

DISCIPLINE

Code of Conduct

Students in the Old Colony Regional Vocational Technical High School are expected to treat all members of the school community with dignity and respect. The school community is defined as all those people who work or interact in the school. Students, teachers, administrators, guidance counselors, custodians, secretaries, cafeteria workers, teacher aids, and school visitors are part of this community.

Each person in the school must have the opportunity to grow personally, socially, and intellectually, as well as the opportunity to exercise his/her rights in a positive and constructive way. Thus, all members of the school community have the responsibility to conduct themselves in a way that demonstrates a respect for all individuals, their rights, and their property. All members of the school community must also understand and support the standards of conduct of the school and assist in the enforcement of rules and regulations. This behavior is expected during all curricular, co-curricular, athletic and special events of the school both on and off campus (e.g. graduation, graduation related activities, school dances and proms, athletic events at another school, Skills USA, etc.) including school-sponsored trips and those times when school buses or other school provided transportation is used.

A student's participation in co-curricular or athletic activities is a privilege, not a right or entitlement.

Because the school is interested in maintaining the quality and integrity of its programs throughout the school year, infractions of school rules which occur after May 1st of any school year may be subject to further penalties in addition to those listed below, which include but are not limited to, removal from school activities, senior class activities, and/or participation in graduation activities or ceremonies.

Discipline Procedures:

Under the Fourteenth Amendment to the Constitution, students are guaranteed due process and fair treatment at school. Therefore, prior to a school administrator taking disciplinary action against a student, the school administrator shall provide the student with appropriate due process. When the disciplinary action consists of ten days of suspension or a lesser penalty, this process shall consist of informing the students of the charges against him/her and giving the student an opportunity to respond. More formal procedures must be followed when the discipline proposed is greater than ten days of suspension.

Students may have additional rights pursuant to laws governing the provision of educational services to students with disabilities.

These rules and regulations may be supplemented by teachers' rules for individual shops and classes. The academic/vocational success and safety of students are contingent on students maintaining appropriate and responsible behavior. Therefore, in addition to disciplinary actions imposed by the teacher for inappropriate behavior in class, shop and/or the disciplinary action provided in this handbook, any student reported to be disruptive in class or shop and/or in violation of the safety precautions established by the teacher may be removed from that class/shop for a period of time designated by an administrator.

The administration will make every effort to notify parents by telephone of a student's suspension. All suspensions are confirmed by letter as soon as possible after the penalty is imposed. Because all members of the school community are subject to both the laws of the Commonwealth and Town Ordinances, the school will report acts, which may violate the law to the police as appropriate. These acts include, but are not limited to possession and use of controlled substances and weapons; illegal use of alcohol; behavior of students which endangers the safety of themselves or others; theft; improper use of motor vehicles; vandalism, etc.

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Penalties or suspensions will be served on those dates specified by the administration. Suspensions will be served on consecutive days. If a suspension ends on the day prior to a weekend or vacation, then the student is ineligible to participate in or attend any activities on the following day. When the period of suspension includes a weekend or vacation period, the student is ineligible to participate in or attend any activities throughout the entire period. Students who are suspended from school are not allowed to be in school or on school property at any time during the period of suspension and are not allowed to attend any school-sponsored activities.

In determining the severity of the penalty or suspension, the administration may consider all relevant factors, including, but not limited to the following:

- a. the student's previous disciplinary record.
- b. the severity of disruption of the educational process.
- c. the degree of danger to self, others, and the school in general.
- d. the degree to which the student is willing to change his/her inappropriate behavior.

All rules and regulations are subject to review through the School Council.

Any student who negligently disregards or willfully disobeys the proper rules, instructions or orders of the school or any administrator, teacher or employee of the school while at any function under school supervision may be disciplined including possible suspension or permanent exclusion depending on the facts involved.

