, responsible behavior online that is expected offline.
- Treat school resources carefully, and alert staff if there is any problem with their operation.
- Encourage positive, constructive discussion if allowed to use communicative or collaborative technologies.
- Alert a teacher or other staff member if observing any threatening, inappropriate, or harmful content (images, messages, posts) online.
- Use school technologies at appropriate times, in approved places, for educational pursuits.
- Cite sources when using online sites and resources for research.
- Recognize that use of school technologies is a privilege and treat it as such.

- Be cautious to protect their own safety and the safety of others.
- Help to protect the security of school resources.

It is unacceptable for users to use these resources for:

- Furthering any political or religious purpose.
- Engaging in any personal, commercial or fundraising purpose.
- Sending threatening or harassing messages in accordance with the RCS Bully Prevention Plan.
- Gaining unauthorized access to computer or telecommunications networks.
- Interfering with the operations of technology resources, including placing a computer virus on any computer system, including the RCS Network system.
- Accessing or sharing sexually explicit, obscene, or otherwise inappropriate materials.
- Intercepting communications intended for other persons.
- Attempting to gain unauthorized access to the RCS Network system.
- Logging in through another person's account or attempting to access another user's password or files.
- Sending defamatory or libelous material concerning a person or group of people.
- Furthering any illegal act, including infringing on any intellectual property rights.
- Downloading, uploading, or distributing any files, software, or other

36

material that is not specifically related to an educational project.

- Downloading, uploading, or distributing any files, software, or other material in violation of federal copyright laws.

Mobile phones with cameras and screens create a new set of privacy issues for the school as images of people can be taken without their knowledge, images can be saved and then sent to other people, and it is possible to send these images to the Internet. This creates the potential for gross invasion of privacy in areas around the school such as rest rooms and on field trips.

In cases where there are gross invasions of privacy or where student images are used without permission (i.e., sent to another person or posted on the Internet) there will be serious consequences. In some cases, students could be suspended from school and in extreme circumstances they could be expelled from school.

This is not intended to be an exhaustive list. The administration reserves the right to hold users accountable for any improper use. Users should use their own good judgment when using school technologies.

As with any other form of communication, these systems may not be used to transmit or store messages or other data that are inappropriate under existing RCS Network, district or MA DOE policies, such as those prohibiting bullying and sexual harassment.

Users may not create, send, or store messages or other data that are considered offensive, contain sexually explicit material, or otherwise offensively address the age, race, ethnicity, gender, sexual orientation, religious or political beliefs, national origin, or disability of a person or a group of people. Users also may not create, send, or store messages pertaining to dangerous devices such as weaponry or explosive devices. Users should take all reasonable precautions against receiving or downloading messages, images, or other data of this sort.

No Expectation of Privacy

The RCS Network resources are the property of the Richmond Consolidated School and are to be used in conformance with these guidelines. The RCS Principal and Network Administrator retain the right to inspect any user's data and communications. The RCS Principal and Network Administrator also have the right to give permission to the teachers, the school administrators, and the parents of any student to review the use of the RCS Network tools by a student who they think may be misusing the system. Users are advised that messages in discussion forums, including deleted messages, are regularly archived and can be retrieved. In addition, an Internet firewall automatically checks all data moving between the local area network and the Internet and logs the sending and receiving destinations. Use of the RCS Network resources constitutes consent for the RCS Network Administrator to monitor and/or inspect any files that users create, any messages they post or receive, and any websites they access. Any email communication between staff or staff and parents regarding students could

37

be considered part of a student's record. This must be preserved in accordance with student record laws.

Passwords

Administrators and teachers shall be given a private login and password for access to teacher related resources on the RCS Network. This username and password is to be used to access the RCS Network and any resources that reside within the RCS Network that require password access. The users must take precautions to maintain the secrecy of their password so that other users will not be able to utilize that password for malicious purposes. If a user suspects that someone has discovered the user's password, the user should change the password immediately.

Students will have access only to student-related resources on the RCS Network. If any user (student, teacher, or administrator) suspects that someone has discovered a teacher or administrator password, the user must report such discovery to the RCS Network Administrator or the Principal. The RCS Network Administrator should make certain the password is changed immediately

Violations

Failure to observe these guidelines may subject users to suspension and or termination of their use of the RCS Network. The RCS Network Administrator will notify the Principal of any inappropriate activities by the users. The Principal will advise law enforcement agencies of illegal activities conducted through the RCS Network and will cooperate fully with local, state, and/or federal officials in any investigation related to illegal activities conducted through the RCS Network.

Disclaimers

The RCS Superintendent, Principal and Network Administrator make no warranties of any kind, either expressed or implied, for the RCS Network's services and resources. The RCS Superintendent, Principal and Network Administrator are not responsible for any damages incurred, including, but not limited to: loss of data resulting from delays or interruption of service, loss of data stored on the RCS

Network resources, or damage to personal property used to access the RCS Network resources; for the accuracy, nature, or quality of information stored on the RCS Network resources or gathered through the RCS Network or the Internet; for unauthorized financial obligations incurred through the RCS Network-provided access. Further, even though the RCS Network may use technical or manual means to limit student access, these limits do not provide a foolproof means for enforcing the provisions of this policy. All provisions of this agreement are subordinate to local, state and federal statutes.

38

Prohibited Student Conduct

The Richmond Consolidated School expects all students to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of other students and school personnel, and for the care of school facilities and equipment. The Richmond Consolidated School recognizes the need to make its expectations for student conduct specific and clear. Students who will not accept responsibility for their own behavior may be subject to disciplinary action, up to and including suspension from school, when they:

1. Disorderly Conduct. Examples of disorderly conduct include:
 - ● Running in hallways.
 - ● Making unreasonable noise.
 - ● Using language or gestures that are profane, lewd, vulgar or abusive.
 - ● Engaging in any willful act which disrupts the normal operation of the school community.

 - ● Computer/electronic communications misuse as defined by RCS's acceptable use policy.

- ● Cell phone misuse as defined in the handbook.
- ● Dress Code violations as defined in the handbook.
- 2. Insubordination. Examples of insubordinate conduct include:
 - ● Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect.
 - ● Lateness for, missing or leaving school without permission.
 - ● Skipping classes or not staying for detention.
 - ● Rude or disrespectful behavior.
- 3. Disruptive Behavior. Examples of disruptive conduct include:
 - ● Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect.
 - ● Interfering with the educational process of children.
- 4. Acts of Violence. Examples of violent conduct include:
 - ● Committing an act of violence, or attempting to do so, (such as hitting, kicking, punching, and scratching) upon another student, teacher, administrator or other school employee.
 - ● Possessing a weapon.

