match EDUCATION | Match Charter Public School

Student Discipline Policy for:

MATCH CHARTER PUBLIC SCHOOL

Introduction

The priority of Match Charter Public School ("Match") is to ensure the safety of every student and provide each student the opportunity to learn without unnecessary distractions and disruptions. Match has high expectations for student behavior, and strives to create and preserve a safe and focused learning environment.

Match employees use a large array of strategies to promote positive behavior and to correct violations of Match rules and policies. Match employees use positive reinforcement whenever possible, and employ various strategies to build a positive learning environment.

Disciplinary offenses are violations of Match rules and policies. Students may be disciplined for offenses that occur when a student is:

- at school and/or on school grounds;
- participating in a school-sponsored activity;
- waiting for or riding on school-related transportation;
- walking to or from, waiting for, or riding on public transportation to and from school or a school-sponsored activity; or
- outside of school where the student's conduct results in substantial disruption to the school environment and the student population.

For purposes herein, the Principal of each school or the Principal's designee ("responsible administrator") shall serve as the principal under 603 CMR 53.00. The Executive Director or the Executive Director's designee shall serve as the superintendent for purposes of conducting student disciplinary hearings under 603 CMR 53.00. As used herein, the term "parent" shall be defined as a student's father, mother, or legal guardian, or person or agency legally authorized to act on behalf of the student in place of or in conjunction with the father, mother, or legal guardian.

Violations of Match rules and policies may result in disciplinary consequences as set forth herein. Students may be subject to additional guidelines and consequences as determined by each school and as set forth in the Student and Family Handbook. In the event of a discrepancy between this Student Discipline Policy and any other policy, the former shall govern.

Prohibited Behavior

The following are examples of conduct that may lead to discipline, up to and including long-term suspension or, where permitted by law, expulsion. Students who engage in any behavior that violates Match rules and policies or is otherwise inconsistent with an appropriate educational environment may be subject to disciplinary action. Examples include, but are not limited to:

- Any violation of the Acceptable Use Policy or the Bullying Prevention plan, including cyberbullying or any form of online harassment, defamation, libel, slander, or threats
- Unwanted physical contact
- Any violation of the Discrimination and Harassment Policy and/or Sexual Harassment/Title IX Policy, including sexual or racial harassment
- Verbal assault
- Threats, written or verbal, online or offline
- Theft, including thefts committed off of school grounds
- Stealing or attempting to steal school property
- Trespassing, such as entering or going into an employee's personal space without the employee's explicit permission

- Graffiti, defacement, vandalism or damage to the facilities or the contents therein
- Violation of the Smoking Policy
- Leaving the school building without permission
- Interfering with the appropriate use of school emergency equipment, including, but not limited to, fire alarms, fire detectors, sprinklers, security cameras, or fire extinguishers
- Truancy
- Causing or attempting to cause damage to school property
- Extreme acts of disrespect, such as intimidating, harassing, hazing, spitting at, or causing physical harm to others
- Fighting
- Possession, use, distribution or display of drugs, alcohol or marijuana
- Violating any other Match rule or policy

Consequences

Match seeks to proactively decrease out-of-class discipline referrals and improve student engagement and academic success. To this end, Match will collaborate with diverse stakeholders to consider and implement school-wide models to engage and re-engage students in the learning process which include, but are not limited to, positive behavioral intervention and support models, and trauma-sensitive learning models. Match will also adequately train staff and monitor implementation to ensure these models and strategies produce desired outcomes.

Disciplinary offenses result in consequences subject to the discretion of the responsible administrator and may include taking a break from the classroom, mindfulness breaks to calm down and reset, cleaning up a mess you made (if the offense is related to damaging school property), loss of school privileges (socialization time, field trips), which, where the removal is solely from extracurricular activities or school-sponsored events, is not counted in calculating school days of suspension, apologizing for what happened orally or in writing, determination, school service, and for serious incidents, in-school suspension, short-term suspension, long-term suspension, and/or expulsion. In determining the appropriate disciplinary action, the responsible administrator may consider, among other things, the student's prior disciplinary record. Depending on the infraction, police may also be notified where appropriate. We value the skills of reflection and restoration when harm has been done and will work as partners with families to guide Match students in developing these skills.

