

RIVER VALLEY CHARTER SCHOOL**CODE OF CONDUCT
POLICY**

River Valley Charter School complies with all applicable Commonwealth and federal law having to do with non-discrimination on the basis of age, ancestry, athletic performance, color, creed, ethnicity, gender, gender identity, gender expression, genetic information, homelessness, mental or physical disability, national origin, proficiency in the English language or a foreign language, prior academic achievement, race, religion, sexual orientation, and special need in its educational programs and activities.

At River Valley Charter School our educational philosophy is to individualize instruction to the greatest extent possible. We recognize that every student undergoes a unique learning process, and that we must honor each student's individuality. We also believe that our educational responsibility extends beyond academics to character development, including self control, sound decision making and respect for others and the environment. In that spirit, we approach our Code of Conduct and disciplinary actions with the same intention of providing an individualized response to each incident. Though illegal or egregious actions will require the school to abide by Massachusetts state law and due process guidelines, lesser infractions allow us to evaluate the circumstances of each situation and craft a disciplinary response that we believe best serves the educational interests of the student while protecting the safety and integrity of our learning environments.

As a Montessori school, our primary goal is to create a positive learning environment in which all students are provided an opportunity to grow academically, emotionally and socially. In order to attain this goal there must be a shared commitment among parents, staff and students to understand and accept a balance between individual freedom and responsible behavior. As Dr. Montessori stated, "to let the child do as he likes when he has not yet developed any powers of control, is to betray the idea of freedom."

This Code of Conduct is intended to clarify student behaviors and actions that are encouraged, as well as those that are considered unacceptable in the RVCS community. The Major Discipline section of this Code also reflects the current status of Massachusetts law as it pertains to student conduct, and more specifically, the subsequent discipline that may be imposed when students engage in certain types of extreme or illegal behavior. This Code of Conduct has been reviewed and adopted by the River Valley Charter School Board of Trustees, and supersedes any Code of Conduct previously issued by RVCS.

It is important to remember that the Code of Conduct applies to students in all school settings, including while at school, traveling to and from school, on school property, at school sponsored events and on school field trips. If misconduct occurs during any of these times and/or events, a student shall be subject to a disciplinary response from the school. Additionally, state law permits a school to respond to any incident that happens off school grounds or outside of school hours if that incident has a significant impact on the learning experience of students during the school day.

The Individuals and Disabilities Act (IDEA) and the Americans with Disabilities Act (ADA) provide eligible students (those with disabilities and those in the pre-referral process) with certain procedural rights and protections in the context of student discipline. These rights are in addition to the due process rights applicable to all students as described below in this Code of Conduct. In addition, IDEA protections apply to a child who has not yet been found eligible for services under the statute if the district is "deemed to have knowledge" that the child was eligible for such services before the conduct that precipitated the disciplinary action occurred. The district is "deemed to have knowledge" if the child's parent had expressed concern in writing to district supervisory, or administrative personnel, or the child's teacher, that they believe the child needs special education or related services; or if the child's parent had requested an evaluation to determine eligibility for special education services; or the current

teacher, or other district personnel, had expressed specific concerns about a pattern of behavior by the child to district personnel. The school district is not “deemed to have knowledge” if the student was determined not eligible for special education through an evaluation or the parents refused an evaluation for the child or IDEA services. Should a request be made for evaluation to determine eligibility while a student is subject to disciplinary measures, the district will conduct an evaluation in an expedited manner. Pending these results, the student will remain in the educational placement determined by school authorities, which may include suspension or expulsion without services. If determined eligible, the district will provide the student with special education and related services in accordance with IDEA. See Appendix A of this Code of Conduct for more information.

Respect, Grace & Courtesy

Mutual respect and a commitment to grace and courtesy among all members of our school community is the cornerstone of our interaction and behavior. We seek to acknowledge and honor the dignity and value of every school member. We strive to celebrate our differences and create a welcoming and supportive atmosphere through courtesy to others and respectful conduct.

A commitment to respect, grace and courtesy will ensure that RVCS is a physically and emotionally safe environment. In order to achieve this goal, all staff and students share several common core responsibilities:

- To act as kind individuals and refrain from physically or emotionally harming others
- To refrain from any actions that compromise the health or safety of others
- To accept differences and seek to resolve conflicts in a mutually agreeable manner
- To value and respect personal and school property
- To express opinions and emotions in a positive and constructive manner
- To always be honest
- To support other school members in their efforts to maintain a safe, positive and respectful school

Student behavior that falls outside of these common core responsibilities is subject to a disciplinary response from teachers or administration.

