



*making a difference ~ one student at a time*

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# Student & Family Handbook

2021-2022 School Year

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## **MISSION & VISION STATEMENT**

### **Who We Are**

Hill View Montessori Charter Public School (HVM) is a public school serving students primarily from Haverhill, Massachusetts. HVM was established by the Massachusetts Department of Elementary and Secondary Education (DESE) under the Educational Reform Act of 1993. The purpose of the organization is entirely educational, operating in full compliance with all laws and regulations governing charter schools.

### **Mission**

*The mission of Hill View Montessori Charter Public School is to provide a grade K-8 public education that promotes academic excellence using the Montessori philosophy. In partnership with teachers and parents, children will attain high levels of academic, personal and social achievement and so prepared, become constructive contributors to our community.*

As a Montessori charter public school, HVM offers its students differentiated curriculum and instruction in multi-age classrooms. Learning is maximized by teaching to student's individual academic level and by accessing each child's unique learning style. Classrooms contain a complete complement of Montessori-designed manipulatives and resource materials to facilitate inquiry and provide a deep understanding of abstract concepts. HVM is also committed to character education and integrates this into the Montessori classroom with ongoing lessons in grace, courtesy, respect and responsibility.

Students enroll in HVM by means of a public lottery for Massachusetts residents with preference first given to siblings of currently attending students and second to residents of Haverhill. Finally, non-residents are offered admission if there are no siblings or residents on the waitlist and there is space available.

### **Core Values**

The HVM core values are drawn from the mission statement and are used as guiding principles to direct the work of the Charter School. The core values are organized into four overarching categories as listed below.

#### **Preeminent Public Montessori**

- Provide a free Montessori education enhanced to ensure alignment with the MA Curriculum Frameworks
- Promote high levels of student achievement
- Measure achievement in multiple ways and use assessment data to inform instruction
- Promote a school wide culture of respect, open and honest communication, high expectations, and continuous growth through self-reflection
- Welcome learners' representative of the diversity in Haverhill, including socio-economic, cultural, and learning needs and styles

#### **Holistic Student Development**

- Support students' personal, social, and academic development
- Engage students in activities that teach them how to be competent, caring contributors to our community
- Model and promote Montessori values of grace, courtesy, respect, and responsibility
- Teach cooperative learning and conflict resolution skills
- Respect each student's unique learning style by individually tailoring learning supports
- Foster students love for learning
- Encourage students to take ownership for their academic and personal development

#### **School-strengthening Collaboration**

- Create teacher-parent-student partnerships to support student learning
- Involve and vest parents, teachers, and students in the Charter School's decision-making process and volunteer efforts

- Develop partnerships with local agencies, community service organizations, and businesses to enhance children’s health and learning (e.g., internships, service learning, etc.)
- Share information and best practices with other educators and community members

**High Quality Staff**

- Require lead teachers to hold Montessori certification and to obtain highly qualified status
- Educate all staff regarding Montessori philosophy and HVM curriculum, culture and processes
- Maintain high standards for accomplished teaching and learning, and provide adequate compensation

**Board of Trustees and Governance**

HVM is governed by a volunteer Board of Trustees. The Board has ultimate responsibility for the success of the Charter School and is accountable directly to the Massachusetts Department of Elementary and Secondary Education. The Board sets policy for the Charter School and hires and supervises an Executive Director, who, in turn, hires the staff of the Charter School. Working through the Executive Director, the Board ensures that all laws and regulations are being followed and that day-to-day operations are consistent with the mission of the Charter School. In consultation with the Executive Director, the Board develops and approves the annual budget for the Charter School

**Accountability**

The Massachusetts Department of Elementary and Secondary Education through charter school law, holds charter schools accountable for their mission and vision. During every year of a charter school’s existence, it is monitored via an oversight and evaluation process that includes the establishment of an Accountability Plan, annual reporting on goals identified in the Charter School’s accountability plan, and site visits. In addition, every five years a charter school must undergo a more rigorous accountability process during which time is “reapplies” for its charter. If a charter school is determined to be underperforming, it can be closed. This high level of accountability is accepted by charter public schools in exchange for the “freedom” to structure, organize, and create their own mission and academic programs.

The annual accountability process requires the Charter School to reflect and provide evidence on the following three questions:

1. Is the Charter School academically successful?
2. Is the Charter School a viable, stable organization?
3. Is the Charter School faithful to the terms of its charter?

**Administration of State Mandated Assessments**

As a charter public school, HVM is required to give the Massachusetts Comprehensive Assessment System (MCAS) tests for all students in grades 3-8. We review the performance scores and track the results over time as one way of determining academic success. The results of the Charter School’s performance on MCAS tests are available on the Massachusetts Department of Elementary and Secondary Education website at [www.doe.mass.edu](http://www.doe.mass.edu).

**Funding**

HVM is funded by a yearly allotment from the State of Massachusetts that is based on per-pupil expenditures from the sending district where the student resides. For each child that enrolls at HVM, HVM receives a tuition amount from the State equal to the per-pupil amount that the child’s sending district funds the local school. The State then deducts the same amount from the sending district’s state aid account. Like other public schools, charter schools are eligible to receive federal and state grant funds including Special Education and Title 1 funding.

While per pupil charter tuition covers basic operational expenses, it does not cover the Charter School’s facility costs nor the complete costs associated with an authentic Montessori program. As a result, the Charter School is committed to ongoing fundraising and grant writing.

**GOING TO SCHOOL AT HVM**

**School Day**

8:40 a.m. to 3:40 p.m.

### **Arrival**

School starts at 8:40 a.m. The staff is ready to receive children at 8:20 a.m.

The following procedures apply for students who are dropped off at school:

- Arrive at the school no earlier than 8:20 a.m.
- Upon arrival, pull to the rear of the school and follow traffic into the designated driving areas.
- **Do not park or drop off in the front of the school.** (This space is reserved for school buses.)
- If you have business in the school, pull around back into the designated travel areas and continue around the side of the building to park in visitor spaces or park in the designated parking area in the back of the school (heeding indications of the student play area).

### **Dismissal**

School ends at 3:40 p.m. **(12:00 p.m. on half days.)**

#### ***For Students Being Picked Up from School:***

- Drive to the designated pick-up area in the rear of the school. Staff will escort children out of the building and students will typically be waiting outside as you pull up.
- Staff will direct you and your child to ensure the swiftest dismissal possible.
- A family ID tag (*provided by the school*) with the student's last name should be made visible. If you need additional ID tags, please contact the front office at (978) 521-2616 extension 1021.

#### ***For Students Using Bus Transportation:***

- Bus transportation is available only to those students who reside in Haverhill. Families from outside of Haverhill must provide their own transportation. Information related to bus transportation can be obtained from the NRT Bus Company (978) 373-9891.

### **Emergency Contact Information**

Parents and guardians are required to give Emergency Contact information to the school upon enrollment, yearly after admission, and whenever the information changes. It is **imperative** that Charter School personnel be able to contact the parent/guardian in the event of an individual or school-wide emergency.

In the event that Emergency Medical Services (EMS/911) is called, EMS personnel will determine the best place for the child to be transported for medical care. The medical facilities in this area are Merrimack Valley Hospital (Haverhill), Holy Family Hospital (Methuen), and Lawrence General Hospital (Lawrence). You may alert the Charter School of your preferences and every effort will be made to honor your wishes but the final decision is made by the professionals that transport your child to the needed services.

