

# HINGHAM PUBLIC SCHOOLS



## CODE OF DISCIPLINE

2019-2020

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## CODE OF DISCIPLINE

TO: ALL STUDENTS

In the Hingham Public Schools, we subscribe to the “Rules of the Road.” These guidelines ask students to

- Treat each other with care and respect
  - Be kind.
  - Do not hurt anyone with your words, body, or any object.
- Support a positive learning environment
  - Be cooperative.
  - Do not interfere with teaching or learning.
- Be serious about learning
  - Work hard and honestly.
  - Pay attention and follow directions.
- Take care of your school
  - Do not damage, destroy, or steal any property.

We expect all Hingham Public Schools students to act within the spirit of the Rules of the Road and that they also respect all school rules and state laws. For those students whose behavior is unacceptable or in violation of stated rules and laws, there are consequences and they are clearly stated in the Code of Discipline. The Code of Discipline is intended to support our goal of a safe and secure environment that is conducive to student learning and personal growth.

We encourage students to experience the personal rewards of conduct that is commendable, the same kinds of rewards people experience when they have accomplished something worthwhile or have made a contribution to others through individual effort and initiative. Although all students should understand the expectations in this Code and be familiar with its contents, the majority of students – those who have learned self-discipline – will never experience the consequences associated with any misconduct that is specified.

If you have any questions or concerns related to the Code, please feel free to consult your teacher, counselor or principal. I also would be happy to meet with anyone regarding its interpretation or implementation.

Paul Austin, Ph.D.  
Superintendent of Schools

## CODE OF DISCIPLINE

One definition of discipline is “Training that is designed to provide a specified character or pattern of behavior, especially that which is expected to produce moral or mental improvement.” While the school, with reinforcement from the home, plays the primary role in development of a student’s intellectual capabilities, the development of proper social behavior is the responsibility of the home, with reinforcement from the school.

One shared objective of the home and school must be the development of self-disciplined adults who are prepared to assume responsibility for their actions. However, self-discipline is learned behavior. And because students learn at different rates, the school must maintain an imposed or external system of controls to provide guidelines and remediation for those whose mastery of self-discipline is below the established standards. Essentially, the Code of Discipline is the vehicle through which the school insures a safe and secure learning environment for all members of the school community.

In Hingham, the Code of Discipline is based on the following beliefs:

1. All students and their parents have the right to expect each school to have a stable, humane environment in which excellence of instruction may flourish.
2. All students and their parents have the right to expect prompt action in cases where unacceptable behavior interferes with teaching and learning or the wellbeing of others.
3. Good discipline helps students in their adjustment to school and society.
4. Students need a structured climate for optimal learning and development.
5. Students need to know the rules and regulations of the school and the consequences for violations of those rules and regulations.
6. Students must be assured that all rules and regulations will be consistently and impartially enforced.
7. Limitations and controls within a school are essential to a student’s personal development and to the smooth and safe functioning of the school.
8. Adults who participate in the discipline process must have a positive attitude toward students and a recognition of the goals of good discipline.

**The following Code of Discipline, as well as individual school handbooks, will regulate student behavior in the Hingham Public Schools by identifying unacceptable behaviors (violations) and their consequences.**

## **RULES AND REGULATIONS**

### **Introduction**

Although it is understood that some of the following rules and regulations might be more germane at one level of education than another, rules and regulations apply to all students, grades kindergarten through twelve.

In most cases, a conference involving the parents, the student, and the principal or assistant principal will precede the imposition of consequences arising from violations of the **Code of Discipline** by elementary students.

At all levels, the principal or designee will interpret these rules and regulations and will extend his/her application in a manner consistent with his/her intent, taking into consideration the age of the student and any unique or extenuating circumstances. The principal's designee is typically an assistant principal. At Hingham High School, assignment to "Saturday School" or in-school suspension may be offered (at principal's discretion) as an alternative to the stated consequence. The Hingham Middle School may also elect to implement (at the principal's discretion) an in-school suspension in place of the stated consequence.

## **CATEGORIES OF VIOLATIONS AND CONSEQUENCES**

The Hingham Public Schools administration has made an effort to detail numerous violations and their consequences. However, the list below is by no means exhaustive and the schools reserve the right to impose discipline for offenses not listed below, following the procedures detailed herein as they deem appropriate.