Examples of behavior outside the common core responsibilities include, but are not limited to:

- Any disrespect toward staff members or students
- Mistreatment or abuse of school or personal property
- Abusive, profane, harassing or threatening language, either verbal or written
- Physical or emotional intimidation or aggression
- Minor physical assault, including hitting, shoving, kicking, biting, etc.
- Harassment, bullying or violations of civil rights
- Cheating
- Stealing
- Forgery or plagiarism
- Misuse of electronic devices or internet access
- Major physical assault with malicious intent
- Possession, use or distribution of tobacco products, drugs or alcohol (pursuant to M.G.L., see below)
- Possession or use of any dangerous device or weapons (pursuant to M.G.L., see below)

School response to such behaviors may be informal or formal, depending upon the severity and/or frequency of the misconduct. The intention will always be to encourage growth and reflection on the part of the student in order to help them build the skills and judgment required to make better choices in the future.

Our procedure when responding to student discipline issues will always be grounded in a problem-solving approach. We will wait until students are not agitated or in crisis, and then hold a conversation seeking the facts

of the situation and asking students to reflect on their actions. Below are some examples of the types of questions that may be asked during these conversations:

- “Can you share with me what happened?”
- “How do you feel about how you handled the situation?”
- “How could you have handled the situation differently?”
- “What impact do you think your actions had on the class/other student(s)?”
- “What do you think you can do to resolve this situation?”
- “What can you do differently in the future?”
- “What lessons have you learned from this experience?”

We value the voice of the student in resolving disciplinary situations, and will encourage student participation in the process as warranted by each individual situation.

Parents are encouraged to keep the school and the child’s teacher informed about extraordinary social, emotional, physical or medical events in the child’s life that may impact the child’s ability to abide by the common core responsibilities.

Repeated and/or significant misconduct will be recorded using an Incident Report Form. This form will be completed by the staff member most directly connected to the situation. A copy of the Incident Report form will be available for parent review, and will also be kept in the student’s school file. A copy of the Incident Report Form is attached as Appendix B to this Code of Conduct.

Minor Discipline

Almost all of the disciplinary actions taken by RVCS staff are in response to minor infractions. Such informal discipline will often take the form of a logical consequence designed to discourage similar future behavior and encourage student growth, or to provide resolution of interpersonal conflict.

Examples of minor disciplinary actions include, but are not limited to:

- Facilitation of peer to peer discussions
- Limitations of classroom freedoms and/or privileges
- Restricted seating
- Temporary removal from the classroom or other educational setting
- Verbal reflections or apologies
- Written reflections or apologies
- In school or after school community service
- Meetings with school administration
- Meetings with parents and teachers
- Other appropriate disciplinary consequences

Teachers have the authority to use these types of consequences at their discretion. Our approach to discipline is to have the response match the circumstances, severity and frequency of the infraction, so each situation will be handled according to the discretion of the adults involved and the individual needs of the student(s).

A safe and positive learning community is best fostered when parents support the school’s disciplinary action. However, should a student and/or parent disagree with any informal disciplinary action that is imposed, every effort should be made to resolve these concerns directly with the staff member who imposed the action. Nothing in this policy, however, should be construed as limiting the right of any student or parent to discuss concerns with appropriate school administrators.

Major Discipline

Massachusetts General Laws Chapter 71, Sections 37H, 37H¹/₂ govern due process for expulsion/removals from a public school and the services that a public school must provide during such removals. While such events are rare at RVCS, it is important for families to know their rights and the procedures that the school will follow in order to comply with state law. The school's Expulsion Policy provides complete information regarding expulsions from a public school.

One aspect of formal procedures is worth noting. Every school district must have an appeal process in place for any disciplinary removals from school. In a typical district, appeals would be made to the superintendent. As a charter school, our Director serves as the superintendent, so the Director cannot also serve as the primary arbiter in disciplinary decisions regarding suspension or expulsion. Consequently, the procedures that follow list the RVCS Assistant Director as the administrator who will hear and decide upon all disciplinary cases that may result in the removal of a student from school. This leaves the school Director available for any appeals that students or families may decide to pursue.