39

- ● Displaying what appears to be a weapon.
- ● Threatening to use any weapon.
- ● Intentionally damaging or destroying the personal property of a student, teacher, administrator, other school employee or any person lawfully on school property, including graffiti or arson.
- ● Intentionally damaging or destroying school or school property.

E. Bullying:

Bullying is the repeated use by one or more students or by a member of a school staff including, but not limited to, an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional of a written, verbal or electronic expression or a physical act or gesture or any combination thereof, directed at a victim that:

- ● causes physical or emotional harm to the victim or damage to the victim's property;
- ● places the victim in reasonable fear of harm to himself or of damage to his property;
- ● creates a hostile environment at school for the victim;
- ● infringes on the rights of the victim at school; or

- • materially and substantially disrupts the education process or the orderly operation of a school. For the purposes of this section, bullying shall include cyber-bullying.

Perpetrator, a student or a member of a school staff including, but not limited to, an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional who engages in bullying or retaliation.

Bullying reports may include the name of the 'aggressor' or 'perpetrator' for both school staff and students.

A member of a school staff, including, but not limited to, an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional, shall immediately report any instance of bullying or retaliation the staff member has witnessed or become aware of to the principal or to the school official identified in the plan as responsible for receiving such reports or both. Upon receipt of such a report, the school principal or a designee shall promptly conduct an investigation. If the school principal or a designee determines that bullying or retaliation has occurred, the school principal or designee shall:

- • notify the local law enforcement agency if the school principal or designee believes that criminal charges may be pursued against a perpetrator;
- • take appropriate disciplinary action;
- • notify the parents or guardians of a perpetrator;

- • notify the parents or guardians of the victim, and to the extent consistent with state and federal law, notify them of the action taken to prevent any further acts of bullying or retaliation; and
- • inform the parents or guardians of the victim about the department's problem resolution system and the process for seeking assistance or filing a claim through the problem resolution system.

Bullying is prohibited on school grounds and any school-sponsored event or activity, whether on or off campus. Bullying is prohibited through the use of district computers while on or off campus and the use of personal digital devices either on campus or off-campus in a manner that causes a disruption on school

grounds. Retaliation against students or school personnel who reported the incident(s) of bullying is prohibited. Bullying is any unwelcome written or verbal expressions, physical acts or gestures directed at a student or another member of the school community with the intent to intimidate, harass, frighten, ridicule, humiliate or cause physical or emotional harm to that person. It is repeated, intentional and creates an imbalance of power. Cyber- bullying is bullying by means including electronic mails, cellular phones, instant messages, text messages or websites. Examples of bullying include:

- ● Teasing
- ● Exclusion
- ● Taunting (verbal or physical intimidation)
- ● Cyber-bullying
- ● Pushing, kicking, hitting or spitting
- ● Non-verbal gestures
- ● Taking or damaging another person's personal property

F. Engage in any conduct that endangers the safety, morals, health or welfare of others.

Examples of such conduct include:

- ● Lying to school personnel.
- ● Stealing the property of others.
- ● Defamation, which includes making false statements or representations

about an individual that harm the reputation of the person(s) by

demeaning them.

- ● Discrimination, which includes the use of race, color, creed, national origin, religion, gender, sexual orientation or disability as a basis for treating another in a negative manner.
- ● Harassment, which includes a sufficiently severe action or a persistent, pervasive pattern of actions or statements directed at an identifiable individual or group which are intended to be or which a reasonable person would perceive as ridiculing or demeaning.
- ● Intimidation, which includes engaging in actions or statements, that put a reasonable individual in fear of bodily harm.
- ● Hazing, which includes any intentional or reckless act directed against

another for the purpose of initiation into, affiliating with or maintaining membership in any school sponsored activity, organization, club or team.

- • Selling, using or possessing obscene material.
- • Using vulgar or abusive language, cursing or swearing.
- • Smoking a cigarette, cigar, pipe or using chewing or smokeless tobacco.
- • Possessing, consuming, selling, distributing or exchanging alcoholic

beverages or illegal substances, or being under the influence of either. ("Illegal substances" include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any substances commonly referred to as "designer drugs.")

- • Inappropriately using or sharing prescription and over-the-counter drugs.
- • Gambling.
- • Indecent exposure, that is, exposure to sight of the private parts of the

body in a lewd or indecent manner.

- • Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.

G. Bus misconduct

It is crucial for students to behave appropriately while riding on district buses to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, shoving and fighting will not be tolerated.

- • Stay in your seat.
- • Follow the driver's structure for seating assignments.
- • Do not eat or litter on the bus.
- • Follow the driver's instructions.
- • Use acceptable language.
- • Food/drink are not allowed on the bus.

8. Academic misconduct

- • Plagiarism
- • Cheating
- • Copying
- • Altering records
- • Assisting another student in any of the above actions

9. Anti-Harassment Policy:

It is the policy of the Richmond Consolidated School to promote and maintain a working and educational environment that is free from all forms of harassment. The most productive and satisfying work environment is one in which work and work-related

42

activities are accomplished in a spirit of mutual trust and respect. Harassment is a form of discrimination that is offensive, impairs morale, undermines the integrity of employment relationships and causes serious harm to the productivity, efficiency and stability of our organization. Harassment includes but is not limited to such things as threats, unsolicited re- marks, gestures, physical contact, or the display or circulation of written materials or pictures derogatory to gender, racial, ethnic, religious, age or handicap groups.

All members of the RCS community have a right to work in an environment free from discrimination and harassing conduct, including sexual harassment. Harassment on the basis of an individual's race, color, creed, religion, sex, national origin, age, marital status, veteran status, sexual preference or disability is expressly prohibited under this policy. Harassment on any basis (race, sex, age, disability, etc.) exists whenever the conduct interferes with or creates an intimidating, hostile or offensive environment.

Sexual harassment violates state and federal law; and, therefore, the policies of the Richmond Consolidated School. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- • submission to such conduct is made either explicitly or implicitly, a term or condition of an individual's employment, or success as a student;
- • submission to or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual, or;
- • such conduct has the purpose or effect of substantially interfering with an individual's work or educational performance or creating an intimidating, hostile or offensive working or educational environment.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct which, if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness:

- • Unwelcome sexual advances – whether or not they involve physical touching;
- • Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess, and sexually explicit e-mails or the use of social media to share such references, and
- • Displays of sexually suggestive objects, pictures, and cartoons.