Alternative Remedies (M.G.L. c. 71, §37H ¾)

Whenever an incident of student misconduct occurs that does not involve a violation of M.G.L. c. 71, §§37H or 37H ½, when deciding the consequences for the student, the responsible administrator shall consider ways to re-engage the student in the learning process. The responsible administrator shall not issue a short- or long-term suspension or expulsion until alternative remedies in direct response to a specific incident or incidents have been employed and their use and results are documented, unless:

- specific reasons are documented as to why such alternative remedies are unsuitable or counter-productive, or
- when the student's continued presence in school would pose a specific, documentable concern about the infliction of serious bodily injury or other serious harm upon another person while in school.

Alternative remedies may include, but shall not be limited to:

- mediation;
- conflict resolution;
- restorative justice; and
- collaborative problem solving.

Documentation of alternative remedies must describe the alternate remedies, the results of these efforts, and for instances when suspension is used, the reasons that alternative remedies would be unsuitable or counter-productive, or the specific concern about serious bodily injury or other serious harm being inflicted upon another person while the student is in school.
Implementation of a school-wide model to re-engage students in the learning process shall not be considered a direct response to a specific incident.

Notwithstanding the foregoing, Match may remove a student on an emergency basis without employing alternative remedies in accordance with the guidelines and procedures regarding emergency removals (see, "Emergency Removal," below).

Suspension and Expulsion Due Process

Except in the case of an emergency removal (see, "Emergency Removal," below), a student will be afforded due process prior to the discipline taking place, as set forth below. Disciplinary proceedings for students with disabilities will involve additional procedures as set forth in the Discipline for Students with Disabilities Policy.
In-School Suspension

An "in-school suspension" is a removal of a student from regular classroom activities, but not from the school premises for no more than ten (10) school days (consecutively or cumulatively for multiple infractions during the school year).

The procedure for an in-school suspension will be as follows:

1. The responsible administrator will inform the student of the disciplinary offense charged, the basis for the charge, and provide the student an opportunity to respond. If the responsible administrator determines that the student committed the disciplinary offense, the responsible administrator will inform the student of the length of the student's in-school suspension, which may not exceed ten (10) days consecutively or cumulatively in a school year.
2. On the same day as the in-school suspension decision, the responsible administrator will make reasonable efforts to notify the parent orally of the disciplinary offense, the reasons for concluding that the student committed the infraction and the length of the in-school suspension. The responsible administrator will also invite the parent to a meeting which will be scheduled on the day of the suspension if possible, and if not, as soon as possible thereafter. If the responsible administrator is unable to reach the parent after making and documenting at least two (2) attempts to do so, such attempts will constitute reasonable efforts for purposes of orally informing the parent of the in-school suspension.
3. The responsible administrator will send written notice to the student and parent about the in-school suspension, including the reason for and the length of the in-school suspension, and inviting the Parent to a meeting if a meeting has not already occurred. The responsible administrator will deliver such notice on the day of the suspension by hand-delivery, certified mail, first-class mail, email to an address provided by the parent for school communications, or by other method of delivery agreed to by the responsible administrator and parent.

An in-school suspension of more than ten (10) school days (consecutively or cumulatively in the school year) will be subject to the procedures for long-term suspensions (See, "Long-Term Suspension," below).

A student who has been sent to the office for half of the time that a school day is in session or longer has received an in-school suspension that must be implemented in accordance with the procedures detailed herein.

Short-Term Suspensions

A "short-term suspension" means the removal of a student from school for ten (10) or fewer school days (consecutively or cumulatively for multiple infractions during the school year).