Any student who has been suspended on three (3) occasions during any one (1) school year, and who thereafter engages in conduct for which the student might be suspended, shall have his case referred to the Superintendent-Director for his actions. The Superintendent-Director may refer the matter to the school committee for their actions, or may impose discipline as follows:

- A. The school committee authorizes the Administration after a hearing to suspend a student from school for violation of school rules for a period not to exceed forty-five (45) school days, and the withdrawal of all after school privileges for a period not to exceed one (1) calendar year.
- B. Withdrawal of all or selected school privileges (to include suspension of driving/parking privileges) except class attendance or academic work, which withdrawal may include the privilege to enter or remain on school property or attend school functions off school property except at times specifically designated by Superintendent-Director.

SUSPENSION PROTOCOL

Any student who negligently disregards or willfully disobeys the proper rules, instructions, or orders of the school including functions under school supervision may be disciplined including possible suspension or permanent exclusion depending upon the facts involved. In cases of severe violations of school rules, the administration may immediately refer students for an Exclusionary Hearing before the School Committee's Discipline Sub-Committee.

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1st Suspension

A student who is suspended for the first time shall receive a letter sent registered mail return receipt requested from the Administrative Assistant. Such letter shall clearly identify the action to be taken should a second suspension occur.

2nd Suspension

Upon completion of the suspension a mandatory parent/guardian conference will be scheduled. The conference shall be scheduled no later than three (3) days following the end of the suspension period. The Administrative Assistant shall chair the meeting and participants will include the child's guidance counselor will determine if academic or vocational placement is causing the discipline referrals. The parent/guardian, as well as the student, will sign a statement acknowledging the consequences to be faced in the event that a future suspendable offense occurs and that the child will not be allowed to return to school until an Administrative Hearing is scheduled. As with the first suspension, the Administrative Assistant shall notify the parent/guardian of the suspension.

3rd Suspension

A student suspended for a third time shall not be allowed to return to school until an Administrative Hearing is conducted. The Principal shall chair the Hearing with the Administrative Assistant in attendance. If the student receives Special Education Services, the Special Services Coordinator shall participate. In addition, the child's guidance counselor shall attend. At the conclusion of the Hearing a determination shall be made to:

(1.) Allow the student to return to school under a written probationary contract.

-or-

(2.) Refer the child to the Superintendent-Director. The student shall remain suspended until the meeting occurs. The Superintendent-Director upon hearing the matter shall readmit the student under a written probationary contract or refer the student for an Exclusionary Hearing before the School Committee's/Discipline Sub-Committee.

4th Suspension

A student suspended for a fourth time shall not be allowed to return to school until a meeting has been scheduled with the Superintendent-Director. The length of the 4th suspension shall be determined by the Superintendent-Director. At the meeting, the parent/guardian and the student will be expected to justify the child's continued enrollment at Old Colony. At the conclusion of the meeting a determination shall be made to:

(1.) Readmit the student under a written probationary contract.

(2.) Refer student for an Exclusionary Hearing before the School Committee's Discipline Sub-Committee.

5th Suspension

Automatic referral to the School Committee's Discipline Sub-Committee. The student will remain under suspension until the date of the Exclusionary Hearing.

TYPES OF SUSPENSIONS

In-School- A student placed on in-school suspension will be confined to the In-School Suspension Room. The student will be denied all customary privileges.

Out Of School- A student will receive a zero if suspended on a shop day. He/she will be able to make up tests and quizzes for academic classes.

Listed below are the violations which will result in referral to the administration and may result in suspension or permanent exclusion.

1. SMOKING

Section 37H Chapter 71 of the Acts of 1993, prohibits the use of any tobacco products within the school buildings, the school facilities or on the school grounds or on school buses by any individual.

Smoking is prohibited by law. Tobacco products will be confiscated by the administration.