- • Harassment on the basis of any other protected characteristic is also strictly prohibited. Such harassment can be defined as conduct that shows hostility or aversion toward an individual because of his or her protected characteristic and that has the purpose or effect of unreasonably interfering with an individual's performance or creating an

43

intimidating, hostile or offensive environment.

- • Each individual at Richmond Consolidated School is personally responsible for:
- • Ensuring that his/her conduct does not harass any student or employee or applicant for employment, or other individual in the workplace or school;
- • Cooperating in the investigation of informal reports or formal complaints of alleged harassment by providing any information she/he possesses concerning the matters being investigated; and
- • Otherwise cooperating with efforts to prevent and eliminate

harassment and to maintain a working and learning environment free from such unlawful discrimination.

For any alleged harassment violations, the Principal will serve as the Grievance Officer. He or she is vested with the authority and responsibility of processing or referring to an appropriate administrator. The Principal may be contacted at the School Administration Offices, telephone 413-698-2207, Superintendent, telephone 413-298-4017.

Disciplinary Consequences

The Richmond Consolidated School Leadership Team and Special Education Team meet weekly to review discipline data of all students, including special populations and high needs students. The team consists of special education liaison, school adjustment counselor, principal, teachers and paraprofessionals. Students who receive Detention, In School Suspension or Out of School

Suspension will be responsible for all class work missed and homework assignments.

Students who are found to have violated the school's Code of Conduct may be subject to the following consequences, either alone or in combination:

- ● Verbal warning
- ● Written minor referral filed with administration and/or team
- ● Written notification to parent (acknowledgement of receipt required via signature or email),

- ● Major referral filed with administration* (situation may warrant an immediate major referral)

- ● Behavioral plan instituted. The behavior plan consequences may include:
 - ● Modified morning recess
 - ● Modified lunch recess
 - ● Lunch/After school detention
 - ● Suspension from transportation (if applicable to the situation)

 - ● Suspension from social or extracurricular activities
 - ● Suspension of other privileges
 - ● In-school suspension ●

44

Students who are found to have violated the school's Code of Conduct may ALSO be subject to the following consequences, either alone or in combination:

- ● Temporary removal from situation
- ● Short-term (five days or less) suspension from school
- ● Long-term (more than five days) suspension from school
- ● Permanent suspension from school

*A sample referral is located in the Appendix.

Discipline Procedures

The school personnel who imposes a consequence must inform the student of the

alleged misconduct and must investigate, to the extent necessary, the facts surrounding the alleged misconduct. All students will have an opportunity to

present their version of the facts to the school personnel imposing the disciplinary consequence. The student and the student's parent will be provided with a reasonable opportunity for an informal conference with the building principal, the principal's designee or teacher to discuss the conduct and the consequences involved.

1. All minor referrals are written up and dealt with by the staff member who referred the student. 3 minor referrals equal a major referral.
2. A major referral is written up by the staff member who referred the student but is directed to the principal. Three minor referrals are equal to a major referral and will be directed to the principal.
3. Consequences such as detention will be imposed as a consequence only after the student's parent has been notified, preferably by phone, to confirm that there is no parental objection to the detention and the student has appropriate transportation home.
4. If a student does not conduct himself/herself properly on a bus, the bus driver is expected to bring such misconduct to the building principal's attention through a bus referral. Students who become a serious disciplinary problem may have their riding privileges suspended by the building principal or the superintendent.
5. Building principal and the superintendent are authorized to place students in in-school suspension in accordance with 603 CMR 53.02(6). The in-school suspension supervisor will be a teacher or paraprofessional.
6. Suspension from school is a severe penalty, which may be imposed in accordance with M.G.L. c. 71, §§37H, §37H3/4, 37H1/2 Richmond Consolidated School retains its authority to suspend students, but places primary responsibility for the suspension of students with the principal.

45

DUE PROCESS FOR SUSPENSIONS Notice Of Proposed Suspension

Except in the case of an emergency removal or disciplinary offense defined under M.G.L. c. 71, §§37H or 37H1/2 or an in-school suspension as defined by 603 CMR 53.02(6), the school shall provide the student and parent/guardian with written and oral notice of the proposed out-of-school suspension, an opportunity to be heard at hearing, and the opportunity to participate at the hearing. Notice shall set forth in plain language:

- 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 principal 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/guardian to attend the hearing;

e) the date, time, and location of the hearing;

f) the right of the student and student's parent/guardian to interpreter services at the hearing if

needed to participate;

The principal shall make reasonable efforts to notify the parent/guardian orally of the opportunity to attend the hearing. In order to conduct a hearing without the parent/guardian present, the principal must be able to document reasonable efforts to include the parent/guardian. Reasonable effort is presumed if the principal sent written notice and documented at least two attempts to contact the parent/guardian in the manner specified by the parent/guardian for emergency situations.

All written communications regarding notice of proposed suspension shall be either by hand delivery or delivered by first-class mail, certified mail, or email to address provided by the parent/guardian for school communications (or other method agreed to by the principal and parent/guardian) in English, and in the primary language in the home if other than English, or other means of communication where appropriate.

General Requirements Prior To Suspension Under M.G.L. Chapter 71, §37H3/41/4

A student may not be suspended under M.G.L. Chapter 71, §37H3/4, unless one or more of the following apply:

A. Alternative remedies have been employed and their use and results

46

documented, following and in direct response to a specific incident or incidents.

B. There are documented specific reasons why alternative remedies are unsuitable or counterproductive.

C. The situation is such that the student's continued presence in school would pose a specific, documentable concern about the infliction of serious bodily injury or other serious harm upon another person while in school.

Short-Term Suspensions: Hearing And Principal Determination

A short-term suspension is the removal of the student from the school premises and regular classroom activities for ten (10) consecutive days or less. Out-of-school short-term suspensions which do not cumulatively over the course of the school year exceed ten (10) days of suspension shall be conducted in accordance with this section.

Principal Hearing. The purpose of the hearing with the principal is 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 has committed the disciplinary offense, the basis for the charge, and any other pertinent information. The student shall have an opportunity to present information, including mitigating facts. A parent/guardian present at the hearing shall have the opportunity to discuss the student's conduct and offer information, including mitigating circumstances.

Based on the available information, including mitigating circumstances, the principal will make a determination whether the student committed the disciplinary offense, and if so, the consequence. The principal will provide notification in writing of his/her determination in the form of an update to the student and parent/guardian, and provide reasons for the determination. If the student is suspended, the principal shall inform the parent/guardian of the type and duration of the suspension, and shall provide an opportunity for the student to make up assignments and other school work as needed to make academic progress during the period of removal.