Notice of Student and Parent Rights Under G.L. c. 71 §37H³/₄

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 RVCS staff, felony or felony delinquency charges, and/or felony delinquency findings or admissions, all of which are governed by G.L. C.71 §§37H and 37H¹/₂ as detailed in the Expulsion Policy.

In every case of student misconduct for which suspension may be imposed, the Assistant Director 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 Assistant Director is considering and/or decides to implement a removal from school as a consequence for student misconduct.

Students who are suspended under §37H³/₄ are entitled to receive educational services during the period of suspension or expulsion under RVCS's Education Service Plan which is described below. If the student withdraws from the RVCS and/or moves to another school district during the period of suspension, the new school/district/district of residence shall either admit the student to its schools or provide educational services to the student under the new school or district's education service plan.

Notice of Suspension and Hearing under §37H³/₄

Unless the Assistant Director determines that an emergency removal is required (*see* Emergency Removals section below) or decides to implement an in-school suspension of ten or fewer consecutive days (and no more than ten (10) cumulative days per school year) (*see* In-School Suspension section below), the Assistant Director may not impose a suspension as a consequence for a disciplinary offense without first providing the student and the parent with verbal and written notice, and providing the student an opportunity for a hearing on the charge and the parent an opportunity to participate in such hearing.

The Assistant Director is required to provide this verbal and written notice to the student and the parent in English and in the primary language of the home if other than English, or other means of communication where appropriate. The notice must set forth the following information:

- (a) the disciplinary offense;
- (b) the basis for the charge;
- (c) the potential consequences, including the potential length of the student's suspension;
- (d) the opportunity for the student to have a hearing with the Assistant Director concerning the proposed suspension, including the opportunity to dispute the charges and to present the student's explanation of the alleged incident, and for the parent to attend the hearing;

- (e) the date, time, and location of the hearing;
- (f) the right of the student and the student's parent to interpreter services at the hearing if needed to participate;
- (g) if the student may be placed on long-term suspension following the hearing with the Assistant Director, the student's short and long term suspension hearing rights and the right to appeal the Assistant Director's decision to the Director (*see* Hearing Rights section below).

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

Emergency Removal

The Assistant Director has the authority to remove a student from RVCS temporarily when a student is charged with a disciplinary offense and the Assistant Director determines that the continued presence of the student poses a danger to persons or property, or materially and substantially disrupts the order of the school, and, in the Assistant Director's judgment, there is no alternative available to alleviate the danger or disruption. The Assistant Director is required to notify the Director immediately in writing of an emergency removal and the reason for it, and describe the danger presented by the student. The temporary removal shall not exceed two (2) school days following the day of the emergency removal, during which time the Assistant Director is required to:

- (a) Make immediate and reasonable efforts to orally notify the student and the student's parent of the emergency removal, the reason for the need for emergency removal, and the Hearing Rights outlined below;
- (b) Provide written notice to the student and parent;
- (c) Provide the student an opportunity for a hearing with the Assistant Director that complies with the rights outlined below in the Hearing Rights section, as applicable, and the parent an opportunity to attend the hearing, before the expiration of the two (2) school days, unless an extension of time for hearing is otherwise agreed to by the Assistant Director, student, and parent.
- (d) Render a decision orally on the same day as the hearing, and in writing no later than the following school day.

The Assistant Director 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.

Hearing Rights

Assistant Director's Hearing under §37H³/₄: Short-term Suspension

Short-term suspension means the removal of a student from the school premises and regular classroom activities for ten (10) consecutive school days or less.

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

The Assistant Director is required to provide written notification to the student and parent of the determination and the reasons for it, and, if the student is suspended, the type and duration of suspension and the opportunity to make up assignments and such other school work as needed to make academic progress during the period of removal.

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

Assistant Director's Hearing under §37H³/₄: Long-term Suspension

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

The purpose of the long-term suspension hearing is the same as the purpose of a short-term suspension hearing. At a minimum, in addition to the rights afforded a student in a short-term suspension hearing, the student shall have the following rights during a long-term suspension hearing:

1. In advance of the hearing, the opportunity to review the student's record and the documents upon which the Assistant Director may rely in making a determination to suspend the student or not;
2. the right to be represented by counsel or a lay person of the student's choice, at the student's/parent's expense;
3. the right to produce witnesses on his or her behalf and to present the student's explanation of the alleged incident, but the student may not be compelled to do so;
4. the right to cross-examine witnesses presented by the school district; and
5. the right to request that the hearing be recorded by the Assistant Director, and to receive a copy of the audio recording upon request. If the student or parent requests an audio recording, the Assistant Director shall inform all participants before the hearing that an audio record will be made and a copy will be provided to the student and parent upon request.