### **GROUP A**

#### **Violations**

1. Physical violence (battery) or threats of violence (assault) directed towards any member of the school staff.
2. Acts of arson, bomb threats, false alarms.
3. Sale or distribution of drugs on school property or at school-sponsored events, wherever held.
4. Possession, use, or threat to use weapons, such as guns, knives, clubs, slingshots, or other articles which may be determined dangerous, possession or sale of explosives (including fireworks).
5. Physical violence or threats of violence on school property or at a school-sponsored event wherever held.
6. Obtaining money, material goods, or favors by threat of physical harm.
7. Malicious destruction of, damage to, or theft of school or personal property.
8. Possession (e.g. on person, in locker, in car, etc.) or use (in the belief of the school administrator) prior to or at a school-sponsored event, wherever held, of drugs or alcoholic beverages.

9. Possession and/or use of drug paraphernalia or a substance represented as a drug.
10. Hazing as defined in Massachusetts General Laws Chapter 269 and 603 CMR 33.00.
11. Pendency, admission, or conviction of felony charges. See M.G.L. Chapter 71, Section 37H1/2.

### **Consequences**

Consequences for the foregoing offenses are within the sole discretion of the principal or his/her designee and may include, but are not limited to, one or more of the following.

Minimum five-day suspension from all classes and school activities; referral of the matter to the Police Department or Fire Department for appropriate action; requiring that the student provide restitution (in the amount necessary to restore the property or equipment to its original state) for any property damage or other monetary expense incurred as a consequence of the student's misconduct; referral to the Superintendent of Schools for further action as he/she deems fit, up to and including exclusion or expulsion.

Students believed by the administration to have engaged in hazing, as defined in MGL Chapter 269, will be suspended from extracurricular activity for the remainder of the season and other such punishment as required by Chapter 269.

Massachusetts General Laws Chapter 71, Section 37H and 37H1/2 provide that students may be suspended (excluded) or expelled by the principal with a right of appeal to the superintendent for certain of the offenses above. Full text of Sections 37H and 37H1/2 is also printed in the high school student handbook.

## **GROUP B**

### **Violations**

1. The use of obscene, abusive or profane language (oral, written, or gestured), derogatory in its nature and/or directed at an individual because of gender, gender identity, sexual orientation, religion, racial or ethnic origin, age or disability.
2. Harassment of any kind including, but not limited to threats, unsolicited remarks, gestures, physical contact or the display or circulation of written materials or pictures derogatory in nature and related to gender, gender identity, race, ethnicity, religion, age, sexual orientation, or disability.
3. Bullying as defined by M.G.L. C 71 S 37 O, as amended in 2013 and 2014.

### **Consequences**

Consequences for the foregoing offenses are within the sole discretion of the principal or his/her designee and may include, but are not limited to, one or more of the following.

Suspension from all classes and school activities; involvement of Police Department and/or DCF as principal deems it appropriate; referral to the Superintendent of Schools for further action as he/she deems fit, up to and including exclusion or expulsion.

### **GROUP C**

#### **Violations**

1. Forgery of a school-related document, willful use of a forged school-related document and/or tampering with a school-related document.
2. Failure to properly identify oneself upon request of school personnel acting in his/her official capacity.
3. Leaving the school building without permission, leaving school grounds without authorization, and/or truancy.
4. Behavior which might endanger persons or property and/or disrupts the orderly administration of the school (e.g., throwing snowballs, food, or other objects; making excessive noise).
5. Defiant behavior toward any school personnel whether on or off school property.
6. Failure to abide by guidelines for acceptable use of computers including access to the Internet.
7. Violations of academic integrity, including plagiarism (See school handbook for possible additional academic penalties.)
8. Failure to check in to school, failure to report to the office, failure to report to Saturday School or asked to leave Saturday School.
9. Disruptive, disobedient, or rude behavior.

#### **Consequences**

Consequences for the foregoing offenses are within the sole discretion of the principal or his/her designee and may include, but are not limited to, one or more of the following.

One or more days detention; Saturday School; one to three days suspension from all classes and school activities; referral to the Superintendent of Schools for further action as he/she deems fit, up to and including exclusion or expulsion.

### **GROUP D**

#### **Violations**

1. Failure to operate a motor vehicle in a safe and reasonable manner on school property, in the vicinity of a school, or when driving to and from school or to and from school-sponsored activities; wherever held.
2. Failure to follow student parking guidelines (see H.H.S. Handbook).
3. Unexcused tardiness to school or to class.
4. Class cuts (see school handbooks for other penalties).
5. Gambling, unauthorized card playing, improper use of radios, tape recorders, cell phones, pagers, (or any other electronic equipment deemed by the administration to be distracting or disruptive to the learning environment) cameras, roller blades, or skateboards.

### **Consequences**

Consequences for the foregoing offenses are within the sole discretion of the principal or his/her designee and may include, but are not limited to, one or more of the following.