Prior to imposing a short-term suspension for conduct not covered by M.G.L. c. 71, §§37H and 37H ½, the following procedures will be followed:

1. Notice: The parent and student must receive both oral and written notice. The written notice will be in English and in the primary language of the home if other than English, or by other means of communication where appropriate, and sent by hand delivery, first-class mail, certified mail, email to an address provided by the parent for school communications, or any other method of delivery agreed to by the school and parent. Such written notice will include the following:
    a. the disciplinary offense;
    b. the basis for the charge;
    c. the potential consequences, including the potential length of the student's suspension;
    d. the opportunity for the student to have a hearing with the responsible administrator concerning the proposed suspension, including the opportunity to dispute the charges and to present the student's explanation of the alleged incident, and for the parent to attend the hearing;
    e. the date, time, and location of the hearing; and
    f. the student and parent's right to interpreter services at the hearing if necessary.
2. Efforts to Involve Parents: The responsible administrator will make reasonable efforts to notify the parent of the opportunity to attend the hearing. The responsible administrator must document that the responsible administrator has sent written notice and has made at least two (2) attempts to contact the parent in the manner specified by the parent for emergency notification in order to conduct a hearing without the parent present.
3. Format of Hearing: The responsible administrator will discuss the disciplinary offense, the basis for the charge, and any other pertinent information. The student and the parent, if present, will have an opportunity to present information, including mitigating facts, that the responsible administrator should consider in determining consequences for the student.
4. Decision: The responsible administrator will provide written notice to the student and parent of the responsible administrator's determination and the reasons for it, and, if the student is suspended, the type and duration of suspension and the opportunity to make up assignments and such other school work as needed to make academic progress during the period of removal. The notice of determination may be in the form of an update to the original written notice of hearing. If the student is in preschool or in grades k-3, the responsible administrator shall send a copy of the written determination to the Executive Director and explain the reasons for imposing an out-of-school suspension before such suspension takes effect.

Long-term Suspensions and Expulsion

A "long-term suspension" is defined as a suspension, whether in-school or out-of-school, for more than ten (10) school days (consecutively or cumulatively for multiple disciplinary offenses during the school year). No long-term suspension for any reason shall extend beyond the end of the school year in which such suspension is imposed.

An "expulsion" is defined as the removal of a student from the school premises, regular classroom activities, and school activities for more than ninety (90) school days, indefinitely, or permanently, as permitted under M.G.L. c. 71, § 37H or § 37H ½.

Possession of Drugs or a Weapon, or Assault (M.G.L. c. 71, §37H)

Under M.G.L. c. 71, §37H, the Principal may suspend or expel a student under any of the following circumstances:

- Possessing a controlled substance, including, but not limited to, marijuana, cocaine, and heroin, and certain prescription medications
- Possessing a dangerous weapon,[1] including a gun or a knife

[1] This includes not only knives and guns, explosive devices and realistic replicas of such weapons/devices, but also other objects used to assault another person or to otherwise create a dangerous situation, such as a baseball bat, a pair of scissors, matches or a lighter. While such objects would not always constitute "dangerous weapons," administrators and educational

- Assaulting a principal, assistant principal, teacher, teacher's aide or other educational personnel

When considering expulsion for these offenses, the responsible administrator may place a student on short term suspension (ten days or less) based upon an informal hearing, to be followed by a formal hearing before the Principal within that period of suspension to determine whether to take additional disciplinary action, up to and including expulsion from school.

1. Informal Hearing. The informal hearing will be in the form of a conference between the student and the responsible administrator. At this conference, the student (1) shall be informed of the reason for the conference, (2) shall be given the opportunity to present the student's side of the story, and (3) shall be given a decision on the suspension. If the Principal deems delay of the hearing necessary to avoid danger or substantial disruption, this process may occur immediately after, rather than before, the suspension.
2. Efforts to Involve Parents. Prior to putting a suspension into effect, the Principal shall make reasonable efforts to inform the student's parent of the impending suspension by documenting that the Principal has sent written notice and has made at least two (2) attempts to contact the parent in the manner specified by the parent for emergency notification.
3. Formal Hearing. The responsible administrator shall provide written notice to the student and parent, in the parent's primary language, of a formal hearing before the Principal, which will take place prior to a suspension reaching more than ten (10) days in length (consecutively or cumulatively for multiple infractions during the school year). The notice will include the charges and a statement of evidence, the date, time and place of the hearing, and notice of the right to be represented by an attorney (at the student's expense) or other lay person, present evidence, and cross-examine witnesses. The school will record the hearing and a copy of such will be made available to the student upon request.
4. Decision. After the formal hearing, the Principal may, in the Principal's discretion, decide to suspend rather than expel a student who has been determined to have committed the disciplinary offense. Determinations shall be made in writing and sent to the student and parent.