If the student is in grades pre-k through 3, the principal shall send his/her determination to the superintendent and explain the reasons prior to imposing an out-of-school suspension, before the short-term suspension takes effect.

All written communications regarding the hearing and principal determination shall be either hand delivery or delivered by first-class mail, certified mail, or email to the address provided by the parent/guardian for school communications (or other method agreed to by the principal and parent/guardian) in English, and in the primary language in the home if other than English, or other means of communication where appropriate.

Long-Term Suspensions: Hearing And Principal Determination

A long-term suspension is the removal of a student from the school premises and regular

classroom activities for more than ten (10) consecutive school days, or for more than ten (10) school days cumulatively for multiple disciplinary offenses in any school year. The purpose of the hearing with the principal is 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 has committed the disciplinary offense, the basis for the charge, and any other pertinent information. The student shall have an opportunity to present information, including mitigating facts, that the principal will consider in determining whether alternatives to suspension such as loss of privileges, detention, an apology, a student contract, restitution, and/or probation are appropriate.

Additionally, the student shall have the following additional 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 and
- ● or 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; and
- ● the right to cross-examine witnesses presented by the school district;
- ● the right to request that the hearing be recorded by the principal. All participants shall

be informed

- ● that the hearing is being recorded by audio. A copy of the audio recording will be

provided to the student or parent/guardian upon request.

Based on the evidence submitted at the hearing the principal shall make a determination as to whether the student committed the disciplinary offense, and, if so, after considering mitigating circumstances and alternatives to suspension (the use of evidence-based strategies and programs, such as mediation, conflict resolution, restorative justice, and positive interventions and supports) what remedy or consequence will be imposed. If the principal decides to impose a long-term suspension, the written determination shall:

- ● Identify the disciplinary offense, the date on which the hearing took place, and the participants at
- ● the hearing;
- ● Set out 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 a specific list of education services to make

- Inform the student of the right to appeal the principal's decision to the superintendent or his/her designee (only if a long-term suspension has been imposed) within five (5) calendar

48

days, which may be extended by parent/guardian request in writing an additional seven (7) calendar days.

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 grades pre-k through grade 3, the principal shall send his/her determination to the superintendent and explain the reasons prior to imposing an out-of-school suspension, whether short-term or long-term, before the suspension takes effect.

All written communications regarding the hearing and principal determination shall be either hand delivery or delivered by first-class mail, certified mail, or email to the provided by the parent/guardian for school communications (or other method agreed to by the principal and parent/guardian) in English, and in the primary language in the home if other than English, or by other means of communication where appropriate.

Appeal Of Long-Term Suspension

A student who is placed on a long-term suspension shall have the right to appeal the principal's decision to the superintendent if properly and timely filed. A good faith effort shall be made to include the parent/guardian at the hearing. The appeal shall be held within three (3) school days of the appeal, unless the student or parent/guardian requests an extension of up to seven (7) additional calendar days, which the superintendent shall grant.

The student and parent/guardian shall have the same rights afforded at the long-term suspension principal hearing. Within five (5) calendar days of the hearing the superintendent shall issue his/her written decision which meets the criteria required of the principal's determination. If the superintendent determines the student committed the disciplinary offense, the superintendent may impose the same or a lesser consequence than that of the principal. The superintendent's decision shall be final.

Emergency removal

A student may be temporarily removed prior to notice and hearing 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. A Principal 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. The temporary removal shall not exceed two (2) school days, following the day of the emergency removal.

During the emergency, removal the principal shall make immediate and reasonable efforts to 49

orally notify the student and student's parent/guardian of the emergency removal and the reason for the emergency removal. The principal shall also provide the due process requirements of written notice for suspensions and provide for a hearing which meets the due process requirements of a long-term suspension or short-term suspension, as applicable, within the two (2) school day time period, unless an extension of time for the hearing is otherwise agreed to by the principal, student, and parent/guardian.

A decision shall be rendered orally on the same day as the hearing, and in writing no later than the following school day. The decision shall meet all of the due process requirements of a principal's determination in a long-term suspension or short-term suspension, as applicable.

In-School Suspension Under 603 Cmr 53:02(6) & 603 Cmr 53.10

In-school suspension is defined as the removal of a student from regular classroom activities, but not the school premises, for not more than ten (10) consecutive school days, or no more than ten (10) school days cumulatively for multiple infractions over the course of the school year. A Principal may impose an in-school suspension as defined above according to the following procedures:

The principal shall inform the student of the disciplinary offense charged and the basis for the charge, and provide the student an opportunity to dispute the charges and explain the circumstances surrounding the alleged incident. If the principal determines that the student committed the disciplinary offense, the principal shall inform the student of the length of the student's in-school suspension, which shall not exceed ten (10) days, cumulatively or consecutively, in a school year.

On the same day as the in-school suspension decision, the principal shall 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 principal shall also invite the parent to a meeting to discuss the student's academic performance and behavior, strategies for student engagement, and possible responses to the behavior. Such meeting shall be scheduled on the day of the suspension if possible, and if not, as soon thereafter as possible. If the principal is unable to reach the parent after making and documenting at least two (2) attempts to do so, such attempts shall constitute reasonable efforts for purposes of orally informing the parent of the in-school suspension.

The principal shall send written notice to the student and parent about the in-school suspension, including the reason and the length of the in-school suspension, and inviting the parent to a meeting with the principal for the purpose set forth above, if such meeting has not already occurred. The principal shall deliver such notice on the day of the suspension by hand-delivery, certified mail, first-class mail, email to an address provided by the parent for school communications, or by other method of delivery agreed to by the principal and the parent.

50

Suspension Or Expulsion For Disciplinary Offenses Under M.G.L. 71 §§37h And 37h1/2

The due process notification and hearing requirements in the preceding sections do not apply to the following disciplinary offenses:

Possession Of A Dangerous Weapon, Possession Of A Controlled Substance, Or Assault Of Staff

A student may be subject to expulsion if found in possession of a dangerous weapon, possession of a controlled substance, or the student assaults a member of educational staff, and the principal determines the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school.

The Principal shall notify the student and parent(s)/guardian(s) in writing of the opportunity for a hearing, and the right to have representation at the hearing, along with the opportunity to present evidence and witnesses. After said hearing, a principal may, in his/her discretion, decide to levy a suspension rather than expulsion. A student expelled *for* such an infraction shall have the right to appeal the decision to the Superintendent. The expelled student shall have ten (10) days from the date of the expulsion in which to notify the Superintendent of his/her appeal. The student has the right to counsel at the hearing before the Superintendent. The subject matter of the appeal shall not be limited solely to a factual determination of whether the student was guilty of the alleged offense.