### **School Closings or Delays**

The Haverhill Public School District provides transportation for HVM students. When the district schools are closed or have a delayed opening due to bad weather, HVM is also closed or has a delayed opening. School closings will be announced via phone message and email, local News Channels 4, 5, 7, and 25. It will also be posted on our Hill View Montessori Facebook Page. HVM, as our own individual district, can make the decision to open or close, even if HPS decides to do something different.

During delays, breakfast will still be provided to students and parents will still be charged for the meal.

### **Attendance Guidelines**

It is commonly accepted that student attendance rates impact student learning and affect a school's culture. The Department of Elementary and Secondary Education believes attendance to be so important that it requires public schools to report on student attendance. Excused absences, as defined by the DESE, are only those that occur due to a death in the family, religious holidays, court appearances/subpoenas, family emergencies or documented illness. All others are considered truancy. At HVM, attendance is consistently monitored.

Montessori philosophy requires that we respect the concentration and follow the level of development of each child. Teachers spend time and energy preparing curriculum and lessons for each day. Students are expected to attend school **on time** each day of the school year unless there is an emergency or a personal illness. Please help to ensure the development of your child's academic and social progress by avoiding unnecessary absences, tardiness and/or early dismissals.

### **Absence Procedures**

When a child is absent, the parent/caregiver must notify the Charter School before 9:00 a.m. by calling **(978) 521-2616, press 2**. All absences must be of an "excused" nature (absence types are described below). Extended excused absences, those that are more than five days, may require a note from the doctor before the child can return to school.

- Unexcused absences include oversleeping, missing the bus, car problems, family trips/vacations (which are considered unexcused by state law) or absences for illness for which no phone call was made to the school.
- Excessive absences from school can, in some cases, be considered child neglect. As mandated reporters for the State of Massachusetts, HVM is required to report excessive absences to the Massachusetts Department of Child and Family Services (DCF).
- If a student is absent, and the parent/guardian does not call before 9:00 a.m., the front desk will make a phone call home.

### **Tardiness**

The first half hour of class is very important, as that is when teachers and students discuss their plans for the day. Missing this time is problematic as it can have a negative impact on the child's whole day. **Any child who arrives at school after 8:40 is considered late**. The child must go to the front desk, accompanied by the parent/caregiver, to obtain a late pass. Students cannot enter class without a late pass. If a child arrives at school after 12:00, the child will be marked absent for the day.

### **Early Dismissal**

Ideally, children should be in school during all school hours. Please arrange appointments either after school hours or on half days. If it is necessary to make an appointment during school hours, please be sure to send a note to school.

### **Parent/Guardian Involvement**

HVM considers all caregivers vital partners in the education of their children. Therefore, parents are welcome at HVM and are given opportunities for participating in the Charter school community. All parents and school volunteers are required by law to have a criminal records check (CORI) and be CORI-approved by the Charter School.

### **Field Trips**

Teachers will periodically coordinate field trips to provide cultural, scientific, social, or educational experiences. Notices will be sent home in advance describing the objectives of the field trip and requesting volunteer drivers, if needed. Parents who volunteer to chaperone for field trips are expected to adhere to chaperoning guidelines and be CORI-approved.

Families for whom the expense of a fieldtrip is a hardship are encouraged to speak to the school administration and financial assistance can be provided.

**Food Allergies: Snacks and Lunch**

Some classrooms are peanut or tree nut free at HVM. Teachers and staff make their best efforts to monitor lunches, snacks, and foods brought in for celebrations but it is not feasible to say that no nuts will ever enter our building. We ask that parents check labels for nuts or nut ingredients.

We also have children with other food allergies in our school. When bringing food into the Charter School (other than packing lunch), please be sure to check with the classroom teacher or School Nurse to ensure an appropriate selection is made.

If your child has a food or other allergy, contact the School Nurse for information on how an individualized plan can be developed for your child to keep them as safe as possible while at school. Any medications that your child's doctor has prescribed for the treatment of food allergies should be kept in the School Nurse's Health Office.

**Breakfast and Lunches**

Breakfast is available to be ordered and is served from 8:20-8:40 am. For students who arrive later than 8:40, students will bring their breakfast and eat in the classroom.

For lunch, students can either bring their lunch or purchase it from the Charter School's lunch vendor. Lunch must be ordered and prepaid monthly when the order is placed.

For current information about lunch and breakfast programs contact the front desk at extension 1021.

Refunds for meals are only given for school cancelations and not for absences.

**Celebrations**

We discourage traditional classroom celebrations of birthdays, holidays, etc. where, for example, Valentine or "Secret Santa" notes and gifts are exchanged, students dress-up for Halloween, sweets are sent in to be shared, etc. We do this for a number of reasons; some students have differing religious beliefs that prohibit celebratory activities; we seek to minimize the consumption of sweets and encourage healthy eating habits; and we are committed to educating students about mass marketing/consumerism.

As an alternative, we advocate for celebrations that teach tolerance, peace and an understanding of multicultural differences. Please contact your child's classroom teacher to determine the individual classroom policy around celebratory activities.

**HVM SCHOOL CULTURE**

Our students are with us during their most developmental years, trusting us to build their character, knowledge, and relationship towards their own growth and learning. We are focused on helping each student strive towards independence by strengthening confidence, academic growth, leadership skills, and respect for others and their environment.

**Dress Code**

*See Appendix A*

**Cell Phone Policy**

*See Appendix B*

**Technology Acceptable Use Policy**

*See Appendix C*

**Student Code of Conduct**

*See Appendix D*

## **SUPPORT SERVICES**

### **District Curriculum Accommodation Plan**

Massachusetts Special Education Law requires that all school districts develop a District Curriculum Accommodation Plan (DCAP).

### **Special Education Service**

In accordance with state and federal regulations, students are ensured the right to a Free and Appropriate Public Education (FAPE) within the least restrictive environment. The Montessori educational model is well-suited to the inclusion model because it assumes that all students have different needs and learning styles. Within a Montessori classroom, there is an emphasis for all children to work at their own pace, using an individualized program and multi-sensory materials.

HVM provides instruction according to the inclusion model unless determined otherwise by the Special Education Team. Students who have an Individual Education Plan (IEP) receive extra assistance in the classroom and when necessary, direct services in the form of a "pullout" from class.

### **Family Education Rights and Privacy Act (FERPA)**

The Family Educational Rights and Privacy Act (FERPA) affords parents and students over 18 years of age ("eligible students") certain rights with respect to student's education records. These rights are:

(1) The right to inspect and review the student's education records within 45 days of the day the Charter School receives a request for access. Parents or eligible students should submit to the Executive Director a written request that identifies the record(s) they wish to inspect. The Charter School administrator will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

(2) The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA. Parents or eligible students who wish to ask the Charter School to amend a record should write the Executive Director, clearly identify the part of the record they want changed, and specify why it should be changed. If the Charter School decides not to amend the record as requested by the parent or eligible student, the Charter School will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

(3) The right to privacy of personally identifiable information in the student's education records, except to the extent that FERPA authorizes disclosure without consent. One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

### ***Parents who believe their FERPA rights have been violated may file a complaint with:***

*Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-5901*

### **Student Success Team (SST)**

The Student Success Team is a team of specialized school personnel that meet on an as-needed basis. The Student Success Team process is typically initiated by the classroom teacher if a student presents with either a learning or behavioral problem(s). The SST team members collaborate with staff members who need assistance problem-solving and generating ideas to address student(s) needs in their classrooms. They work with teachers to develop and implement strategies, modifications, accommodations, and interventions to ensure that by all means possible the child's needs are being met. The SST team meets on an ongoing basis to review and assess whether the developed action plan is successful. If no



further progress is made with the given supports, the student may be referred to HVM’s Special Education department for further evaluation. This specialized assistance team is a mandatory component of the Charter School’s Special Education pre-referral/Child Find process.