- 1st Offense: Alternative Detention
- 2nd Offense: Saturday Detention
- 3rd Offense: Saturday Detention
- 4th Offense: One-day Outside Suspension, (1) unexcused absence

2. ASSAULT/BATTERY AND DEFAMATION

Any student who directly or indirectly while on school property, or a school bus, or while under school supervision, or at any place where a school supervised activity is taking place, assaults, batters or threatens and/or puts another person in fear or the safety of his/her person or property may be suspended or permanently excluded from school, depending on the facts of situation.

Any student who intentionally abuses the dignity of another person through insulting or degrading personal remarks or conduct, shall be subject to possible suspension.

3. CRIMINAL VIOLATIONS

Violators of criminal laws must understand that criminal behavior may be handled in the courts, in addition to the penalties imposed as part of school discipline.

4. MALICIOUS DESTRUCTION OF SCHOOL OR PRIVATE PROPERTY

The malicious destruction of school or private property is a crime under the laws of the Commonwealth and the persons believed to be guilty will be prosecuted.

A student who has willfully or maliciously damaged property may be suspended or permanently excluded from school depending on the facts. In all such cases a student will be assessed for the replacement cost of the damaged property.

5. ALCOHOLIC BEVERAGES

Use, possession, sale, receipt, or transportation of alcoholic beverages as defined by General Laws, Chapter 138 is prohibited.

Being under the influence of alcoholic beverages, influence of drugs or smelling of alcohol so as to be readily evident to persons nearby shall result in suspension.

6. FIGHTING

A student involved in a fight or physical confrontation will receive a suspension. The number of days will depend on the severity of the fight. Fighting could also result in police involvement.

7. THEFT

All thefts large and small must be reported to the Administration immediately.

Thefts may be reported by the school to the Rochester Police Department which could result in criminal proceedings.

Loss or damage to district property through theft made possible by neglecting to use available security measures will be at the financial responsibility of the person to whom the property was entrusted.

8. OBSCENITIES

The use of obscenities or obscene behavior directed at an instructor or staff member.

9. LASER DEVICES

Use of any laser device is strictly prohibited.

10. SAFETY VIOLATIONS

Violation of safety rules - SERIOUS HORSEPLAY - A student participating in serious "horseplay" in shop, academics, or any area under jurisdiction of the school, that could possibly harm others or damage the school will be suspended from school.

11. INHALANTS

Inhalants are substances which are sniffed by students for the purpose of becoming high. These items may include, but are not limited to, gasoline, sprays, typing white out, propane, lighter fluid, "whippet", laughing gas, etc. Usage or possession of these items, is a suspensible offense. Items used in conjunction with shop, academic work, or learning activities, and with the permission of the teacher, is acceptable.

12. GAMBLING

No gambling of any kind is allowed on school property.

13. CONTROLLED SUBSTANCES (refer to #15 & #16)

Use, possession, sale, receipt, keeping, or transportation of a controlled substance, drug paraphernalia or conspiring to do any of these may result in police involvement, suspension, and/or referral to the Principal.

14. WEAPONS (See #16)

The use of any device or object which may be used to threaten or endanger the safety and well being of students and staff.

15. Massachusetts General Law. Chapter 71, Section 37H

(a) Any student who is found on school premises or at school sponsored or school related events, including athletic games, in **possession of a dangerous weapon**; including, but not limited to, a gun or knife; or a **controlled substance** as defined in chapter ninety-four C, including, but not limited to, marijuana, cocaine, and heroin, may be subject to expulsion from school or school district by the Principal.

(b) Any student who **assaults a school administrator, teacher, teacher's aid or other educational staff** on school premises or at school sponsored or school related events, including athletic games, may be subject to expulsion from the school or school district by the Principal.

(c) Any student who is charged with a violation of either paragraph (a) or (b) shall be notified in writing of an opportunity for a hearing; provided, however, that the student may have representation, along with the opportunity to present evidence and witnesses at said hearing before the Principal. After said hearing, the Principal may, in his discretion, decide to suspend rather than expel a student who has been determined by the Principal to have violated paragraph (a) or (b).