Felony Complaint Or Issuance Of Felony Delinquency Complaint

Upon the issuance of a criminal complaint charging a student with a felony, or the issuance of a felony delinquency complaint against a student, the Principal may suspend a student for a period of time determined appropriate by the Principal if the Principal determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school.

The Principal shall notify the student in writing of the charges, the reasons for the suspension (prior to such suspension taking effect), and the right to appeal. The

Principal will also provide the student and parent(s)/guardian(s) the process for appealing the suspension to the Superintendent. The request for appeal must be made in writing within five (5) calendar days. The hearing shall be held within three (3) days of the request. The suspension shall remain in effect prior to any appeal hearing before the Superintendent. At the hearing, the student shall have the right to present oral and written testimony, and the right to counsel. The Superintendent has the authority to overturn or alter the decision of the Principal. The Superintendent shall render a decision on the appeal within five (5) calendar days of the hearing.

Felony conviction or adjudication/admission in court of guilt for a felony or felony delinquency 51

The Principal may expel a student convicted of a felony, or has an adjudication or admission of guilt regarding a felony, if the 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 the proposed expulsion. The student shall also receive written notification of his right to appeal the decision to the Superintendent, as well as the appeal process. The expulsion shall remain in effect prior to any appeal hearing conducted by the Superintendent.

The student shall notify the Superintendent in writing of his/her request for an appeal the decision no later than five (5) calendar days following the date of the expulsion. The Superintendent hearing shall be held with the student and parent(s)/guardian(s) within three (3) calendar days of the expulsion. At the hearing, the student shall have the right to present oral and written testimony, and shall have the right to counsel. The Superintendent has the authority to overturn or alter the decision of the Principal. The Superintendent shall render a decision on the appeal within five (5) calendar days of the hearing.

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

Student Suspension And Expulsion Data Collection And Reporting

The District shall collect and annually report data to the Department regarding in-school suspensions, short-term and long-term suspensions, expulsions, emergency removals under 603 CMR 53.07, access to education services under 603 CMR 53.13, and such other information as may be required by the Department. Such data shall be reported in a manner and form directed by the Department.

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 reviewing

the data, the principal shall assess the extent of in- school suspensions, short- and long-term suspensions, expulsions, and emergency removals under 603 CMR 53.07, and the impact of such disciplinary action on selected student populations. The principal shall further determine whether it is necessary or appropriate to modify disciplinary practices due to over-reliance on expulsion, or in-school or out-of-school suspension, or emergency removals, or the impact of such suspensions, removals, and expulsions on selected student populations compared with other students.

Corporal Punishment

Corporal punishment is any act of physical force upon a student for the purpose of punishing that student. Corporal punishment of any student by any school employee is strictly forbidden. However, in situations where alternative procedures and methods

52

that do not involve the use of physical force cannot reasonably be used, reasonable physical force may be used to:

1. Protect oneself, another student, teacher or any person from physical injury.
2. Restrain or remove a student whose behavior interferes with the orderly exercise and performance of school district functions, powers and duties, if that student has refused to refrain from further disruptive acts.

The school will file all complaints about the use of corporal punishment with the Commissioner of Education in accordance with the Commissioner's regulations.

DISCIPLINE OF STUDENTS WITH DISABILITIES

While students with disabilities are disciplined by the same criteria applied to all students in the Richmond School, students who have been identified as having special needs based on a disability may have procedural protections in addition to those provided to other students in accordance with the Individuals with Disabilities Education Act (IDEA). In general, students may be excluded from their programs, just as any other student can be, for up to ten school days per year. However, when a student is excluded from his/her program for more than ten school days in the school year, school staff may be required to provide alternative educational services for the student. In addition, in many instances, the student's IEP Team must convene to determine whether the student's behavior was caused by or had a direct and substantial relationship to his/her disability (a "manifestation determination"). If the Team determines the behavior was not caused by the disability, the school may discipline the student according to the school's code of student conduct except that the district must continue to provide the student with educational services during the period of suspension or expulsion. However, if the Team determines that the behavior was caused by the disability, the student may not be excluded from the current educational

placement (except in the case of weapons, drugs, or serious bodily injury) until the Team develops, and the parent/ guardian consents, to a new Individualized Education Program. The Team must also conduct a functional behavioral assessment and develop or revise a behavioral plan for the student. In the event a student possesses, uses, sells or solicits a controlled substance or possesses a weapon, or seriously injures an individual at school or a school function, the school may place a student in an interim alternative education setting for up to 45 days. Hearing officers may also order the placement of a student 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 student or to others. When a parent/guardian disagrees with the Team's decision on the "manifestation determination" or with a decision regarding placement, the parent/guardian has a right to request an expedited due process hearing from the Bureau of Special Education Appeals. Similar procedures apply to students with accommodation plans under Section 504 of the Rehabilitation Act of 1973 and students

53

who are in the process of evaluation under special education for whom eligibility has not yet been determined. If the school district has no knowledge that a student is an eligible student under the IDEA before taking disciplinary measures against the student, the student may be disciplined just as any other student may be. If, however, a request is made for an evaluation to determine eligibility while the student is subject to disciplinary measures, the district must conduct the evaluation in an expedited manner. Pending the results of the evaluation, the student must remain in the educational placement determined by school authorities, which may include suspension or expulsion without services. If the student is determined eligible 21 for an IEP as a result of the evaluation, the school district must provide the student with special education and related services in accordance with the IDEA.

In accordance with Richmond Policy JKA, Section 1415 of the individuals with Disabilities Education Act (IDEA) sets forth the following procedures with respect to the suspension of students with special needs and protections for those children not yet eligible for special education and related services: School personnel may order a change in placement of a child with a disability to an appropriate interim alternative setting, another setting, or suspension, for not more than ten (10) school days (to the extent such alternatives would be applied to children without disabilities). 34 if a child with disabilities carries a weapon to school or to a school function, knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function, school personnel may order a change in placement to an appropriate interim alternative educational setting for the same amount of time that a child without a disability would be subject to discipline, but not for more than forty-five 45 days. When a child with a disability or suspected disability has been suspended or placed in an alternative setting for ten (10) days (cumulative), the Individual Education Plan team will be convened to conduct a Functional Behavioral Assessment, including a Manifestation Determination, and will develop a Behavioral Intervention Plan that will be accepted by the IEP team. If the child has an existing Behavioral Intervention Plan, the IEP team will review the plan and modify it if necessary. If an alternative educational

setting is warranted, the placement will be determined by the IEP team. The placement will be selected so as to enable the child to continue to participate in the general curriculum in another setting and will ensure the provision of those services and modifications described in a child's IEP that will enable the child to meet the goals set forth in the IEP.