**504 Plans**

The requirements of the Americans with Disabilities Act (ADA), Section 504, define an individual with a disability as one whom: (1) has a physical or mental impairment that *substantially* limits one or more life activities; or (2) has a record of such impairment; or (3) is regarded as having such impairment. A 504 plan will be developed, as needed, to create specific reasonable accommodations to assist the student in the classroom.

**HEALTH SERVICES**

Hill View Montessori Charter Public School employs a full-time Registered Nurse. The major role of the School Nurse is to support students with chronic health conditions so that they may fully participate in the Charter School’s educational program while also providing care to students and staff who become acutely ill or injured during the school day. Parents are notified of treatment by letter, form, or phone call if needed. The School Nurse works in conjunction with all educational teams and Charter School administrators to ensure students have full access to the curriculum and to identify interventions or accommodations that may mitigate the need for a future Special Education referral or need for other support services.

In addition, the School Nurse coordinates and performs annual health assessments and developmental screenings for students including vision, hearing, height, weight, BMI, and postural screenings per Massachusetts Department of Elementary and Secondary Education and state Department of Health regulations. The following chart outlines which screenings are performed at the specific grade levels:

Screening Performed	Grade(s) Screened
Vision (Near, Far, Acuity, and Stereopsis)	KG through 5 <sup>th</sup> and 6 <sup>th</sup> , 7 <sup>th</sup> OR 8 <sup>th</sup> grades
Hearing	KG through 3 <sup>rd</sup> and 6 <sup>th</sup> , 7 <sup>th</sup> OR 8 <sup>th</sup> grades
Postural (Scoliosis)	5 <sup>th</sup> through 8 <sup>th</sup> grades
Height, Weight, and Body Mass Index (BMI)	1 <sup>st</sup> , 4 <sup>th</sup> , and 7 <sup>th</sup> grades
SBIRT (Screening, Brief Intervention and Referral to Treatment; Substance Use Screening)	7 <sup>th</sup> grade

**Medication Administration at School**

The Public Health School Health Services Department requires that certain procedures are followed with regard to the administration of medications to children at school. All HVM parents and staff/faculty must follow these guidelines and procedures. Medication is given **ONLY** by the School Nurse and requires the following:

1. **Written parental authorization** which indicates that the medication is for the specific child and filled out by the parent and submitted to the school nurse.
2. **Written order from the doctor** for all long term and “as needed” medications. Short term anti-biotic treatment may be given as defined by the original pharmacy. The labeled medicine container must include the child’s name; the name of the drug; the dosage (number of times per day and number of days the medication is to be administered); and the doctor’s name written by the pharmacist, The pharmacist may need to divide the medication into two bottles so that one can remain home and one can be sent to school. It is not convenient to transport this medication back and forth and may lead to missed doses.
3. All medication sent to the Charter School **MUST BE** in their original container.

4. The School Nurse will maintain a written record of the administration of any medication. The completed medication record shall be made part of the child's health record.

5. At HVM, all medications will be stored locked in the health office out of the reach of children and under proper conditions for sanitation, preservation, security and safety. All unused medications shall be disposed of, or returned to the parent, when no longer needed.

Parents may **NEVER** send medication to school with their child. It must be handed to the School Nurse or teacher from an adult.

***In the event that the School Nurse or Substitute Nurse is not available, no medication will be given. The parent or guardian is required to come to the Charter School and give the medication.*** This includes scheduled medication and over the counter medications. Epi-pens are an exception to this regulation. Massachusetts law allows trained staff members to administer Epi-pens in the case of a severe allergic reaction during the regular school day, at school-sponsored events, and on field trips.

### **Medications on Field Trips**

Special arrangements must be made to allow medication on field trips. Parents must contact the School Nurse so that accommodations can be made.

### **Allergy Awareness Policy**

HVM is committed to the health, safety, and independence of all students and seeks to balance the freedoms of the Charter School community with the needs of those who suffer from life threatening food allergies.

Children with severe allergies that may lead to anaphylaxis, must have an **Allergy/Food Allergy Action Plan** in place at the Charter School along with specific medications the child's doctor has ordered for the treatment of this condition.

### **Children with Asthma, Allergies, or any other Special Medical Needs**

For children who have other allergies or special medical conditions which will require limiting exposure to certain allergens or environmental conditions, parents must notify the School Nurse and the classroom teacher(s) as soon as possible. Parents are required to update this information every year and are required to let the Charter School know during the year if such a situation becomes known.

Children with other medical considerations such as diabetes, asthma, seizure disorder, or any other chronic medical condition should have an Individualized Health Plan (IHP), Asthma Action Plan (AAP), or an Emergency Medical Plan (EMP) in place. Contact the School Nurse for assistance with this at (978) 521-2626 ext. 1010. The School Nurse will contact any parent or guardian who lists a special medical consideration or allergy on the enrollment or medical forms. All medical plans must be updated annually.

Copies of all health forms and plans will be kept in the School Nurse's office and are only shared with those who have a "need to know" in order to assist the child with day-to-day learning or health needs. Parents are required to submit the Student Health Form at the beginning of each year, this includes HIPPA/FERPA Notice Information.

### **WHEN YOUR CHILD IS SICK**

Our main concern when children become ill is the comfort, well-being, and readiness of the individual child to learn, as well as the health of the other children and members of HVM staff. The following guidelines should be observed by parents:

Please **DO NOT** send your child to school if they have:

- fever of 100.3 or greater
- vomiting within the past 24 hours
- diarrhea within the past 8 hours
- rash not previously diagnosed by your child's doctor
- severe cold or cough

- conjunctivitis with drainage from the eye (may return after 24 hours of antibiotic treatment)
- impetigo (may return after 24 hours of antibiotics)
- strep throat (may return after 24 hours of antibiotics)
- any acute illness that does not allow them to fully participate in school activities

If it is determined that your child develops any of the above while in school, the parent, guardian, or a designated individual will need to pick your child up as soon as possible after receiving the notification.

The School Nurse and Administration may need to periodically revise any of the above guidelines based on local, state, or federal public health guidelines or mandates related to a public health outbreak.

It is important for you to notify the School Nurse if your child has been diagnosed with a contagious illness.

If you have questions about a certain illness, you may contact the School Nurse at any time at (978) 521-2616, extension 1010.

**Equal Employment Opportunity, Equal Access to Education, and Non-Discrimination Statement**

Hill View Montessori Charter Public School is committed to equal education opportunity for all students and equal employment opportunity for all employees and students. HVM’s policy of non-discrimination and equal opportunity extends to all employment and academic considerations and programs.