As required by M.G.L. c. 71, §37H, the following statutory language is provided:

1. Any student who is found on school premises or at school-sponsored or school-related events, including athletic games, in possession of a dangerous weapon, including, but not limited to, a gun or a knife; or a controlled substance as defined in chapter ninety-four C, including, but not limited to, marijuana, cocaine, and heroin, may be subject to expulsion from the school or school district by the principal.
2. Any student who assaults a principal, assistant principal, teacher, teacher's aide 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.
3. Any student who is charged with a violation of either paragraph (a) or (b) shall be notified in writing of an opportunity for a hearing; provided, however, that the student may have representation, along with the opportunity to present evidence and witnesses at said hearing before the principal. After said hearing, a principal may, in his discretion, decide to suspend rather than expel a student who has been determined by the principal to have violated either paragraph (a) or (b).

Conviction or Charge of a Felony (M.G.L. c. 71, §37H ½)

Under M.G.L. c. 71, §37H ½, a student may be expelled for being convicted or being found guilty (by admission or adjudication) of a felony or felony delinquency, or may be suspended for being charged with a felony or felony

professionals will review the circumstances of each case and make a reasonable determination about whether a particular object in a student's possession constitutes a dangerous weapon in the school setting. Any illegal weapon will be turned over to the Police Department. Any student who brings a firearm to school will be expelled for a minimum of one school year, with exceptions granted only by the Executive Director in writing. This provision will be construed and applied consistently with the Individuals with Disabilities Education Act and with Match's Discipline for Students with Disabilities Policy, (The definition of a firearm includes but is not limited to guns (including a starter gun), bombs, grenades, rockets, missiles, mines and similar devices.)

delinquency, if the Principal has determined that the student's continued presence at school would have a substantial detrimental effect on the general welfare of Match.

Before an expulsion or suspension covered by this provision takes effect, the student shall receive written notification of the charges and the reasons for such suspension or expulsion. The student shall also receive written notification of the right to appeal and the procedure required, although the suspension or expulsion will remain in effect prior to any appeal hearing. (See, "Appeals," below).

Any Other Disciplinary Offense (M.G.L. c. 71, §37H ¾)

A student may receive a long-term suspension for other violations of Match rules and policies at the discretion of the responsible administrator after considering alternative forms of discipline. Suspensions in such circumstances will not exceed a total of 90 school days in a single school year.

Before a student receives a long-term suspension for an offense not covered by M.G.L. c. 71, §§37H and 37H ½, in addition to the procedures and rights detailed for a short-term suspension hearing (see, "Short-Term Suspension," above), the following procedures shall apply:

1. Student rights prior to the disciplinary hearing:
    a. the opportunity to review the student's record and the documents upon which the responsible administrator may rely in making a disciplinary determination in advance of the hearing;
    b. the right to be represented by counsel or a lay person of the student's choice, at the student's/parent's expense;
    c. the right to produce witnesses on the student's behalf and to present the student's explanation of the alleged incident, but the student may not be compelled to do so;
    d. the right to cross-examine witnesses presented by Match; and
    e. the right to request that the hearing be recorded by the responsible administrator, and to obtain a copy of the audio recording upon request, in which case the responsible administrator will notify all participants that an audio record will be made.
2. The written determination following the disciplinary hearing shall:
    a. identify the disciplinary offense, the date on which the hearing took place, and the participants at the hearing;
    b. set out the key facts and conclusions reached;
    c. identify the length and effective date of the suspension, as well as a date of return to school;
    d. include notice of the student's opportunity to receive education services to make academic progress during the period of removal from school; and
    e. inform the student of the right to appeal the responsible administrator's decision to the Executive Director, the procedure required to request an appeal (see, "Appeals," below), and that the long-term suspension will remain in effect until and unless the Executive Director decides to reverse the responsible administrator's determination. Notice of the right of appeal will be in English and the primary language of the home if other than English.