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

Based on the evidence, the Assistant Director shall determine whether the student committed the disciplinary offense, and, if so, after considering mitigating circumstances and alternatives to suspension, what remedy or consequence will be imposed, in place of or in addition to a long-term suspension. The Assistant Director shall send the written determination to the student and parent 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 Assistant Director and the parent. If the Assistant Director decides to suspend the student, the written determination will:

1. Identify the disciplinary offense, the date on which the hearing took place, and the participants at the hearing;
2. Set out the key facts and conclusions reached by the Assistant Director;
3. Identify the length and effective date of the suspension, as well as a date of return to school;
4. Include notice of the student's opportunity to receive education services to make academic progress during the period of removal from school;
5. Inform the student of the right to appeal the Assistant Director's decision to the Director or designee (only if the Assistant Director has imposed a long-term suspension). Notice of the right of appeal shall be in English and the primary language of the home if other than English, or other means of communication where appropriate, and shall include the following information stated in plain language:
 - a) the process for appealing the decision, including that the student or parent must file a written notice of appeal with the Director within five (5) calendar days of the effective date of the long-term suspension; provided that within the five (5) calendar days, the student or parent may request and receive from the

- Director an extension of time for filing the written notice for up to seven (7) additional calendar days; and that
- b) the long-term suspension will remain in effect unless and until the Director decides to reverse the Assistant Director's determination on appeal.

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

Appeal and Director's Hearing under §37H¾

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

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

The Director shall hold the hearing within three school days of the student's request, unless the student or parent requests an extension of up to seven additional calendar days, in which case the Director shall grant the extension.

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

The Director will conduct a hearing to determine whether the student committed the disciplinary offense of which the student is accused, and if so, what the consequence will be. An audio recording of the hearing will be made, a copy of which shall be provided to the student or parent upon request.

The student and parent shall have all the rights afforded them at the Assistant Director's hearing for long-term suspension, as detailed above in the sections entitled Assistant Director's Hearing under §37H¾: Short-term Suspension and Assistant Director's Hearing under §37H¾: Long-term Suspension.

The Director shall issue a written decision within five calendar days of the hearing. If the Director determines that the student committed the disciplinary offense, the Director may impose the same or a lesser consequence than the Assistant Director, but shall not impose a suspension greater than that imposed by the Assistant Director's decision. The decision of the Director shall be the final decision of the school.

In-School Suspension under §37H¾

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

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

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

The Assistant Director 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 Assistant Director is unable to reach the parent after making and documenting at least two attempts to do so, such attempts shall constitute reasonable efforts for purposes of verbally informing the parent of the in-school suspension.

The Assistant Director 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 Assistant Director, if such meeting has not already occurred). The Assistant Director 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 Assistant Director and the parent.

Removal from Privileges and Extracurricular Activities

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

Education Services and Academic Progress under §37H^{3/4}

Students serving an in-school suspension, short-term suspension or long-term suspension 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.

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

Appendix A

Discipline for Students with Disabilities

Students identified as having special needs

1. All RVCS students are expected to abide by the guidelines as set forth in this Code of Conduct. Chapter 71B of the Mass. General Laws, formerly known as Chapter 766, requires that additional provisions be made for students who have been found by an evaluation team to have special needs and whose individualized program is described in an Individualized Educational Program (IEP).

a. Students with Special Needs may be suspended for up to ten (10) consecutive days, and may also be suspended in excess of ten (10) cumulative days, as fully outlined under M.G.L.c. 71B, and the Individuals with Disabilities Education Act. Such suspensions may be carried out without any further or additional process.

b. Suspensions or exclusions in excess of ten (10) consecutive days or ten (10) cumulative days may also occur, provided that the conduct for which the student is being disciplined is not a manifestation of his/her disability, and the District provides educational services which will allow the student to access the general curriculum and to make progress toward his/her goals.

2. The Individuals with Disabilities Education (IDEA) and M.G.L. c. 71B allow school personnel to move a student with disabilities to an Interim Alternative Educational Setting (IAES) for up to 45 school days, if that student is in possession of a dangerous weapon at school or a school function or on school property, is in possession or uses a controlled substance or sells or solicits the sale of a controlled substance while at school or a school function or on school property, or inflicts serious bodily injury on a person, including him/herself. The appropriate interim alternative educational setting shall be determined by the IEP team.