One or more detentions; for violation of Group D-1 and D-2, loss of right to operate motor vehicle on school property; for violation of Group D-5, confiscation of listed items; referral to the Superintendent of Schools for further action as he/she deems fit, up to and including exclusion or expulsion.

## **GROUP E**

### **Violations**

Use or possession of tobacco products of any type including e-cigarettes, vaporizers, and vaping liquids on school grounds (including school buildings and buses) or at any school-sponsored activities.

### **Consequences**

Consequences for the foregoing offenses are within the sole discretion of the principal or his/her designee and may include, but are not limited to, one or more of the following.

First Offense: One day in-school suspension.

Second Offense: Three-day suspension from all classes and school activities.

Third Offense: Five-day suspension from all classes and school activities.

Further Violation: Minimum five-day suspension with additional consequences to be determined by the school administration.

## **REPEAT OFFENDERS**

1. For each academic year, any student who accumulates in excess of ten days of suspension will, at the principal's discretion, be referred to the Superintendent of Schools for such further action as he/she deems warranted.
2. For each academic year, any student who accumulates five days of detention with a teacher may be required to attend a conference with parents and the teacher. Further detentions with that teacher may result in referral of the matter to the principal for such action as he/she deems warranted.
3. Any student who accumulates five or more unserved office detentions may be subject to a one-day suspension. If suspended, the student will serve the detentions upon completion of the suspension. If the problem reoccurs, the length of subsequent suspensions may be increased.

**Discipline will be imposed for any other behavior not listed in Groups A-E above which constitutes a disruption to the educational process or threatens student wellbeing or staff safety or school security in any way.**

## SUSPENSIONS

The Hingham Public Schools adheres to the Student Discipline Laws and Regulations as set forth in Massachusetts General Laws Chapter 37H, 37H 1/2 and 37H 3/4 and 603 CMR 53.00 et seq.

### PROCEDURES FOR SHORT-TERM SUSPENSION

(exclusion of a student from school premises and regular classroom activities for a specified period of not more than ten school days.)

The principal, or his/her designee, may suspend students on a short-term basis. Unless a student poses a danger to persons or property, substantially and materially disrupts the order of school, possesses a firearm, controlled substance, or assaults a school staff member, the student will receive the following prior to a short-term suspension:

1. Oral and written notice of the charges in English and the primary language of the home if other than English. This notice shall include:
  - i. The disciplinary offense;
  - ii. The basis for the charge;
  - iii. The potential consequences, including the potential length of the suspension;
  - iv. The opportunity to have a hearing with the principal and the parent concerning the proposed suspension, including the opportunity to dispute the charges and to present the student's explanation of the alleged incident;
  - v. The date, time, and location of the hearing;
  - vi. The right of the parent and student to interpreter services at the hearing; and
  - vii. If the student may be placed on a long-term suspension following the hearing with the principal:
    1. The rights set forth under the "Procedures for Long-term Suspension." and
    2. The right to appeal the principal's decision to the superintendent.
2. At the hearing, if the student and/or parent elects to attend, the student shall have the opportunity to present his/her version of the relevant facts and any mitigating circumstances.
3. Based on the available information, the principal shall make a determination as to whether the student committed the disciplinary offenses and what remedy shall be imposed. The principal shall notice the student and parent in writing of his/her decision, the reasons for it, and, if applicable, the type and duration of the suspension and the opportunity to make up assignments and other academic work.



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

### **PROCEDURES FOR AN IN-SCHOOL SUSPENSION**

An in-school suspension means the removal of a student from regular classroom activities, but not from the school premises, for no more than ten (10) consecutive school days, or no more than ten (10) school days cumulatively for multiple infractions in one school year. If the principal chooses this alternative, the principal shall inform the student of the disciplinary offense charged and the basis for that charge and provide the student an opportunity to dispute the charge and explain the circumstances surrounding the charge. If an in-school suspension is issued, the principal shall make reasonable efforts to notify the parent orally of the disciplinary offense, the reasons for concluding that the student committed the offense, and the length of the in-school suspension.