All students are expected to meet the requirements for behaviors as set forth in this handbook. Chapter 71B of the Massachusetts General Laws, known as 603 CMR 28.00 and the Individuals with Disabilities Education Act (IDEA) 20 U.S.C. Section 1400 and 34 CFR Section 300, require that additional provisions be made for students who have been found by an evaluation team to have a disability and whose program is described in an Individualized Educational Program (I.E.P.) or a 504 Accommodation Plan. The following additional requirements apply to the disciplining of students with special needs and students with 504 Accommodation Plans:

1. Any modifications of the discipline code will be identified in the student's IEP or 54

504 Accommodations Plan.

2. The Principal (or designee) will notify the Special Education Director of the suspendable offense of 45 students with a disability and a record will be kept of such notices.

3. When it is known that the suspension(s) of a student with a disability will accumulate beyond 10 days in a school year, a review of the IEP/Accommodation Plan will be held to determine the appropriateness of the student's placement or program. The team will make a finding as to the relationship between the student's misconduct and:

- • Develop or review a functional behavior assessment
- • Determine if the misconduct is a manifestation of the disability
- • Consider a modified program or alternate placement for the student
- • Consider an amendment to provide for the delivery of services during the

suspension and any needed modification of the IEP/504 Accommodation Plan.

In addition, the Department of Education will be notified when required by law, and the procedures promulgated by the Department of Education for requesting the approval of the alternative plan will be followed.

Parents will be notified with written notice of their rights under special education regulations.

Procedural Requirements Applied To Students Not Yet Determined To Be Eligible For Special Education

- • If, prior to the disciplinary action, a district had knowledge that the student may be a student with a disability, then the district makes all protections available to

the student until and unless the student is subsequently determined not to be eligible. The district may be considered to have prior knowledge if:

- • The parent had expressed concern in writing; or
- • The parent had requested an evaluation; or
- • District staff had 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 considered to have had prior knowledge if the parent has

not consented to evaluation of the student or has refused special education services, or if an evaluation of the student has resulted in a determination of ineligibility.

- • If the district had no reason to consider the student disabled, and the parent requests an evaluation subsequent to the disciplinary action, the district must have procedures consistent with federal requirements to conduct an expedited evaluation to determine eligibility.
- • If the student is found eligible, then he/she receives all procedural protections subsequent to the finding of eligibility.

55

State Requirements: This criterion is related to State Performance Plan Indicator 4.

(See <http://www.doe.mass.edu/sped/spp/>.)

Federal Requirements (IDEA-97)

34 CFR 300.534

Richmond Consolidated School recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior. Richmond Consolidated School also recognizes that students with disabilities enjoy certain procedural protections whenever school authorities intend to impose discipline upon them. Richmond Consolidated School is committed to ensuring that the procedures followed for suspending, removing or otherwise disciplining students with disabilities are consistent with the procedural safeguards required by applicable laws and regulations. This Code of Conduct affords students with disabilities subject to disciplinary action no greater or lesser rights than those expressly afforded by applicable federal and state law and regulations.

The Special Education Director will be notified when it is necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior.

Alternative Instruction

Students removed from class due to a suspension must be provided with alternative instruction, school wide education plan.

Educational Services and Academic Progress During Suspensions and Expulsion

Students removed from class due to a suspension must be provided with alternative instruction.

- Any student who is serving an in-school suspension, short-term suspension, long-term-suspension, or expulsion shall have the opportunity to earn credits, as applicable, make up assignments, tests, papers, and other school work as needed to make academic progress during the period of his or her removal from the classroom or school. The principal shall inform the student and parent of this opportunity in writing when such suspension or expulsion is imposed. Opportunities to earn credits are 1-1 tutoring of content covered during the missed time, work sent home to complete during suspension, after school drop in, and assigned virtual projects or portfolios.
- Any student who is expelled or suspended from school for more than ten consecutive days, whether in school or out of school, shall have an opportunity to receive education services and to make academic progress toward meeting state and local requirements, through the school-wide education service plan.

56

Opportunities to receive education services are 1-1 tutoring of content covered during the missed time, work sent home to complete during suspension, after school drop in, and assigned virtual projects or portfolios. Please contact the Principal 413-698-2207 if you would like more detailed information.

- The principal shall notify the parent 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 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.

Public Conduct on School Property

The school is committed to providing an orderly, respectful environment that is conducive to learning. To create and maintain this kind of environment, it is necessary to regulate public conduct on school property and at school functions. For purposes of this section of the Code, “public” shall mean all persons when on school property or attending a school function including students, teachers and school personnel. The restrictions on public conduct are not intended to limit freedom of speech or peaceful assembly. All persons on school property or attending a school function shall conduct themselves in a respectful and orderly manner.

Reporting Violations

All students are expected to promptly report violations of the Code of Conduct to a teacher, guidance counselor, the building principal or his or her designee. All school staff that is authorized to impose disciplinary sanctions and is expected to do so in a prompt, fair and lawful manner.

Any weapon, alcohol or illegal substance found shall be confiscated immediately, if possible, followed by notification to the parent of the student involved and the appropriate disciplinary sanction, if warranted, which may include permanent suspension and referral for prosecution.

The principal or his or her designee must notify the appropriate local law enforcement agency of those Code violations that constitute a crime and substantially affect the order or security of a school as soon as practical. The notification may be made by telephone, followed by a letter. The notification must identify the student and explain the conduct.

57

School personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the student’s ability to grow in self-discipline. Disciplinary action, when necessary, will be firm, fair and consistent so as to be the most effective in changing student behavior. In determining the appropriate disciplinary action, school personnel will consider the following:

1. The student’s age.
2. The nature of the offense and the circumstances that led to the offense.
3. The student’s prior disciplinary record.
4. The effectiveness of other forms of discipline.

5. Information from parents, teachers and/or others, as appropriate.
6. Other extenuating circumstances.

As a general rule, discipline will be progressive. This means that a student's first violation will usually merit a lighter consequence than subsequent violations. A student identified as having a disability shall not be disciplined for behavior related to his/her disability.