(d) Any student who has been expelled from a school district pursuant to these provisions shall have the right to appeal to the Superintendent-Director. The expelled student shall have ten days from the date of the expulsion in which to notify the Superintendent-Director of his appeal. The student has the right to counsel at a hearing before the Superintendent-Director. The subject matter of the appeal shall not be limited solely to a factual determination of whether the student violated any provisions of this section.

(e) When a student is expelled under the provisions of this section and applies for admission to another school for acceptance, the Superintendent of the sending school shall notify the Superintendent of the receiving school of the reasons for the pupil's expulsion.

(f) A student transferring into Old Colony must provide the school system with a complete school record of entering student. Said record shall include, but not limited to, any incidents involving suspension or violation of criminal acts or any incident reports in which such student was charged with any suspended act.

16. Massachusetts General Law. Chapter 71, Section 37H ¹/₂

Notwithstanding the provisions of section eighty-four and sections sixteen and seventeen of chapter seventy-six:

(1) Upon the issuance of a criminal complaint charging a student with a felony or upon the issuance of a felony delinquency complaint against a student, the principal or headmaster of a school in which the student is enrolled may suspend such student for a period of time determined appropriate by said Principal if said Principal determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school.

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The student shall receive written notification of the charges and the reasons for such suspension prior to such suspension taking effect. The student shall also receive written notification of his right to appeal and the process for appealing such suspension; provided, however, that such suspension shall remain in effect prior to any appeal hearing conducted by the Superintendent-Director.

The student shall have the right to appeal the suspension to the Superintendent-Director. The student shall notify the Superintendent-Director in writing of his request to appeal no later than five calendar days following the effective date of the suspension. The Superintendent-Director shall hold a hearing with the student and the student's parent or guardian within three calendar days of the student's request for an appeal. At the hearing, the student shall have the right to present oral and written testimony on his behalf, and shall have the right to counsel. The Superintendent-Director shall have the authority to overturn or alter the decision of the Assistant Superintendent-Director, including recommending an alternate educational program for the student. The Superintendent-Director shall render a decision on the appeal within five calendar days of the city, town or regional school district with regard to the suspension.

(2) Upon a student being convicted of a felony or upon an adjudication or admission in court of guilt with respect to such a felony or felony delinquency, the Principal of a school in which the student is enrolled may expel said student if such Principal determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school. The student shall receive written notification of the charges and reasons for such expulsion prior to such expulsion taking effect. The student shall also receive written notification of his right to appeal and the process for appealing such expulsion; provided, however, that the expulsion shall remain in effect prior to any appeal hearing conducted by the Superintendent-Director.

The student shall have the right to appeal the expulsion to the Superintendent-Director. The student shall notify the Superintendent-Director, in writing, of his request for an appeal no later than five calendar days following the effective date of the expulsion. The Superintendent-Director shall hold a hearing with the student and the student's parent or guardian within three calendar days of the expulsion. At the hearing, the student shall have the right to present oral and written testimony on his behalf, and shall have the right to counsel. The Superintendent-Director shall have the authority to overturn or alter the decision of the principal; or Assistant Superintendent Director, including recommending an alternate educational program for the student. The Superintendent-Director will render a decision on the appeal within five calendar days of the hearing. Such decision shall be the final decision of the city; town or regional school district with regard to the expulsion.

Upon expulsion of such student, no school or school district shall be required to provide educational services to such student. (This section was added by Chapter 380 of the Acts of 1993 on January 4, 1994.)

FIREARMS

Massachusetts General Law Chapter 71-Section 10 as added by Chapter 150 of the acts of 1987

Whoever not being a law enforcement officer and notwithstanding any license obtained by him/her under the provisions of chapter one hundred and forty, carries on his person a firearm as hereinafter defined, loaded or unloaded, in any building or on the grounds of any secondary school, college or university without the written authorization of the board or officer in charge of such school, college or university shall be punished by a fine of not more than one thousand dollars or by imprisonment for more than one year, or both. For the purpose of this paragraph, 'firearm' shall mean any pistol, revolver, rifle or smoothbore arm from which a shot, bullet or pellet can be discharged by whatever means.