### **PROCEDURES FOR LONG-TERM SUSPENSION**

#### **(exclusion of a student from school premises and regular classroom activities for more than ten school days.)**

1. In the event of a long term suspension or expulsion, the student will be provided oral and written notice of the charges in English and the primary language of the home if other than English. This notice shall include:
  - i. The disciplinary offense;
  - ii. The basis for the charge;
  - iii. The potential consequences, including the potential length of the suspension;
  - iv. The opportunity to have a hearing with the principal and the parent concerning the proposed suspension, including the opportunity to dispute the charges and to present the student's explanation of the alleged incident;
  - v. The date, time, and location of the hearing; and
  - vi. The right of the parent and student to interpreter services at the hearing.
2. In advance of the hearing, the student shall have the right to review the student's record and the documents upon which the principal may rely in making a determination to suspend the student.
3. The student shall also have the right to be represented by counsel or a lay person at the choice and expense of the student/parent.
4. At the hearing, if the student and/or parent elects to attend, the student shall have the opportunity to present his/her version of the relevant facts and any mitigating circumstances. The student shall also

have the right to produce witnesses and the right to cross-examine witnesses presented by the school.

5. The principal shall notice the student and parent in writing of his/her decision, including the following information:
  - i. The disciplinary offence, the date on which the hearing took place, and the participants in the hearing;
  - ii. The key facts and conclusions reached by the principal;
  - iii. The length and effective date of the suspension and the date of return to school;
  - iv. The notice of the student's opportunity to receive education services to make academic progress during the suspension;
  - v. The student's right to appeal the principal's decision to the superintendent or his/her designee if a long-term suspension has been imposed. All the same rights as are afforded in the above long-term suspension principal's hearing shall apply to the student in a superintendent's hearing. The decision of the superintendent shall be the final decision of the school district.
  - vi. If the student is in grades K-3, the principal shall send a copy of the written determination to the superintendent and explain the reasons for the suspension before the suspension takes effect.

## **STUDENT EXPULSION PROCEDURES**

Expulsion is the removal of a student from the school premises, regular classroom activities, and school activities for more than ninety (90) days, indefinitely, or permanently. Massachusetts General Laws Chapter 71, Section 37H provide that students may be expelled by the principal, with a right of appeal to the superintendent, for certain types of offenses. These offenses include (a) being in possession on school premises or at a school-sponsored or school-related event, including athletic games, of a dangerous weapon including, but not limited to, a gun or a knife; or a controlled substance as defined in Chapter 94C including, but not limited to, marijuana, cocaine, and heroin; and (b) assaulting a principal, assistant principal, teacher, teacher's aide or other educational staff on school premises or at a school-sponsored or school-related event, including an athletic game. Students charged with these offenses will be notified in writing of the opportunity for a hearing at which time the student may have representation and the opportunity to present evidence and witnesses on his behalf.

In addition, students may be suspended or expelled as a result of a felony charge, conviction, or admission, again with a right of appeal to the superintendent (M.G.L. c. 71, Section 37H1/2).

Students may also be expelled for other serious violations of school rules by recommendation of the Superintendent to the School Committee. The School Committee may conduct a formal hearing after written notice to the student of the charges and his right to representation and to present evidence and witnesses at any hearing.

### **ADDITIONAL PROCEDURAL PROTECTIONS FOR SPECIAL EDUCATION STUDENTS**

In general, special education students may be excluded from their programs for up to ten school days per school year just as any other student. However, when the district seeks to exclude a special education student from his/her program for more than ten school days in the school year, the student's special education Team must first determine whether the student's behavior was caused by, or was directly and substantially related to his/her disability or whether the conduct in question was the direct result of the district's failure to implement the student's IEP (a "manifestation determination"). If the Team determines that the behavior was a manifestation of his/her disability or was caused by a failure to implement the IEP, it must conduct a functional behavioral assessment and develop a behavior plan (or review and modify an existing plan, if necessary), and return the student to his/her current program, unless the student's parents and the district agree to a change in placement.

If the Team determines the behavior was not caused by, or directly and substantially related to the student's disability or failure to implement the IEP, the school may discipline the student according to the school's code of student conduct, except that during the period of suspension or expulsion, the district must continue to provide the student with a free appropriate public education (FAPE) and, if appropriate, conduct a functional behavior assessment and provide intervention services and modifications to prevent the conduct from recurring. If the conduct involves weapons, drugs, or serious bodily injury, a special education student may be removed to an interim alternative educational placement for up to 45 school days regardless of the behavior's relationship to his/her disability.

### **EDUCATIONAL SERVICES AND ACADEMIC PROGRESS DURING SUSPENSIONS AND EXPULSION**

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. The principal shall inform the student and parent of such opportunity in writing when such suspension or expulsion is imposed.

Any student expelled or suspended from school for more than ten (10) consecutive days, whether in school or out of school, shall have an opportunity to receive education services and make academic progress toward meeting state and local requirements, through a school-wide education service plan. This plan will be developed by the principal and shall describe the services that the school district will make available to students who are expelled or suspended for ten (10) or more consecutive days. The plan will include the process for notifying such students and their parents of the services and arranging the services.