Bullying Prevention Plan

The Richmond Consolidated School is committed to providing a safe, positive and productive educational environment where students can achieve the highest academic standards. No student shall be subjected to harassment, intimidation, bullying, or cyber-bullying. We recognize that certain students may be more vulnerable to become targets of bullying, harassment, or teasing based on actual or perceived characteristics, including race, color, religion, ancestry, national origin, sex, socioeconomic status, homelessness, academic status, gender identity or expression, physical appearance, or sensory disability, or by association with a person who has or is perceived to have one or more of these characteristics. The school/district will identify specific steps it will take to create a safe, supportive environment for vulnerable populations in the school community, and provide all students with the skills, knowledge, and strategies to prevent or respond to bullying, harassment, or teasing.

"Bullying" is the repeated use by one or more students/staff [aggressor(s)] of a written, verbal, or electronic expression, or a physical act or gesture, or any combination thereof, directed at a target that:

- • causes physical or emotional harm to the target or damage to the target's property;
- • places the target in reasonable fear or harm to him/herself, or of damage to his/her property;
- • creates a hostile environment at school for the target;
- • infringes on the rights of the target at school; or
- • materially and substantially disrupts the education process or the orderly

operation of a school.

Aggressor is a student/staff who engages in bullying, cyber bullying, or retaliation.

Hostile environment, as defined in M.G.L. c. 71, § 37O, is a situation in which bullying causes the school environment to be permeated with intimidation, ridicule, or insult that is sufficiently severe or pervasive to alter the conditions of a student's education.

Retaliation is any form of intimidation, reprisal, or harassment directed against a student who reports bullying, provides information during an investigation of bullying, or witnesses or has reliable information about bullying.

Staff includes, but is not limited to, educators, administrators, counselors, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities, support staff, or paraprofessionals.

Target is a student against whom bullying, cyber bullying, or retaliation has been perpetrated.

Examples of bullying include:

1. Teasing
2. Exclusion
3. Taunting (verbal or physical intimidation)
4. Cyber-bullying
5. Pushing, kicking, hitting or spitting
6. Non-verbal gestures
7. Taking or damaging another person's personal property

"Cyber-bullying" means bullying through the use of technology or any electronic communication, which shall include, but shall not be limited to, any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a:

- ● wire
- ● radio
- ● electromagnetic
- ● photo-electronic or photo-optical system, including, but not limited to,

electronic mail, internet communications, instant messages or facsimile communications.

Cyber-bullying shall also include the creation of a web page or blog in which the creator assumes the identity of another person or knowingly impersonates another person as author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in the definition of bullying.

Cyber-bullying shall also include the distribution by electronic means of a 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 enumerated in the definition of bullying.

Bullying and cyber-bullying may occur in and out of school, during and after school hours, at home and in locations outside of the home. When bullying and cyber-bullying are alleged, the full cooperation and assistance of parents and families are expected.

Our school expects that all members of the school community will treat each other in a civil manner and with respect for differences. Our school is committed to providing all students with a safe learning environment that is free from bullying and cyber-bullying. This commitment is an integral part of our comprehensive efforts to promote learning, and to prevent and eliminate all forms of bullying and other harmful and disruptive behavior that can impede the learning process.

We will not tolerate any unlawful or disruptive behavior, including any form of bullying, cyber-bullying, or retaliation, in our school buildings, on school grounds, or in school-related activities. We will promptly investigate all reports and complaints of bullying, cyber-bullying, and retaliation, and take prompt action to end that behavior and restore the target's sense of safety.

For the purpose of this policy, whenever the term bullying is used it is to denote either bullying, or cyber-bullying.

Bullying is prohibited:

- ● On school grounds;
- ● On property immediately adjacent to school grounds;
- ● At school-sponsored or school-related activities;
- ● At functions or programs whether on or off school grounds;
- ● At school bus stops;
- ● On school buses or other vehicles owned, leased, or used by the school

district; or,

- ● Through the use of technology or an electronic device owned, leased or used by the Richmond Consolidated School.

Bullying and cyber-bullying are prohibited at a location, activity, function or program that is not school-related or through the use of technology or an electronic device that is not owned, leased or used by the Richmond Consolidated School if the act or acts in question:

- ● create a hostile environment at school for the target;
- ● infringe on the rights of the target at school; and/or
- ● materially and substantially disrupt the education process or the orderly

operation of a school.

60

Prevention and Intervention Plan

The Principal and/or his/her designee shall oversee the development of a prevention and intervention plan, in consultation with all school stakeholders, which may include teachers, school staff, professional support personnel, school volunteers, administrators, community representatives, local law enforcement agencies, students, parents and guardians, consistent with the requirements of this policy, as well as state and federal laws. The bullying prevention and intervention Plan shall be reviewed and updated at least biennially.

The Principal is responsible for the implementation and oversight of the bullying prevention and implementation Plan within his or her school. The Plan will include steps to be taken by the principal or designee to follow upon receipt of a report of bullying or retaliation, staff responsibilities, and nature of training staff and students.

Our school will provide all staff with an annual written notice of the Plan by publishing information about it, including sections related to staff duties, in the school or district employee handbook and the code of conduct.

Reporting

Anyone, including a parent, guardian, student or school staff member, can report bullying or retaliation. Reports can be made in writing or orally. Oral reports made by or to a staff member shall be recorded in writing. Persons other than school or district staff can make reports anonymously. Anonymous reports may limit further investigation if the parties involved cannot be identified. Reports may be made anonymously, but no disciplinary action will be taken against an alleged aggressor **solely** on the basis of an anonymous report. Students who have been, or parents of students who have been bullied, or who observe incidents of bullying are encouraged to report this behavior to a staff member or school administrator. The target shall, however, not be subject to discipline for failing to report bullying. Our school will make a variety of reporting resources available to the school community including, but not limited to, an Incident Reporting Form,¹ voicemail, a dedicated mailing address, and an email address

Staff must immediately report bullying and/or peer harassment to the building principal if they either witness or become aware of bullying or retaliation in another manner. Staff members responsible for reporting acts of bullying include, but are not limited to, the following: educators, administrators, counselors, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to an extracurricular activity, or paraprofessionals. Acts of reprisal or retaliation against any person who reports an incident of bullying and/or peer harassment are prohibited. Any student who is

determined to have falsely accused another of bullying and/or peer harassment shall be subject to disciplinary consequences.

¹ See Appendix for Sample Incident Reporting Form.