Emergency Removal

Notwithstanding the provisions for short-term suspension, long-term suspension, and expulsion set forth above, a student who is charged with a disciplinary offense under M.G.L. c. 71, §37H ¾ may be removed temporarily from school if the continued presence of the student poses a danger to persons or property, or materially and substantially disrupts the order of the school, and, in the responsible administrator's judgment, there is no alternative available to alleviate the danger or disruption.

The responsible administrator will immediately notify the Executive Director in writing of the removal and the reason for it and describe the danger or disruption caused by the student before the student is sent home.

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

1. 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 details of the incident that are required to be included in the written notice (see item 2, below);
2. provide written notice to the student and parent that includes the information required under "Short-Term Suspension" or "Long-Term Suspension" above (depending on the potential consequence;
3. provide the student an opportunity for a hearing with the responsible administrator, and the parent an opportunity to attend the hearing, before the expiration of the two (2) school days, unless an extension of time for a hearing is otherwise agreed to by the responsible administrator, student, and parent ; and
4. render a decision orally on the same day as the hearing, and in writing no later than the following school day.

A responsible administrator 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.

Appeals

Possession of Drugs or a Weapon, or Assault (M.G.L. c. 71, §37H)

A student who has been expelled from Match for possessing a controlled substance, possessing a dangerous weapon, or assaulting educational personnel shall have the right to appeal to the Executive Director. The expelled student shall have 10 days from the date of the expulsion in which to notify the Executive Director, in writing, of the student's appeal. At the appeal hearing, the student shall have the right to present oral and written testimony on the student's behalf, and the right to counsel at the student's own expense. The Executive Director shall render a decision on the appeal which shall be the final decision of the school.

As required by M.G.L. c. 71 §37H, the following statutory language is provided: Any student who has been expelled from a school district pursuant to these provisions shall have the right to appeal to the superintendent. The expelled student shall have ten days from the date of the expulsion in which to notify the superintendent of his appeal. The student has the right to counsel at a hearing before the superintendent. The subject matter of the appeal shall not be limited solely to a factual determination of whether the student has violated any provisions of this section.

Conviction or Charge of a Felony (M.G.L. c. 71, §37H ½)

A student who has been expelled for being convicted or found of a felony or who has been suspended for being charged with a felony, and the Principal has determined that the student's continued presence would have a substantial detrimental effect on the general welfare of Match has the right to appeal the expulsion to the Executive Director. The expelled or suspended student shall have five (5) days following the date of the expulsion to notify the Executive Director of the student's request for an appeal. The Executive Director shall hold the hearing with the student and the student's parent within three (3) calendar days of the request. At the appeal hearing, the student shall have the right to present oral and written testimony on the student's behalf, and the right to counsel at the student's own expense. The Executive Director will render a decision within five (5) calendar days of the hearing which shall be the final decision of the school.

Any Other Disciplinary Offense (M.G.L. c. 71, §37H ¾)

Any student who has received a long-term suspension for any violation other than those set forth in M.G.L. c. 71 §§ 37H or 37H ½, has the right to appeal the suspension to the Executive Director by providing written notice within five (5) days following the effective date of the suspension. The Executive Director must hold the hearing within three (3) school days of the student's request, unless the student or parent requests an extension of up to seven (7) additional calendar days. If the appeal is not filed within this time frame, the Executive Director may deny the appeal or may allow the appeal at the Executive Director's discretion, for good cause. The following requirements apply:

