

LEXINGTON SCHOOL COMMITTEE POLICY

CONDUCT AND DISCIPLINE POLICY

Date Approved by
School Committee:

July, 1994

Signature of Chair:

On File

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I. PURPOSE AND SCOPE

The Lexington Public Schools strive to provide all students with a quality education in a safe school environment. Students are expected to conduct themselves in a manner which promotes a safe, orderly learning environment within the schools and may be subject to disciplinary action if they fail to do so. In imposing disciplinary action, school staff should consider the need to maintain or restore an orderly learning environment, the overall disciplinary record of the individual student, and the need to improve the student's behavior. Because effective discipline involves the participation of staff, parents or guardians, and students, school officials are required to contact parents or guardians of students under age 18 for offenses of this discipline policy, which may result in students' suspension or expulsion.

A student whose safety or learning at school is jeopardized by other students is expected to report the matter to a professional staff member. Retaliation in any form against a person who makes a complaint is forbidden. Staff members who are aware of disruptive students should take appropriate action, including immediately reporting matters, which cannot be appropriately handled in the classroom to the school administration.

II. APPLICATION

A. School Rules

Each school principal, in conjunction with the school council, will prepare a student handbook setting forth the school rules and possible consequences of violation of such rules. In addition to addressing matters specific to the individual school, such rules should address students' possession of controlled substances (including drugs and alcohol) or dangerous weapons, use of force, theft, vandalism, **knowingly making a false accusation**, and violation of other students' civil rights. The school council shall review the student handbook each spring to consider changes to take effect the following September, but may also consider changes at other times.

B. Procedural Due Process

No student shall be disciplined without being afforded appropriate due process. Prior to discipline, which does not involve exclusion from school or school-related activities, the student should be informed of the charges against him and given an opportunity to present his or her side of the story. For discipline involving exclusion, the following procedures will be followed:

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1. Short-Term Suspension and Exclusion from School-Related Activities

Unless a student presents a danger or substantial disruption to the educational process, the student shall receive the following prior to suspension of one to ten days or exclusion from school-related activities: (1) oral or written notice of the charges against the student; (2) an oral or written explanation of the facts which form the basis for the accusation; and (3) an opportunity to present the student's side of the story. In the case of danger or a substantial disruption, this process will occur immediately after rather than before suspension.

2. Expulsion or Long-Term Suspension

Prior to expulsion or suspension longer than ten days, the student shall receive (1) written notice of the charges against him or her; (2) written notice of the underlying facts which form the basis for the charges; (3) an opportunity for a hearing, including an opportunity to hear the evidence against him or her, to present witnesses and other evidence on his/her own behalf, and representation by a parent, attorney, or other adult.

In the case of a student who is charged with possessing a dangerous weapon or controlled substance at school or school-related events, assaulting educational staff, or who is lawfully charged with or convicted of a felony, the hearing shall be held before the principal, with appeal to the superintendent. The principal who serves as hearing officer may not conduct the investigation of student wrongdoing.

Except as specified in the paragraph above, hearings from long-term suspension or expulsion will be held before the School Committee.

C. **Special Education Laws**

The discipline of a student who has been identified as having special needs pursuant to Chapter 766 or the Individuals with Disabilities Education Act (IDEA) is subject to the requirements of the student's Individualized Education Plan. If it becomes apparent that a student identified as having special needs or referred for a special education evaluation may be excluded from school for a total of ten days in any school year (including both in-school and out-of-school suspensions), the student's special education TEAM must be convened prior to exclusion beyond the ten days and the requirements of Chapter 766 followed. (See Policy on Discipline of Students with Special Needs.)

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The school principal shall comply with the requirements of Chapter 766 regulations in the case of regular education students. (Such chapter 766 regulation currently states that the principal must consider referring for evaluation any regular education student who is suspended for more than five days during a school quarter and must inform the parent whether a referral is being made and of the parent's right to make such a referral.)

D. Prohibition of the Use of Tobacco Products

The use of any tobacco product is prohibited within school buildings or school facilities, on school grounds, or on school buses by any individual. A student who violates this provision may be suspended.

E. Reporting Possible Crime to Police

When school staff have a reasonable basis for believing that a crime has been or is being committed by a student on school property or at school related events, such matters shall be reported to the police. Reportable crimes include, but are not limited to, possession of a controlled substance or dangerous weapon, assault, vandalism, stalking, and hazing.

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