HVM commits to equal employment opportunity and equal access to education without regard to race, color, religion, sex, sexual orientation, gender identity, national origin, ethnicity, age, disability, veteran, genetic information, homelessness, foster care, military or marital status. HVM commits to making all reasonable efforts to ensure an environment free of discrimination or harassment on account of race, color, religion, sex, sexual orientation, gender identity, national origin, ethnicity, age, disability, veteran, genetic information, homelessness, foster care, military or marital status. and encourage all members of our community to support and foster the acceptance and inclusion of all individuals.

This policy applies equally to all HVM students, employees, authorized volunteers, parents, and other members of the HVM community. This policy applies to conduct at Charter School, at Charter School events, and away from Charter School in all other instances when HVM is represented.

**PHYSICAL RESTRAINT**

603 CMR 46.00 was put forth by the State Board of Education to govern the use of physical restraint on students in publicly funded elementary and secondary school programs. The purpose of 603 CMR 46.00 is to ensure that every student participating in a Massachusetts public education program is free from unreasonable use of physical restraint.

Hill View Montessori uses the QBS Safety-Care Behavioral Safety program to train selected staff members in the appropriate use of physical restraint. The QBS Safety-Care program provides the skills and competencies necessary to effectively prevent, minimize, and manage behavioral challenges with dignity, safety, and the possibility of change. Using up-to-date and effective strategies from Applied Behavior Analysis (ABA), the Safety-Care program provides trained HVM staff with strategies for preventing and managing behavioral challenges in conjunction with teaching replacement behaviors. These strategies are appropriate for students experiencing developmental, neurologic, psychiatric, and other impairments.

HVM staff members who are QBS Safety-Care trained are the only ones able to administer physical restraint. Physical restraint is the use of bodily force to limit a student’s freedom of movement. It is only administered by a trained staff member and is used to keep a child from hurting themselves or others. It is only used when all other attempts to deescalate a student’s behavior have not worked. A person administering physical restraint uses only the amount of force necessary to protect the student or others from physical injury or harm.

In accordance with 603 CMR 46.00, restraint is defined as follows:

- **Physical escort:** *Touching or holding a student without the use of force for the purpose of directing the student.*
- **Physical restraint:** *The use of bodily force to temporarily limit a student's freedom of movement.*
- **Extended restraint:** A physical restraint in which the duration is more than 20 minutes. Extended restraints increase the risk of injury and therefore require additional written documentation.
- **Restraint-Other:** *Limiting the physical freedom of an individual student by mechanical means or seclusion in a limited space or location, or temporarily controlling the behavior of a student by chemical means. The use of chemical or mechanical restraint is prohibited unless explicitly authorized by a physician and approved in writing by the parent or guardian. The use of seclusion restraint is prohibited in a public education program.*

Following the release of a student from a physical restraint, HVM implements follow-up procedures which include:

- review of the incident with the student to address the behavior that precipitated the restraint;
- review of the incident with the staff who administered the restraint; and,
- consideration of the appropriate follow-up for students who witnessed the incident.

The Dean of Students or their designee verbally informs the parent or guardian of the physical restraint as soon as possible.

## **PARENT COMPLAINT PROCEDURE**

Hill View Montessori Charter Public School places tremendous value on grace, courtesy, respect and responsibility. As such, we encourage parents/guardians and staff to develop open lines of communication with each other for the benefit of the children attending the school. If a parent/guardian is not satisfied with a staff or faculty or administration decision or action, they should follow the complaint process detailed below.

Complaints should be resolved as close to their source as possible. Members of the HVM school community involved in a dispute are encouraged to deal directly with the other party involved. Members of the HVM school community will be expected to make all reasonable efforts to reach a solution that is acceptable to all parties involved. A complaint should only move to a higher level of authority after direct communications between those initially involved fail to produce a resolution.

Parents bringing a complaint involving an HVM employee should be aware that the Executive Director holds primary responsibility and authority for the oversight and employment of the school staff. The Board of Trustees is not involved directly in the normal hiring, firing, or other management of any school staff or employees other than the Executive Director her/himself.

### **Steps of HVM's Parent Complaint Process:**

**Step #1:** A parent, guardian, or other individuals or groups should contact those directly involved in the issue or decision. With concerns relating to a student, begin by speaking with the lead teacher, subject or specials teacher, support staff, administrative staff, or outside contractor (such as Occupational Therapist, Physical Therapist, School Psychologist). Communicate the complaint as clearly as possible, and identify actions that will lead to a resolution of the issue. Work in a cooperative environment to resolve the complaint based upon the actions identified.

**Step #2:** If the complaint has not been resolved to your satisfaction, speak with HVM’s Executive Director and communicate the complaint as clearly as possible and identify actions that will lead to a resolution of the issue. Any such plan may require review and revision during the process.

**Step #3:** If the complaint remains unresolved after providing the Executive Director a reasonable amount of time to bring a resolution to bear, the complainant(s) may notify the Chair of the HVM Board of Trustees. The Board Chair can be contacted at [HVBOTChair@hvmcps.org](mailto:HVBOTChair@hvmcps.org). A written communication detailing the specifics of the complaint **must be** formally submitted to the Board Chair. The written communication must clearly document the efforts made to comply with Step #1 and Step #2 of this complaint process. Each party named in your complaint will receive a copy of your written communication.

**Step #4:** The written complaint formally submitted to the Board Chair will be reviewed by an ad hoc (temporary) Complaint Committee of the Board of Trustees. If the committee believes that more effort can reasonably be made to resolve the issue at the staff or Executive Director level, it will return the complaint to the appropriate level. The committee will provide a written response to all parties involved in the complaint within 10 (ten) days of receiving the formal complaint.

If the ad hoc Board Complaint Committee finds that Steps #1 and #2 of this process have been exhausted, it will schedule meetings with all parties involved in the complaint. The purpose of these meetings will be to gather information, determine specific points of conflict, and identify possible solutions. The Board Complaint Committee will review the conduct, decisions, actions, and any policies that may be involved in the complaint.

The ad hoc Board Complaint Committee may, if appropriate, schedule a meeting that includes all parties in order to mediate an acceptable resolution. Alternatively, the committee may reach conclusions regarding merits of the complaint and present its own recommendation[s] and resolution[s]. The Board Complaint Committee will issue a formal written response to the complaint at the end of this process. The Complaint Committee will attempt to issue its report within 30 (thirty) days of receipt of the formal written complaint, but each complaint will warrant its own schedule and timeline.

**Step #5:** After completion of its work and the issuance of its final report, the ad hoc Board Complaint Committee will report to the full Board of Trustees and present an executive summary of the complaint and its resolution. If necessary, the Board of Trustees may be asked by the Complaint Committee to vote on policy or other action items arising from the Complaint Committee’s conclusions.

A complaining party who believes their complaint has not been adequately addressed by the ad hoc Complaint Committee of the HVM Board of Trustees can submit a formal complaint in writing to the Massachusetts Commissioner of Education. The laws governing Massachusetts Charter Schools are M.G.L. c. 71 section 89, and 603 CMR 1.00. (A copy of these laws will be provided by Hill View Montessori Charter Public School upon request.)