1. The Executive Director will make a good faith effort to include the parent in the hearing by attempting to hold the hearing on a day and at a time that would allow the Executive Director and the parent to participate. The Executive Director will send written notice to the parent of the date, time, and location of the hearing.
2. The Executive 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. The Executive Director will arrange for an audio recording of the hearing, a copy of which will be provided to the student or parent upon request, and inform all participants that the hearing is being recorded.
3. The student rights provided at the responsible administrator hearing will be available to the student at the appeals hearing (see, "Long-Term Suspension," above).
4. The Executive Director will issue a written decision within five (5) calendar days of the hearing which meets the requirements for a long-term suspension (see, "Long-Term Suspension," above). If the Executive Director determines that the student committed the disciplinary offense, the Executive Director may impose the same or a lesser consequence than the responsible administrator, but will not impose a suspension greater than that imposed by the responsible administrator.

The decision of the Executive Director constitutes the final decision of Match.

Continuation of Educational Services and Match Education Service Plan

While under an in-school suspension, a short-term suspension, a long-term suspension, or expulsion, students will have the opportunity to make academic progress. The Principal or responsible administrator will inform the student and parent of this opportunity in writing any time a suspension or expulsion is imposed. Students will be provided an opportunity to earn credits, as applicable, and make up assignments, tests, papers, and other schoolwork as needed to make academic progress during the period of the student's removal from the classroom. Students and parent will be notified in writing about this opportunity, in English and in the primary language spoken in the student's home if other than English, any time a suspension or expulsion is imposed.

For students who are suspended for more than ten (10) consecutive days or who are expelled, Match has developed a school-wide Education Service Plan. Match's Education Service Plan is subject to change, and may include, but is not limited to, tutoring, alternative placement, Saturday school, and online or distance learning. Match shall send a list of alternative educational services to students and parents of students who are expelled or have received a long-term suspension for more than ten (10) consecutive days. Match shall document the enrollment of every such student in education services, and shall track and report attendance, academic progress, and other data as required for data reporting purposes. The notice will include a list of the specific education services available to the student and the contact information of a Match employee who can provide additional information.

If the student withdraws from Match and/or moves to another school during the period of suspension or expulsion, the new school or district of residence shall either admit the student to its school or provide educational services to the student under the new district's or school's education service plan.

As required by M.G.L. c. 71 §37H, the following statutory language is provided: Any school district that suspends or expels a student under this section shall continue to provide educational services to the student during the period of suspension or expulsion, under section 21 of chapter 76. If the student moves to another district during the period of suspension or expulsion, the new district of residence shall either admit the student to its schools or provide educational services to the student in an education service plan, under section 21 of chapter 76.

Data Collecting and Reporting

Match shall collect and annually report to the Department of Elementary and Secondary Education data regarding its discipline of students as required. The responsible administrator shall periodically review discipline data (including in-school suspensions, short- and long-term suspensions, expulsions, and emergency removals) by selected student populations, such as race, ethnicity, gender, socioeconomic status, English language learner status, and student with a disability status. The responsible administrator will assess the extent and impact of specific disciplinary

consequences on student populations and determine whether it is appropriate to modify disciplinary policies or practices.

As required by M.GL. c. 71 §37H, the following statutory language is provided:

1. Districts shall report to the department of elementary and secondary education the specific reasons for all suspensions and expulsions, regardless of duration or type, in a manner and form established by the commissioner. The department of elementary and secondary education shall use its existing data collection tools to obtain this information from districts and shall modify those tools, as necessary, to obtain the information. On an annual basis, the department of elementary and secondary education shall make district level de-identified data and analysis, including the total number of days each student is excluded during the school year, available to the public online in a machine-readable format. This report shall include district level data disaggregated by student status and categories established by the commissioner.
2. Under the regulations promulgated by the department, for each school that suspends or expels a significant number of students for more than 10 cumulative days in a school year, the commissioner shall investigate and, as appropriate, shall recommend models that incorporate intermediary steps prior to the use of suspension or expulsion. The results of the analysis shall be publicly reported at the school district level.

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