3. The IDEA and M.G.L. c. 71B also allow school personnel the option of asking a hearing officer or a court to move children with disabilities to an interim alternative educational setting for up to 45 school days, if they are substantially likely to injure themselves or others in their current placement.

4. When a special needs student has been suspended for more than ten (10) consecutive or cumulative days in a school year, such that a substantial change in placement is occurring or will occur, the IEP TEAM will meet to conduct a manifestation determination. Relevant members of the TEAM meet for the manifestation determination, and they answer two questions, after reviewing relevant documents and the misconduct of the student:

- Is the misconduct the result of failure to implement the student's IEP? And
- Is the misconduct caused by, or does it have a direct and substantial relationship to the student's disability?

A summary of the manifestation determination review will be written and a copy provided to the Parent(s)/guardian(s) as soon as possible after the review, but no later than five (5) school days after the review.

5. If the IEP team finds that the misconduct was not a manifestation of the student's disability, then the student may be disciplined according to the discipline policy in the RVCS Code of Conduct. The student will receive educational services during this period of suspension or exclusion. If the IEP Team finds that the misconduct was a manifestation of the student's disability, then the school may still be able to implement an IAES (see # 2 and 3 above). If the IAES is not possible, then the student will remain in his/her current placement, and the team will

arrange for a functional behavioral assessment (if one has not been conducted on the student) and the development or modification of a behavior intervention plan.

6. The Director (or designee) will notify the Special Education Office of offenses that warrant a suspension of a special needs student and a record will be kept of such notices.

Students identified as having a disability and provided with a Section 504 plan

Section 504 of the Rehabilitation Act of 1973 is a federal statute which prohibits a qualified individual with a disability from being excluded from the participation in, denied the benefits of, or subjected to discrimination under any program or activity receiving Federal financial assistance because of his/her disability. 29 U. S. C.--794 and its implementing regulations, 34 C. F. R. 104 *et seq.*

1. All RVCS students are expected to abide by the guidelines as set forth in this Code of Conduct. A student on a Section 504 plan may be disciplined like any other non-disabled student. However, if the student is going to be suspended for ten (10) or more consecutive days, expelled or suspended for more than ten (10) cumulative days (and there is a change in placement as a result), then a manifestation determination review shall be conducted. The student's 504 team shall convene, and answer two questions after reviewing relevant documents and the misconduct of the student:

- Is the misconduct the result of failure to implement the student's 504 plan?
- Is the misconduct caused by, or does it have a direct and substantial relationship to the student's disability?

A summary of the manifestation determination review will be written and a copy provided to the parent(s)/guardian(s) as soon as possible after the review, but no later than five (5) school days after the review.

2. If the 504 team finds that the misconduct was not a manifestation of the student's disability, then the student may be disciplined according to the discipline policy in the RVCS Code of Conduct. The student will receive educational services during this period of suspension or exclusion. If the 504 Team finds that the misconduct was a manifestation of the student's disability, then the school may still be able to implement an IAES. If the IAES is not possible, then the student will remain in his/her current placement, and the team will arrange for a functional behavioral assessment (if one has not been conducted on the student) and the development or modification of a behavior intervention plan.

When a student with a disability is reported to the police for an alleged crime, special education and disciplinary records may be furnished to the police.

The Individuals with Disabilities Education Act Regulations at 34 CFR 300.535 state the following:

Nothing in this part prohibits an agency from reporting a crime committed by a child with a disability to appropriate authorities or prevents State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability.

An agency reporting a crime committed by a child with a disability must ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom the agency reports the crime. An agency reporting a crime under this section may transmit copies of the child's special

education and disciplinary records only to the extent that the transmission is permitted by the Family Educational Right and Privacy Act. (Authority: 20 U.S.C. 1415(k)(6).