**Authority and Role of the Board of Trustees’ ad hoc Complaint Committee:**

The role of the Board’s ad hoc Complaint Committee is to review a complaint that has not been resolved at the staff or administrative levels. The Complaint Committee must balance their duty to protect the interests of the Charter and the Charter school as a whole with the concerns of the party filing the complaint. In general, it is the opinion of the Board of Trustees that the interests of the Charter School and those of the individuals within the school community should coincide if viewed from an appropriate distance. It is the job of this committee to find and take such a view. The committee can make recommendations to any party for corrective action. In cases where the committee feels the scope of the dispute warrants the opinion or review of the full Board of Trustees, the committee will prepare its conclusions, present them to the Board, and request a vote.

To these ends, the ad hoc Complaint Committee is authorized by the full Board to review the conduct, relative to a specific complaint, of all employees and representatives of Hill View Montessori Charter Public School. The Complaint

Committee shall be authorized to make recommendations designed to resolve existing complaints (and avoid future complaints) regarding staff conduct, educational policies, and administration actions. The Complaint Committee shall also have the authority to review the actions of any parent, student, or any other individual or group involved in a formal written complaint.

#### **Notes Regarding the Nature of the Complaint Process**

The HVM Board of Trustees recognizes that any complaint or issue that reaches the Board Complaint Committee level will naturally have a strong emotional element. It is the job of those on this temporary committee to evaluate the issue in a thoughtful and respectful manner, without allowing the emotions involved to overwhelm their review of the information. The Complaint Committee will be as impartial as possible and strive not to prejudge any individual or situation. Any party involved in a complaint should be prepared to present a factual account of the situation, to remain respectful of other people and other perspectives, and to allow the committee reasonable time to do its work.

The Complaint Committee will respect this separation of responsibilities, and may ask the parties to return to the Executive Director to achieve a resolution of staff/faculty-related issues. This does not preclude the Complaint Committee, with a supporting vote from the Board, from making an employment/employee-related decision in cases where such is warranted.

## Appendix A

### Dress Code

#### Guidelines

Scholars should arrive at school in clothing that will allow them to flourish in the learning environment and as an individual. A scholar's attire may not disrupt the learning of others or threaten the safety and health of the community. The Dean of Students may determine what constitutes "disruptive" to a learning environment. [M.G.L. Chapter 72 Sections 82-83](#)

When a scholar's attire disrupts the learning environment or threatens the safety and health of the community, the scholar will be asked to modify their attire. While examples are named below, modifications may also need to be made to items that are not listed.

- Scholars may not wear sheer clothing unless they are wearing non-sheer clothing underneath or over.
- Scholars may not wear items that advertise or promote drugs, alcohol, tobacco, gang activity, violence, or illegal activity.
- Scholars may not wear items that have lewd, profane, or obscene language or images.
- Scholars may not wear items that may damage school property, or harm self or others (e.g., billfold chains, spiked wristbands, cleats, steel-tipped shoes, jewelry with razor blades).
- If a scholar wears a hat or hood to school, they must remove it upon request of a faculty member if the faculty member finds the item to interfere with learning.

#### Interventions

If a scholar needs support following dress code guidelines, their classroom teacher or Advisor will have a 1:1 conversation with the scholar. The focus will be adjusting or modifying the clothing so the scholar's attire meets the dress code. Adjusting/modifying clothing can include, but is not limited to, turning a shirt inside out, changing clothing, having a parent/guardian bring clothing, putting on a belt, etc. The adult will not pass judgement on the scholar for their choice of clothing and scholars will not be shamed.

If a scholar is asked to change/modify their attire, the faculty member will reach out to parents to inform them of the incident and review the HVM dress code policy.

If a student refuses to change/modify their attire or if dress code violations become a pattern of unwanted behavior, the faculty member will use the [Referral for Student Discipline form](#) to report the behavior to the Dean of Students. The Dean of Students will address the issue according to HVM's Code of Conduct.

## Appendix B

### Cell Phone Policy

HVM discourages scholars from bringing cellphones to school. HVM recognizes, however, that for some families this is a necessity. HVM will not be responsible for phones that go missing to theft or loss.

#### **During school hours (including school field trips and recess):**

Once our scholars enter the school building, they must place their phones, earbuds, and/or electronics directly into their bags. If a scholar doesn't follow the expectation, any staff in eyeshot of the phone and/or any electronic device has the authority to confiscate the device for the remainder of the day. A phone call home requesting parents to review the cell phone policy expectation will be the objective. Upon conclusion of the school day, the scholar will be allowed to retrieve the cell phone/electronic device. If the scholar continues to disregard policy expectations, the Dean of Students will confiscate the phone and/or any electronic device.

#### **Cell Phone Confiscation:**

When the cell phone is confiscated, the Dean of Students will schedule a meeting with the parent and/or guardian. The cell phone will be placed in possession of the parent and/or guardian along with reviewing the policy. The phone will remain in possession of the Dean of Students until the parent and/or guardian comes in for a meeting.

**\* The policy also includes Apple/Smart watches. If any scholar is using the watch for other than time notification, the watch will be confiscated.**

#### **Refusal:**

If at any point the scholar is refusing to hand over the phone and/or any electronic device, The Dean of Students will support the scholar in resetting the expectations.

#### **\*Exceptions**

Teachers and/or Special Instructors can allow earbuds for Chromebook and other educational lessons. The earbuds should be placed back into the scholar's bag once the lesson concludes.



## Appendix C

# Technology Acceptable Use Policy

## Summary

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Scholars are encouraged to use technology and the internet for educational purposes. Scholars using technology and the internet for purposes not approved by teachers or staff could face disciplinary action including loss of technology privileges while at school. HVM has installed the federally-required internet filter and firewall to prevent access to inappropriate apps and websites and to protect our scholars from outside interference.

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## Guidelines for Technology Use & HVM Accounts (Acceptable Use Policy)

### Educational Technology

HVM provides scholars access to educational technology tools both at school and at home. At school, this includes internet access in classrooms, access to Chromebooks, and HVM email accounts. The purpose of these tools is to support learning by providing scholars with access to resources and an opportunity for collaborative work. All uses of HVM technology must be in support of and consistent with the educational objectives. All scholars who use HVM's technology resources are expected to read these guidelines and/or to take part in a discussion of the guidelines with a teacher. Adherence to the guidelines is a condition for a scholar's privilege of access and use of technology and accounts.

### Scholars' Responsibility

All scholars' use of instructional technology and the internet is to be conducted under faculty supervision. Nevertheless, faculty members are not expected to monitor use at every moment. Each scholar is expected to take individual responsibility for abiding by HVM's guidelines for acceptable uses of instructional technology, the internet and HVM accounts at school, at home or on a mobile device.

### Technology Access is a Privilege

The use of instructional technology, the internet, and email through the HVM system is a privilege. A scholar's access may be suspended or canceled if this privilege is abused. Unacceptable uses of technology and the internet will also be subject to disciplinary action, according to HVM's Code of Conduct.

### Personal Safety

The internet is accessible to the public. Unfortunately, this includes people who want to make contact with scholars for inappropriate purposes or under false pretenses. Unfortunately, HVM cannot fully screen the internet for such inappropriate uses. Therefore, scholars must be cautious and prudent about supplying personal information and/or arranging personal meetings. In particular, scholars should never exchange personal information or arrange an in-person meeting with someone who was met online without their parents' or guardians' knowledge and approval. Scholars should promptly inform their teacher, school administrator, or parent of any online communication that the scholar feels is threatening, harassing, or otherwise inappropriate.