### **RIGHT TO DUE PROCESS**

A student's right to due process means that the rules are applied fairly and that the student has notice of the charged violation of school rules and an opportunity to explain him/herself. Some of the steps in affording procedural due process will vary in degree of formality according to the degree of the disciplinary sanction which might be imposed.

### **CIVIL RIGHTS PROTECTIONS**

It is the policy of the Hingham Public Schools that all programs, activities, courses of study, and employment opportunities are offered without regard to race, color, sex, religion, national origin, sexual orientation, gender identity, or disability.

The Coordinator of Title VI of the Civil Rights Act of 1964 for the Hingham Public Schools is the Superintendent of Schools. Title VI "prohibits discrimination, exclusion from participation, and denial of benefits based on race, color, and national origin."

The Coordinator of Title IX of the Education Amendment of 1972 for the Hingham Public Schools is the Assistant Superintendent of Schools. Title IX "prohibits discrimination, exclusion from participation, and denial of benefits in education programs based on sex."

The Homeless Liaison for the Hingham Public Schools is the Assistant Superintendent.

The Coordinator of Section 504 of the Rehabilitation Act of 1973 for the Hingham Public Schools is the Director of School Counseling. Section 504 "prohibits discrimination, exclusion from participation, and denial of benefits based on disability." The Director of Counseling is located at the high school, 781-741-1560. Anyone having questions or concerns about Title VI, Title IX, or the McKinney Vento Homeless Act should contact the appropriate person in writing at 220 Central Street, Hingham, MA 02043, by Fax at 781-749-7457 or by calling the person at 781-741-1500.

The contact for concerns about school facilities or accessibility of compliance with the Americans with Disabilities Act of 1990 (Title II) is the Director of Business & Support Services.

## **Grievance Procedure**

1. Any employee or student who believes that he or she has been discriminated against should contact in writing the appropriate coordinator as soon as possible, normally within thirty days of the discrimination.
2. The Coordinator will meet with the person(s) to discuss the situation within seven days of receiving the written complaint.
3. The Coordinator will have fourteen days to respond to the grievance in writing.
4. If the grievance is not settled at this level, a representative from the Office of Civil Rights Department of Education will be contacted for remediation.

## **HARASSMENT AND BULLYING**

The Hingham Public Schools strive to maintain an environment free of harassment and bullying. Students and adults are expected to treat one another with courtesy and respect at all times. Harassment includes but is not limited to threats, unsolicited remarks, gestures, physical contact, or the display or circulation of written materials or pictures derogatory in nature and related to gender, gender identity, race, ethnicity, religion, age, sexual orientation, or disability. Bullying is defined by M.G.L. C 71 S 37 O, as amended in 2013 and 2014. Harassment or bullying of any type must be reported immediately to a school counselor or administrator who will conduct an investigation and take steps to resolve substantiated claims. If the problem persists or if an individual is not satisfied with the resolution of the complaint at this level, he/she should pursue the matter with the principal or with the Superintendent if the problem remains unresolved. In serious situations, the Department of Children and Families (DCF) and/or the police may be notified.

It is the policy of the Town of Hingham to promote and maintain a working and educational environment which is free from sexual harassment. Sexual harassment violates state and federal law, and therefore, the policies of the Town of Hingham. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly, a term or condition of an individual's employment, or success as a student; (2) submission to or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual; or (3) 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 educational environment.

Each employee and each student in the Hingham Public Schools is personally responsible for the following:

Ensuring that his/her conduct does not sexually harass any other 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 sexual harassment by providing any information (s)he possesses concerning the matters being investigated and

Otherwise cooperating with efforts to prevent and eliminate sexual harassment so as to maintain a learning environment free from such unlawful discrimination.

For any alleged sexual harassment violations involving a student by staff or by other student(s), the Superintendent of Schools has designated the principal of the school attended by student(s) involved in the alleged sexual harassment violation, as the Grievance Officer. The principal, as outlined in the established procedure, will present investigation findings to the superintendent and may notify DCF and/or police for suspected violations that are covered by M.G.L. C119, S 51A or the Child Endangerment Act. The Director of Student Services is the Grievance Officer for alleged sexual harassment violations between adults in the school community.

If you need this booklet translated, please contact the main office of your child's school.

Se você necessitar este livreto traduzido, contate por favor o escritório principal da escola da sua criança.

Si usted necesita este librete traducido, entre en contacto con por favor la oficina principal de la escuela de su niño.