61

The principal or designee will implement appropriate strategies for protecting from bullying or retaliation a student who has reported bullying or retaliation, a student who has witnessed bullying or retaliation, a student who provides information during an investigation, or a student who has reliable information about a reported act of bullying or retaliation.

Investigation Procedures

The Principal or his/her designee, upon receipt of a viable report, shall promptly contact the parents or guardians of a student who has been the alleged target or alleged perpetrator of bullying. The actions being taken to prevent further acts or bullying shall be discussed. The principal or designee conducting the investigation will remind the alleged aggressor, target, and witnesses that retaliation is strictly prohibited and will result in disciplinary action.

Before fully investigating the allegations of bullying or retaliation, the principal or designee will take steps to assess the need to restore a sense of safety to the alleged target and/or to protect the alleged target from possible further incidents. Responses to promote safety may include, but not be limited to, creating a personal safety plan; pre-determining seating arrangements for the target and/or the aggressor in the classroom, at lunch, or on the bus; identifying a staff member who will act as a “safe person” for the target; and altering the aggressor’s schedule and access to the target.

The school principal or a designee shall promptly investigate the report of bullying, using a ***Bullying/Cyber-bullying Report Form***, which may include interviewing the alleged target, alleged perpetrator, staff members, students and/or witnesses.

Support staff shall assess an alleged target's needs for protection and create and implement a safety plan that shall restore a sense of safety for that student.

Confidentiality shall be used to protect a person who reports bullying, provides information during an investigation of bullying, or is witness to or has reliable information about an act of bullying.

If the school principal or a designee determines that bullying has occurred he/she shall take appropriate disciplinary action and if it is believed that criminal charges may be pursued against the perpetrator, the principal shall consult with the Superintendent to determine if criminal charges are warranted. If it is determined that criminal charges are warranted, the local law enforcement agency shall be notified.

The investigation shall be completed within fourteen school days from the date of the report. The parents or guardians shall be contacted upon completion of the investigation and informed of the results, including whether the allegations were found to be factual, whether a violation of this policy was found, and whether disciplinary action has or shall be taken. At a minimum the Principal or his/her designee shall

62

contact the parents or guardians as to the status of the investigation on a weekly basis. The principal or designee will maintain a written record of the investigation.

The school shall document any incident of bullying that is reported per this policy and the Principal or designee shall maintain a file. A monthly report shall be provided to the Superintendent.

Disciplinary actions for students who have committed an act of bullying or retaliation shall be in accordance with school disciplinary policies.

The principal or designee will promptly notify the parents or guardians of the target and the aggressor about the results of the investigation and, if bullying or retaliation is found, what action is being taken to prevent further acts of bullying or retaliation. All notice to parents must comply with applicable state and federal privacy laws and regulations. Because of the legal requirements regarding the confidentiality of student records, the principal or designee cannot report specific information to the target's parent or guardian about the disciplinary action taken unless it involves a "stay away" order or other directive that the target must be aware of in order to report violations.

Confidentiality shall be maintained to the extent consistent with the school's obligations under law.

Problem Resolution System

Any parent wishing to file a claim/concern or seeking assistance outside of the district may do so with the Department of Elementary and Secondary Education Program Resolution System (PRS). That information can be found at: <https://www.doe.mass.edu/prs/>, emails can be sent to compliance@doe.mass.edu or individuals can call 781-338-3700. Hard copies of this information are also available at the Superintendent's office.

Retaliation

Retaliation against a person who reports bullying, provides information during an investigation of bullying, or witnesses or has reliable information about bullying shall be prohibited.

Counseling and other Services

The Richmond Consolidated School shall provide counseling or referral to appropriate services, including guidance, academic intervention, and protection to students, both targets and perpetrators and to appropriate family members of involved students, affected by bullying as necessary. The school's School Adjustment Counselor and Psychologist can assist with identifying staff and service providers who assist schools in developing safety plans for students who have been targets of bullying or retaliation, providing social skills programs to prevent bullying, and offering education and/or intervention services for students exhibiting bullying behaviors.

63

Training and Assessment

Annual training shall be provided for all school staff and volunteers on the Plan to include: staff duties under the Plan, an overview of the steps that the principal or designee will follow upon receipt of a report of bullying, steps to prevent retaliation, and an overview of the bullying prevention curricula to be offered at all grades throughout the school or district.

As required by M.G.L. c. 71, 37O, the content of school-wide professional development

will be informed by research and will include information on:

- • Age-appropriate, evidence-based instruction on bullying prevention that is incorporated into the curriculum for all Pre-K through eighth grade students at Richmond Consolidated School.
- • Age-appropriate strategies for immediate, effective interventions to stop bullying incidents;
- • Information regarding the complex interaction and power differential that can take place between and among an aggressor, target, and witnesses to the bullying;
- • Research findings on bullying, including information about specific categories of students who have been shown to be particularly at risk for bullying in the school environment;
- • Information on the incidence and nature of cyber-bullying; and
- • Internet safety issues as they relate to cyber-bullying.

Publication and Notice

Annual written notice of the relevant sections of the bullying prevention and intervention plan shall be provided to students and their parents or guardians, in age-appropriate terms.

Annual written notice of the bullying prevention and intervention plan shall be provided to all school staff. The faculty and staff of the school shall be trained annually on the bullying prevention and intervention plan applicable to the school.

At the beginning of each school year, the school will provide the school community, including administrators, staff, students, and parents or guardians, with written notice of its policies for reporting acts of bullying and retaliation. A description of the reporting procedures and resources, including the name and contact information of the principal or designee, will be incorporated in student and staff handbooks, on the school or district website, and in information about the Plan that is made available to parents or guardians. Parents will receive information about (a) the school's bullying prevention curricula, (b) ways to help reinforce prevention at home, (c) the broader social dynamics of bullying and (d) computer/ electronic safety and cyber-bullying.

64

The bullying prevention and intervention Plan shall be posted on the Richmond Consolidated School website [www.richmondconsolidated.org].

REFERENCES: Education's

LEGAL REFS.:

Massachusetts Department of Elementary and Secondary Model Bullying Prevention and Intervention Plan

Title VII, Section 703, Civil Rights Act of 1964 as amended Federal Regulation 74676 issued by EEO Commission Title IX of the Education Amendments of 1972
603 CMR 26.00

M.G.L. c. 71, § 37O MGL 91:370
MGL 265:43, 43A MGL 268:13B

MGL 269:14A
MGL Chapter 71, section 370

AC, Nondiscrimination
ACAB, Sexual Harassment
JBA, Student-to-Student Harassment JICFA, Prohibition of Hazing
JF, Student Discipline Regulations