### Unacceptable Uses

The following uses of the HVM's technology, including HVM Accounts, are not permitted:

1. Posting private or personal information about another person.
2. Accessing or transmitting obscene or pornographic material.
3. Posting chain letters or engaging in "spamming."
4. Engaging in harassment of any type.
5. Participating in any communications that facilitate the illegal sale or use of drugs or alcohol; that facilitate criminal gang activity; that threaten, intimidate, bully, humiliate, or harass any other person; or that violate any other laws.
6. Plagiarism.

### **Privacy & Legal Issues**

Scholars are reminded that there is no expectation of privacy while using technology at school, when posting on social media, when texting HVM classmates, or when using online tools provided through an HVM Account (on any device, anywhere in the world). HVM reserves the right to monitor or review any information stored or transmitted on its equipment, network, or servers. When events that happen online or outside of school hours have a negative impact on students within the school setting, HVM reserves the right to intervene.

HVM staff has the right to disclose all electronic communications, including email and internet access, to school administration. In addition, it is our obligation to reach out to law enforcement if dangerous, threatening, sexually explicit, or otherwise harmful content is shared on HVM devices or between HVM students.

HVM may retain records, including emails, electronic documents, etc., for a number of years after graduation. Some of these records may be retained as part of the official scholarly record.

## Appendix D

### Code of Conduct

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

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

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

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

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

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

The school district is not “deemed to have knowledge” if the scholars were determined not eligible for special education through an evaluation or the parent/legal guardians refused an evaluation for the child of IDEA services. Should a request be made for evaluation to determine eligibility while a scholar is subject to disciplinary measures, the district will conduct an evaluation in an expedited manner. Pending these results, the scholar will remain in the educational placement determined by school authorities, which may include suspension or expulsion without services. If determined eligible, the district will provide the scholar with special education and related services in accordance with IDEA.

*See Appendix A of this Code of Conduct for more information.*

## **HVM’S CORE COMMITMENT TO RESPECT, GRACE & COURTESY**

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

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

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

Scholar behavior that falls outside of these core responsibilities is subject to a disciplinary response from teachers and/or the Dean of Students. Below, you will find Hill View Montessori’s *Guiding Principles* and *General Procedures* on scholar discipline.

## **GUIDING PRINCIPLES**

### **1. Discipline is beneficial for young people**

Establishing clear, consistent limits and holding high expectations for scholars helps them to be successful in school, both academically, socially and emotionally.

### **2. The goal of discipline is to teach**

We use discipline moments by having a conversation with a scholar to help develop self-regulation, self-awareness, and self-management skills that lead to better behavior today and in the future.

### **3. Behavior is communication**

Behavior is the external, noticeable end result of a scholar’s internalized beliefs, perceptions, thoughts and feelings. It is often the symptom of a problem, rather than the problem in and of itself. As adults, our job is to look beyond surface behavior, to find out what is driving it. From there, helpful solutions become clearer.

### **4. Scholars will make mistakes**

The adult's job is to help scholars stop making the same mistakes over and over again. The core message HVM adults send by applying discipline is that we believe that all of our scholars have worth and value and are lifelong learners who deserve to be taught better ways to behave. Adults at HVM use discipline to create a safe environment where scholars can learn and grow from their mistakes.

## 5. Effective discipline is respectful, regulating, relational & restorative

**Respectful:** Discipline should feel safe to everyone involved. Young people need to feel heard and understood.

**Regulating:** The first step in discipline is to pay attention to a scholar's emotional state. We use brain-based discipline strategies that aim to help scholars feel calm and put language to their emotions.

**Relational:** A positive teacher-scholar relationship is the key to awakening a scholar's internal drive to succeed both academically and behaviorally.

**Restorative:** When relational damage has happened in the school setting, discipline will be focused on restorative practices (further defined below) that heal interpersonal relationships and help build skills for conflict resolution, problems solving, and empathy development.

## GENERAL PROCEDURES

### Step 1:

HVM faculty and staff use Montessori strategies to prevent and respond to typical unwanted behaviors in the classroom. With consistent rules, routines and expectations, we create optimal learning conditions for scholars of all ages.

Each faculty member is empowered to make decisions in their classrooms about scholar discipline that are in line with the Core Commitments and Guiding Principles.

### Step 2:

When traditional strategies cannot meet the level of scholar need, faculty will:

- a. Maintain a positive and encouraging connection with the scholar.
- b. Attempt to respectfully connect with the scholar in a private manner with the goals of regulating their emotions and helping them articulate the thoughts and feelings that led to the unwanted behavior.
- c. Attempt to determine the antecedents to the unwanted behavior: what happened directly before the behavior occurred? Is this a pattern that can be interrupted or changed for the future?
- d. Allow the scholar an appropriate amount of time to regulate and re-focus.

### Step 3:

When a scholar needs a referral to the Dean of Students, the DOS will:

- a. Initiate a respectful, regulating, relationship-building conversation that explores the incident thoroughly and helps a scholar feel safe, heard and understood.
- b. Use the problem situation as a learning opportunity to teach the scholar new skills or encourage them to make better choices in the future.
- c. Determine additional consequences, when needed, with the goal of restoring relationships, property, etc.

**Typical Consequences that may be assigned include:**

- Loss of free-choice time
- Quiet/Reflective snack
- Quiet/Reflective lunch
- Parent call
- Conference with DOS and/or parent/guardian
- Individualized behavior support plan for students with chronic patterns of challenging behavior
- Restriction from programs and special assemblies
- Any other disciplinary technique that promotes respectful behavior and the restoration of relationships

*In cases of purposeful, planned, or repeated aggressive behavior, typical consequences may include:*

- In-school suspension with activities focused on being of service within the school community
- Scholar sent home from school for the remainder of the day. A parent/guardian conference with an administrator must occur prior to the student's return to school.
- Suspension from school. See below for detailed description of suspension policies and procedures.
- (Financial) restitution for the repair of any damage caused to the school-related environment.

## **RESTORATIVE PRACTICES**

HVM will also facilitate Restorative Practices to help strengthen relationships and problem-solve with staff, families, and scholars. Restorative practices seek to repair relationships that have been damaged.

The impact of Restorative Practices:

1. Address and discuss the needs of the school community.
2. Build healthy relationships between educators and scholars.
3. Reduce and prevent harmful behavior
4. Repair and restore positive relationships
5. Resolve conflict and hold individuals/groups accountable.

## **MAJOR DISCIPLINE**

Massachusetts General Laws (Chapter 71, Section 37H, 37H/1/2 and 37H3/4 govern due process for disciplinary removals from a public school (suspensions) and the services that a public school must provide during such removals. While such events are rare at HVM, it is important for families to know their rights and the procedures that the school will follow in order to comply with state law.

One aspect of these formal procedures is worth noting. Every school district must have an appeal process in place for any disciplinary removals from school. In a typical district, appeals would be made to the superintendent. As a Charter school, our Executive Director serves as the superintendent, so the Director cannot also serve as the primary arbiter in disciplinary decisions regarding suspension.

Consequently, the procedures that follow list the Dean of Students as the administrator who will hear and decide upon all disciplinary cases that may result in the removal of a scholar from school. This leaves the school Executive Director available for any appeals that scholars or families may decide to pursue.