DETENTION OFFENSES

The following are Detention Offenses and may be subject to other suitable disciplinary action (including suspension). The severity of each case will be determined by the Administration.

1. The presence of a student in other than the assigned place without a pass.
2. Entry into custodial and shipping/receiving area without proper authority.
3. Entry into gym locker room without proper authority.
4. Forgery
5. Loss or failure to return on a timely basis, important school documents.
6. Failure to report to teacher detention or administrative detention will result in alternative detention.
7. Unauthorized use of audio/visual and communication devices is prohibited unless it is a part of an educational exercise that has been approved by the administration.
8. The use of obscenities and obscene behavior.
9. Possession of tobacco products and tobacco paraphernalia, including, but not limited to, matches, lighters, papers, and chewing tobacco.
10. TRUANCY- A student who is absent from school except for an excusable cause may be deemed truant. This applies to students who may have entered upon district property sometime during the day as well as those who did not appear at all, and students with assignments away from school who do not report to the appointed place without a good cause. Any student who is truant will serve an alternative detention.
11. TARDY TO SCHOOL - Any student who is tardy more than three (3) times in a trimester or nine (9) times for the school year will receive the following disciplinary action:
 - 1st Offense- Warning
 - 2nd Offense- (1) Administrative Detention (unless accompanied by written excuse).
 - 3rd Offense- Loss of driving privilege for ten (10) days and/or one (1) Alternate Detention.

Excessive tardiness will be reviewed by the Administrative Assistant or the Assistant Superintendent-Director.
12. Open beverage containers are strictly prohibited.
13. Any display by a student(s) of intimate affection in the school or at a school function (i.e. kissing, holding hands, etc.) is not appropriate behavior. (Repeat offenders may be suspended.)
14. All cell phones must be turned off during shop and class time. Cell phones are not to be used during school hours unless it is a part of an educational exercise that has been approved by the administration.
15. Cheating and plagiarism is prohibited, and will result in the loss of credit.

AFTER-SCHOOL DETENTION

The rules governing the after school detention shall be as follows:

1. Hours:

2:20 p.m. - 3:20 p.m. Monday through Thursday

2. Referrals:

- A. Students assigned by the office to detention.
- B. If an assigned detention is given by a teacher on a Thursday, the student is expected to serve detention that night* (24 hour notice is not in effect on Thursday).

3. Behavior:

- A. All office referrals must be in detention by 2:20 p.m.
- B. All students must be quiet at all times.
- C. Students will be allowed to do academic and related work only.

4. Infractions and Penalties:

- A. Late to detention. One (1) additional detention
- B. Talking in detention:
 - 1. First offense, verbal warning.
 - 2. Second and subsequent offenses, one (1) additional detention for each offense.
- C. Repeated referrals by office or teacher:
 - 1. More than three (3) referrals in one (1) cycle, one (1) day suspension.

ALTERNATE DETENTION PROGRAM

The rules governing the Alternate Detention program shall be as follows:

*Old Colony reserves the right to use the Alternative Detention program in lieu of a suspension.

1. Hours:

2:20 p.m.- 5:20 p.m. Monday and Wednesday

2. Referrals:

- A. Failure to report for teacher or administrative detention

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- B. Excessive tardiness
- C. Smoking
- D. Truancy

3. Behavior:

- A. Students report directly to Alternative Detention at 2:20 p.m.
- B. Students must bring academic, related or shop textbook and materials.

4. Infractions or Penalties:

- A. Failure to report for Alternate Detention may result in a parent teacher conference the following day.

* Note: Buses will be provided when available. When buses are not available students will have to secure their own transportation.