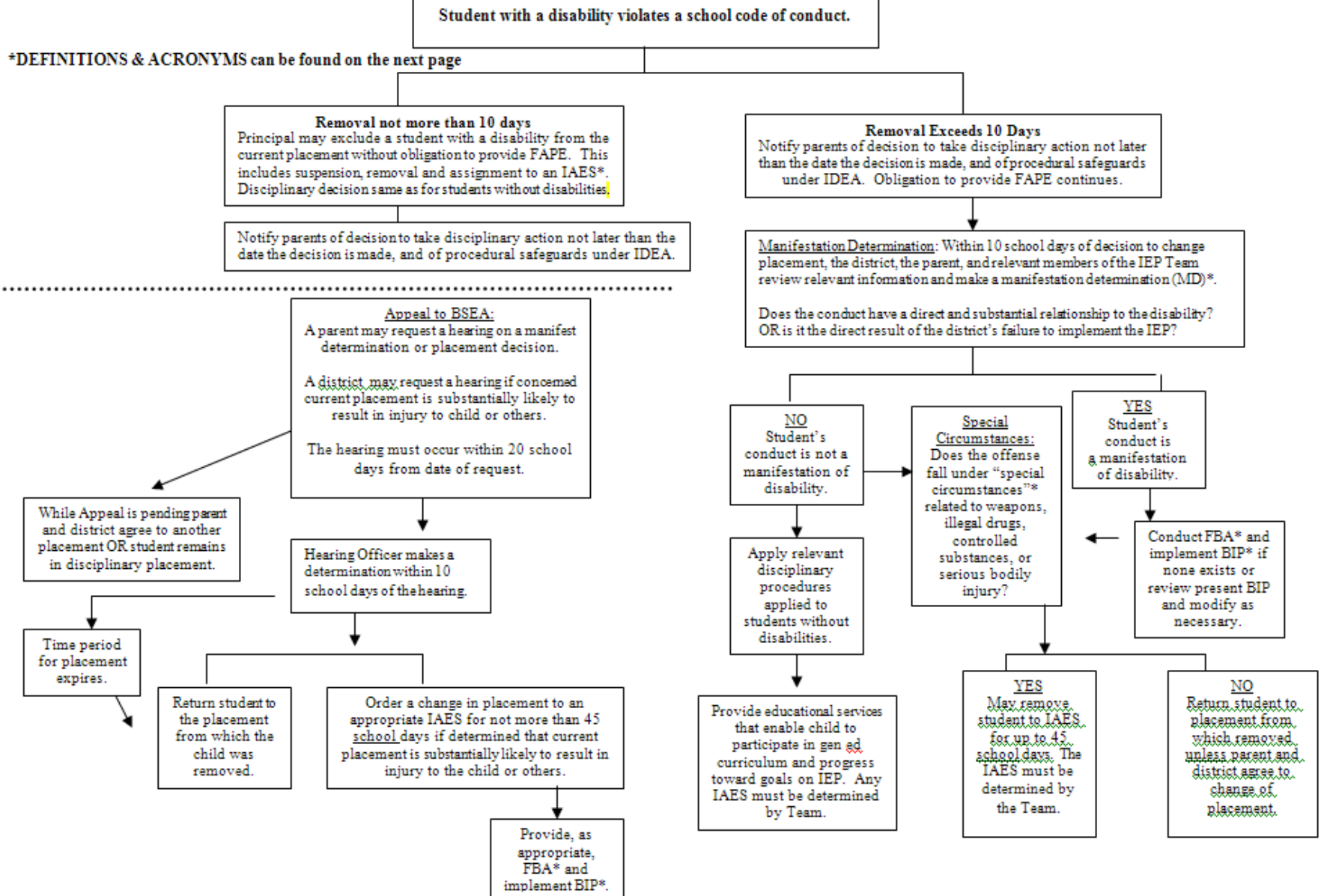




Placement in Disciplinary Procedures Under IDEA 2004: Section 615(k)

(to be read in conjunction with state law under M.G.L. c.71, §§ 37H & 37H1/2 & 37H3/4)

A Principal may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a student with a disability who, after a disciplinary hearing, has been found to have violated a school code of conduct.



***DEFINITIONS & ACRONYMS**

IAES - interim alternative educational setting

FAPE - Free and Appropriate Public Education – the student continues to receive educational services while in an IAES in order to progress toward meeting the goals set out in the student’s IEP

FBA - Functional Behavioral Assessment

BIP – Behavioral Intervention Plan for dispensing Behavior Intervention Services

LEA – Local Educational Agency

Manifestation Determination – a meeting to determine if the conduct in question was caused by, or had a direct and substantial relationship to, the student’s disability; or if the conduct in question was the direct result of the LEA’s failure to implement the IEP.

Special Circumstances – carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of a State or Local Educational Agency (LEA); knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of a State or local educational agency; or has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of a State or local educational agency.

Serious Bodily Injury – bodily injury that involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.