## **Provisions Governing Due Process for Disciplinary Removals and Services during Removals**

Scholar disciplinary offenses resulting in removal from the school setting (i.e., suspensions) are subject to due process procedures, including notices, hearings, appeals, and educational services during removals. The following sections provide information about these rights.

Please note that scholars have the right to be represented by counsel or a lay person of the scholar's choice, at the scholar's/parent/legal guardian's expense, at any and all hearings concerning scholar discipline. If you wish to bring an attorney to any hearing or meeting at the school, please inform HVM immediately. If you fail to inform the school prior to bringing an attorney to a hearing, and HVM's attorney is not present, then HVM will exercise its right to cancel and reschedule the meeting to ensure that its attorney can attend. This rescheduling may delay the hearing or meeting, and if so, your child's disciplinary removal will be extended until a decision is rendered following the rescheduled hearing or meeting. HVM hereby notifies you that it may have its legal counsel present at any hearings and meetings involving scholar discipline.

**A. Notice of Student and Parent Rights Under G.L. c. 71§37H**

This *Notice of Student and Parent Rights* applies to scholar misconduct that involves weapons, drugs or assault on school staff.

Scholars who are suspended under §37H are entitled to receive educational services during the period of suspension. If the scholar withdraws from the HVM and/or moves to another school district during the period of suspension, the new school/district/ district of residence shall either admit the scholar to its schools or provide educational services to the scholar under the new school or district's educational service plan.

**B. Notice of Rights under G.L. c. 71§37H½**

This *Notice of Student and Parent Rights* applies to scholar misconduct that involves scholar criminal or felony delinquency charges, findings, or admissions.

**Suspension Following Criminal or Felony Delinquency Complaint**

Upon the issuance of a criminal or felony delinquency complaint against a scholar, the Dean of Students may suspend such scholar for a period of time determined appropriate by the Dean of Students if he or she determines that the scholar's continued presence in school would have a substantial detrimental effect on the general welfare of the school. The scholar is entitled to receive written notification of the charges and the reasons for such suspension prior to such suspension taking effect. The scholar shall also receive written notification of his/her right of appeal and the process for appealing such suspension, provided, however, that such suspension shall remain in effect prior to any hearing conducted by the Executive Director.

The scholar shall have the right to appeal the suspension to the Executive Director. The scholar shall notify the Executive Director in writing of his/her request for an appeal no later than five calendar days following the effective date of the suspension. The Executive Director shall hold a hearing with the scholar and the scholar's parent/legal guardian within three calendar days of the scholar's request for an appeal. At the hearing, the scholar shall have the right to present oral and written testimony on his/her behalf, and shall have the right to counsel. The Executive Director shall have the authority to overturn or alter the decision of the Dean of Students, including recommending an alternate educational program for the scholar. The Executive Director's decision shall be the final decision of HVM with regard to the suspension.

Scholars who are suspended or expelled under §37H are entitled to receive educational services during the period of suspension. If the scholar withdraws from the HVM and/or moves to another school district during the period of suspension or expulsion, the new school/district/ district of residence shall either admit the scholar to its schools or provide educational services to the scholar under the new school or district's educational service plan.

**C. Notice of Student and Parent Rights Under G.L. c. 71 §37H¾**

This section governs all scholars' offenses that may be subject to short or long-term suspensions that *do not* involve dangerous weapons, assault on HVM staff, felony, felony delinquency charges, and/or felony delinquency findings or admissions, all of which are governed by G.L. c.71 §§37H and 37H½, as detailed above.

In every case of scholar misconduct for which suspension may be imposed, the Dean of Students is required to exercise discretion in deciding the consequences for the offense, consider ways to re-engage the scholar in learning; and avoid using long-term suspension from school as a consequence until alternatives have been tried. The following document outlines scholar and parent/legal guardian rights when the Dean of Students is considering and/or decides to implement a removal from school as a consequence for scholar misconduct.

Scholars who are suspended under §37H¾ are entitled to receive educational services during the period of suspension. If the scholar withdraws from the HVM and/or moves to another school district during the period of suspension, the new school/district/ district of residence shall either admit the scholar to its schools or provide educational services to the scholar under the new school or district's educational service plan.

### **Notice of Suspension and Hearing under §37H¾**

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

The Dean of Students is required to provide this verbal and written notice to the scholar and the parent/legal guardian in English and in the primary language of the home if other than English, or other means of communication where appropriate. The notice must set forth the following information:

- a) The disciplinary offense
- b) The basis for the charge
- c) The potential consequence, including the potential length of the scholar's suspension
- d) The opportunity for the scholar to have a hearing with the Dean of Students concerning the proposed suspension, including the opportunity to dispute the charges and to present the scholar's explanation of the alleged incident, and for the parent/legal guardian to attend the hearing.
- e) The date, time, and location of the hearing
- f) The right of the scholar and the scholar's parent/legal guardian to interpreter services at the hearing if needed to participate
- g) If the scholar may be placed on long-term suspension following the hearing with the Dean of Students, the scholar's short and long-term suspension hearing rights and the right to appeal the Dean of Students' decision to the Executive Director (*see* Hearing Rights section below).

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

### **Emergency Removal**

The Dean of Students has the authority to remove a scholar from HVM temporarily when a scholar is charged with a disciplinary offense and the Dean of Students determines that the continued presence of the scholar poses danger to persons or property, or materially and substantially disrupts the order of the school, and, in the Dean of Students' judgment, there is no alternative available to alleviate the danger or disruption. The temporary removal shall not



exceed two (2) school days following the day of the emergency removal, during which time the Dean of Students is required to:

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

The Dean of Students may not remove a scholar from school on an emergency basis for a disciplinary offense until adequate provisions have been made for the scholar's safety and transportation.

### **Hearing Rights**

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

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

The Dean of Students is required to provide written notification to the scholar and the parent/legal guardian of the determination and reasons for it, and, if the scholar 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.

### **Dean of Students' Hearing under §37H%: Long-term Suspension**

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

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

- a) In advance of the hearing, the opportunity to review the scholar's record and the documents upon which the Dean of Students may rely in making a determination to suspend the scholar or not;
- b) The right to be represented by counsel or a lay person of the scholar's choice, at the scholar's/parent/legal guardian's expense;
- c) The right to produce witnesses on his/her behalf and to present the scholar's explanation of the alleged incident, but the scholar may not be compelled to do so;

- d) The right to cross-examine witnesses presented by the school district; and
- e) The right to request that the hearing be recorded by the Dean of Students, and to receive a copy of the audio recording upon request. If the scholar or parent/legal guardian requests an audio recording, the Dean of Students shall inform all participants before the hearing that an audio record will be made and a copy will be provided to the scholar and parent/legal guardian upon request.

The Dean of Students shall provide the parent/legal guardian, if present, an opportunity to discuss the scholar's conduct and offer information, including mitigating circumstances, that the Dean of Students should consider in determining consequences of the scholar.