SATURDAY SCHOOL PROGRAM

Assignment to Saturday school will be made by the School Administration. It begins promptly at 8:00 a.m. and ends at Noon. Saturday school will be assigned for failure to serve School Detention, Alternative Detention, and other violations of the Discipline Code. With administrative approval, a student may serve school detentions in Saturday school. Out-of-School Suspension days assigned due to failure to serve Saturday school are not school approved absences.

IDEA DISCIPLINE POLICY

Procedures for suspension up to 10 days and after 10 days: General requirements

1. Any eligible student may be suspended up to 10 days in any school year.
2. After a student with disabilities has been suspended for 10 days in any school year, during any subsequent removal the public school provides sufficient services for the student to continue to receive a free and appropriate public education.
3. The school provides additional procedural safeguards for students with disabilities prior to any suspension beyond 10 consecutive days or more then 10 cumulative days (if there is a pattern of suspension) in any school year.

Procedures for suspension of students with disabilities when suspensions exceed 10 consecutive school days or a pattern has developed for suspensions exceeding 10 cumulative days; responsibilities of the Team; responsibilities of the district.

1. A suspension of longer than 10 consecutive days or a series of suspensions that are shorter than 10 consecutive days but constitute a pattern are considered to represent a change in placement.

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2. Prior to a suspension that constitutes a change in placement of a student with disabilities, district personnel, the parent, and other relevant members of the Team, as determined by the parent and the district, convene to review all relevant information in the student's file, including IEP, any teacher observations, and any relevant information from the parents, to determine whether the behavior was caused by or had a direct and substantial relationship to the disability or was the direct result of the district's failure to implement the IEP- "a manifestation determination."
3. If district personnel, the parent, and other relevant members of the Team determine that the behavior is NOT a manifestation of the disability, then the district may suspend or expel the student consistent with policies applied to any student without disabilities, except that the district must still offer:
 - a. services to enable the student, although in another setting, to continue to participate in the general education curriculum and to progress toward IEP goals; and
 - b. as appropriate, a functional behavioral assessment and behavioral intervention services and modifications, to address the behavior so that it does not recur.
4. **Interim alternative educational setting.** Regardless of the manifestation determination, the district may place the student in an interim alternative educational setting (as determined by the Team) for up to 45 school days.
 - a. on its own authority if the behavior involves weapons or illegal drugs or another controlled substance or the infliction of serious bodily injury on another person while at school or a school function or considered case by case, unique circumstances; or
 - b. on the authority of a hearing officer if the officer orders the alternative placement after the district provides evidence that the student is "substantially likely" to injure him/herself or others.

Characteristics. In either case, the interim alternative education setting enables the student to continue in the general curriculum and to continue receiving services identified on the IEP, and provides services to address the problem behavior.

5. If district personnel, the parent, and other relevant members of the Team determine that the behavior IS a manifestation of the disability, then the Team completes a functional behavioral assessment and behavioral intervention plan if it has not already done so. If a behavioral intervention plan is already in place, the Team reviews it and modifies it, as necessary, to address the behavior. Except when he or she has been placed in an interim alternative educational setting in accordance with part 4, the student returns to the original placement unless the parents and district agree otherwise.
6. Not later than the date of the decision to take disciplinary action, the school district notifies the parents of that decision and provides them with the written notice of procedural safeguards. If the parent chooses to appeal or the school district requests a hearing because it believes that maintaining the student's current placement is substantially likely to result in injury to the student or others, the student remains in the disciplinary placement, if any, until the decision of the hearing officer or the end of the time period for the disciplinary action, whichever comes first, unless the parent and the school district agree otherwise.

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Procedural requirements applied to students not yet determined to be eligible for special education

1. 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:

- a. The parent had expressed concern in writing; or
- b. The parent had requested an evaluation; or
- c. 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.

2. 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.

3. If the student is found eligible, then he/she receives all procedural protections subsequent to the finding of eligibility.