Based on the evidence, the Dean of Students shall determine whether the scholar committed the disciplinary offense, and, if so, after considering mitigating circumstances and alternatives to suspension, what remedy of consequence will be imposed, in place of or in addition to a long-term suspension. The Dean of Students shall send the written determination to the scholar and parent/legal guardian by hand delivery, certified mail, first-class mail, email to an address provided by the parent/legal guardian for school communications, or any other method of delivery agreed to by the Dean of Students and the parent/legal guardian. If the Dean of Students decides to suspend the scholar, the written determination will:

1. Identify the disciplinary offense, the date on which the hearing took place, and the participants at the hearing
2. Set out the key facts and conclusions reached by the Dean of Students
3. Identify the length and effective date of the suspension, as well as a date of return to school
4. Include notice of the scholar's opportunity to receive education services to make academic progress during the period of removal from school
5. Inform the scholar of the right to appeal the Dean of Students' decision to the Executive Director or designee (only if the Dean of Students has imposed a long-term suspension). Notice of the right to appeal shall be in English and the primary language of the home if other than English, or other means of communication where appropriate, and shall include the following information stated in plain language:
  - a. The process of appealing the decision, including that the scholar or parent/legal guardian must file a written notice of appeal with the Executive Director within five (5) calendar days of the effective date of the long-term suspension; provided that within the five (5) days, the scholar or parent/legal guardian may request and receive from the Executive Director an extension of time for filing the written notice for up to seven (7) additional calendar days, and that
  - b. The long-term suspension will remain in effect unless and until the Executive Director decides to reverse the Dean of Students' determination on appeal.
6. Serious case is defined as involving the possession of or use of illegal substances or weapons, assault, vandalism, or violation of a scholar's civil rights. In practice, the decision to suspend rather than expel in serious cases may depend on whether the principal determines that the scholar's continued presence in school would have a substantial detrimental effect on the general welfare of the school.

***Executive Director's Hearing under 37H%***

A scholar who is placed on long-term suspension following a hearing with the Dean of Students, has the right to appeal the Dean of Students' decision to the Executive Director.

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

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

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

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

The scholar and parent/legal guardian shall have the right afforded them at the Dean of Students' hearing for long-term suspension, as detailed in the sections entitled Dean of Students' Hearing under §37H¾: Short-term Suspension and Dean of Students' Hearing under §37H¾: Long-term Suspension.

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

#### **In-School Suspension under §37H¾**

The Dean of Students may use in-school suspension as an alternative to short-term suspension for disciplinary offenses.

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

On the same day the Dean of Students decides to impose an in-school suspension, the Dean of Students must make reasonable efforts to verbally notify the parent/legal guardian/guardian of the disciplinary offense, the reasons for concluding that the scholar committed the infraction, and the length of the in-school suspension.

The Dean of Students shall also invite the parent/legal guardian/guardian to a meeting to discuss the scholar's academic performance and behavior, strategies for scholar engagement, and possible responses to the behavior. Such meeting shall be scheduled on the day of the suspension if possible; if not, as soon as possible. If the Dean of Students is unable to reach the parent/legal guardian/guardian after making and documenting at least two attempts to do so, such attempts shall constitute reasonable efforts for purpose of verbally informing the parent/legal guardian of the in-school suspension.

The Dean of Students shall send written notice to the scholar and parent/legal guardian about the in-school suspension, including the reason and length of the in-school suspension (and inviting the parent/legal guardian/guardian to a meeting with the Dean of Students, if such meeting has not already occurred). The Dean of Students shall deliver such notice on the day of the suspension by hand delivery, certified mail, first-class mail, email to an address provided by the parent/legal guardian for school communications, or by other method of delivery agreed to by the Dean of Students and the parent/legal guardian.

### **Removal from Privileges and Extracurricular Activities**

The Dean of Students may remove a scholar from privileges, such as extracurricular activities and attendance at school-sponsored events, based on the scholar's misconduct. A removal from privileges and/or extracurricular activities is subject to the procedures set forth herein.

### **Education Services and Academic Progress under §37H<sup>3/4</sup>**

Scholars serving an in-school suspension, short-term suspension, long-term suspension, or expulsion have the opportunity to earn credits, as applicable, make up assignments, tests, papers, and other school work as needed to make academic progress during the period of his or her removal from the classroom or school.

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

### **Services during Removals and School-Wide Alternative Options**

Scholars who are suspended from school for 10 or fewer consecutive school days, whether in or out of school, have the opportunity to make academic progress during the period of suspension; make up assignments; including, but not limited to: homework, quizzes, exams, papers and projects. The Dean of Students or designee shall ensure these scholars have an opportunity to make academic progress during the period of suspension or expulsion, to make up assignments, including, but not limited to: homework, quizzes, exams, papers and projects missed.

These services may include, but are not limited to: tutoring, alternative placement, and Saturday school and/or online/distance learning.

If HVM suspends a scholar for more than 10 consecutive school days, HVM is required to provide the scholar and the parent/legal guardian or guardian of the scholar with a list of alternative educational services. Upon selection of an alternative educational service by the scholar and the scholar's parent/legal guardian or guardian, the school or school district shall facilitate and verify enrollment in the service.

## Appendix A

### Discipline for Scholars with Disabilities

#### Scholars identified as having special needs

1. All HVM scholars are expected to abide by the guidelines as set forth in this Code of Conduct Chapter 71B of the Mass. General Laws, formerly known as Chapter 766, requiring that additional provisions be made for scholars who have been found by an evaluation team to have special needs and whose individualized program is described in an Individualized Educational Program (IEP).
  - a. Scholars with Special Needs may be suspended for up to ten (10) consecutive days, and may also be suspended in excess of ten (10) cumulative days, as fully outlined under M.G.L.c. 71B, and the Individuals with Disabilities Education Act. Such suspensions may carry out without any further or additional process.
  - b. Suspensions or exclusions in excess of ten (10) consecutive days or ten (10) cumulative days may also occur, provided that the conduct for which the scholar is being disciplined is not a manifestation of his/her disability, and the District provides educational services which will allow the scholar to access the general curriculum and to make progress toward his/her goals.
2. The Individuals with Disabilities Education (IDEA) and M.G.L.c. 71B allow school personnel to move a scholar with disabilities to an Interim Alternative Educational Setting (IAES) for up to 45 school days, if that scholar is in possession of a dangerous weapon at school or a school function or on school property, is in possession or uses a controlled substance or sells or solicits the sale of a controlled substance while at school or a school function or on school property, or inflicts serious bodily injury on a person, including him/herself. The appropriate interim alternative educational setting shall be determined by the IEP team.
3. The IDEA and M.G.L. c. 71B also allow school personnel the option of asking a hearing officer or a court to move children with disabilities to an interim alternative educational setting for up to 45 school days, if they are substantially likely to injure themselves or others in their current placement.
4. When a special needs scholar has been suspended for more than (10) consecutive or cumulative days in a school year, such that a substantial change in placement is occurring or will occur, the IEP TEAM will meet to conduct a manifestation determination. Relevant, members of the TEAM meet for the manifestation determination, and they answer two questions, after reviewing relevant documents and misconduct of the scholar:
  - Is the misconduct the result of failure to implement the scholar's IEP? *and*
  - Is the misconduct caused by, or does it have a direct and substantial relationship to the scholar's disability?

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

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

has not been conducted on the scholar) and the development or modification of a behavior intervention plan.

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

**Scholars identified as having a disability and provided with a Section 504 plan**

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

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

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

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

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

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

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

An agency reporting a crime committed by a child with a disability must ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom the agency reports the crime. An agency reporting a crime under this section may transmit copies of the child's special education and disciplinary records only to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act. (Authority: 20 U.S.C 1415(k)(6)).